
**Agriculture & Natural Resources
Committee**

ESSB 5347

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

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Hatfield, Warnick, Honeyford and Pearson).

Brief Summary of Engrossed Substitute Bill

- Requires the State Conservation Commission, the Department of Natural Resources, the Department of Fish and Wildlife, the Department of Ecology, and the Department of Agriculture to jointly identify and assess three demonstration projects testing the effectiveness and costs of river management using various management strategies and techniques.

Hearing Date: 3/25/15

Staff: 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 with water. In Washington, the Department of Ecology (DOE) is required to establish minimum state 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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.

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 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 vested specific authority for the 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 State Conservation Commission, the DNR, the WDFW, the DOE, and Department of Agriculture (implementing agencies) must jointly identify and assess three demonstration projects testing the effectiveness and costs of river management using various management strategies and techniques. Once identified, the implementing agencies must work together cooperatively, efficiently, and productively to expeditiously permit and facilitate the construction of the demonstration projects.

The demonstration projects must be located in Whatcom, Snohomish, and Grays Harbor counties and have the goals of protecting agricultural lands, restoring or enhancing fish runs, and protecting public infrastructure and recreational access.

Within those goals, the demonstration projects must examine a number of management strategies and techniques. These include setting back levees, providing deeper and cooler holes for fish, removing excess sediment and gravel, providing off-channels for habitat during high river flows, ensuring management activities leave sufficient spawning gravel, providing stable riverbanks for riparian enhancement efforts, protecting existing mature riparian zones, restoring previously existing bank contours, and developing management practices that reduce the amount of gravel, sediment, and woody debris deposited into farm fields. The implementing agencies must also establish benchmarks and timetables for the implementation of the demonstration projects.

The implementing agencies must, in designing and assessing the demonstration projects, examine the sediment management conducted on the Fraser River in British Columbia. If any of the Fraser River practices are applicable, they must be included in the demonstration projects. The implementing agencies must examine whether and how the Fraser River experience applies to the demonstration projects.

A stakeholder group, jointly staffed by implementing agencies and lead by the State Conservation Commission, must be convened to develop and assess the demonstration projects. The stakeholder group must include representatives of the implementing agencies along with local and statewide agricultural organizations, local conservation organizations, and local governments with experience in floodplain management techniques. The implementing agencies must also consult with any federally recognized Indian tribes affected by the demonstration projects.

The implementing agencies must issue annual reports to the Legislature on the status of the demonstration projects. The initial report, due by the end of 2015, must report on the examination of the Fraser River experience, progress towards setting benchmarks, any decisions made in assessing demonstration projects, and funding recommendations.

Any state-owned gravel resources removed as part of the demonstration projects must be used according to the existing statutes on the sale of valuable materials from aquatic lands. Within that structure, the gravel resources may be used at the discretion of the implementing agencies for fish programs in the area of the project or by property owners adjacent to the project or sold to fund the demonstration projects. The resources may also be made available to local Indian tribes for their use.

Appropriation: None.

Fiscal Note: Available.

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