
SUBSTITUTE HOUSE BILL 1720

State of Washington

68th Legislature

2023 Regular Session

By House Agriculture and Natural Resources (originally sponsored by Representatives Chapman, Dent, Lekanoff, Kretz, Volz, Klicker, Schmidt, Schmick, Couture, Goehner, Chambers, Ybarra, Stokesbary, Robertson, Sandlin, Christian, Reeves, Morgan, Orcutt, Corry, Barkis, Graham, Dye, Hutchins, and Cheney)

READ FIRST TIME 02/17/23.

1 AN ACT Relating to the protection and restoration of riparian
2 areas through the establishment of a fully voluntary, regionally
3 focused riparian grant program designed to improve the ecological
4 functions of critical riparian management zones; adding a new section
5 to chapter 89.08 RCW; adding new sections to chapter 77.85 RCW;
6 creating a new section; and providing an expiration date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that salmon,
9 many species of which are listed as endangered in Washington, are of
10 great importance to the culture of all peoples of the Pacific
11 Northwest. Not only are salmon important to humankind, but salmon are
12 a primary food source for critically endangered southern resident
13 orcas.

14 (2) The legislature further finds that salmon face a diverse
15 array of threats throughout their life cycle. These threats include
16 the threat posed by pinnipeds, such as seals and sea lions, which are
17 protected under federal law, but nevertheless pose a significant
18 threat to salmon and orca recovery through ongoing and excessive
19 predation. Salmon have also faced threats from fish passage barriers,
20 stormwater runoff, and spills from wastewater treatment plants, among
21 other threats.

1 (3) It is in the best interest of all the people of Washington,
2 including federally recognized tribes and private landowners, to
3 increase the population of salmon, to ensure the survivability of
4 salmon against all threats, to protect and restore riparian areas,
5 and to prioritize those riparian areas that provide shade and other
6 cobenefits to support salmon recovery.

7 (4) There are many policy and funding pathways, including the
8 voluntary stewardship program, that the legislature can focus on for
9 a holistic approach to salmon recovery across the state.

10 (5) The legislature finds that fully voluntary, regionally
11 focused riparian grant programs designed to improve the ecological
12 functions of critical riparian management zones are one of the most
13 effective means to increase participation of landowners in this
14 important restoration effort.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 89.08
16 RCW to read as follows:

17 (1)(a) Within funds appropriated for this specific purpose, the
18 state conservation commission shall develop and implement the
19 riparian grant program to fund protection and restoration of critical
20 riparian management zones. The commission is responsible for
21 developing the voluntary grant program criteria to achieve optimal
22 restoration of functioning riparian ecosystems in priority critical
23 riparian management zones. This program is intended to complement the
24 standard of no net loss of riparian habitat established in the
25 voluntary stewardship program within the growth management act.

26 (b) In adopting the program criteria under this section, the
27 commission must:

28 (i) Coordinate with the department of ecology, the department of
29 fish and wildlife, conservation districts, the department of
30 agriculture, private landowners, and other interested stakeholders as
31 well as invite federally recognized tribes to coordinate in the
32 process as full participants; and

33 (ii) Consider the best available, locally applicable, science
34 that is specific to each region of the state where the program
35 criteria will be applied.

36 (2)(a) The commission shall prioritize critical riparian
37 management zones at the watershed or subbasin scale where grant
38 funding under the program created in this section would be primarily
39 targeted. The prioritization must be informed by, consistent with,

1 and aligned with one or more of the following: Watershed plans
2 developed pursuant to chapter 90.82 RCW; the action agenda developed
3 under RCW 90.71.260; regional recovery plans created under RCW
4 77.85.090; the habitat project lists developed pursuant to
5 RCW 77.85.050; the prioritization process developed under RCW
6 77.95.160; and priority projects identified for salmon recovery
7 through agency grant programs.

8 (b) The prioritization of critical riparian management must be
9 developed in coordination with local conservation districts, the
10 department of fish and wildlife, the department of ecology, and water
11 resource inventory area planning units organized pursuant to chapter
12 90.82 RCW. In addition, the commission must invite the full
13 participation of federally recognized tribes in the prioritization
14 required under this section.

15 (3) (a) Conditions for awarding funding for projects under this
16 program should include, but are not limited to:

17 (i) Consistency with the program criteria established in
18 subsection (1) of this section;

19 (ii) Tiered incentive rates tied to improving functionality for
20 riparian areas; and

21 (iii) Other requirements as determined by the commission.

22 (b) Preference and compensation will be given for permanent
23 protection of riparian areas or removal of riparian land from
24 agricultural production or other development by purchase at fair
25 market value.

26 (4) Riparian grant program funding must be distributed equitably
27 throughout the state, consistent with received grant applications and
28 benefit to salmon habitat. Funding is intended primarily for projects
29 located in salmon recovery regions, as defined in RCW 77.85.010, but
30 funding may also be distributed to a project not located in a salmon
31 recovery region upon a determination by the commission that the
32 project will provide a unique benefit to salmon habitat.

33 (5) Allowable expenses to a grantee receiving funds under this
34 section include, but are not limited to, labor, equipment, fencing,
35 mulch, seed, seedling trees, manual weed control, and yearly
36 maintenance costs for up to 10 years.

37 (6) Any native woody trees and shrubs planted with funding
38 provided under this section must be maintained for a minimum of five
39 years or as otherwise set by the commission for each grantee.

1 Vegetation must be chosen to prevent invasive weed populations and
2 ensure survival and successful establishment of plantings.

3 (7) The commission shall determine appropriate recordkeeping and
4 data collections procedures required for program implementation and
5 shall establish a data management system that allows for coordination
6 between the commission and other state agencies. Any data collected
7 or shared under this section may be used only to assess the successes
8 of the riparian grant program in improving the functions of critical
9 riparian habitat.

10 (8) The commission shall develop and implement a framework that
11 includes monitoring, adaptive management, and metrics in order to
12 ensure consistency with the requirements of the riparian grant
13 program. The monitoring and adaptive management framework may
14 include, but is not limited to, consideration of:

15 (a) Acres identified as eligible for restoration within a
16 watershed;

17 (b) Acres planned to be restored;

18 (c) Acres actually planted and maintained;

19 (d) Success in targeting and achieving aggregated project
20 implementation resulting in increase in linear miles restored;

21 (e) Plan review criteria; and

22 (f) Other similar factors as identified by the commission.

23 (9) No more than two percent of any funds appropriated for this
24 purpose may be used for targeted outreach activities that focus on
25 critically identified geographic locations for listed salmon species.

26 (10) No more than four percent of any funds appropriated for this
27 purpose may be used for administrative expenses.

28 (11) For the purposes of this section, "critical riparian
29 management zone" means the area adjacent to freshwaters, wetlands,
30 and marine waters that has been locally or regionally identified as
31 an area where salmon recovery efforts would significantly benefit
32 from enhanced protection or restoration.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.85
34 RCW to read as follows:

35 (1)(a) Within funds appropriated for this specific purpose, the
36 salmon recovery funding board shall develop and implement the
37 riparian grant program to fund protection and restoration of critical
38 riparian management zones. The salmon recovery funding board is
39 responsible for developing the voluntary grant program criteria to

1 achieve optimal restoration of functioning riparian ecosystems in
2 priority critical riparian management zones. This program is intended
3 to complement the standard of no net loss of riparian habitat
4 established in the voluntary stewardship program within the growth
5 management act.

6 (b) In adopting the program criteria under this section, the
7 salmon recovery funding board must:

8 (i) Coordinate with the department of ecology, the department of
9 fish and wildlife, conservation districts, the department of
10 agriculture, private landowners, and other interested stakeholders as
11 well as invite federally recognized tribes to coordinate in the
12 process as full participants; and

13 (ii) Notwithstanding different stream habitat restoration
14 guidelines that govern other projects administered by the salmon
15 recovery funding board, for purposes of the riparian grant program
16 outlined in this section, consider the best available, locally
17 applicable, science that is specific to each region of the state
18 where the program criteria will be applied. The salmon recovery
19 funding board must apply the requirements and criteria set forth in
20 this section in administering the riparian grant program, rather than
21 any policies or standards that the board may apply to other grant
22 programs administered by the board.

23 (2)(a) The salmon recovery funding board shall prioritize
24 critical riparian management zones at the watershed or subbasin scale
25 where grant funding under the program created in this section would
26 be primarily targeted. The prioritization must be informed by,
27 consistent with, and aligned with one or more of the following:
28 Watershed plans developed pursuant to chapter 90.82 RCW; the action
29 agenda developed under RCW 90.71.260; regional recovery plans created
30 under RCW 77.85.090; the habitat project lists developed pursuant to
31 RCW 77.85.050; the prioritization process developed under RCW
32 77.95.160; and priority projects identified for salmon recovery
33 through agency grant programs.

34 (b) The prioritization of critical riparian management must be
35 developed in coordination with local conservation districts, the
36 department of fish and wildlife, the department of ecology, and water
37 resource inventory area planning units organized pursuant to chapter
38 90.82 RCW. In addition, the salmon recovery funding board must invite
39 the full participation of federally recognized tribes in the
40 prioritization required under this section.

1 (3) (a) Conditions for awarding funding for projects under this
2 program should include, but are not limited to:

3 (i) Consistency with the program criteria established in
4 subsection (1) of this section;

5 (ii) Tiered incentive rates tied to improving functionality for
6 riparian areas; and

7 (iii) Other requirements as determined by the salmon recovery
8 funding board.

9 (b) Preference and compensation will be given for permanent
10 protection of riparian areas or removal of riparian land from
11 agricultural production or other development by purchase at fair
12 market value.

13 (4) Riparian grant program funding must be distributed equitably
14 throughout the state, consistent with received grant applications and
15 benefit to salmon habitat. Funding is intended primarily for projects
16 located in salmon recovery regions, as defined in RCW 77.85.010, but
17 funding may also be distributed to a project not located in a salmon
18 recovery region upon a determination by the salmon recovery funding
19 board that the project will provide a unique benefit to salmon
20 habitat.

21 (5) Allowable expenses to a grantee receiving funds under this
22 section include, but are not limited to, labor, equipment, fencing,
23 mulch, seed, seedling trees, manual weed control, and yearly
24 maintenance costs for up to 10 years.

25 (6) Any native woody trees and shrubs planted with funding
26 provided under this section must be maintained for a minimum of five
27 years or as otherwise set by the salmon recovery funding board for
28 each grantee. Vegetation must be chosen to prevent invasive weed
29 populations and ensure survival and successful establishment of
30 plantings.

31 (7) The salmon recovery funding board shall determine appropriate
32 recordkeeping and data collections procedures required for program
33 implementation and shall establish a data management system that
34 allows for coordination between the salmon recovery funding board and
35 other state agencies. Any data collected or shared under this section
36 may be used only to assess the successes of the riparian grant
37 program in improving the functions of critical riparian habitat.

38 (8) The salmon recovery funding board shall develop and implement
39 a framework that includes monitoring, adaptive management, and
40 metrics in order to ensure consistency with the requirements of the

1 riparian grant program. The monitoring and adaptive management
2 framework may include, but is not limited to, consideration of:

3 (a) Acres identified as eligible for restoration within a
4 watershed;

5 (b) Acres planned to be restored;

6 (c) Acres actually planted and maintained;

7 (d) Success in targeting and achieving aggregated project
8 implementation resulting in increase in linear miles restored;

9 (e) Plan review criteria; and

10 (f) Other similar factors as identified by the salmon recovery
11 funding board.

12 (9) No more than two percent of any funds appropriated for this
13 purpose may be used for targeted outreach activities that focus on
14 critically identified geographic locations for listed salmon species.

15 (10) No more than four percent of any funds appropriated for this
16 purpose may be used for administrative expenses.

17 (11) For the purposes of this section, "critical riparian
18 management zone" means the area adjacent to freshwaters, wetlands,
19 and marine waters that has been locally or regionally identified as
20 an area where salmon recovery efforts would significantly benefit
21 from enhanced protection or restoration.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.85
23 RCW to read as follows:

24 (1) A salmon riparian habitat policy task force is established in
25 the governor's salmon recovery office to monitor and review the
26 implementation and successes of the grant program created in section
27 2 of this act. The task force must build upon the work of the
28 facilitated roundtables and discussions that were commenced pursuant
29 to the authorization provided in section 117(12), chapter 297, Laws
30 of 2022. The task force must operate on a consensus basis. Members of
31 the task force are appointed by the executive director of the
32 governor's salmon recovery office.

33 (2) The task force includes representation from the following
34 entities:

35 (a) Four representatives from federally recognized tribes in
36 Washington, two from east of the crest of the Cascade mountains and
37 two from west of the crest of the Cascade mountains, as determined by
38 the federally recognized tribes;

1 (b) Four representatives from agricultural and livestock
2 producers, all of whom must be appointed from a list of at least four
3 names as recommended by a recognized statewide agriculture
4 organization;

5 (c) One representative from a regional salmon recovery
6 organization as defined in RCW 77.85.010;

7 (d) One representative from a forestry and agriculture
8 organization, as recommended by a recognized statewide agriculture or
9 forestry organization;

10 (e) One representative from a nonprofit environmental
11 organization that owns or manages undeveloped land in Washington, as
12 recommended by a recognized statewide environmental organization; and

13 (f) One representative from a statewide organization representing
14 all of Washington's 39 counties, as recommended by a recognized
15 statewide organization representing counties.

16 (3) One representative from each of the following state agencies
17 shall serve in a technical advisory role to the task force but shall
18 not participate in the consensus process of the task force: The
19 department of fish and wildlife; the department of agriculture; the
20 Washington state conservation commission; and the department of
21 natural resources.

22 (4) By May 1, 2024, and consistent with RCW 43.01.036, the task
23 force must submit a preliminary report to the governor and the
24 relevant committees of the legislature, with a final report due by
25 June 30, 2024. The reports must provide recommendations addressing
26 the following topics:

27 (a) Developing and implementing a compensatory or mitigation
28 program for critical riparian habitat restoration. Options must
29 address the following:

30 (i) Compensatory or mitigation criteria for agricultural areas;

31 (ii) Compensatory or mitigation criteria for residential and
32 urban areas;

33 (iii) Compensatory or mitigation criteria for public land areas;
34 and

35 (iv) Recommendations for implementation timelines for
36 compensatory or mitigation programs;

37 (b) Recommendations on proposed changes in the grant program
38 created in section 2 of this act and spending priorities to improve
39 riparian habitat in order to ensure salmon recovery;

1 (c) Strategies that can attract private investment in improving
2 and protecting salmon and riparian habitat; and

3 (d) Other relevant riparian and salmon recovery-related topics
4 designated by the task force that focus on voluntary and incentive-
5 based measures.

6 (5) The governor's salmon recovery office may contract with an
7 independent entity to facilitate the task force facilitation and
8 report required in subsection (4) of this section. The contract is
9 exempt from the competitive procurement requirements in chapter 39.26
10 RCW.

11 (6) By June 30, 2025, and every June 30th thereafter, consistent
12 with RCW 43.01.036, the salmon riparian habitat policy task force
13 must submit an annual report to the legislature with updates on the
14 successes of the riparian habitat restoration achieved under section
15 2 of this act and any recommended policy changes to the grant program
16 created in section 2 of this act necessary to further protect and
17 restore salmon habitat.

18 (7) This section expires June 30, 2029.

--- END ---