
**Rural Development, Agriculture &
Natural Resources Committee**

2SSB 5619

Brief Description: Conserving and restoring kelp forests and eelgrass meadows in Washington state.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Lovelett, Conway, Das, Hasegawa, Nobles, Pedersen, Randall, Rolfes, Saldaña, Stanford, Van De Wege and Wilson, C.; by request of Department of Natural Resources).

Brief Summary of Second Substitute Bill

- Directs the Department of Natural Resources (DNR) to establish a Native Kelp Forest and Eelgrass Meadow Health and Conservation Plan (Plan).
- Requires the DNR to, by December 1, 2022, provide an initial report to the Office of Financial Management and the Legislature that includes community engagement plans and a schedule for Plan development.
- Requires the DNR to submit a final draft of the Plan by December 1, 2023, that includes a map and justification of identified priority areas, a list of potential tools and actions, and a monitoring plan.
- Requires the DNR to submit a report to the Legislature by December 1, 2024, and by December 1 of each subsequent even-numbered year, that describes the native kelp forest and eelgrass meadow conservation priority areas, monitoring approaches, and findings.

Hearing Date: 2/18/22

Staff: Rebecca Lewis (786-7339).

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

Background:

The Department of Natural Resources.

The Department of Natural Resources (DNR) manages a number of different categories of land on behalf of the State of Washington, each for a specific purpose and under different management requirements. One category of lands managed through the DNR is aquatic lands. The DNR manages more than 2.6 million acres of state-owned aquatic lands and must support a balance of use demands and statutory goals such as public use, environmental protections, trade, transportation, and generating revenue consistent with those goals.

Community Engagement Plans.

Pursuant to legislation enacted in 2021, the DNR and certain other state agencies must create and adopt a community engagement plan that describes planned engagement with overburdened communities and vulnerable populations for purposes of implementing the agency's environmental justice responsibilities. This plan must include best practices for outreach and communication, the use of special screening tools, processes that facilitate the inclusion of community members affected by agency decision-making, and methods for outreach and communication.

Summary of Bill:

Native Kelp Forest and Eelgrass Meadow Health and Conservation Plan.

Subject to available funding, the Department of Natural Resources (DNR) must establish a Native Kelp Forest and Eelgrass Meadow Health and Conservation Plan (Plan) with the goal to conserve and restore at least 10,000 acres of native kelp forests and eelgrass meadows by 2040. In developing the various elements of the Plan, the DNR must engage with impacted communities using the community engagement plan that the DNR and other state agencies are required to develop related to overburdened communities and vulnerable populations and must also consult with a variety of other partners, including impacted federally recognized tribes and stakeholder groups that may have vested and direct interest in the outcomes of the Plan. The DNR must engage and collaborate with certain state and federal agencies as well, including:

- the National Oceanic and Atmospheric Administration;
- the Northwest Straits Commission;
- the Washington State Department of Ecology;
- the Washington Department of Fish and Wildlife;
- the Puget Sound Partnership;
- the Washington State Recreation and Conservation Office; and
- the Marine Resources Advisory Council.

The Plan must assess and prioritize areas for coordinated conservation and restoration actions, and must consist of four elements: (1) assessment and prioritization; (2) identifying coordinated

actions and success measures; (3) monitoring; and (4) reporting.

The DNR must develop a framework to identify and prioritize native kelp forests and eelgrass meadow areas in greatest need. The framework must incorporate conservation of native kelp forests and eelgrass meadows, mapping and prioritization of native kelp forest and eelgrass meadow areas, and identification of potential stressors impacting the health and vitality of native kelp forests and eelgrass meadows.

The DNR must also map areas throughout Puget Sound and the coastline where there are native and nonnative kelp forests and eelgrass meadows, and areas where there are both native and nonnative kelp forests and eelgrass meadows. The DNR may use the map when establishing the Plan. The DNR must submit this map to the Office of Financial Management (OFM) and the appropriate committees of the Legislature by December 1, 2023.

Reporting.

By December 1, 2022, the DNR must provide a report to the OFM and the appropriate committees of the Legislature that includes community engagement plans and a schedule for Plan development. The DNR must finalize and submit the Plan to the Legislature and the OFM by December 1, 2023, including a map and justification of identified priority areas based on collaboratively developed criteria, a list of potential tools and actions for conservation or restoration of the priority areas, and a monitoring plan based on identified success measures.

The DNR must submit a report to the Legislature that describes the native kelp forest and eelgrass meadow conservation priority areas and monitoring approaches and findings. Beginning December 1, 2024, and by December 1 of each subsequent even-numbered year, the DNR must provide the OFM and the appropriate committees of the Legislature with:

- an updated map of distributions and trends with a summary of success measures and findings, including relevant information from the prioritization process;
- an updated list summarizing potential stressors, prioritized areas, corresponding coordinated actions and success measures, and any barriers to Plan implementation with legislative or administrative recommendations to address the barriers;
- an update on the number of acres of native kelp forests and eelgrass meadows conserved by region, including restoration or loss in priority areas;
- an update on consultation with impacted federally recognized tribal nations and local communities by region; and
- an update on the DNR's community engagement plans developed as a part of the DNR's statutory environmental justice responsibilities.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 9, 2022.

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

passed.