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**SUBSTITUTE SENATE BILL 5347**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Hobbs, Hatfield, Warnick, Honeyford, and Pearson)

AN ACT Relating to creating demonstration projects for preserving agricultural land and public infrastructure in flood plains; and adding a new section to chapter 43.23 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 43.23 RCW to read as follows:

(1) The legislature intends that the state conservation commission and the departments of ecology, agriculture, fish and wildlife, and natural resources work together cooperatively, efficiently, and productively to facilitate the expeditious construction of three demonstration projects. The legislature expects that the joint and contemporaneous participation of all these state agencies will expedite the permitting of these demonstration projects. The legislature further intends that the collaborative process that the stakeholder group creates, including local stakeholders among others, will be used as a model for river management throughout the state.

(2) The legislature finds that floodplain management must address multiple benefits including: Reducing flood hazard to public infrastructure and other land uses caused by sediment accumulation or for other causes; improving fish and wildlife habitat; sustaining viable agriculture; and public access.

(3) The state conservation commission and the departments of agriculture, natural resources, fish and wildlife, and ecology must jointly identify and assess three demonstration projects that test the effectiveness and costs of river management by using various management strategies and techniques as applied to accomplish the following goals:

(a) Protection of agricultural lands;

(b) Restoration or enhancement of fish runs; and

(c) Protection of public infrastructure and recreational access.

(4)(a) The state conservation commission must convene a stakeholder group consisting of the departments of agriculture, natural resources, fish and wildlife, and ecology, local and statewide agricultural organizations, tribes, land conservation organizations, and local governments with interest and experience in floodplain management techniques. The stakeholder group must develop and assess three demonstration projects, one located in Whatcom county, one located in Snohomish county, and one located in Grays Harbor county.

(b) In developing and assessing these demonstration projects, the departments must examine sediment management conducted in the Fraser river, British Columbia, Canada and include any potentially applicable practices in the demonstration projects.

(c) The departments must: (i) Examine and find whether and how the Fraser river experience applies to the goals of this act; and (ii) set benchmarks and a timetable for progress toward achievement of the goals of this act.

(d) The disposition of any gravel resources removed as a result of these pilot projects that are owned by the state must be consistent with chapter 79.140 RCW, otherwise they must be: (i) Used at the departments' discretion in projects related to fish programs in the local area of the project or by property owners adjacent to the project; (ii) made available to a local tribe for its use; or (iii) sold and the proceeds applied to funding the demonstration projects.

(5) At a minimum, the pilot projects must examine the following management strategies and techniques:

(a) Setting back levees and other measures to accommodate high flow with reduced risk to property, while providing space for river processes that are vital to the creation of fish habitat;

(b) Providing deeper, cooler holes for fish life;

(c) Removing excess sediment and gravel that causes diversion of water and erosion of river banks and farmland;

(d) Providing off-channels for habitat as refuge during high flows;

(e) Ensuring that any management activities leave sufficient gravel and sediment for fish spawning and rearing;

(f) Providing stable river banks that will allow for long-term growth of riparian enhancement efforts, such as planting shade trees and hedgerows;

(g) Protecting existing mature treed riparian zones that cool the waters;

(h) Restoring previously existing bank contours that protect the land from erosion caused by more intense and more frequent flooding; and

(i) Developing management practices that reduce the amount of gravel, sediment, and woody debris deposited into farm fields.

(6) The departments must report to the legislative committees with oversight of agriculture, water, rural economic development, ecology, fish and wildlife, and natural resources by December 31, 2015, on: (a) Their examination and findings of the applicability of the Fraser river experience to the goals of this act; (b) their progress toward setting benchmarks and meeting the stakeholder group's timetable; (c) any decisions made in assessing the projects; and (d) agency recommendations for funding of the projects from federal grants, federal loans, state grants and loans, and private donations, or if other funding sources are not available or complete, submitting the two projects for consideration in the biennial capital budget request to the governor and the legislature. The departments must report annually thereafter by December 31st of each year.

(7) The stakeholder group must be staffed jointly by the departments.

(8) All requirements in this section are subject to the availability of amounts appropriated for the specific purposes described.

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