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# Riparian Roundtable Update

**WSWRA Annual Conference 2023**

**Spokane, WA**









# Agenda

1. Background
2. 2022 Riparian Habitat Budget Provisos
3. 2022 Riparian Roundtable and Effectiveness Analysis Process and Recommendations
4. 2023 Legislative Session
5. 2023 Riparian Roundtable Budget Proviso
6. 2023-24 Riparian Roundtable Process and Current Status

# 2022 Riparian Roundtable Proviso

Funding provided for the governor 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.**

(a) The recommendations must include:

- (i) Ideas for improvements to land use planning and development that ensure the protection and recovery of salmon;
- (ii) Standards to protect areas adjacent to streams and rivers;
- (iii) Standards to restore areas adjacent to streams and rivers;
- (iv) Financial incentives for landowners to protect and restore streamside habitat;
- (v) Recommendations to improve salmon recovery program coordination among state agencies; and
- (vi) Recommendations for additional changes when voluntary measures and financial incentives do not achieve streamside protection and restoration.

(b) Preliminary recommendations shall be submitted to the legislature and governor by October 1, 2022, with a final report by November 1, 2022.

ESSB 5693 Section 117 (12) (2022) (Emphasis added).



# 2022 Riparian Effectiveness Analysis Proviso

Funding provided to OFM 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.

A preliminary report 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.

ESSB 5693 Section 117 (22) (2022) (emphasis added).

# 2022 Effectiveness Recommendations

- 1 | DATA Identify, collect and report a set of cross-program metrics describing riparian habitat protection and restoration achievements.
- 2 | PROTECT Leverage existing programs to facilitate protection and restoration of as much riparian habitat (e.g., acres, stream miles) in the near term as possible.
- 3 | IMPLEMENT Facilitate incorporation of the WDFW Riparian Guidance across regulatory and voluntary programs and assist programs in understanding and planning for Guidance implementation.
- 4 | COMPLIANCE Conduct an evaluation of the effectiveness of compliance and enforcement processes for riparian-related regulatory programs.
- 5 | ADAPT Encourage voluntary and regulatory programs to enhance strategies for adaptive management through additional funding.
- 6 | SIMPLIFY Simplify application and administrative processes and reduce barriers to participation in grant programs.
- 7 | COORDINATE Track and incorporate, as appropriate, ongoing efforts to evaluate the effectiveness of riparian protection and enhancement programs.
- 8 | EVALUATE Conduct analyses of the roles of tribes, conservation organizations, and federal laws and programs in protecting and restoring riparian areas in Washington.
- 9 | PRIORITIZE Consider developing a prioritization strategy for targeted riparian area protection.

# 2022 Roundtable Recommendations

Recommendation 1: Ensure that local land use regulations apply a science-based standard that ensures improvement of riparian habitat for salmon and steelhead recovery to all new subdivisions and other proposals for new development or redevelopment.

Recommendation 2: Provide funding to enhance existing watershed planning processes, or create a new watershed-based planning process, to ensure protection and restoration efforts are targeted to optimize and expedite improving riparian habitat for salmon and steelhead recovery.

Recommendation 3: For protection of existing, functioning riparian corridors, the recommendations in WDFW's *2020 Riparian Ecosystems, Volume 2: Management Recommendations* should be implemented.

Recommendation 4: To improve riparian habitat for salmon and steelhead recovery in riparian corridors that are not fully functioning, the recommendations in WDFW's *2020 Riparian Ecosystems, Volume 2: Management Recommendations* should be implemented.

Recommendation 5: Convene a facilitated process among state and local agencies, tribal governments and stakeholders to create a new incentive program that is focused on improving riparian habitat for salmon and steelhead recovery and that applies to all riparian areas of the state, including areas in agricultural production, in rural residential use, and in urban use.



# 2022 Roundtable Recommendations (cont'd)

***Recommendation 6: For the next two years, while the new program discussed in Recommendation 5, above, is being developed, significantly increase funding of existing voluntary incentive programs, including funding to address existing backlogs and waitlists for programs such as the Forestry Riparian Easement Program, Conservation Reserve Enhancement Program and Natural Resource Investments Program.***

***Recommendation 7: Engage with federal agencies and Washington's federal legislative delegation to work toward modifications to federal voluntary incentive programs, including, without limitation, the CREP program, to set riparian protection goals consistent with the WDFW Riparian Guidance (2020), while recognizing exceptions where the standards in that Guidance are not achievable.***

***Recommendation 8: Establish and fund a robust monitoring program consistent with Recommendation #1 in the Effectiveness Analysis Recommendations that allows state and local government agencies, tribal authorities, and interested stakeholders to evaluate the effectiveness of the restoration efforts undertaken pursuant to these new or enhanced voluntary incentive programs to ensure the programs result in actual, tangible improvements in riparian habitat.***

***Recommendation 9: State programs should prioritize projects within watersheds based on the results of the enhanced watershed planning effort in Recommendation 2, above.***

# 2022 Roundtable Recommendations (cont'd)

Recommendation 10: Convene a facilitated process to develop factors for prioritizing riparian habitat protection and improvement between watersheds.

Recommendation 11: *Convene a facilitated process among state agencies, tribal governments, local governments, and stakeholders to develop a regulatory or compensation strategy that applies to existing land uses/activities if the enhanced voluntary programs discussed in Recommendations 5 and 6 do not achieve the concrete targets established under that recommendation.*

Recommendation 12: Provide funding to implement the facilitated process discussed in these recommendations to address the following items:

- Watershed planning and prioritization (Recommendation 2a)
- Private investment strategies (Recommendation 2d)
- Exceptions to WDFW Riparian Guidance (2020) standards (Recommendation 4b)
- Creating a new voluntary incentive program (Recommendation 5)
- Watershed prioritization factors (Recommendation 10)
- Regulatory backstop (Recommendation 11)



# 2023 Legislative Session

- Governor Inslee introduces new riparian bill: HB 1215/SB 5266 (2023).
  - House hearing on HB 1215 but does not move out of committee.
  - No hearing held on SB 5266.
- House Committee on Agriculture and Natural Resources Bi-Partisan Leadership convened dialogue.
  - Worked with tribal and agricultural representatives – some of whom participated in Roundtables.
  - Developed, introduced, and passed out of AGNR Committee HB 1720 (2023), over Governor's opposition.
- HB 1720 did not pass out of fiscal committee – House Capital Budget Committee.
- House Capital Budget Committee included several funding provisions related to Riparian Habitat Improvement.
  - \$25 million each to Recreation and Conservation Office and Conservation Commission for riparian habitat improvement projects.
- House Operating Budget included new Riparian Roundtable budget proviso.

# 2023 Riparian Roundtable Proviso

Funding provided for the governor to invite federally recognized tribes, local governments, agricultural producers, commercial and recreational fisher organizations, business organizations, salmon recovery organizations, forestry and agricultural 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.*

*(a) The independent entity must develop recommendations on furthering riparian funding and policy, including but not limited to, strategies that can attract private investment in improving riparian habitat, and developing a regulatory or compensation strategy if voluntary programs do not achieve concrete targets.*

(b) Preliminary recommendations shall be submitted to the legislature and governor by May 1, 2024, with a final report by June 30, 2024.

(c) The office of the governor may contract for an independent facilitator. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.



# 2023-24 Riparian Roundtable Process

- ***Five Roundtable Meetings Between October 2023 and May 2024 (all in person)***
  - All participants from 2022 Roundtable Process plus additional agriculture and conservation participants.
  - Two half-days meeting each (one afternoon/one morning with overnight) around Washington State:
    - Yakima (October), Sequim (December), Olympia (February), Wenatchee (April), and Snohomish (May).
    - One half-day is tours of both agriculture operations and riparian habitat projects; one half-day is meetings of the Roundtable.
- ***Three to Four Working Group Meetings in advance of Roundtable Meetings (all virtual)***
  - Participants include some Roundtable members, some “trusted seconds,” and some technical/policy support staff.
  - Working Group Meeting Topics have included:
    - Understanding WDFW Riparian Guidelines, Exploring Existing Voluntary Programs, Understanding Existing Regulatory Programs, Primer on Takings Law, and Primer on Tribal Treaty Rights
    - Presenters come from experts within participating organizations and outside third-party experts
    - Designed to provide common base of understanding/set expectations for Roundtable meetings
- ***Two to Three Legislator and lobbyist briefings across arc of the Roundtable Process (all virtual)***

# Thank You



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