

ESSB 5347 - H COMM AMD

By Committee on General Government & Information Technology

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature intends for the state  
4 conservation commission and the departments of ecology, agriculture,  
5 fish and wildlife, and natural resources to work together  
6 cooperatively, efficiently, and productively to facilitate the intent  
7 of this act.

8 (2) The legislature further intends that the collaborative  
9 process created by the stakeholder group required in section 3 of  
10 this act, including the participation of local stakeholders, will be  
11 used as a model for river management throughout the state.

12 (3) The legislature finds that floodplain management must address  
13 multiple benefits including:

14 (a) Reducing flood hazard to public infrastructure and other land  
15 uses caused by sediment accumulation or for other causes;

16 (b) Improving fish and wildlife habitat;

17 (c) Sustaining agriculture; and

18 (d) Maintaining and enhancing public access.

19 NEW SECTION. **Sec. 2.** (1) The state conservation commission and  
20 the departments of agriculture, natural resources, fish and wildlife,  
21 and ecology must jointly identify and assess three demonstration  
22 projects. One demonstration project must be located primarily in  
23 Whatcom county, one must be located primarily in Snohomish county,  
24 and one must be located primarily in Grays Harbor county.

25 (2) The demonstration projects must be designed to test the  
26 effectiveness and costs of river management by using various  
27 management strategies and techniques, as applied, to accomplish the  
28 following goals:

29 (a) Protection of agricultural lands;

30 (b) Restoration or enhancement of fish runs; and

31 (c) Protection of public infrastructure and recreational access.

1 (3) In developing the demonstration projects, the state  
2 conservation commission and the departments must, in consultation  
3 with the stakeholder group required by section 3 of this act:

4 (a) Examine studies and reports related to sediment management  
5 conducted in the Fraser river, British Columbia, Canada, to assess  
6 whether and how the Fraser river experience applies to the goals of  
7 this section, and include any potentially applicable practices in the  
8 development of the demonstration projects; and

9 (b) Set benchmarks and a timetable for progress toward  
10 achievement of the goals of this act.

11 (4) The development and assessment of the demonstration projects  
12 must also consider the disposition of any state-owned gravel  
13 resources removed as a result of the demonstration projects. The  
14 presumed disposition must be consistent with chapter 79.140 RCW.  
15 However, the process for developing and assessing the pilot project  
16 may consider:

17 (a) Using the gravel resources, at the discretion of the  
18 departments, in projects related to fish enhancement programs in the  
19 local area of the project or by property owners adjacent to the  
20 project;

21 (b) Making gravel resources available to local tribes for their  
22 use; or

23 (c) Selling the gravel resources and using the proceeds to fund  
24 the demonstration projects.

25 (5) At a minimum, the demonstration projects must be designed to  
26 collectively examine the following management strategies and  
27 techniques:

28 (a) Providing deeper, cooler holes for fish life;

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

31 (c) Providing off-channels for habitat as refuge during high  
32 flows;

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

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

38 (f) Protecting existing mature treed riparian zones that cool the  
39 waters;

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

3 (h) Developing management practices that reduce the amount of  
4 gravel, sediment, and woody debris deposited into farm fields; and

5 (i) Setting back levees and other measures in segments of rivers  
6 upstream from the delta to accommodate high flow.

7 NEW SECTION. **Sec. 3.** (1) The state conservation commission must  
8 convene a stakeholder group to assist in the development and  
9 assessment of the demonstration projects required under section 2 of  
10 this act.

11 (2) The stakeholder group must consist of representatives from:

12 (a) The departments of agriculture, natural resources, fish and  
13 wildlife, and ecology;

14 (b) Local and statewide agricultural organizations;

15 (c) Land conservation organizations; and

16 (d) Local governments with interest and experience in floodplain  
17 management techniques.

18 (3) In addition to the participants on the stakeholder group, the  
19 state conservation commission and the departments responsible for  
20 implementing section 2 of this act must also consult with, and obtain  
21 the views of, any federally recognized tribe that may be affected by  
22 each demonstration project.

23 (4) The stakeholder group required by this section must be  
24 staffed by the state conservation commission with assistance, as  
25 requested, from the departments responsible for implementing section  
26 2 of this act.

27 (5) Each member of the stakeholder group not employed by the  
28 state of Washington shall serve without compensation but may be  
29 reimbursed for travel expenses as authorized in RCW 43.03.050 and  
30 43.03.060.

31 (6) Any costs for the implementation of this section, including  
32 the participation costs for nonagency participants, must be shared  
33 among the agencies responsible for implementing this act. The state  
34 conservation commission shall coordinate and manage these costs  
35 through interagency agreements with all of the affected agencies.

36 NEW SECTION. **Sec. 4.** (1) The state conservation commission and  
37 the departments responsible for implementing section 2 of this act

1 must submit a report to the legislature, consistent with RCW  
2 43.01.036, by October 31, 2016.

3 (2) The report must include:

4 (a) An examination and findings of the applicability of the  
5 Fraser river experience to the goals of this act;

6 (b) Information regarding the benchmarks and timetables required  
7 under section 2 of this act;

8 (c) Any decisions made in developing and assessing the projects  
9 required in this section;

10 (d) Any recommendations for extending or changing the process  
11 required in section 2 of this act or moving into the demonstration  
12 project implementation phase; and

13 (e) Any recommendations for funding the implementation of  
14 demonstration projects from federal grants, federal loans, state  
15 grants and loans, and private donations, or if other funding sources  
16 are not available or complete, the submission of the three  
17 demonstration projects for consideration in the biennial capital  
18 budget request to the governor and the legislature.

19 NEW SECTION. **Sec. 5.** If funding is identified for the  
20 implementation of the demonstration projects developed under section  
21 2 of this act from sources other than specific state appropriations,  
22 and the implementation of the demonstration projects can occur within  
23 the existing authority of all affected parties, the legislature  
24 intends for the state conservation commission and the departments  
25 responsible for implementing section 2 of this act to coordinate with  
26 the stakeholder group required in section 3 of this act to  
27 cooperatively, efficiently, and productively initiate the  
28 implementation of the demonstration projects, including the joint and  
29 contemporaneous expediting of any necessary permits related to the  
30 demonstration projects.

31 NEW SECTION. **Sec. 6.** All requirements in this act are subject  
32 to the availability of amounts appropriated for the specific purposes  
33 described.

34 NEW SECTION. **Sec. 7.** This act expires July 1, 2017.

35 NEW SECTION. **Sec. 8.** If specific funding for the purposes of  
36 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2015, in the omnibus appropriations act, this  
2 act is null and void."

3 Correct the title.

EFFECT: Includes the preservation of all agricultural lands into the goals of the demonstration projects (as opposed to only "viable" agriculture), limits the river management strategies to be explored relating to the movement of levees to those levees above the river delta, adds the enhancement of recreational access to the goals of the demonstration projects (as opposed to just the maintenance of access), specifies that the project developers may rely on studies and reports related to the Fraser river, adds an expiration date, adds legislative intent for the demonstration projects to be implemented if nonstate funding is assured, clarifies that members of the stakeholder group may be reimbursed for travel expenses, specifies how the costs for the advisory committee will be paid (through the state conservation commission with interagency agreements to allow contributions by the other agencies), changes the reporting date from December of 2015 to October of 2016, and makes technical and organizational changes. Provides that the entire act is null and void unless specific funding is provided for the act in the omnibus appropriations bill.

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