

# SENATE BILL REPORT

## SB 5347

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As of February 21, 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, 2/03/15 [DP, w/oRec].

**Ways & Means:** 2/17/15.

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

**Majority Report:** Do pass.

Signed by Senators Warnick, Chair; Hatfield, Ranking Minority Member; Hobbs and Honeyford.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Dansel, Vice Chair.

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

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Sherry McNamara (786-7402)

**Background:** Floodplain Management. Responsibility for flood hazard prevention and management is divided between a number of federal, state, and local agencies.

The federal government provides low-cost flood insurance for communities that meet minimum requirements through the Federal Emergency Management Agency. To qualify for federal flood insurance, local governments must adopt, implement, and enforce ordinances that meet federal flood plain requirements.

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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 Department of Ecology (Ecology) is required to manage the state's flood plains and to establish minimum state requirements for flood plain management that equal the minimum federal requirements for the national flood insurance program.

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 flood plain land use regulations and construction restrictions.

Permit Requirements for In-Stream Work. The Washington Department of Fish and Wildlife (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. WDFW is directed to provide immediate oral approval to conduct in-stream work during emergencies. In addition, WDFW is required to establish rules regulating gravel removal within the waters of the state.

The Department of Natural Resources (DNR) has authority over aquatic lands and is required to establish rules that govern the use or modification of any river system, including gravel removal projects.

**Summary of Bill:** The Legislature intends that WDFW, Ecology, the Conservation Commission, the Washington State Department of Agriculture, and DNR, 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.

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, 2015, 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:** Available.

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

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

**Staff Summary of Public Testimony (Agriculture, Water & Rural Economic Development):** 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 (Agriculture, Water & Rural Economic Development):** PRO: Senator Hobbs, prime sponsor; John Misich, Ed Moats. SnoCo Farm Bureau; Jeff Davis, WDFW; 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, Ecology; Megan Duffy, DNR.

**Staff Summary of Public Testimony (Ways & Means):** PRO: This bill provides pilot projects to look at sediment management strategies and techniques for preserving agricultural land from erosion caused by flooding. The proposed substitute language addresses the agencies' concerns.

**Persons Testifying (Ways & Means):** PRO: Senator Hatfield, sponsor; David Price, Restoration Division Manager, WDFW.