



# Legislative Update 2022 Legislative Session



WSSC Regular Meeting – January 20, 2022

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# 2022 LEGISLATIVE SESSION

- This was a brief, 60-day session.
- Priority this session was supplemental operating and capital budgets
- Salmon recovery major natural resource issue.
- Several bills related to salmon recovery, but none passed.

# SUPPLEMENTAL BUDGETS

	<b>Operating <u>Budget</u></b>	<b>Legislature <u>As Passed</u></b>
Fiscal Year 2022 Appropriation	10,859,000	11,189,000
Fiscal Year 2023 Appropriation	10,797,000	19,405,000
Salmon Recovery Account		15,000,000
Model Toxics Account		1,110,000
Public Works Account (VSP)		8,464,000

# SUPPLEMENTAL BUDGETS

	<b>Commission <u>Request</u></b>	<b>Legislature <u>As Passed</u></b>
• Sustainable Farms and Fields <sup>t</sup>	2,000,000	2,000,000
• Conservation Equity and Engagement	500,000	50,000
• Riparian Plant Propagation Program <sup>t</sup>	n/r	1,300,000
• District Project Engineering Services <sup>t</sup>	n/r	2,700,000
• Conservation Reserve Enhancement	n/r	7,000,000*
• Riparian Restoration Projects	n/r	10,000,000*
• Lake Sammamish On-water Lighting (King CD)	n/r	125,000
• Agriculture Disaster Assistance	n/r	600,000
• Grant for Community Fire Protection Plan		60,000

# SUPPLEMENTAL CAPITAL BUDGET

	<b>WSCC <u>Request</u></b>	<b>Legislature <u>As Passed</u></b>
• Farmland Protection and Land Access	2,000,000	2,000,000
• Voluntary Stewardship Program	n/r	3,000,000

# SUPPLEMENTAL BUDGET ALLOCATION

Commission staff will present the Commission with recommendation on budget allocation at the May Commission meeting.

# BUDGET ITEMS OF INTEREST

## Governor's Office

- \$375,000 to complete an analysis on **options to replace the benefits of the four lower Snake river dams** as part of a comprehensive salmon recovery strategy for the Columbia and Snake river basins. The analysis shall be completed by July 30, 2022.
- \$300,000 to invite federally recognized tribes, legislative leadership, local governments, agricultural producers, commercial and recreational fisher organizations, business organizations, salmon recovery organizations, forestry and agriculture organizations, and environmental organizations to participate in a **process facilitated by an independent entity to develop recommendations on proposed changes in policy and spending priorities to improve riparian habitat** to ensure salmon and steelhead recovery. Final report by November 1, 2022.

# BUDGET ITEMS OF INTEREST

## Office of Financial Management

- \$226,000 to **evaluate the effectiveness, utilization, and outcomes of the voluntary incentive programs** for landowners and of existing regulatory programs responsible for protecting and restoring areas along streams and rivers toward achieving a science-based standard for a fully functioning riparian ecosystem. To accomplish the evaluation, the office must:
  - (i) Contract with an independent entity for the analysis. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW; and
  - (ii) Assist agencies with funding and advice to gather and provide the data necessary for the analysis.
- (b) A preliminary report is due to the governor and the appropriate committees of the legislature by September 1, 2022, to inform the development of recommendations to be contained in a final report due by December 1, 2022.



# BUDGET ITEMS OF INTEREST

## Ecology

- \$557,000 for coordinating regulatory efforts to address **temperature and other water quality issues associated with dams** on the Columbia and Snake rivers, and for additional staff to assist with hydropower relicensing and license implementation.
- \$164,000 to develop standardized channel migration zone mapping methodology and to offer support for tribes, counties, and local jurisdictions to **refine existing channel migration zone maps with local information**.
- \$901,000 to identify the technologies, methodologies, datasets, and resources needed to refine and maintain the accuracy of the national hydrography dataset for Washington in order to better **monitor the health of riparian buffers**.
- \$750,000 for **flood prevention in the Nooksack basin**.

# BUDGET ITEMS OF INTEREST

## Recreation and Conservation Office (RCO)

\$139,000 for the governor's salmon recovery office to implement the governor's salmon recovery strategy update by **convening the natural resources sub-cabinet on a regular basis** and developing biennial statewide work priorities with a recommended budget for salmon recovery pursuant to RCW 77.85.030(4)(e) that align with tribal priorities and regional salmon recovery plans. The office shall submit the biennial implementation plan to the governor's office and the office of financial management no later than October 31, 2022.

\$200,000 for the **governor's salmon recovery office** to provide a grant to the Spokane Tribe of Indians for purposes of forming a Spokane river watershed lead entity pursuant to RCW 77.85.050(1) and developing a habitat restoration strategy to **support reintroduction of salmon upstream of Chief Joseph and Grand Coulee dams.**

# BUDGET ITEMS OF INTEREST

## Recreation and Conservation Office (RCO)

- \$50,000,000 of the salmon recovery account—state appropriation is provided solely for the salmon recovery board to provide **grants for projects valued at greater than \$5,000,000** each that will benefit salmon recovery.
- \$25,000,000 of the salmon recovery account—state appropriation is provided solely for the salmon recovery board to provide **grants for watershed projects typically valued at less than \$5,000,000** each that will benefit salmon recovery.
- \$25,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to provide a grant for the **Duckabush estuary restoration** project.

# BUDGET ITEMS OF INTEREST

## Fish and Wildlife (WDFW)

- \$294,000 for the department to complete rule making related to chapter 77.57 RCW, **fishways, flow, and screening**.
- \$402,000 for the department to provide technical assistance and permitting guidance on **solar facility proposals** with the intent of limiting impacts to threatened and endangered species and critical and sensitive habitat areas, including shrubsteppe.
- \$1,297,000 for the department to increase technical assistance to local jurisdictions to better **integrate salmon recovery plans into growth management comprehensive plans** and critical areas ordinances.
- \$360,000 for the department to complete a statewide **prioritization of fish passage barriers** in collaboration with regional salmon recovery organizations.

# BUDGET ITEMS OF INTEREST

## Fish and Wildlife (WDFW)

- \$250,000 for the department to complete the following activities:
  - (a) By December 1, 2022, and consistent with RCW, the department must submit a report to the legislature that assesses **how to incorporate a net ecological gain standard into state land use, development, and environmental laws** and rules to achieve a goal of better statewide performance on endangered species recovery and ecological health.

# BUDGET ITEMS OF INTEREST

## Fish and Wildlife (WDFW)

- \$1,167,000 to **assess the status of current riparian ecosystems**, beginning with areas where sufficient information exists to conduct the assessment. The assessment must include identifying any gaps in vegetated cover relative to a science-based standard for a fully functioning riparian ecosystem and comparing the status and gaps to water temperature impairments, known fish passage barriers, and status of salmonid stocks.
- \$75,000 for the department to install **elk fencing in the Skagit** river valley to help mitigate crop damage.
- \$3,000,000 for the department to provide grants and coordinate with the tribes of the **upper Columbia river to reintroduce Chinook salmon**.

# BUDGET ITEMS OF INTEREST

## Puget Sound Partnership

- \$2,576,000 to **update local watershed salmon recovery chapters** to reflect best available science on a regular basis, support scientific investigations to advance salmon recovery, increase collaboration and address barriers to Puget Sound salmon recovery, integrate data on salmon recovery into the Puget Sound online reporting platform, and track progress across the region.

# BUDGET ITEMS OF INTEREST

## DNR

- \$450,000 to conduct a targeted analysis of the current and projected **impact from drought and opportunities for drought resilience** on department owned and managed uplands and agricultural lands.
- \$225,000 to **hire a watershed steward** to expedite salmon recovery actions and projects, including education, with a primary focus on agency owned and managed uplands and aquatic lands.
- \$5,000,000 for a **pilot project to improve salmon habitat** across the department's aquatic, commercial, industrial, and agricultural lands.



# BUDGET ITEMS OF INTEREST

## DNR

- \$500,000 for the purpose of **establishing demonstration areas for wildfire ready neighbors**, a wildland fire resiliency outreach, assessment, and education program, in portions of Pierce, Mason, and Thurston counties. Wildfire ready neighbor demonstration areas must be located where there is a demonstrated high risk of wildland fire, a mix of suburban and small private forestland ownership, and significant areas of wildland urban interface. Further, demonstration areas must be selected by employing principles of environmental justice and equity, with an effort to select areas for inclusion that have a significant proportion of vulnerable populations and "highly impacted communities" as defined by RCW 19.405.020.
- \$5,000,000 to **purchase easements under the forestry riparian easement** program, pursuant to RCW 76.13.120.

# BUDGET ITEMS OF INTEREST

## Agriculture (WSDA)

- \$300,000 for a grant to a community-based organization in **Whatcom county for the food and farm finder program**, which connects local food producers with retail and wholesale consumers.
- \$250,000 to **support local and regional markets** and for agricultural infrastructure development in southwest Washington.

# BUDGET ITEMS OF INTEREST

## University of Washington

- \$89,000 to **establish a data repository** to assist the state and **all political subdivisions** with evaluating whether and to what extent existing laws and practices with respect to voting and **elections are consistent with public policy**, implementing best practices in voting and elections, and to investigate potential infringements upon the right to vote.

# BUDGET ITEMS OF INTEREST

## Washington State University

- \$188,000 for storm water research to study the long-term efficacy of **green storm water infrastructure** that incorporates compost to remove pollutants.
- \$500,000 for Washington State University to partner with a nonprofit entity based in Olympia that focuses on sustainable infrastructure solutions to develop recommendations for increasing the economic value and **sustainability of Washington's agricultural sector through the use of industrial symbiosis principles**, to connect agriculture producers and processors with partners to achieve synergies through systems-based resource sharing resulting in economic benefits and value creation for all participants, through sustainable resource recovery and optimization of energy, water, and organic waste streams. By June 30, 2023, the Washington State University must report recommendations to the appropriate committees of the legislature pursuant to RCW 43.01.036.

# BILLS PASSING

## **HB 2051 – Short-term disaster recovery financial assistance to ag producers.**

- The SCC must, in cooperation with local conservation districts, develop and implement a short-term disaster recovery financial assistance program for farmers and ranchers.
- Program must initially address impacts due to flooding event in Whatcom Co.
- Bill includes elements of what may be covered under the funding and covers landowner eligibility.
- SCC must coordinate with WSDA and CDs on outreach to landowners on resources available in the program and in other state and federal programs.

## **HB 1953 – Exempting from disclosure certain voter information.**

- The bill exempts from the public disclosure act certain sensitive voter information including:
  - Voter signatures on ballot return envelopes, ballot declarations, and signature correction forms
  - A voter's phone number and email address contained on ballot return envelopes.
- While the bill would apply to this information if obtained by a CD in the course of a supervisor election, it would not apply to requests we have historically received. These requests have been for lists of individuals requesting a ballot from a conservation district for supervisor election.

# BILLS PASSING

## **2SHB 2078 – Establishing the outdoor school for all program.**

- The outdoor school for all program is established at the Office of Superintendent of Public Instruction (OSPI).
- The bill establishes a grant program at OSPI for eligible entities including school districts, tribes, and outdoor education program providers, which would include conservation districts providing such programs.
- The bill states natural resource agencies, including the Conservation Commission, may partner with OSPI to provide relevant expertise on land management and work-integrated learning experiences and opportunities.

## **E2SHB 1799 – Relating to organic materials management.**

- This is a sweeping bill addressing organic materials management, food waste management, and local government composting requirements.
- Establishes the Center for Sustainable Food Management at Ecology.
- Expands allowable uses of SFF grant funds to include:
  - The purchase of compost spreading equipment, or financial assistance to farmers to purchase compost spreading equipment, for the annual use for at least three years of volumes of compost determined to be significant by the Conservation Commission, from materials composted at a site not owned or operated by the farmer;
  - Scientific studies on crop residues; and
  - Efforts to support farm use of anaerobic digester digestate.
- WSDA must develop a compost reimbursement program for farming operations in WA for the purchase and use of compost products that were not generated by the farming operation.

# BILLS PASSING

## **ESHB 1629 – Regarding a comprehensive study of aerial imaging technology.**

- Directs Commerce to conduct a study of the use of aerial imaging technology for state, local, special purpose district, and tribal government purposes.
- Bill preamble mentions the use of aerial imaging by various entities including conservation districts “to plan salmon restoration projects and to assess fire and flood damage”.

# BILLS PASSING

## **ESHB 1329 – Relating to public meeting accessibility and participation.**

Bill amends the Public Open Meetings Act (OPMA). Applicable to the Commission as well as conservation districts.

- NOTE: The OPMA definition of “public agencies” includes the Commission and special purpose districts.

### **Including Public Comment**

- Adds language to the OMPA statute that public agencies are encouraged to incorporate and accept public comment during decision-making processes, even when not required by law.
- Public agencies are encouraged to provide for the increased ability of the public to observe and participate in the meetings of governing bodies through real-time telephonic, electronic, internet, or other readily available means of remote access that do not require an additional cost to access the meeting.
- Public agencies are encouraged to make an audio or video recording of, or provide a streaming option for, all regular meetings of its governing body, and make recordings of these meetings available online for a minimum of six months.

NOTE: These provisions are “encouraged” - a change from the first version of the bill which “required” these actions.



# BILLS PASSING

## **ESHB 1329 – Relating to public meeting accessibility and participation.**

### **Remote Meetings During Emergency**

- Makes provisions for public agencies to conduct remote meetings after a declared emergency by local, state, or federal government, if a public agency determines it cannot hold a meeting of the governing body with members or public attendance in person with reasonable safety because of the emergency. Phone access must be provided.
- No action may be taken at a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency, if the public agency has not provided an option for the public to listen to proceedings.

# BILLS PASSING

## **ESHB 1329 – Relating to public meeting accessibility and participation.**

### **Remote Meetings Non-Emergency**

- Any governing body, which held some of its regular meetings remotely prior to March 1, 2020, may continue to hold some of its regular meetings remotely with no declared emergency so long as the public agency provides an option for the public to listen to the proceedings.

### **Shared Websites, Posting of Information, and Executive Session**

- New language allows a public agency to share a website with another public agency for purposes of posting meeting agendas, minutes, budgets, or other information and records.
- New language exempts certain smaller special purpose districts from the provisions of the OPMA regarding posting an agenda online.
- Adds language to the executive session statute that the announced purpose of excluding the public must be entered into the minutes of the meeting.

# BILLS PASSING

## **ESHB 1329 – Relating to public meeting accessibility and participation.**

### **Opportunity for Public Comment**

- New language requires a public agency to provide an opportunity at or before every regular meeting at which final action is taken for public comment. Public comment may be taken orally, or by providing an opportunity for written testimony to be submitted before or at the meeting. If written testimony is accepted, it must be distributed to the governing body. A reasonable deadline for written testimony may be established.
- An opportunity for oral comment must be provided to members of the public who request it, where the member of the public will have difficulty attending by reason of a disability, limited ability, or other reason.

# BILLS NOT PASSING

- HB 1838 – relating to salmon riparian habitat.
- HB 1117 – promoting salmon recovery through GMA; incorporating net ecological gain.
- HB 1099 – incorporating climate change into the GMA.
- HB 1652 – implementing the JCE recommendations on district elections.
- HB 1910 – placing all CDs on the general election ballot.

# BILLS NOT PASSING

- HB 1856 – adding counties to the VSP.
- HB 1895 - Developing a plan for conservation, reforestation, and restoration of forests in WA state.
- SB 5746 - Concerning drought preparedness, response, and funding.

# ISSUES FOR INTERIM DISCUSSION

- Salmon Recovery / Riparian
- CD elections
- Drought / water supply / adjudications
- Stock water
- VSP – demonstrating success

# INTERIM ACTIVITIES

- Legislative elections
  - Several members announced retirements or not running again.
  - 12 House members are retiring or seeking vacant Senate seats.
  - 4 Senators are not seeking re-election.
- Changing electoral maps

# INTERIM ACTIVITIES

Legislative tours coordinated with WACD and CDs highlighting:

- CREP / non-CREP / riparian buffers / commodity buffers
- Sustainable Farms and Fields opportunities
- How districts work with landowners to address issues
- District work in food system
- Disaster response and assistance
- SCC and CD role in water issues / projects





Thank you! Questions?



Washington State  
**Conservation Commission**