
HOUSE BILL 1661

State of Washington

67th Legislature

2022 Regular Session

By Representatives Shewmake, Ryu, Berry, Fitzgibbon, Ramel, Springer, Duerr, Walen, Callan, Goodman, Paul, Peterson, Ramos, Rule, Simmons, Slatter, Tharinger, Kloba, Pollet, and Harris-Talley; by request of Department of Natural Resources

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1 AN ACT Relating to conserving and restoring kelp forests and
2 eelgrass meadows in Washington state; adding a new section to chapter
3 79.135 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that coastal
6 ecosystems and marine vegetation provide an array of valuable
7 ecosystem goods and services to deep water and nearshore environments
8 in Puget Sound and along the coastline. In particular, kelp forests
9 and eelgrass meadows act as three dimensional foundations for diverse
10 and productive nearshore ecosystems, supporting food webs and
11 providing important habitat for a wide array of marine life,
12 including orcas and threatened and endangered salmon and salmonid
13 species. These marine forests and meadows play an important role in
14 climate mitigation and adaptation by sequestering carbon and
15 relieving ocean acidification. Marine vegetation can sequester up to
16 20 times more carbon than terrestrial forests, and therefore
17 represent a critical tool in the fight against climate change.

18 (2) Washington state is home to 22 species of kelp and is a
19 global hotspot for kelp diversity. However, these kelp forests are
20 under threat and have declined in recent decades. A 2018 study
21 conducted by the Samish Indian Nation on the bull kelp beds in the

1 San Juan Islands found a 305-acre loss of kelp beds from 2006 to
2 2016, a 36 percent decline in one decade. A statewide study published
3 in 2021 by the department of natural resources found that compared to
4 the earliest baseline in 1878, the amount of bull kelp in 2017 had
5 decreased by 63 percent in south Puget Sound, with individual areas
6 showing up to 96 percent loss.

7 (3) The legislature also finds that kelp and eelgrass have
8 important cultural value to northwest tribal nations and have
9 provided diverse marine resources that have sustained and inspired
10 indigenous traditions over generations. In particular, bull kelp has
11 played a prominent role in traditional knowledge and technology and
12 is used in fishing, hunting, and food preparation and storage.
13 Decline in kelp forests threatens these uses, and the cultural
14 livelihoods of coast Salish peoples.

15 (4) Washington state's eelgrass meadows also provide vital
16 habitat for many organisms, including nursery habitat for juvenile
17 salmon and feeder fish. Eelgrass also helps prevent erosion and
18 maintain shoreline stability by anchoring seafloor sediment with its
19 spreading roots and rhizomes. Eelgrass is used as an indicator of
20 estuary health, because of its fast response to changes in water
21 quality. Examples of rapid eelgrass loss include Westcott Bay in San
22 Juan county, where in 2000 there were 37 acres of eelgrass meadows
23 and 20 years later less than one acre remains. Changes in the
24 abundance or distribution of this resource are likely to reflect
25 changes in environmental conditions and therefore are key species to
26 monitor and protect to ensure marine ecosystem health.

27 (5) Kelp forests and eelgrass meadows also provide and enhance
28 diverse recreational opportunities, including productive fishing and
29 picturesque kayaking and diving. These activities are important for
30 local economies and for promoting strong senses of place and overall
31 human well-being in communities. There is a need for greater
32 education and outreach to communities to promote sustainable
33 recreational practices in and near kelp forests and eelgrass meadows.

34 (6) Existing regional plans for conservation of kelp forests and
35 eelgrass meadows, including the Puget Sound kelp conservation and
36 recovery plan (2020) and the Puget Sound eelgrass recovery strategy
37 (2015), identify the need to prioritize areas for conservation and
38 restoration based on historical and current distributions.

39 (7) The legislature further finds that our terrestrial and marine
40 ecosystems are interlinked and the state must be proactive in

1 conserving our resources from trees to seas by protecting and
2 restoring our marine forests and meadows in concert with conservation
3 and reforestation of terrestrial forests. Therefore, it is the intent
4 of the legislature to conserve and restore 10,000 acres of kelp
5 forests and eelgrass meadows by 2040.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 79.135
7 RCW to read as follows:

8 (1) The department shall, consistent with this section, and
9 subject to available funding, work with partners to establish a kelp
10 forest and eelgrass meadow health and conservation plan that
11 endeavors to, by the year 2040, conserve and restore at least 10,000
12 acres of kelp forests and eelgrass meadows. The plan should
13 proactively and systematically address:

14 (a) The potential loss of kelp forest and eelgrass meadow habitat
15 throughout Puget Sound and along the Washington state coastline; and

16 (b) Potential current and future stressors related to the decline
17 of kelp forests and eelgrass meadows.

18 (2) The department shall develop the plan, in collaboration with
19 partners, to assess and prioritize areas for coordinated conservation
20 and restoration actions. The plan must consist of the following
21 elements: Assessment and prioritization; identifying coordinated
22 actions and success measures; monitoring; and reporting.

23 (a) The department shall, together with partners, develop a
24 framework to identify and prioritize kelp forest areas in greatest
25 need of conservation or restoration. The framework must incorporate:

26 (i) Conservation of kelp forests and eelgrass meadows. Utilize
27 and build on existing research to map and prioritize areas of kelp
28 forests and eelgrass meadows throughout Puget Sound and along the
29 coast that are at highest risk of permanent loss, or contribute
30 significant environmental, economic, and cultural benefits to tribal
31 nations and local communities, including salmon recovery and water
32 quality, and where opportunities for partnership and collaboration
33 can accelerate progress towards the goal, and develop criteria by
34 which an acre of kelp forests and eelgrass meadows can be considered
35 to be conserved or restored;

36 (ii) Map and prioritize kelp forest and eelgrass meadow areas
37 throughout Puget Sound and along the coast where they were
38 historically present, identifying priority locations for restoration,
39 and where opportunities for partnership and collaboration exist that

1 will accelerate progress towards the goal. This should include
2 identification of sites where restoration may be possible and would
3 most benefit nearshore ecosystem function, including where
4 restoration could also support healthy kelp forests and eelgrass
5 meadows, salmon recovery, water quality, and other ecosystem
6 benefits;

7 (iii) Identify potential stressors impacting the health and
8 vitality of kelp forests and eelgrass meadows in prioritized areas in
9 order to specifically address them in conservation and restoration
10 efforts.

11 (b) The department shall collaborate with impacted tribal
12 nations, and other local and regional partners, to address
13 conservation and restoration needs in the priority areas and the
14 appropriate tools and partnerships to address them. In developing
15 coordinated actions and success measures, the department shall:

16 (i) Conduct an assessment and inventory of existing tools
17 relevant to conserving and restoring kelp forests and eelgrass
18 meadows and reducing stressors related to their decline;

19 (ii) Identify new or amended tools that would support the goals
20 of the plan created under this section; and

21 (iii) Identify success measures to track progress toward the
22 conservation and restoration goal.

23 (3) (a) By December 1, 2022, the department must submit a report
24 in compliance with RCW 43.01.036 to the office of financial
25 management and the appropriate committees of the legislature, that
26 includes a map and justification of identified priority areas,
27 determines an approach to monitoring the kelp forest and eelgrass
28 meadow areas that are meeting the criteria for conservation or
29 restoration established in the plan, and describe activities to be
30 undertaken consistent with the plan. The kelp forest and eelgrass
31 meadow health and conservation plan must be finalized and submitted
32 to the office of financial management and the appropriate committees
33 of the legislature by December 1, 2023.

34 (b) Subsequently, each biennium, the department shall continue to
35 monitor the distributions and trends of kelp forests and eelgrass
36 meadows to inform adaptive management of the plan and coordinated
37 partner actions. The department shall submit a report to the
38 legislature that describes the kelp forest and eelgrass meadow
39 conservation priority areas, and monitoring approaches and findings,
40 including success measures established in the plan. Beginning

1 December 1, 2024, and by December 1st of each even-numbered year
2 thereafter, the department shall provide the appropriate committees
3 of the legislature and the office of financial management with:

4 (i) An updated map of distributions and trends, and summary of
5 success measures and findings, including relevant information from
6 the prioritization process;

7 (ii) An updated list summarizing potential stressors, prioritized
8 areas, and corresponding coordinated actions and success measures.
9 The summary must include any barriers to plan implementation and
10 legislative or administrative recommendations to address those
11 barriers;

12 (iii) An update on the number of acres of kelp forests and
13 eelgrass meadows conserved by region, including restoration or loss
14 in priority areas; and

15 (iv) An update on consultation with impacted tribal nations and
16 local communities by region.

17 (4) In developing the plan, the department shall:

18 (a) Consult impacted communities using the community engagement
19 plan developed under RCW 70A.02.050; and

20 (b) Invite input from federally recognized tribal nations on kelp
21 forests and eelgrass meadows with important cultural and ecological
22 values that are threatened by urbanization or other disturbances.

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