
**Agriculture & Natural Resources
Committee**

ESB 6549

Brief Description: Creating demonstration projects for preserving agricultural land and public infrastructure in flood plains.

Sponsors: Senators Hobbs, Hatfield and Pearson.

Brief Summary of Engrossed Bill

- Establishes a stakeholder group to be jointly staffed by the State Conservation Commission, and the Departments of Agriculture, Ecology, Fish and Wildlife, and Natural Resources (Departments) to participate in the implementation and facilitation of sediment management demonstration projects.
- Establishes overarching goals and protocols for the sediment management strategies and techniques to be considered in the use of implementing the demonstration projects.
- Requires the Departments to analyze the Fraser River Sediment Management Program as an example for the demonstration projects.
- Requires the Departments and stakeholder group to annually report back to the appropriate legislative committees about their findings, progress, and funding options.

Hearing Date: 2/25/14

Staff: Megan Mulvihill (786-7291) and Jason Callahan (786-7117).

Background:

Floodplain Management.

A floodplain is an area of relatively level land bordering a river, stream, or lake that becomes inundated occasionally. In Washington, the DOE is required to establish minimum state

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requirements for floodplain management that are at least equivalent to the minimum standards set forth by the National Flood Insurance Program (NFIP). Local governments may expand upon the minimum standards by adopting Comprehensive Flood Management Plans which identify flood prone areas, a system for flood control and protection, and establish floodplain land use regulations and construction restrictions.

The Legislature has a variety of floodplain management projects being completed throughout the state. In the 2013-15 capital budget, the Legislature devoted \$50 million for flood control grants, of which \$33 million was allocated to specific floodplain restoration projects, \$11.25 million was allocated to competitive flood hazard reduction project grants, and the remaining dollars went to local flood control projects. Preference for a competitive grant is given to those with Comprehensive Flood Management Plans, and the grant receiver must match grant with 20 percent of the grant with non-state dollars.

State Waters Management.

If a project is taking place on state-owned aquatic lands, the Department of Natural Resources (DNR) needs to provide authorization. In order to receive authorization, other agencies such as the Washington Department of Fish and Wildlife (WDFW) or the Department of Ecology (DOE) may need to authorize permits.

The WDFW is responsible for providing Hydraulic Project Approval (HPA) permits for the construction of hydraulic projects that use, divert, obstruct, or change the natural bed or flow of state waters. The WDFW may issue a five year maintenance permit agreement for a county with flood damage repair and reduction activities as long as those activities are consistent with Comprehensive Flood Control Management Plans. These maintenance permits allow work on public or private property for activities such as removal of sandbars and debris, channel maintenance, and other flood damage repair and reduction activities without having to receive a separate permit for each activity.

The Legislature has also vested specific authority for the Department of Natural Resources (DNR) to sell valuable resources from state lands. The DNR sells a variety of resources from state lands, including timber, stone, gravel, and geoducks. When a valuable material is removed from state-owned aquatic lands, the proceeds of the sale are split evenly between the DNR's aquatic lands program and the Aquatic Lands Enhancement Account.

Fraser River Sediment Management Program.

The Fraser River is the longest river in British Columbia (BC), Canada, starting from the Rocky Mountains and draining into the Pacific Ocean just south of Vancouver, BC. Emergency Management BC is in charge of managing the Fraser River Sediment Management Program along with the Department of Fisheries and Oceans Canada, the BC Ministry of Forests, Lands and Natural Resource Operations, Transport Canada, and the BC Ministry of Environment. Project sites are selected based on a variety of factors such as water flow, fish use, adjacent erosion, and minimal environmental impacts. Sediment equal to the influx or disposition of gravel is removed to maintain optimal river depth, flow, and to protect against flooding.

Summary of Bill:

The Legislature intends that the State Conservation Commission along with the Department of Agriculture, Department of Ecology, Department of Natural Resources, and the Department of Fish and Wildlife (Departments) work together to identify, implement, and facilitate the construction of two demonstration projects. These demonstration projects must test the effectiveness and costs of river management by using sediment management strategies and techniques to accomplish the following three goals:

- (1) protection of agricultural lands;
- (2) restoration or enhancement of fish runs; and
- (3) protection of public infrastructure and recreational access.

A stakeholder group consisting of the State Conservation Commission and above listed Departments, in conjunction with local and statewide agricultural organizations, tribes, land conservation organizations, and local governments with interest and experience in the use of sediment techniques must develop and implement two demonstration projects in Whatcom county and Grays Harbor county.

While identifying and implementing the demonstration projects, the Departments must examine the Fraser River Sediment Management Program to see how it applies to the above listed goals. The Departments must also set benchmarks and a timetable for progress.

Any gravel that may be removed must be used in one of three ways:

- (1) at the Departments' discretion in projects related to fish programs in the local area of the demonstration project or be used by property owners adjacent to the demonstration project;
- (2) be made available to a local tribe for use; or
- (3) be sold with the proceeds applied to funding the demonstration projects.

During the removal of sediment, a person must be on hand to observe that established project protocols are followed and fish are protected. In addition, sediment may not be removed during fish runs and reasonable steps need to be taken to reduce turbidity.

Other sediment management strategies and techniques the Departments must consider are as follows:

- reducing turbidity caused by year-round stream bank erosion caused by accumulation of excess sediment and gravel;
- providing deeper, cooler holes and deeper river channels for fish;
- ensuring that sufficient gravel and sediment is left for fish spawning and rearing;
- providing stable river banks that will allow for long-term growth of riparian enhancement efforts;
- protecting existing riparian zones with mature trees that cool the water;
- removing excess sediment and gravel that causes diversion of water and erosion of river banks and farmland;
- restoring previously existing bank contours that protect the land from erosion caused by more intense and more frequent flooding; and
- developing management practices that reduce the amount of gravel, sediment, and woody debris deposited into farm fields.

The Departments must jointly staff the stakeholder group and jointly bear the costs.

The Departments must report to the legislative committees by December 31, 2014, on their examination and findings, their progress, decisions made in implementing the projects, and their recommendations for funding. Thereafter, the Departments must continue to report annually by December 31 of each year.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.