

# FINAL BILL REPORT

## 2SSB 5619

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Synopsis as Enacted

**Brief Description:** Conserving and restoring kelp forests and eelgrass meadows in Washington state.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Lovelett, Conway, Das, Hasegawa, Nobles, Pedersen, Randall, Rolfes, Saldaña, Stanford, Van De Wege and Wilson, C.; by request of Department of Natural Resources).

**Senate Committee on Agriculture, Water, Natural Resources & Parks**

**Senate Committee on Ways & Means**

**House Committee on Rural Development, Agriculture & Natural Resources**

**House Committee on Appropriations**

**Background:** State Management of Aquatic Lands. Aquatic lands are generally managed by the state and protected for the common good. The Legislature has designated the Department of Natural Resources (DNR) as the manager of the more than 2.6 million acres of state-owned aquatic lands. In managing these lands, DNR must support a balance of use demands and statutory goals such as public use, environmental protections, trade, transportation, and generating revenue consistent with those goals.

Types of Aquatic Land. Aquatic lands include the lands beneath navigable marine salt waters and fresh waters of the state. There are three categories of aquatic lands—tidelands, shorelands, and bedlands.

Tidelands are submerged lands and beaches exposed and submerged with the ebb and flow of the tides. Shorelands are the submerged lands lying along the edge of a river or lake, between the line of ordinary high water and the line of navigability. Tidelands and shorelands in front of or within two miles of a city are considered first-class tidelands and shorelands, and those lands more than two miles from a city are considered second-class tidelands and shorelands. Bedlands are those aquatic lands submerged at all times beneath navigable waters.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Kelp and Eelgrass. DNR has conducted annual aerial surveys of floating kelp canopy extent since 1989. Two species of canopy-forming kelp are monitored: bull kelp—*Nereocystis luetkeana*, and giant kelp—*Macrocystis integrifolia*. In January 2021, DNR started the Kelp Workgroup to facilitate collaboration and data sharing related to kelp research and monitoring in Puget Sound.

DNR monitors the abundance and distribution of eelgrass—*Zostera marina*—in greater Puget Sound as part of its stewardship work on state-owned aquatic lands. Based on 18 years of monitoring from 2000 to 2017, DNR estimates there are approximately 23,000 hectares of eelgrass in greater Puget Sound. The total amount of eelgrass in Puget Sound has remained relatively stable since the start of the monitoring program.

Community Engagement Plans. Pursuant to legislation enacted in 2021, DNR and certain other state agencies must create and adopt a community engagement plan that describes planned engagement with overburdened communities and vulnerable populations for purposes of implementing the agency's environmental justice responsibilities. This plan must include best practices for outreach and communication, the use of special screening tools, processes that facilitate the inclusion of community members affected by agency decision-making, and methods for outreach and communication.

**Summary:** Native Kelp Forest and Eelgrass Meadow Health and Conservation Plan. Subject to available funding, DNR must work with partners to establish a Native Kelp Forest and Eelgrass Meadow Health and Conservation Plan (plan) that endeavors to conserve and restore at least 10,000 acres of native kelp forests and eelgrass meadows by 2040. The plan must be finalized and submitted to the Office of Financial Management (OFM) and the appropriate committees of the Legislature by December 1, 2023. The plan should address the potential loss of native kelp forest and eelgrass meadow habitat throughout Puget Sound and along the Washington State coastline and potential current and future stressors related to the decline of native kelp forests and eelgrass meadows.

In collaboration with partners, DNR must develop the plan to assess and prioritize areas for coordinated conservation and restoration actions. The plan must consist of the following elements:

- assessment and prioritization;
- identifying coordinated actions and success measures;
- monitoring; and
- reporting.

Together with partners, DNR must develop a framework to identify and prioritize native kelp forest and eelgrass meadow areas in greatest need of conservation or restoration. The framework must:

- utilize and build on existing research to map and prioritize areas of native kelp forests and eelgrass meadows throughout Puget Sound and along the coast at highest risk of permanent loss or contribute significant environmental, economic, and cultural

- benefits to tribal nations and local communities;
- identify research necessary to analyze and assess potential ecological, environmental, and community benefits of aquaculture of native seaweed species;
- map and prioritize native kelp forest and eelgrass meadow areas throughout Puget Sound and along the coast where they were historically present, identifying priority locations for restoration and where opportunities for partnership and collaboration exist that will accelerate progress towards the goal; and
- identify potential stressors impacting the health and vitality of native kelp forests and eelgrass meadows in prioritized areas to specifically address stressors in conservation and restoration efforts.

When developing coordinated actions and success measures, DNR must:

- conduct an assessment and inventory of existing tools relevant to conserving and restoring native kelp forests and eelgrass meadows and reducing stressors related to their decline;
- identify new or amended tools that would support the goals of the plan; and
- identify success measures to track progress toward the conservation and restoration goal.

When developing the plan, DNR must:

- involve impacted communities using a community engagement plan;
- consult with federally recognized tribal nations on native kelp forests and eelgrass meadows with important cultural and ecological values that are threatened by urbanization or other disturbances;
- engage and collaborate with various state and federal agencies; and
- engage with stakeholders that may have a vested and direct interest in the outcomes of the plan, including shellfish growers, the boating industry, and recreational user communities.

Reporting. By December 1, 2022, DNR must submit a report to OFM and the appropriate committees of the Legislature that includes community engagement plans and a schedule for plan development.

DNR must map areas of native and nonnative kelp forests and eelgrass meadows, together with areas in which there are both native and nonnative kelp forests and eelgrass meadows throughout Puget Sound and along the coastline. DNR may utilize the map when establishing a native kelp forest and eelgrass meadow health and conservation plan. DNR must submit the map to the Office of Financial Management and the Legislature by December 1, 2023.

By December 1, 2023, DNR must submit the plan, including a map and justification of identified priority areas based on collaboratively developed criteria, and a list of potential tools and actions for conservation or restoration of these priority areas, together with a monitoring plan based on the identified success measures.

Subsequently, each biennium, DNR must continue to monitor the distributions and trends of native kelp forests and eelgrass meadows to inform adaptive management of the plan and coordinated partner actions. DNR must submit a report to the Legislature that describes the native kelp forest and eelgrass meadow conservation priority areas and monitoring approaches and findings, including success measures established in the plan.

Beginning December 1, 2024, and by December 1st of each even-numbered year thereafter, DNR must provide the appropriate committees of the Legislature and OFM with:

- an updated map of distributions and trends, and summary of success measures and findings, including relevant information from the prioritization process;
- an updated list summarizing potential stressors, prioritized areas, and corresponding coordinated actions and success measures, including any barriers to plan implementation and legislative or administrative recommendations to address those barriers;
- an update on the number of acres of native kelp forests and eelgrass meadows conserved by region, including restoration or loss in priority areas;
- an update on consultation with impacted tribal nations; and
- an update on DNR's community engagement plans.

**Votes on Final Passage:**

Senate	49	0	
House	96	1	(House amended)
Senate	49	0	(Senate concurred)

**Effective:** June 9, 2022