

# SENATE BILL REPORT

## SB 5347

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As of February 2, 2015

**Title:** An act relating to creating demonstration projects for preserving agricultural land and public infrastructure in flood plains.

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

**Sponsors:** Senators Hobbs, Hatfield, Warnick, Honeyford and Pearson.

**Brief History:**

**Committee Activity:** Agriculture, Water & Rural Economic Development: 1/27/15.

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### SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

**Staff:** Diane Smith (786-7410)

**Background:** Rivers are receiving deposits of gravel and other sedimentation from up stream. This is causing the river beds to rise and the water levels, consequently, to rise. This is putting some rivers over and under their dikes, and flooding and eroding lands adjacent to them. This erosion and channel relocation affects farm and dairy lands as well as previously planted riparian buffers, public highways, and public access. Another consequence of sedimentation is that some river deltas are becoming essentially channel-less, turning into areas threaded by numerous rivulets. This can impede fish runs.

**Summary of Bill:** The Legislature intends that the Washington Department of Fish and Wildlife, the Department of Ecology, the Conservation Commission, the Washington State Department of Agriculture, and the Department of Natural Resources working together cooperatively, efficiently, and productively facilitate permitting and the expeditious construction of two demonstration projects. The Legislature also intends that the collaborative stakeholder process be used as a model for river management throughout the state.

A stakeholder group convened by the State Conservation Commission is created to develop and implement two demonstration projects. The projects are in Grays Harbor County and Whatcom County.

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*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 state agencies are participants in the stakeholder group which also includes local and statewide agricultural organizations, tribes, land conservation organizations, and local governments.

The state agencies must examine the successful river management being conducted on the Fraser River, set benchmarks, and establish a timetable for progress toward implementing the demonstration projects.

The projects must require a person to be on hand to observe that the practices follow established pilot project protocols and protect fish life; that gravel or sediment not be removed at times when fish runs are known to be in the river; and that reasonable steps be taken to reduce turbidity resulting from gravel and sediment removal activities. The five agencies must consider nine other sediment management strategies and techniques.

One option for any removed gravel is that it may be sold and the proceeds applied to funding the demonstration projects.

The stakeholder group must report to the Legislature by December 31, 2014, on its examination and findings of the applicability of the Fraser River experience to the goals of the projects; its findings whether funding from federal and state grants and loans and from private sources is inadequate, and if so, then recommend funding amounts needed from the biennial capital budget; its progress toward setting benchmarks and meeting its timetable; and any implementation decisions it may have made.

**Appropriation:** None.

**Fiscal Note:** Requested on January 23, 2015.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The Fraser River project increased salmon runs and managed the sediment in the river with all parties working together. This is a common-sense approach. Using removed gravel to make money to further the project is a good idea. Fish and Wildlife comes out to look at the conditions on a good day; they do not see the river when it floods. Agricultural land cannot be created; it must be preserved from erosion due to flooding or it is lost forever. We have to recognize that people are part of the ecosystem too. We must own each other's issues and not compete in order to make progress. Projects are in progress now through Flood Plains by Design. Doing nothing has not worked; as we talk we are losing land. We need action on the ground in a way that is respectful to all involved.

CON: Dredging with its negative impact on fish should not be the focus. We need thoughtful discussion of all techniques. This is a river gravel mining bill. The state must work with treaty tribes which are in the rivers all the time. The state should put more than 1 percent of its budget into natural resources.

OTHER: Every tool has its place. Dredging is one tool of many. The cost of this bill is not in the governor's budget.

**Persons Testifying:** PRO: Senator Hobbs, prime sponsor; John Misich, Ed Moats. SnoCo Farm Bureau; Jeff Davis, WA Dept of Fish & Wildlife; Tom Davis, WA Farm Bureau; Carol Roussa, Terry Willis, citizens.

CON: Bruce Wishart, Center for Environmental Law and Policy, Sierra Club; Steve Robinson, Quinault and Lummi Nations.

OTHER: Ron Shultz, Conservation Commission; Tom Clingman, Dept. of Ecology; Megan Duffy, Dept. of Natural Resources.