
HOUSE BILL 1720

State of Washington

68th Legislature

2023 Regular Session

By Representatives Chapman, Dent, Lekanoff, Kretz, Volz, Klicker, Schmidt, Schmick, Couture, Goehner, Chambers, Ybarra, Stokesbary, Robertson, Sandlin, Christian, Reeves, Morgan, Orcutt, Corry, Barkis, Graham, Dye, Hutchins, and Cheney

Read first time 02/02/23. Referred to Committee on Agriculture and Natural Resources.

1 AN ACT Relating to the protection and restoration of riparian
2 areas through the establishment of a fully voluntary, regionally
3 focused riparian grant program designed to improve the ecological
4 functions of critical riparian management zones; adding a new section
5 to chapter 89.08 RCW; adding a new section to chapter 77.85 RCW;
6 creating a new section; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that salmon,
9 many species of which are listed as endangered in Washington, are of
10 great importance to the culture of all peoples of the Pacific
11 Northwest. Not only are salmon important to humankind, but salmon are
12 a primary food source for critically endangered southern resident
13 orcas.

14 (2) The legislature further finds that salmon face a diverse
15 array of threats throughout their life cycle. These threats include
16 the threat posed by pinnipeds, such as seals and sea lions, which are
17 protected under federal law, but nevertheless pose a significant
18 threat to salmon and orca recovery through ongoing and excessive
19 predation. Salmon have also faced threats from fish passage barriers,
20 stormwater runoff, and spills from wastewater treatment plants, among
21 other threats.

1 (3) It is in the best interest of all the people of Washington,
2 including federally recognized tribes and private landowners, to
3 increase the population of salmon, to ensure the survivability of
4 salmon against all threats, to protect and restore riparian areas,
5 and to prioritize those riparian areas that provide shade and other
6 cobenefits to support salmon recovery.

7 (4) There are many policy and funding pathways, including the
8 voluntary stewardship program, that the legislature can focus on for
9 a holistic approach to salmon recovery across the state.

10 (5) The legislature finds that fully voluntary, regionally
11 focused riparian grant programs designed to improve the ecological
12 functions of critical riparian management zones are one of the most
13 effective means to increase participation of landowners in this
14 important restoration effort.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 89.08
16 RCW to read as follows:

17 (1)(a) Within funds appropriated for this specific purpose, the
18 state conservation commission shall develop and implement the
19 riparian grant program to fund protection and restoration of critical
20 riparian management zones. The commission is responsible for
21 developing the voluntary grant program criteria to achieve optimal
22 restoration of functioning riparian ecosystems in priority critical
23 riparian management zones. This program is intended to complement the
24 standard of no net loss of riparian habitat established in the
25 voluntary stewardship program within the growth management act.

26 (b) In adopting the program criteria under this section, the
27 commission must:

28 (i) Coordinate with the department of ecology, the department of
29 fish and wildlife, conservation districts, the department of
30 agriculture, private landowners, and other interested stakeholders as
31 well as invite federally recognized tribes to coordinate in the
32 process as full participants; and

33 (ii) Consider the best available, locally applicable, science
34 that is specific to each region of the state where the program
35 criteria will be applied.

36 (2)(a) The commission shall prioritize critical riparian
37 management zones at the watershed or subbasin scale where grant
38 funding under the program created in this section would be primarily
39 targeted. The prioritization must be informed by, consistent with,

1 and aligned with one or more of the following: Watershed plans
2 developed pursuant to chapter 90.82 RCW; the action agenda developed
3 under RCW 90.71.260; regional recovery plans created under RCW
4 77.85.090; the habitat project lists developed pursuant to
5 RCW 77.85.050; the prioritization process developed under RCW
6 77.95.160; and priority projects identified for salmon recovery
7 through agency grant programs.

8 (b) The prioritization of critical riparian management must be
9 developed in coordination with local conservation districts, the
10 department of fish and wildlife, the department of ecology, and water
11 resource inventory area planning units organized pursuant to chapter
12 90.82 RCW. In addition, the commission must invite the full
13 participation of federally recognized tribes in the prioritization
14 required under this section.

15 (3) (a) Conditions for awarding funding for projects under this
16 program should include, but are not limited to:

17 (i) Consistency with the program criteria established in
18 subsection (1) of this section;

19 (ii) Tiered incentive rates tied to improving functionality for
20 riparian areas; and

21 (iii) Other requirements as determined by the commission.

22 (b) Preference and compensation will be given for permanent
23 protection of riparian areas or removal of riparian land from
24 agricultural production or other development by purchase at fair
25 market value.

26 (4) Riparian grant program funding must be distributed equitably
27 throughout the state, consistent with received grant applications and
28 benefit to salmon habitat. Funding is intended primarily for projects
29 located in salmon recovery regions, as defined in RCW 77.85.010, but
30 funding may also be distributed to a project not located in a salmon
31 recovery region upon a determination by the commission that the
32 project will provide a unique benefit to salmon habitat.

33 (5) Allowable expenses to a grantee receiving funds under this
34 section include, but are not limited to, labor, equipment, fencing,
35 mulch, seed, seedling trees, manual weed control, and yearly
36 maintenance costs for up to 10 years.

37 (6) Any native woody trees and shrubs planted with funding
38 provided under this section must be maintained for a minimum of five
39 years or as otherwise set by the commission for each grantee.

1 Vegetation must be chosen to prevent invasive weed populations and
2 ensure survival and successful establishment of plantings.

3 (7) The commission shall determine appropriate recordkeeping and
4 data collections procedures required for program implementation and
5 shall establish a data management system that allows for coordination
6 between the commission and other state agencies. Any data collected
7 or shared under this section may be used only to assess the successes
8 of the riparian grant program in improving the functions of critical
9 riparian habitat.

10 (8) The commission shall develop and implement a framework that
11 includes monitoring, adaptive management, and metrics in order to
12 ensure consistency with the requirements of the riparian grant
13 program. The monitoring and adaptive management framework may
14 include, but is not limited to, consideration of:

15 (a) Acres identified as eligible for restoration within a
16 watershed;

17 (b) Acres planned to be restored;

18 (c) Acres actually planted and maintained;

19 (d) Success in targeting and achieving aggregated project
20 implementation resulting in increase in linear miles restored;

21 (e) Plan review criteria; and

22 (f) Other similar factors as identified by the commission.

23 (9) No more than two percent of any funds appropriated for this
24 purpose may be used for targeted outreach activities that focus on
25 critically identified geographic locations for listed salmon species.

26 (10) No more than four percent of any funds appropriated for this
27 purpose may be used for administrative expenses.

28 (11) For the purposes of this section, "critical riparian
29 management zone" means the area adjacent to freshwaters, wetlands,
30 and marine waters that has been locally or regionally identified as
31 an area where salmon recovery efforts would significantly benefit
32 from enhanced protection or restoration.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.85
34 RCW to read as follows:

35 (1) A salmon riparian habitat policy task force is established in
36 the governor's salmon recovery office to monitor and review the
37 implementation and successes of the grant program created in section
38 2 of this act. The task force must build upon the work of the
39 facilitated roundtables and discussions that were commenced pursuant

1 to the authorization provided in section 117(12), chapter 297, Laws
2 of 2022. The task force must operate on a consensus basis. Members of
3 the task force are appointed by the executive director of the
4 governor's salmon recovery office.

5 (2) The task force includes representation from the following
6 entities:

7 (a) Four representatives from federally recognized tribes in
8 Washington, two from east of the crest of the Cascade mountains and
9 two from west of the crest of the Cascade mountains, as determined by
10 the federally recognized tribes;

11 (b) Four representatives from agricultural and livestock
12 producers, all of whom must be appointed from a list of at least four
13 names as recommended by a recognized statewide agriculture
14 organization;

15 (c) One representative from a regional salmon recovery
16 organization as defined in RCW 77.85.010;

17 (d) One representative from a forestry and agriculture
18 organization, as recommended by a recognized statewide agriculture or
19 forestry organization;

20 (e) One representative from a nonprofit environmental
21 organization that owns or manages undeveloped land in Washington, as
22 recommended by a recognized statewide environmental organization; and

23 (f) One representative from a statewide organization representing
24 all of Washington's 39 counties, as recommended by a recognized
25 statewide organization representing counties.

26 (3) One representative from each of the following state agencies
27 shall serve in a technical advisory role to the task force but shall
28 not participate in the consensus process of the task force: The
29 department of fish and wildlife; the department of agriculture; the
30 Washington state conservation commission; and the department of
31 natural resources.

32 (4) By May 1, 2024, and consistent with RCW 43.01.036, the task
33 force must submit a preliminary report to the governor and the
34 relevant committees of the legislature, with a final report due by
35 June 30, 2024. The reports must provide recommendations addressing
36 the following topics:

37 (a) Developing and implementing a compensatory or mitigation
38 program for critical riparian habitat restoration. Options must
39 address the following:

40 (i) Compensatory or mitigation criteria for agricultural areas;

- 1 (ii) Compensatory or mitigation criteria for residential and
2 urban areas;
- 3 (iii) Compensatory or mitigation criteria for public land areas;
4 and
- 5 (iv) Recommendations for implementation timelines for
6 compensatory or mitigation programs;
- 7 (b) Recommendations on proposed changes in the grant program
8 created in section 2 of this act and spending priorities to improve
9 riparian habitat in order to ensure salmon recovery;
- 10 (c) Strategies that can attract private investment in improving
11 and protecting salmon and riparian habitat; and
- 12 (d) Other relevant riparian and salmon recovery-related topics
13 designated by the task force that focus on voluntary and incentive-
14 based measures.
- 15 (5) The governor's salmon recovery office may contract with an
16 independent entity to facilitate the task force facilitation and
17 report required in subsection (4) of this section. The contract is
18 exempt from the competitive procurement requirements in chapter 39.26
19 RCW.
- 20 (6) By June 30, 2025, and every June 30th thereafter, consistent
21 with RCW 43.01.036, the salmon riparian habitat policy task force
22 must submit an annual report to the legislature with updates on the
23 successes of the riparian habitat restoration achieved under section
24 2 of this act and any recommended policy changes to the grant program
25 created in section 2 of this act necessary to further protect and
26 restore salmon habitat.
- 27 (7) This section expires June 30, 2029.

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