



PLAUCHÉ
& CARR^{LLP}

Riparian Taskforce Report: Recommendation Implementation

Pursuant to Section 116(4), Chapter 376, Laws of 2024

November 2024

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I. Background

In July 2024, the Washington Governor's Office contracted with Plauché & Carr LLP (Plauché & Carr or the Facilitation Team) to reconvene the Riparian Taskforce to develop proposals for the implementation of policy and spending recommendations to improve riparian habitat to ensure salmon and steelhead recovery. The Taskforce, initially convened from June through December 2022 and again from July 2023 through June 2024, provided these recommendations in the [June 2024 Riparian Taskforce Final Report and Recommendations](#) (June 2024 Final Recommendations).

The Riparian Taskforce discussions on implementation proposals are funded pursuant to a budget proviso, Engrossed Substitute Senate Bill 5950, Sec. 116(4) (2024) (the 2024 Riparian Taskforce budget proviso). The proviso continues an independent facilitation process engaging Tribes, local governments, and stakeholders, as well as a group of interested state legislators to support development of implementation proposals based upon the June 2024 recommendations.

Because the 2024 Riparian Taskforce budget proviso funds these efforts through June 2025, after final implementation proposals are delivered to the Legislature in December 2024, Plauché & Carr will continue to coordinate with Riparian Taskforce participants and state legislators with regard to those proposals through the end of the 2023–25 biennium.

The 2024–25 Riparian Taskforce process builds on the work of the Riparian Taskforce over the last two years. The June 2024 Final Recommendations, developed by Plauché & Carr, were informed by numerous discussions throughout the Riparian Taskforce process, in particular, a structured series of five Riparian Roundtable meetings and detailed policy and technical discussions held between July 2023 and June 2024. The 2024–25 implementation proposals will also incorporate and build on key findings and recommendations from a 2022 analysis of the effectiveness of existing riparian-related voluntary and regulatory state programs conducted by Plauché & Carr in collaboration with technical experts at Industrial Economics, Inc. pursuant to Engrossed Substitute Senate Bill 5693, Sec. 130(22) (2022). The [2022 Riparian Taskforce Final Report](#) and the [2022 Effectiveness Analysis](#) can be found on OFM's website.

As required by the 2024 Riparian Taskforce budget proviso, this report details the facilitation process developed by Plauché & Carr and the Roundtable discussions that have taken place as of November 13, 2024. While this report discusses some initial proposals to implement some of the June 2024 Final Recommendations, this report is necessarily incomplete as the Roundtable discussions are ongoing.

The Facilitation Team anticipates that the initial proposals contained in this report will be both augmented and modified as a result of the continued Roundtable discussions, as well as direct Roundtable input on this report. A final set of implementation proposals will be delivered by the Facilitation Team to the Legislature and the Governor's Office in December 2024.

II. The Budget Proviso

The 2024 Riparian Taskforce budget proviso authorizing the independent facilitated process detailed in this report can be found in state law (Section 116(4), Chapter 376, Laws of 2024):

(a) ~~(\$480,000)~~ \$554,000 of the general fund – state appropriation for fiscal year 2024 ~~(is)~~ and \$750,000 of the general fund – state appropriation for fiscal year 2025 are provided solely 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))~~ (i) 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. 2

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

(b) The amounts provided in fiscal year 2025 are provided solely for the task force to develop proposals to implement the recommendations submitted in (a) of this subsection. The independent entity must convene a group of interested members of the legislature to provide the task force with background information regarding the recommendations submitted to the legislature, and to support the development of the implementation proposals. A report outlining the implementation proposals is due to the governor and the appropriate committees of the legislature by November 15, 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.

III. 2023-2024 Recommendations

For ease of reference, this Section provides the text of the June 2024 Final Recommendations verbatim, including the footnoted language. In addition, we strongly encourage review of Section IV of the June 2024 Final Report in its entirety, which provides critical context for the June 2024 Final Recommendations. As noted in the June 2024 Final Report, the recommendations below are integrated and intended to work together to provide a holistic approach to restoring riparian habitat for salmon and steelhead and cannot be effectively implemented as individual strategies.

Overall, the four final recommendations from the June 2024 Final Report are categorized as follows:

- **Recommendation 1:** Enforcing existing laws and regulations.
- **Recommendation 2:** Creating a new voluntary program to fund riparian restoration and protection efforts and ensure those efforts are effective at a watershed level.
- **Recommendation 3:** Strategies to be employed if the voluntary program does not meet restoration and protection targets.
- **Recommendation 4:** Interim funding strategies to be used while the new voluntary program is being developed.

Language of Recommendations¹

Recommendation 1

Objective: Recommendation 1 addresses the protection of existing, functioning riparian habitat. Protecting currently functioning riparian habitat is consistent with existing regulatory requirements to protect the functions and values of critical areas, including fish and wildlife habitat conservation areas, under the Growth Management Act and to assure no net loss of shoreline ecological functions under the Shoreline Management Act. The intent of Recommendation 1 is to provide funding, technical assistance and legal protections that support local governments expeditiously moving forward to ensure existing riparian function is protected.

Recommendation 1 Text:

Protect existing healthy, high-quality riparian areas, and where the riparian area does not meet the Washington State Department of Fish and Wildlife *Riparian Ecosystems Volume 1: Science and Synthesis and Management – Implications* (2020) (WDFW Riparian Guidance) for fully functioning riparian areas but provides some level of riparian ecosystem function, ensure that the current level of riparian ecosystem function is not degraded. Ensure that local government land use regulations protect existing riparian ecosystem functions in accordance with the WDFW Riparian Guidance and the guidance developed in Recommendation 1.2. When reviewing land use applications for new development, or a redevelopment of currently developed land, including redevelopment that involves a change in use (for example, a change from agriculture use to residential use), local governments should delineate and protect existing, functioning Riparian Management Zones as set forth in the WDFW Riparian Guidance and the guidance developed in Recommendation 1.2.

1.1. Provide sufficient funding to local governments, WDFW, the Washington Department of Commerce, the Washington Department of Agriculture, the Washington Department of

¹ At the conclusion of the final virtual Roundtable meeting on June 21, 2024, one of the Riparian Taskforce participants, the Washington Farm Bureau, asked that this report reflect that it does not agree with the language of these recommendations.

Ecology, the Washington State Conservation Commission, and the Puget Sound Partnership to carry out all of the actions required in Recommendation 1.

1.2. Require WDFW to coordinate with Commerce, WSDA, Ecology, SCC, and the Governor's Salmon Recovery Office to develop guidance, in collaboration with local government representatives and federally recognized tribes, for protecting existing riparian ecosystem functions in accordance with the WDFW Riparian Guidance. The guidance developed pursuant to this recommendation shall also consider *Riparian Ecosystems, Volume 2: Management Recommendations (2020)*, and should include, without limitation, technical recommendations regarding common permitted activities; ensuring no net loss of riparian ecosystem function under exemptions, variances, and reasonable use exceptions; compensatory mitigation strategies; and enforcement/compliance.

1.3. State agencies, including WDFW, Commerce, WSDA, SCC, and Ecology, shall work together to provide technical assistance to local governments with regard to the WDFW Riparian Guidance, including assistance with identifying and applying for grant opportunities to facilitate protecting existing riparian ecosystem function. Such technical assistance can include, for example, resources to support workshops or other opportunities for education and information sharing on strategies and approaches for effective implementation of the WDFW Riparian Guidance and discussions of other local regulatory controls that may present barriers to effective implementation of the WDFW Riparian Guidance. This technical assistance should incorporate the guidance developed pursuant to Recommendation 1.2, once that guidance is developed.

1.4. Set a target date, subject to the provision of sufficient funding, by which local governments must protect existing riparian ecosystem functions in accordance with the guidance developed pursuant to Recommendation 1.2.

1.5. Provide limitations on appeals, consistent with due process rights, for local government legislative actions that incorporate the guidance developed pursuant to Recommendation 1.2.²

1.6. Provide local governments adequate, dedicated funding for compliance monitoring and enforcement of protections of existing riparian habitat.

1.7. Provide sufficient funding to conduct a targeted evaluation of the effectiveness of existing compliance and enforcement processes for riparian-related regulatory programs

² As noted in the report discussion above, the Washington wheat and potato growers expressed concerns about this recommendation, particularly considering the lack of specificity as to the limitations being considered. Nevertheless, the wheat and potato growers expressed willingness to engage in continued discussion of this recommendation in the next phase of this process.

under the SMA and locally implemented GMA critical areas protections as well as funding to implement recommendations that stem from the evaluation.

- 1.7.1. The evaluation should identify existing compliance and enforcement procedures, authorities, and structures; evaluate whether existing local government code enforcement authorities are sufficient to meet needs; determine which aspects of enforcement and compliance approaches are effective at assessing and achieving compliance (e.g., monetary penalties for noncompliance and other tools that spur voluntary compliance); identify any barriers (e.g., lack of capacity, lack of clear delineation of responsibilities, cost of litigation, lack of judicial resources, reluctance of prosecutors and courts to support local code enforcement); and make recommendations for improvement. Consider how current compliance monitoring and enforcement such as the Washington State Department of Natural Resources' efforts to monitor compliance with Forest Practices Rules and enforcement-related changes to the Hydraulic Code pursuant to HB 1579 (2019) could be adapted for application in other programs as appropriate.
- 1.7.2. This evaluation should build on Ecology's ongoing efforts to develop a compliance program under the SMA, ensuring that the program considers the WDFW Riparian Guidance, the recommendations in Riparian Ecosystems, Volume 2: Management Recommendations (2020) regarding implementation monitoring and adaptive management to improve the implementation feedback loop for Shoreline Master Programs ("SMPs") and the SMP Guidelines, and the guidance developed pursuant to Recommendation 1.2 once that guidance is complete.

1.8. WDFW, Ecology, Commerce, and PSP shall work collaboratively with Tribes and local governments to develop alternatives to permittee-responsible riparian mitigation to offset unavoidable impacts to riparian functions caused by existing and future uses and developments. Such alternative mitigation strategies include, without limitation, mitigation banking, payment of fees in lieu of mitigation, or a riparian habitat crediting program. Such strategies shall be dedicated to mitigation/restoration projects in the same watershed as the impacts and shall be consistent with the prioritization in the watershed-based riparian implementation strategies developed under Recommendation 2, below.

Recommendation 2

Objective: Recommendation 2 addresses the voluntary restoration and acquisition of riparian areas, using a watershed-based approach to riparian restoration and conservation targeted toward salmon and steelhead recovery. Recognizing the substantial and underfunded regional-level salmon and steelhead recovery and riparian restoration planning efforts that have already been taken and are currently taking place around the State, Recommendation 2 is crafted to leverage and sufficiently fund implementation of completed

regional riparian restoration plans, build on preliminary regional restoration planning and prioritization efforts, and require riparian restoration planning and prioritization in areas where it has not yet taken place. Recommendation 2 also includes funding and policy recommendations related to agricultural viability; establishment of concrete riparian restoration, protection and stewardship targets; monitoring of restored riparian areas; and strategies that can attract private investment in improving riparian habitat.

Recommendation 2 Text:

To restore and conserve riparian areas, establish and ensure sufficient funding for a watershed-based riparian implementation program (Program) focused on improving and protecting riparian habitat for salmon and steelhead recovery that builds on existing and ongoing watershed restoration and salmon recovery efforts and establishes firm, readily measurable outcomes.

2.1. The Program shall:

- 2.1.1. Utilize and build upon existing salmon recovery, watershed planning, and Voluntary Stewardship Program riparian restoration and conservation efforts.
- 2.1.2. Expand or combine existing watershed-based groups, or establish new groups as needed, to include federally recognized Tribes with rights to fish in the watershed; counties, cities, and other local government entities within the watershed; agricultural producers within the watershed; commercial and recreational fishing organizations; business organizations; salmon recovery organizations; forestry and agriculture organizations; and environmental and conservation organizations. State agencies may also participate in the watershed-based group at the invitation of the watershed-based group or if they are an existing member of a watershed-based group that is expanded or combined to implement the Program.
- 2.1.3. Sufficiently fund planning, implementation, and monitoring of the riparian restoration strategies and projects that result from the efforts outlined below, while prioritizing near-term funding for riparian restoration and acquisition projects identified as priorities in already adopted watershed-level plans.
- 2.1.4. Use decision making processes that foster and support collaborative and cooperative planning to meet salmon and steelhead recovery goals while maintaining the viability of the agriculture industry.

2.2. Each lead entity, existing watershed-based group that is not a lead entity, or newly formed watershed-based group shall adopt or amend an existing riparian watershed-based implementation strategy, or develop and adopt a new watershed-based riparian implementation strategy, that identifies and prioritizes specific riparian restoration and protection projects within the watershed that support salmon and steelhead protection and recovery. The watershed-based riparian implementation strategies shall:

- 2.2.1. Be based upon existing regional or watershed-scale plans or processes such as the regional recovery plans created under RCW 77.85.090; watershed-scale recovery plans and habitat project lists developed pursuant to RCW 77.85.050; the action agenda developed under RCW 90.71.260; Voluntary Stewardship Work plans created pursuant to RCW 36.70A.705; Total Maximum Daily Load water quality improvement plans developed pursuant the Section 303(d) of the federal Clean Water Act; and watershed health plans developed pursuant to chapter 90.82 RCW. If a plan has already been adopted pursuant to one of these authorities, and that plan identifies and prioritizes riparian restoration and acquisition projects, near term funding should be directed in the first instance towards implementation of those projects.
- 2.2.2. Establish a clear goal of achieving restoration of the full Riparian Management Zone (RMZ), as defined by WDFW, while recognizing exceptions where that standard is not achievable.
- 2.2.3. Establish criteria for determining when restoration to the outer edge of the RMZ is not currently achievable. Examples of criteria that the watershed-based groups could consider include, but are not limited to, the presence of structures or infrastructure, topography constraints, location of property lines, parcel size or configuration, economic hardship and the likelihood that restoration to the outer edge of the RMZ might become achievable in the future.
- 2.2.4. In those instances where restoration to the outer edge of the RMZ is not currently achievable, establish restoration and acquisition strategies to optimize riparian habitat benefits, based on technical and scientific expertise. Alternatively, the watershed-based riparian restoration plans shall adopt a process for determining such strategies on a case-by-case basis.
- 2.2.5. Prioritize restoration and protection activities in reaches of streams that Ecology has included in its list of impaired waters in its Clean Water Act Section 305(b) Report.
- 2.2.6. Prioritize connectivity between areas of riparian habitat providing high levels of functionality. This is intended to prioritize restoration efforts in riparian areas that do not currently have barriers to connectivity and to prioritize removing barriers to connectivity between areas that currently have disconnected areas of high levels of riparian functionality.
- 2.2.7. Include restoration criteria for both fish-bearing and non-fish-bearing waters in accordance with Washington Department of Fish and Wildlife recommendations. For non-fish-bearing waters prioritize those that have a significant nexus to salmon and steelhead recovery over non-fish-bearing waters that do not have a significant nexus to salmon and steelhead recovery.

- 2.2.8. Be coordinated with local governments' GMA Comprehensive Plans and provide policy guidance for the development of local GMA Critical Areas Ordinances, and SMPs.
- 2.2.9. With regard to agricultural viability, in addition to the riparian restoration programs discussed in this Recommendation 2:
 - 2.2.9.1. Identify and quantify critical factors for ensuring the viability of agricultural production within the watershed, utilizing available resources including the SCC's Agricultural Viability Toolkit;
 - 2.2.9.2. Identify and implement public and private sector strategies to ensure an adequate land base for continued viable agricultural activity;
 - 2.2.9.3. Identify and implement strategies to increase productivity of non-riparian agricultural lands within the watershed. Examples include investments in infrastructure and technology, support for collaborative water solutions, support for increasing markets and market access, technical assistance, and other proactive strategies to support agricultural viability. Where available, utilize and ensure sufficient funding for existing programs that promote agricultural viability to implement these strategies. To fill gaps, provide flexible funding for local governments, conservation districts, and agricultural support organizations to plan for and implement agricultural viability projects;
 - 2.2.9.4. Support succession planning for farmers and establish programs that encourage land access for the next generation of farmers; and
 - 2.2.9.5. Establish and fund a monitoring program that inventories the amount of farmland conversion and loss within the watershed as a result of voluntary riparian protection and restoration actions as well as all other drivers of farmland conversion and loss.
- 2.2.10. By June 30, 2027, establish specific targeted outcomes at the watershed level with respect to quantity and quality of riparian habitats to be restored or protected by December 31, 2030. These targeted outcomes are to be updated every four (4) years thereafter. At a minimum, these outcomes must be established for the following categories:
 - a) acres planted in riparian areas,
 - b) miles of streambank planted,
 - c) average riparian width,
 - d) miles of streambank protected by land or easement acquisition, and
 - e) acres of restored land maintained.

2.2.11. Include a monitoring and adaptive management program that includes project monitoring using quantitative metrics that are designed to evaluate whether the restoration performed under the plan achieves the four-year targeted outcomes established in the strategy. At a minimum, these quantitative metrics must include the following Recreation and Conservation Office (“RCO”) metrics used to measure riparian restoration:

- a) acres planted in riparian areas,
- b) miles of streambank planted,
- c) average riparian width,
- d) miles of streambank protected by land or easement acquisition, and
- e) acres of restored land maintained.

The results of this monitoring and adaptive management program shall be reported to GSRO every two years and shall be timed to allow this information to be timely included in the biennial reports on the statewide status of salmon recovery and watershed health required under RCW 77.85.020.

2.3. Ensure sufficient, flexible, reliable and rapidly accessible long-term funding to implement the priority riparian projects identified in the watershed-based riparian implementation strategies. Target funding to achieve significant landowner participation, implement adopted riparian restoration plans, and support stewardship and monitoring of restored riparian areas, including but not limited to:

- 2.3.1. Provide substantial, near-term funding for the implementation of riparian restoration and conservation projects identified as priorities in already adopted watershed-based plans.
- 2.3.2. On agricultural lands, provide landowner payments that align with market rental rates and commodity pricing.
- 2.3.3. Complement and leverage federal funding opportunities.
- 2.3.4. Identify opportunities to better align state and federal funding sources for farmland and riparian protection to support multi-benefit projects.
- 2.3.5. Fund a substantial outreach and education effort addressing the importance of riparian habitat restoration and protection and providing information about available opportunities to support agricultural viability.
- 2.3.6. Fund technical assistance for aggregating projects and funding sources to provide greater riparian habitat improvement and protection. Ensure funding to support the continued work of the inter-agency Align Partnership (RCO, PSP, Ecology, WDFW, and SCC) to identify and implement administrative improvements in state voluntary restoration funding programs and implementation of its recommendations. Provide funding to establish a “one

stop shop” website or database for riparian grant funding opportunities for applicants.

- 2.3.7. Provide for creative contracting approaches, such as pay for success contracts, that allow landowners and restoration practitioners to implement riparian restoration projects with payments based on delivery and verification of outcomes.
 - 2.3.8. Leverage Climate Commitment Act funding to develop voluntary carbon credit payments to farmland owners that establish, enhance, and maintain riparian areas to accelerate conservation at scale.
 - 2.3.9. Ensure long-term or dedicated funding for multi-year implementation of larger restoration projects and for ongoing stewardship, maintenance, monitoring and adaptive management of already implemented riparian restoration projects.
 - 2.3.10. Provide funding for the SCC Integrated Science Hub for Agriculture and Ecosystems specifically to support riparian ecosystem restoration and protection.
 - 2.3.11. Provide on-request funding for technical assistance with riparian restoration project identification and prioritization for watershed groups and facilitate information and technology sharing among watershed-based groups.
 - 2.3.12. Provide continued funding for WDFW monitoring of riparian management zones as part of WDFW’s change detection monitoring program, including sufficient funding to include detection of both gains and losses in riparian ecosystems.
 - 2.3.13. Provide funding to conduct a study and develop a report evaluating the status and trends of environmental factors that sustain healthy riparian ecosystems, including but not limited to riparian water supply, river flow regimes, groundwater levels, changes in disturbance regimes, effects of climate change, and other potential threats to Washington state riparian ecosystem sustainability.
 - 2.3.14. Fund and support ongoing permit streamlining efforts for riparian restoration projects.
- 2.4. Consider whether the watershed-based riparian implementation strategies should be reviewed, monitored, adaptively managed, and actively supported through existing state salmon recovery structures and roles that could include GSRO and/or the Salmon Recovery Funding Board, and including WDFW, Ecology, WSDA, SCC, PSP, federally recognized tribes, local governments, agricultural producers, commercial and recreational fisher organizations,

business organizations, salmon recovery organizations, forestry and agricultural organizations, and environmental organizations.

2.5. The Program shall provide a simplified process and include incentives to ensure robust participation in implementation of the watershed-based implementation strategies, including:

- 2.5.1. Sufficient funding for landowner outreach and technical assistance within each watershed.
- 2.5.2. Creating a single, simplified application process that is readily usable by all potential funding recipients across watersheds.
- 2.5.3. Providing incentives for early participation such that “early adopters” are rewarded, including through higher landowner payments and exemption from the state regulatory and/or compensation approaches set forth in Recommendation 3.
- 2.5.4. Creating a Sustainable Farm and Fish certification program under WSDA that builds on existing certification programs and includes requirements for riparian and habitat conservation consistent with and implementing the watershed-based riparian implementation strategies. Develop agreements that provide certainty to landowners to ensure that landowners committing to long-term enrollment are deemed compliant with established and new regulatory requirements.

Recommendation 3

Objective: The legislative proviso requires the independent facilitator to include recommendations on “developing a regulatory or compensation strategy if voluntary programs do not achieve concrete targets.” With regard to protecting existing riparian habitat functions, Recommendation 1 proposes a regulatory program that would be imposed on new development or certain redevelopment. With regard to restoring degraded riparian areas, Recommendation 2 recommends the establishment and sufficient funding of a voluntary, watershed-based approach to riparian restoration. If the voluntary programs established under Recommendation 2 do not achieve the concrete restoration targets adopted in the watershed-based implementation strategies, Recommendation 3 proposes a continued discussion of several options that could come into effect in those watersheds to help meet those targets.

Recommendation 3 Text:

As part of the 2025 Riparian Roundtable effort funded through Engrossed Senate Substitute Bill 5950, Sec. 116(4), Chapter 376, Laws of 2024, the Riparian Roundtable should continue discussing regulatory or compensation strategies that would come into effect if the concrete targets adopted in the watershed-based implementation strategies are unable to be met

through the voluntary actions identified above. These strategies should not be employed where intervening events out of the control of the watershed-based groups prevent targets from being achieved. Examples of such events include insufficient funding; natural events such as drought, wildfire or earthquake; or acts of war. These continued discussions should include continued exploration of the following concepts, as well as any other ideas that may be developed during those discussions:

- 3.1. A Washington State riparian acquisition program targeted toward land within a particular watershed if, once all voluntary and incentive actions have been exhausted, such acquisition is necessary to achieve the established outcomes as determined by local watershed groups for acres planted in riparian areas, miles of streambank planted, average riparian width, miles of streambank protected by land or easement acquisition, and acres of restored land maintained. The state's targeted riparian acquisition program would pay fair market value for property interest acquired and would acquire the minimum ownership interest required to achieve long-term outcomes. In the next phase of discussions, the group should explore what situations could trigger the use of the State's authority under eminent domain as a tool of last resort if that is the only way to meet riparian habitat goals.
- 3.2. Regulatory approaches for achieving the concrete targets adopted in the watershed-based implementation strategies, including, without limitation:
 - 3.2.1 Innovative approaches such as a riparian calculator that calculates impacts and determines the number of riparian credits a landowner needs to offset the lack of a buffer on their property.
 - 3.2.2 Requiring public and private landowners owning property adjacent to a riparian area that do not participate in the voluntary incentive programs discussed in Recommendation 2 above, to establish, maintain, and protect a riparian management zone on their property.
 - 3.2.3 Removing exemptions and exceptions under GMA/SMA in the Riparian Management Zone.
 - 3.2.4 Imposing a development moratorium on properties within the watershed until outcomes are met.
 - 3.2.5 Regulatory approaches that have succeeded in other jurisdictions or under different regulatory frameworks, such as the Minnesota Buffer

Law,³ which requires perennial vegetative buffers of up to 50 feet along lakes, rivers, and streams and buffers of 16.5 feet along ditches.

Recommendation 4

Objective: Recognizing the processes outlined in Recommendations 2 and 3 will take time to fully implement, Recommendation 4 addresses the strategy for continuing the funding of riparian habitat restoration while those processes move forward but haven't yet been completed. In 2023, the Legislature provided \$50 million to RCO and SCC to increase the pace of riparian habitat restoration for the benefit of salmon and steelhead. RCO and SCC have adopted guidance for the use of those funds (SCC adopted interim guidance and is continuing to work with Tribes and stakeholders to develop final guidance). Recommendation 4 proposes that those programs continue to be funded to ensure significant, near term funding for riparian restoration and protection.

Recommendation 4 Text:

For the next two years, maintain or increase the level of funding for the voluntary riparian restoration incentive programs established in the 2023-25 capital budget, Engrossed Substitute Senate Bill 5200 for RCO (Section 3074) and SCC (Section 3087). RCO and SCC shall consider Recommendations 2.2.1 through 2.2.7 and Recommendation 2.3.1 in developing or updating their guidelines for these voluntary riparian restoration incentive programs.

IV. The 2024–25 Riparian Taskforce – Process for Developing Implementation Proposals

In August 2024, Plauché & Carr held virtual meetings with several Riparian Taskforce members to discuss objectives and a framework for Riparian Roundtable meetings and legislative engagement for the 2024–25 Roundtable process. Based on those discussions, on August 16, Plauché & Carr convened a meeting with 2023–24 Riparian Working Group members to discuss a proposed framework for discussions. Input from that Working Group meeting informed a final framework that was discussed with Roundtable participants in the first meeting of the 2024–25 Riparian Roundtable group on August 26. The final framework is attached as Appendix A | 2024–25 Final Framework; summaries of the August Riparian Working Group and Roundtable meetings are provided in Appendix B | August Riparian Working Group and Roundtable Meetings.

Framework

The final framework called for five Riparian Roundtable meetings between August and December 2024 to discuss implementation strategies for the June 2024 Final Recommendations. The Roundtable meetings were to include the same organizations and

³ <https://bwsr.state.mn.us/minnesota-buffer-law>

individuals who participated in the 2023–24 Roundtables; a list of individuals invited to participate in the Riparian Roundtable and Riparian Working Group meetings is provided in Appendix C | Riparian Roundtable Participants.

With the exception of the virtual half-day meeting on August 26, Roundtable participants agreed that meetings would take place monthly, in person, for a full day at a variety of meeting locations that were discussed and agreed upon. The Roundtable meetings held in September, October, November, and December would each focus on one of the four June 2024 Final Recommendations. The order of those discussions was agreed upon at the August Roundtable meeting:

- **Recommendation 2:** September (Snoqualmie Pass)
- **Recommendation 3:** October (Cle Elum)
- **Recommendation 1:** November (Olympia)
- **Recommendation 4:** December (Tacoma)

The final framework provided for considerable individual and group work to support Riparian Roundtable discussions between September and December. A Working Group, made up of representatives of Roundtable participants and other participants, was to be convened as appropriate to discuss technical and policy issues identified at Roundtable meetings. The Facilitation Team was also to meet individually with Roundtable participants and constituency groups between Roundtable meetings, and the framework anticipated that smaller constituency group conversations could take place during parts of the Roundtable meetings.

The August 26 Roundtable meeting also included a robust discussion of the strategy for legislative engagement. Roundtable participants agreed that the Facilitation Team would provide a refined proposal for legislative engagement that incorporated the discussion at the August 26 Roundtable meeting in advance of the September Roundtable meeting.

While the bulk of the work under the final framework is anticipated to occur over the course of Roundtable discussions through December, the framework also included continued engagement by the Facilitation Team through the end of June 2025 to assist in coordinating the implementation strategies developed in 2024. The framework noted that assistance in 2025 may include providing background information, facilitating ongoing discussion among Roundtable participants or between Roundtable participants and the Legislature, or additional research to support action on the implementation strategies.

Interested Legislator Engagement

Based on feedback at the August meeting, Plauché & Carr developed a Proposed Interested Legislator Engagement Strategy for the Riparian Roundtable for September through December 2024. The Interested Legislator Engagement Strategy was approved by Roundtable participants at the September Roundtable meeting and is provided at Appendix D | Proposed Interested Legislator Engagement Strategy. Pursuant to that strategy, Plauché & Carr has

convened a group of interested legislators to provide informational briefings on the status of implementation discussions. Plauché & Carr has also invited legislators with interest to participate virtually in a portion of the October, November, and December Roundtable meetings. Lobbyists are also included in those legislative discussions to the extent any of the Riparian Roundtable participants wish to have their lobbyists participate.

V. The 2024-25 Riparian Taskforce - Implementation Proposals

Per the 2024 Riparian Taskforce budget proviso, the following section provides an overview of discussions and implementation proposals for each of the Final Recommendations in the order in which they have been discussed at the Riparian Roundtables (Recommendation 2, Recommendation 3, Recommendation 1, Recommendation 4), as set forth in The 2024–25 Riparian Taskforce – Process for Developing Implementation Proposals above. Discussions on the development of implementation strategies for the Final Recommendations are ongoing and implementation proposals will continue to develop through December.

Because Recommendation 2 was the subject of the first substantive Roundtable meeting (in September), the implementation proposals for Recommendation 2 are more complete than proposals for the other Recommendations. However, the following language of the Recommendation 2 implementation proposals has not been discussed with the Roundtable participants in advance of this Report. We anticipate that these Recommendation 2 implementation proposals may be modified based on further discussions with Roundtable participants. An overview of those continued discussions, as well as final implementation proposals for Recommendations 1, 2, 3, and 4 will be provided in a later report in December 2024.

Recommendation 2

Overview of Discussions: Strategies to implement the voluntary watershed-based riparian implementation program in Recommendation 2 was the subject of the September Riparian Roundtable meeting. In addition, several Working Group meetings, workshops, and small group discussions on Recommendation 2 were held both before and after that Roundtable meeting. Summaries of the September Roundtable and other meetings regarding implementation of Recommendation 2 are provided in Appendix E | Recommendation 2 Meetings. Plauché & Carr also held numerous individual and small group conversations with Roundtable participants and constituency groups on a broad range of topics related to Recommendation 2 including: existing watershed-based groups and plans; metrics for targeted outcomes, monitoring, and adaptive management; agricultural viability; state agency funding requests related to riparian restoration and protection; strategies for leveraging federal funding; Pay for Success contracting; riparian carbon credits; water quality trading; regulatory streamlining for riparian restoration projects; state agency coordination

efforts to improve grant funding processes; strategies for incentivizing landowner participation; and agricultural certification programs.

To prepare for the September Roundtable meeting, , Plauché & Carr held three virtual workshops to discuss Recommendation 2 with representatives of the salmon recovery Lead Entities, which work to implement the Statewide Salmon Recovery Strategy at the watershed level. Two of the workshops were held with Lead Entities in Puget Sound watersheds and one was held with Lead Entities outside of Puget Sound. Plauché & Carr also provided a list of questions specific to different sections within Recommendation 2 and solicited written feedback from the Lead Entities on those questions to inform implementation proposals for that Recommendation. A Working Group meeting to discuss Washington's salmon recovery framework was also held ahead of the September Roundtable meeting. The meeting included a presentation by Megan Duffy, Director, Washington Recreation and Conservation Office; Kat Moore, Salmon Grants Manager at RCO; and Erik Neatherlin, Executive Director, Governor's Salmon Recovery Office (GSRO). Group questions and discussion included landowner engagement, work with Conservation Districts, and how RCO tracks and reports on salmon recovery progress.

The September Roundtable meeting was held in Snoqualmie and focused on implementation of Recommendation 2. Plauché & Carr provided an overview of the workshops, Working Group meeting, and other discussions held in advance of the Roundtable meeting. Participant comments at the Roundtable emphasized the importance of local flexibility in determining which organization leads development of watershed-based strategies, use of existing plans as a foundation of the watershed implementation strategies, focusing on implementation of restoration work, funding to complete watershed planning, and outreach and education to increase participation. The group also discussed monitoring data and reporting considerations, and other funding requests and creative pathways to support riparian efforts. Roundtable participants identified agricultural viability and incentivizing landowner participation as topics for additional discussion in consideration of implementation strategies for Recommendation 2.

After the September Roundtable meeting, Plauché & Carr hosted several individual and small group conversations to follow up on the discussions at the meeting. In October, two small groups of Roundtable participants convened for detailed discussion on implementation of the agricultural viability recommendations (Recommendation 2.2.9) and on incentivizing landowner participation (Recommendation 2.5). Finally, a Working Group meeting was held for a presentation and discussion on agricultural viability and the pressures facing agriculture. At that meeting, Dani Madrone, Pacific Northwest Senior Policy and Planning Manager at American Farmland Trust, and Levi Keesecker, Ph.D., Ecosystems Manager and Science Hub Lead at SCC, gave detailed presentations on their work on agricultural viability and the many factors that can affect agricultural viability. In addition, Evan Sheffels, Senior Policy Advisor to the Director and Tribal Liaison at Washington State Department of Agriculture, shared efforts at WSDA to promote agriculture while protecting public health and

welfare. Comments from participants representing agricultural interests added insight and information to the presentations, and group discussion covered several topics including the importance of protecting and supporting farmers and agricultural land to riparian habitat, the complexity and local variation in factors influencing agricultural viability, and the need for additional conversations at the watershed-level.

Implementation Proposals: The implementation proposals set forth below are based on the discussions summarized above.

A. Watershed-Based Riparian Implementation Program:

Recommendation 2 calls for the funding of a voluntary watershed-based riparian implementation program (Program) focused on improving and protecting riparian habitat for salmon and steelhead recovery. Watershed-based groups are directed to:

- Ensure broad participation in development and implementation of the Program, to include federally recognized Tribes with rights to fish in the watershed; counties, cities, and other local government entities within the watershed; agricultural producers within the watershed; commercial and recreational fishing organizations; business organizations; salmon recovery organizations; forestry and agriculture organizations; environmental and conservation organizations; and in some cases, state agencies (Recommendation 2.1.2).
- Adopt, amend, or develop a riparian watershed-based implementation strategy that identifies and prioritizes specific riparian restoration and protection projects within the watershed that support salmon and steelhead protection and recovery (Recommendation 2.2).
- Develop, monitor, and report progress towards a consistent set of targeted outcomes for riparian restoration and protection that are consistent across watersheds (Recommendations 2.2.10 and 2.2.11).

A fundamental element of the Program's design is to leverage and build on existing watershed-based groups, plans, and processes. Many Roundtable participants have emphasized the importance of minimizing additional unnecessary planning processes and focusing efforts and resources on project implementation. Another fundamental element of the Program is the establishment of firm, readily measurable outcomes that are tracked and regularly compiled and reported out at the state level.

At the Roundtable's recommendation, the facilitation team sought input from Lead Entities regarding implementation of Recommendation 2. Input received from Lead Entities included:

- In some watersheds, existing groups can be readily amended to include the participants set forth in Recommendation 2.1.2. Groups that may be well equipped to implement Recommendation 2 include Salmon Recovery Lead Entities, Puget Sound-area Local Integrating Organizations, Conservation Districts, Voluntary Stewardship

Plan working groups, and existing regional collaborative efforts such as the Icicle Strategy, Chehalis Basin Strategy and the Yakima Basin Integrated Plan. The right group or groups will vary from watershed to watershed. In most watersheds, groups will need to be added to or combined to include the participants listed in the Recommendation. In some watersheds, these participants are already coordinating and communicating. In other watersheds, riparian restoration and protection efforts are siloed between local groups and there is friction among the representative groups such that it would be a heavier lift to convene a group and develop a strategy.

- In some watersheds, existing plans and processes exist that identify priority riparian restoration and protection projects, or priority reaches of streams and rivers. In other watersheds, planning has not taken place at this level of detail, but existing plans and processes would provide a good foundation for a watershed-level riparian strategy. Lead Entities underscored Roundtable participants' input to minimize additional unnecessary planning; utilize existing plans and processes where possible; allow for prioritization at either the project or reach scale based on local circumstances and status of planning efforts; and focus efforts and resources on project implementation.
- Currently, local project sponsors evaluate riparian restoration and protection projects using the metrics that are determined and required by the funding entity or organization. This results in variability that makes it challenging to assess progress on riparian protection and restoration at a regional or statewide scale. There is support for a "floor" of basic metrics that would allow for such assessment; however, additional funding may be required to collect this information where it is not already required.

Based on that input and Roundtable discussions, the facilitation team recommends the following implementation proposals:

1. Provide flexibility regarding which existing watershed-based group or groups take(s) the lead on developing the watershed-based strategy in each watershed.
2. Allow watershed-based groups to rely on existing regional or watershed-scale plans or processes, provided those plans or processes have already identified riparian restoration and protection priorities at the reach or project level. A list of plans and processes that may meet these requirements can be found in [Recommendation 2.2.1](#).
3. Require watershed-based groups to establish riparian watershed-based implementation strategies and specific targeted outcomes at the watershed level by June 30, 2027, with respect to quantity and quality of riparian habitats to be restored or protected by December 31, 2030, and updated every four years thereafter ([Recommendation 2.2.10](#)). At a minimum, require outcome measures that include :
 - a. acres planted in riparian areas,
 - b. miles of streambank planted,

- c. average riparian width,
 - d. miles of streambank protected by land or easement acquisition, and
 - e. acres of restored land maintained.
4. Require that watershed-based groups monitor progress towards these metrics and report that progress to GSRO every two years, timed to allow this information to be included in the biennial State of the Salmon report required under RCW 77.85.020 (Recommendation 2.2.11).
 5. Provide targeted funding for development of watershed-based riparian and protection strategies, including funds for technical and facilitation contractor support in watersheds where those services are needed (Recommendation 2.1.3).
 6. Provide sufficient, flexible, reliable, and rapidly accessible funding to implement riparian restoration and protection projects identified under the Program (Recommendation 2.1.3). Award funding through solicitation of Requests for Proposals.
 - a. Include the following as minimum requirements for consideration of funding:
 - i. The project must be included in a riparian watershed-based implementation strategy adopted by representatives of the groups set forth in Recommendation 2.1.2. The strategy must identify priority riparian restoration and protection actions at the reach or project level and have established specific targeted outcomes for riparian restoration and protection in the watershed as set forth in Recommendation 2.2.10.
 - b. Include the following as factors in the scoring of projects being considered for funding. These are consistent with Recommendations 2.2.2 to 2.2.7.
 - i. Prioritize projects that achieve restoration of the full Riparian Management Zone (RMZ), as defined by WDFW. If a project does not achieve restoration of the full RMZ, project proponents must provide a valid reason why restoration of the full RMZ is not achievable, and a scientific justification for how the project optimizes riparian habitat benefits, based on technical and scientific expertise (Recommendations 2.2.2 – 2.2.4).
 - ii. Prioritize restoration and protection activities in reaches of streams that Ecology has included in its list of impaired waters in its Clean Water Act Section 305(b) Report (Recommendation 2.2.5).
 - iii. Prioritize projects that provide connectivity between areas of riparian habitat providing high levels of functionality (Recommendation 2.2.6).

- iv. Prioritize fish-bearing waters and non-fish-bearing waters that have a significant nexus to salmon and steelhead recovery (Recommendation 2.2.7).
 - v. For projects that will impact agricultural lands or production, prioritize multi-benefit projects that include components that support the viability of agriculture within the watershed (Recommendations 2.2.9 and 2.3.4).
 - c. Make higher landowner payments available that align with market rental rates and commodity pricing, particularly for landowners that install riparian restoration and protection at larger widths and for landowners where a project provides connectivity for key stream segments (Recommendation 2.3.2).
 - d. Require project sponsors receiving funding to report to the watershed-based group the project's contribution towards the targeted outcomes set forth in Recommendation 2.2.10.
7. The oversight of watershed groups' development of watershed-based implementation strategies was the subject of initial discussion at the September Roundtable meeting and a more thorough discussion at the October Roundtable meeting. Roundtable participants noted several overarching concepts that should be considered in developing an oversight strategy. See discussion under Recommendation 3 in Funding Implementation Proposals (Recommendation 2.3) below.

With respect to Program oversight (Recommendation 2.4), consider the following implementation strategies:

- a. Provide funding for contractor technical and facilitation services if watersheds need outside support to finalize watershed-based riparian implementation strategies, develop priority riparian restoration and protection actions, and establish specific targeted outcomes for riparian restoration and protection.
- b. Make future funding for riparian restoration and protection actions and agricultural viability support contingent on developing watershed-based riparian implementation strategies and reporting progress towards targeted outcomes to GSRO as set forth in Recommendation 2.2.11.
- c. Establish county governments as the first level of governmental oversight if watershed groups are unable to develop an adequate riparian implementation strategy.
- d. Have state agencies serve in an advisory or assistance capacity to county governments as they work with watershed groups to develop riparian implementation strategies.

- e. If a watershed fails to meet its targeted outcomes in a three-year period, require a watershed to conduct adaptive management with the objective of achieving the targeted outcomes.
- f. If adaptive management is unsuccessful, employ regulatory or compensation strategies as set forth in Recommendation 3.

B. Funding Implementation Proposals (Recommendation 2.3)

Roundtable participants have consistently emphasized an urgent need for a bold increase in funding for riparian restoration and protection to achieve salmon and steelhead recovery. In addition to recommending sufficient funding for planning, implementation, and monitoring of the riparian restoration strategies and projects resulting from the Recommendation 2 Program, Recommendation 2 includes calls for the prioritization of near-term funding for riparian restoration and acquisition projects identified as priorities in already adopted watershed-level plans (Recommendation 2.1.3).

Recommendation 2.3 calls for “sufficient, flexible, reliable and rapidly accessible long-term funding to implement the priority riparian projects identified in the watershed-based riparian implementation strategies” while targeting funding “to achieve significant landowner participation, implement adopted riparian restoration plans, and support stewardship and monitoring of restored riparian areas” and then sets forth a list of funding strategies (Recommendations 2.3.1 to 2.3.14). Implementation proposals for each of these Recommendations, developed through Roundtable meetings, Working Group meetings, and small group discussions, are set forth below. This includes funding proposals set forth in the 2025–2027 Biennial Work Plan for the Governor’s Salmon Strategy, many of which have been discussed in the Roundtable process. Recommendations identified as core, near-term funding priorities are called out accordingly.

Many state agency programs that receive ongoing funding integral to riparian restoration and protection, and that are included in the 2025–2027 Biennial Work Plan for the Governor’s Salmon Strategy, are not referenced in this report. However, that is in no way intended to imply that they should be deprioritized for funding. On the contrary, it is imperative to successful salmon recovery that these grant programs continue to be funded, and the Roundtable Recommendations and these implementation proposals presume that they will be.

1. Recommendation 2.1: Provide funding to watersheds as needed for implementation of the watershed-based riparian implementation program, including the development of riparian watershed-based implementation strategies.

Providing funding to watershed-based groups to develop riparian watershed-based implementation strategies is a core funding priority.

Recommendation 2 is designed to build on riparian restoration planning efforts that have already been taken and are currently taking place around the state, as well as already

adopted plans that address riparian restoration and protection. Based on input from Lead Entities, it is anticipated that many watersheds will need little or no additional funding to adopt a riparian watershed-based implementation strategy. However, in some watersheds, more planning is necessary and may require additional funding, including for outside contractor technical support. Some of these watersheds may also require outside contractor facilitation services if watershed groups are unable to independently convene, develop priority riparian restoration and protection actions, establish specific targeted outcomes for riparian restoration and protection, and finalize watershed-based riparian implementation strategies. This funding should be provided upon a demonstration of need and only where necessary to complete the planning process in order to maximize funding directed towards project implementation.

2. Recommendation 2.3.1: Provide substantial, near-term funding for the implementation of riparian restoration and conservation projects identified as priorities in already adopted watershed-based plans.

Funding to implement riparian restoration and protection projects that have already been identified as priorities by watershed-based groups is a core funding priority.

Eventually, funds should largely be directed towards implementation of the watershed-based riparian implementation program and strategies. However, while watershed-based groups are convening and adopting their riparian plans, dedicated funding for riparian projects should continue. This is consistent with Recommendation 4:

Recognizing the processes outlined in Recommendations 2 and 3 will take time to fully implement, Recommendation 4 addresses the strategy for continuing the funding of riparian habitat restoration while those processes move forward but haven't yet been completed. In 2023, the Legislature provided \$50 million to RCO and SCC to increase the pace of riparian habitat restoration for the benefit of salmon and steelhead. RCO and SCC have adopted guidance for the use of those funds (SCC adopted interim guidance and is continuing to work with Tribes and stakeholders to develop final guidance). Recommendation 4 proposes that those programs continue to be funded to ensure significant, near term funding for riparian restoration and protection.

Recommendation 4 Text:

For the next two years, maintain or increase the level of funding for the voluntary riparian restoration incentive programs established in the 2023-25 capital budget, Engrossed Substitute Senate Bill 5200 for RCO (Section 3074) and SCC (Section 3087). RCO and SCC shall consider Recommendations 2.2.1 through

2.2.7 and Recommendation 2.3.1 in developing or updating their guidelines for these voluntary riparian restoration incentive programs.⁴

The two programs for riparian restoration and protection that were first funded in the 2023–25 biennium, referenced in Recommendation 4, should continue to be funded in the near term. Lead Entities and other fund recipients have provided feedback that this funding was critical and transformative in securing funding for priority riparian restoration and protection projects, which often do not score as high under other funding programs, and that there was a substantial need for funding for these projects beyond what was provided in the 2023–25 biennium.

- Salmon Recovery Funding Board Riparian Grant Program (Recreation and Conservation Office (RCO))—project funding to enhance salmon recovery through the protection and restoration of fully functioning riparian areas. This program was first funded in the 2023–25 biennium. (\$25 million capital budget).⁵
- Riparian Grant Program (Conservation Commission)—project funding to conservation districts to restore and protect riparian habitat. This program was first funded in the 2023–2025 biennium. (\$25 million capital budget).⁶

In addition, the Department of Ecology (Ecology) has requested funding for its nonpoint program, including additional funding for riparian incentive payments:

- Riparian incentive grants (Ecology)—project funding to accelerate implementation of riparian buffers, implement water quality cleanup plans, and support climate resiliency. This expands a pilot program and augments Ecology’s water quality funding programs with additional funding for incentive payments. (\$30 million capital budget).⁷

As set forth in Recommendation 4, and discussed in the Implementation Proposals for Recommendation 2, Section B.3, below, the facilitation team recommends that RCO, SCC, and Ecology be directed to consider Recommendations 2.2.1 through 2.2.7 and Recommendation 2.3.1 in developing or updating their guidelines for these voluntary riparian restoration incentive programs, to further align these programs with each other and with Recommendation 2.

⁴ Riparian Taskforce Report at 20–21 (June 2024).

⁵ Governor’s Salmon Recovery Office, 2025–2027 Governor’s Salmon Strategy Biennial Work Plan at 6 (2024) (hereinafter, Salmon Strategy Biennial Work Plan).

⁶ Salmon Strategy Biennial Work Plan at 6. Some Roundtable participants have emphasized the need for the SCC to revise and update its interim guidance under this program to ensure grant funds adequately restore and protect riparian functions, consistent with Recommendations 2.2.1 through 2.2.7 of the June Final Report and Recommendations.

⁷ Salmon Strategy Biennial Work Plan at 6.

3. Recommendation 2.3.2: On agricultural lands, provide landowner payments that align with market rental rates and commodity pricing.

Providing near-term funding for higher landowner payments is a core funding priority, as is communication to landowners regarding opportunities available for those higher payments.

Funding should be provided to Ecology, SCC, and RCO towards expansion of successful pilot programs that included higher landowner payments, including those that better align with market rental rates and commodity pricing. This includes pilot programs such as the Spokane Conservation District's Commodity Buffer Program, the Hangman Creek Riparian Restoration Program, and the Tucannon River. Higher payments should be prioritized for landowners that install riparian restoration and protection at larger widths as well as in instances where a project provides connectivity for key stream segments. This funding could be incorporated into the RCO and SCC riparian grant funding programs referenced in the Implementation Proposals for Recommendation 2, Section A.2, above.

Ecology's riparian incentive grants program, also referenced in Section A.2, above, includes additional funding for incentive payments that expands a successful pilot in the Hangman Creek Watershed that was undertaken in partnership with the Spokane Conservation District.

Funding should also be directed to support the work of the SCC's Science Hub related to aligning landowner payments with market rental rates and commodity pricing:

- Science hub (Conservation Commission)–ongoing funding for the implementation of science-based solutions to protect and enhance natural resources and agricultural viability. These projects provide key information for incentive-based approaches for riparian conservation and restoration on private lands. (\$5 million operating budget).⁸

4. Recommendation 2.3.3: Complement and leverage federal funding opportunities.

Complementing and leveraging federal funding opportunities is a core funding priority.

Federal funding for riparian restoration and protection for salmon and steelhead recovery comes from numerous federal sources and programs, including through the Environmental Protection Agency's National Estuary Program, Section 319, and other Clean Water Act funding; the United States Department of Agriculture's Natural Resources Conservation Service and Farm Service Agency; and the Bipartisan Infrastructure Law and the Farm Bill. Roundtable participants have highlighted some of the available opportunities to complement and leverage these programs. Examples are provided below. This should not be considered a comprehensive list; other state programs that complement and leverage federal funding should also be prioritized for state funding.

⁸ Salmon Strategy Biennial Work Plan at 20.

- a. Provide funding for Conservation Districts through the SCC to ensure sufficient staffing and knowledge of all available federal and state voluntary riparian restoration and protection grant opportunities. Lead Entities as well as multiple Roundtable participants have emphasized that Conservation Districts are currently and should continue to be the primary on-the-ground coordinators with landowners to further riparian restoration and protection.
 - b. Continue to fund the ongoing work of the Puget Sound Partnership (PSP). The PSP has leveraged significant federal funding through the National Estuary Program and other federal programs.
 - c. Fund the state match requirement for the Regional Conservation Partnership Program (RCPP), as requested by the SCC. This match is needed to bring millions of Farm Bill dollars to Washington for RCPP projects that unite multiple partners in solving natural resource issues. The SCC has been designated to pass-through required state capital match for seven ongoing RCPP projects. The SCC is also included in eight RCPP proposals pending review by USDA Natural Resources Conservation Service.
 - d. Support the Climate Resilient Riparian Systems Lead Program (CR2SL). The Environmental Protection Agency has awarded funds for Ecology, SCC, and Bonneville Environmental Foundation to develop and implement a grant program to improve the climate resiliency of riparian systems and support implementation of sustainable and effective reach-scale riparian restoration and protection. The program is geographically limited to the Puget Sound area. There is no match requirement for grant recipients, as Ecology has already provided the required federal match, so there is no additional funding recommendation associated with this program. The program will direct over \$17 million into riparian systems recovery projects and programs over three funding cycles. Applications are currently being accepted for the first funding cycle, which closes on January 15, 2025. Funding will support the following community identified priorities: collaborative, reach-scale planning and outreach; native plant materials; landowner incentives; riparian restoration implementation; maintenance, monitoring, and adaptive management; and permanent protection of riparian habitat.
5. Recommendation 2.3.4: Identify opportunities to better align state and federal funding sources for farmland and riparian protection to support multi-benefit projects.

There is significant overlap between this recommendation and Recommendation 2.2.9.2 (Identify and implement public and private sector strategies to ensure an adequate land base for continued viable agricultural activity), discussed in Implementation Proposals for

Recommendation 2, Section C.2, below. Roundtable participants have identified the following strategies for implementation:

- a. Review and revise grant programs and permitting processes to ensure they allow multi-benefit projects. Multi-benefit programs and projects—those providing benefits to both fish and farmland—are recognized as a critical vehicle for implementing Recommendation 2. Multi-benefit projects frequently encounter obstacles in the funding and permitting processes that constrain their implementation. The facilitation team recommends a review of state and federal grant and permitting programs to identify obstacles to and opportunities for multi-benefit projects and implement needed changes that will promote the implementation of multi-benefit projects.
- b. Expand the [Snoqualmie Fish, Farm, Flood](#) process to other watersheds in Washington by providing grants to interested watersheds. In 2013, King County convened the Fish, Farm, Flood Advisory Committee consisting of agricultural, salmon recovery, and flood risk reduction representatives as well as Tribal, state, and local jurisdictions. That Committee developed a suite of over 30 recommendations to significantly improve ecological function and habitat quality, strengthen the agricultural economy, and reduce flood risk. These recommendations included a Buffer Task Force that developed science-based recommendations for variable width buffers for voluntary restoration on private lands.
- c. Continue to fund [Floodplains by Design](#).⁹ Floodplains by Design is a public-private partnership led by Ecology, the Bonneville Environmental Foundation, and American Rivers that seeks to reduce flood damage, improve working lands, and restore habitat along Washington’s streams and rivers. Floodplains by Design includes a capital grant program led by Ecology and includes partnerships between Tribes, local agencies, NGOs, and landowners.
- d. Promote the permanent protection of farmland both within and outside the floodplain.
- e. Provide funding to the SCC’s Science Hub to investigate additional opportunities to better align state and federal funding sources for farmland and riparian protection to support multi-benefit projects.

⁹ See Salmon Strategy Biennial Work Plan at 8 (“Floodplains by Design (Ecology)–project funding for integrated floodplain projects that combine flood hazard reduction with restoring floodplain conditions to improve salmon habitat in Washington’s major river corridors. (\$84 million capital budget”).

6. Recommendation 2.3.5: Fund a substantial outreach and education effort addressing the importance of riparian habitat restoration and protection and providing information about available opportunities to support agricultural viability.

The SCC is in the process of developing and implementing the Riparian Communication Campaign, an educational campaign highlighting the benefits of riparian buffers and the opportunities available to protect and restore them. This campaign is funded through a 2023 legislative proviso that provided funding “To develop and implement an educational communication plan to the general public and landowners in urban, suburban, rural, agricultural, and forested areas regarding the importance of riparian buffers and the actions they can take to protect and enhance these critical areas.”¹⁰ The target audiences for this campaign are the general public, including urban and suburban residents, and land managers, including homeowners, small-acreage land users, farmers, ranchers, and forest landowners. As part of the campaign, the SCC held focus groups to inform the development of campaign materials, has formed an advisory workgroup, and is developing a toolkit to assist Conservation Districts and others in regional education and outreach efforts. A campaign impact and outcomes assessment and final campaign report are scheduled to be completed in June 2025.

To implement this recommendation, additional funds should be provided to Conservation Districts and other established local and regional organizations in both rural and urban areas through the SCC for on-the-ground use of the toolkit in conversations with landowners, as well as additional funds to equip Conservation Districts and others with information about available opportunities to support agricultural viability.

7. Recommendation 2.3.6: Fund technical assistance for aggregating projects and funding sources to provide greater riparian habitat improvement and protection. Ensure funding to support the continued work of the inter-agency Align Partnership (RCO, PSP, Ecology, WDFW, and SCC) to identify and implement administrative improvements in state voluntary restoration funding programs and implementation of its recommendations. Provide funding to establish a “one stop shop” website or database for riparian grant funding opportunities for applicants.

The inter-agency Align Partnership is continuing its work to identify and implement administrative improvements in state voluntary restoration funding programs. In 2024, a survey was sent to state agency grant recipients to obtain input regarding grant administration and coordination that will inform the continued work of the Align Partnership. No immediate funding need has been identified to support this ongoing work.

However, Lead Entities as well as numerous Roundtable participants, including agencies participating in the Align Partnership effort, have stated that in the near term, funding to

¹⁰ ESSB 5950, Sec. 307(14) (2024).

implement this recommendation should be provided to Conservation Districts through the SCC to ensure sufficient staffing and knowledge of all available federal and state voluntary riparian restoration and protection grant opportunities, and to enable Conservation Districts to continue their work to aggregate projects and funding sources to enhance opportunities for riparian habitat restoration and protection.

The SCC has made a funding request for conservation technical assistance under which this Recommendation could be implemented:

- Conservation technical assistance (Conservation Commission)–ongoing funding for conservation districts to educate landowners about practices that keep waters clean for salmon such as conservation and farm planning, nutrient management, and habitat restoration. (\$20 million operating budget).¹¹

Recommendation 2.3.6 overlaps with [Recommendation 2.5](#) (recommendations to provide a simplified process and include incentives to ensure robust participation in implementation of the watershed-based implementation strategies), discussed in Implementation Proposals for Recommendation 2, Section D, below.

8. [Recommendation 2.3.7](#): Provide for creative contracting approaches, such as pay for success contracts, that allow landowners and restoration practitioners to implement riparian restoration projects with payments based on delivery and verification of outcomes.

The PSP is continuing its work to investigate Pay for Success contracts in Washington state. These efforts should be supported, but no immediate funding need has been identified.

With respect to other creative contracting approaches, at the September Roundtable meeting the Roundtable expressed an interest in further investigations into water quality trading to support riparian restoration and protection. One opportunity to introduce a water quality trading program that could include riparian protection and restoration is under Ecology’s [Puget Sound Nutrient General Permit](#). In 2023, in response to a legislative proviso,¹² Ecology provided the Legislature with [recommendations](#) on how to develop and implement a nutrient credit trading program for Puget Sound under the Nutrient General Permit. Ecology’s recommendations were informed by an outside consultant [technical research report](#). Ecology recommended that water quality trading be limited initially to Wastewater Treatment Plants covered under the Nutrient General Permit, in part due to a lack of information necessary to interpret dynamics between the Wastewater Treatment Plants, other nitrogen pollution sources, and dissolved oxygen levels in Puget Sound, but that trading could potentially be

¹¹ Salmon Strategy Biennial Work Plan at 9.

¹² ESSB 5693, Section 301(46) (2022).

expanded to other point or nonpoint nitrogen sources if future modeling or other science could support it.

Funding should be provided to implement Ecology's recommendations for developing and implementing a nutrient credit trading program, and specifically for the additional modeling to support future nonpoint source trading discussed in the technical research report. Funding could also be provided to Ecology to identify a pilot watershed that would be particularly well suited to water quality trading involving nonpoint sources under the Nutrient General Permit and identify technical and administrative needs specific to advancing such a water quality trading program in that pilot watershed.

9. Recommendation 2.3.8: Leverage Climate Commitment Act funding to develop voluntary carbon credit payments to farmland owners that establish, enhance, and maintain riparian areas to accelerate conservation at scale.

Climate Commitment Act¹³ funding is financing, and should continue to finance, voluntary riparian restoration and protection efforts, including on private lands. However, Climate Commitment Act funds are not currently being used to develop voluntary carbon credits on private lands. Climate Commitment Act funding could be used to conduct an evaluation of available opportunities for agricultural landowners to participate in voluntary carbon markets and programs through the establishment, enhancement, and maintenance of riparian areas on their lands. This could include analyses of (i) existing agriculture carbon crediting programs and protocols and (ii) whether and how Climate Commitment Act and other public funds could be used to finance activities that generate voluntary carbon credits.

There may also be opportunities for regulatory carbon credit payments pursuant to the Climate Commitment Act. The Climate Commitment Act, which established a comprehensive, market-based program to achieve the state's greenhouse gas limits, allows qualifying offset credits to be used as a compliance instrument in addition to emissions allowances. Through rulemaking, Ecology has adopted four offset protocols from California's cap and trade program: U.S. Forestry, Urban Forestry, Livestock Projects, and Ozone Depleting Substances. Ecology is currently developing a rule to amend its existing offset protocols and develop new protocols. Tree planting on agricultural land could potentially fit within the U.S. Forestry offset protocol; tree planting in urban areas could potentially fit within the Urban Forestry protocol. Ecology has formed a U.S. Forest Technical Working Group to provide recommendations and input to Ecology, including exploring ways to make the U.S. Forestry protocol better suited for smaller scale projects and less common project types, such as tree planting.

This rulemaking, as well as future rulemakings, may provide opportunities for Ecology's offsets program to become more available to agricultural landowners seeking to establish,

¹³ Chapter 70A.65 RCW.

enhance, and maintain riparian areas. One option that could be explored for riparian protection is the development of an offset project that would permanently preserve and steward already restored riparian areas on agricultural lands that currently do not have permanent protection. It may be that this project type would qualify under Ecology's soon-to-be-revised U.S. Forestry protocol offset, or it may be that further revisions to this protocol or the development of a new protocol are needed through future Ecology rulemakings. These efforts should be supported, but no immediate funding need has been identified to support this ongoing work.

10. Recommendation 2.3.9: Ensure long-term or dedicated funding for multi-year implementation of larger restoration projects and ongoing stewardship, maintenance, monitoring and adaptive management of already implemented riparian restoration projects.

Long-term, dedicated funding for riparian restoration and protection is a core funding priority.

Roundtable participants as well as funding recipients including Lead Entities have emphasized that a consistent and secured bucket of funding for implementation of riparian plans would enable funding recipients to scale up resources dedicated to the planning and implementing of riparian projects, including large scale and multi-year projects. In addition, riparian projects require substantial stewardship, maintenance, monitoring and adaptive management as it can take many years of sustained restoration and stewardship actions to fully realize the ecosystem services that riparian plantings provide. Dedicated funding would also enable funding recipients to take advantage of key acquisition opportunities that arise, often without advance notice.

Long-term funding that is sufficient, flexible, reliable and rapidly accessible should be provided to ensure the realization of riparian plans, priority riparian restoration and protection projects, and necessary stewardship, maintenance, monitoring and adaptive management.

11. Recommendation 2.3.10: Provide funding for the SCC Integrated Science Hub for Agriculture and Ecosystems specifically to support riparian ecosystem restoration and protection.

The SCC's recently launched Integrated Science Hub for Agriculture and Ecosystems enhances the scientific foundations of agency programs and serves as a collaborative community nexus that facilitates the implementation of science-based solutions to protect and enhance natural resources and agricultural viability within the voluntary conservation framework. The SCC received one-time funding in 2023 to form the Science Hub. If continued funding were provided, the Science Hub could support the implementation of numerous Roundtable recommendations, including Recommendations 2.2.1, 2.2.9.1, 2.2.9.2, 2.2.9.3, 2.2.9.5, 2.3.2, 2.3.4, 2.3.5, 2.3.6, 2.3.10, 2.3.11, 2.3.13, and 2.5.1. The SCC has requested ongoing funding for the Science Hub:

- Science hub (Conservation Commission)–ongoing funding for the implementation of science-based solutions to protect and enhance natural resources and agricultural viability. These projects provide key information for incentive-based approaches for riparian conservation and restoration on private lands. (\$5 million operating budget).¹⁴

Funding should be provided to the Science Hub specifically to support riparian ecosystem restoration and protection and implementation of the Recommendations in the June 2024 Riparian Taskforce Report.

12. Recommendation 2.3.11: Provide on-request funding for technical assistance with riparian restoration project identification and prioritization for watershed groups and facilitate information and technology sharing among watershed-based groups.

This Recommendation is connected to Recommendation 2.1 (Provide funding to watersheds as needed for implementation of the watershed-based riparian implementation program, including the development of riparian watershed-based implementation strategies), discussed in the Implementation Proposals for Recommendation 2, Section A.1, above. This recommendation also includes funding to facilitate information and technology sharing across watersheds to promote the implementation of priority restoration and protection projects and conduct the monitoring and adaptive management set forth in Recommendation 2.2.11. Funding could be provided to both RCO and SCC to facilitate information and technology sharing among the watershed-based groups that convene pursuant to Recommendation 2.1.2 to develop and implement the riparian watershed-based implementation strategies.

13. Recommendation 2.3.12: Provide continued funding for WDFW monitoring of riparian management zones as part of WDFW’s change detection monitoring program, including sufficient funding to include detection of both gains and losses in riparian ecosystems.

WDFW has requested ongoing funding related to its monitoring of riparian management zones as well as for scientific data modernization. This includes:

- Online decision support tool: WDFW has requested funding to continue its work to create an online decision support tool that maps current riparian systems and enables analysis relative to salmon distribution, fish passage, water quality, and other conditions that are critical to salmon and other native species. (Riparian systems assessment; \$2 million operating budget).¹⁵
- Scientific data modernization: ongoing funding for a comprehensive scientific data management program to enhance conservation efforts. This program will introduce

¹⁴ Salmon Strategy Biennial Work Plan at 20.

¹⁵ Salmon Strategy Biennial Work Plan at 7.

cloud storage, a modern data library, and a collaborative scientific data analytics environment for the department and its partners. (\$6.9 million operating budget).¹⁶

These efforts should include continued funding for WDFW’s high resolution change detection data product as well as funding to explore opportunities for WDFW to incorporate current and projected riparian ecosystem ecological uplift arising from riparian restoration and protection actions into its data products, or coordinate with other agencies whose data products include identification of actual or projected riparian ecosystem gains to ensure that these data products are complementary for the purpose of scientific data analytics.

14. Recommendation 2.3.13: Provide funding to conduct a study and develop a report evaluating the status and trends of environmental factors that sustain healthy riparian ecosystems, including but not limited to riparian water supply, river flow regimes, groundwater levels, changes in disturbance regimes, effects of climate change, and other potential threats to Washington state riparian ecosystem sustainability.

This recommendation should be supported as written.

15. Recommendation 2.3.14: Fund and support ongoing permit streamlining efforts for riparian restoration projects.

The Puget Sound Multi-Agency Review Team (MART), which uses an interagency process to streamline the permitting process for Puget Sound Basin habitat recovery projects, should continue to be supported.

Washington Department of Wildlife’s Habitat Recovery Pilot Program (HRPP) is a four-year pilot program designed to streamline local and state environmental permitting processes for habitat recovery projects that benefit freshwater, estuarine, or marine fish, or their habitats. The pilot program will sunset on June 30, 2025. The permit streamlining under this pilot process should be revised to implement lessons learned from the pilot project and permanently codified to promote the quick and efficient implementation of habitat restoration.

C. Agricultural Viability Implementation Proposals (Recommendation 2.2.9)

The June 2024 Riparian Taskforce Final Report articulated the importance of agricultural viability and the connection between agricultural viability and riparian restoration and protection:

Roundtable participants also recognized the importance to the State of both agricultural viability and the “culture” of agriculture in farming communities. Farmers are essential stewards of riparian habitat across Washington, and many farmlands support salmon and steelhead habitat and provide unique

¹⁶ Salmon Strategy Biennial Work Plan at 20.

opportunities for its protection and restoration. Agricultural lands face multiple threats, from increased development pressure, significant increases in land costs, environmental threats from climate change and a decrease in the numbers of farmers statewide. When agricultural lands are sold and converted to other uses, habitat is frequently lost. Ensuring agricultural viability and supporting farming culture will help to protect riparian corridors from further degradation.¹⁷

Recommendation 2.1.4 directs the watershed-based riparian implementation program to “[u]se decision-making processes that foster and support collaborative and cooperative planning to meet salmon and steelhead recovery goals while maintaining the viability of the agriculture industry,” reflecting the Roundtable’s principle of participation to provide recommendations that will, along with improving salmon runs and keeping them, support and sustain agriculture.

As discussed in the Overview of Discussions for Recommendation 2 above, an in-depth discussion among a small group of Roundtable participants and the Facilitation Team was convened to discuss implementation proposals for Recommendation 2.2.9. The Riparian Working Group also held a Q&A/101 on agricultural viability and the challenges Washington farmers are facing outside of the riparian context. Agricultural viability was also a topic of discussion during the October Roundtable meeting.

A key takeaway from these discussions is that there is no universal list of factors that define agricultural viability statewide in Washington. What keeps an agricultural producer viable varies among regions, sectors, and individual producers. This is one of the reasons that the Recommendations contemplate an examination of agricultural viability at the watershed level. However, Roundtable participants also recognized that this work should not be left solely to the watersheds or the watershed-based groups. Efforts to assess and promote agricultural viability can and should also be undertaken at the project, regional, and state level in addition to consideration within the watershed, largely through existing efforts undertaken by entities and organizations with the expertise and infrastructure to undertake this work. This multi-pronged approach will provide watersheds with the scaffolding needed to consider agricultural viability when undertaking riparian restoration and protection as contemplated in Recommendation 2.

Based on those conversations, the facilitation team recommends the following implementation proposals:

1. Recommendation 2.2.9.1 directs watersheds to identify and quantify critical factors for ensuring the viability of agricultural production within the watershed, utilizing

¹⁷ Riparian Taskforce Final Report at 11 (June 2024).

available resources. Roundtable participants identified the following available resources that could inform this effort:

- a. The Washington SCC’s [Agricultural Viability Toolkit](#), designed for Voluntary Stewardship Program workgroups, provides tools to individually define agricultural viability and identify ways to improve agricultural viability at the county and community levels. This toolkit could be used as is, or funding could be provided to build out this toolkit to provide more detailed guidance to watershed-based groups conducting riparian restoration and protection.
 - b. The Voluntary Stewardship Program, used in 27 of Washington’s 39 counties, provides opportunities for agricultural landowners to implement voluntary, site-specific practices that help to protect critical areas while also promoting agricultural viability. A number of VSP county workgroups have undertaken efforts to assess agricultural viability in their region. For example, San Juan County conducted [surveys](#) in 2017 and 2020 to evaluate agricultural viability within the county. Watershed-based groups can look to these efforts when assessing agricultural viability.
 - c. The Washington State Department of Agriculture, in partnership with the Washington State University IMPACT Center, is conducting an [Agricultural Competitiveness and Business Viability Study](#) funded by the Washington State Legislature to conduct an analysis of the threats, barriers, and challenges facing Washington’s agricultural industry. The study will highlight opportunities to strengthen Washington’s agricultural industry to increase agricultural competitiveness and business viability. The final report will be made available by June 2025.
 - d. The [Northwest Agriculture Business Center](#) (NABC) serves western Washington and seeks to improve the economic viability of the agriculture industry by providing resources and guidance to agricultural producers.
2. [Recommendation 2.2.9.2](#) calls for the identification and implementation of public and private sector strategies to ensure an adequate land base for continued viable agricultural activity. There is significant overlap between this recommendation and Recommendation 2.3.4 (Identify opportunities to better align state and federal funding sources for farmland and riparian protection to support multi-benefit projects), discussed in the Implementation Proposals for Recommendation 2, Section B.5, above. Roundtable participants have identified the following strategies for implementing this Recommendation:
- a. Review and revise grant programs and permitting processes to ensure they allow multi-benefit projects. Multi-benefit programs and projects—those providing benefits to both fish and farmland—are recognized as a critical vehicle for implementing this recommendation. Multi-benefit projects

frequently encounter obstacles in the funding and permitting processes that constrain their implementation. The Facilitation Team recommends a review of state and federal grant and permitting programs to identify obstacles to and opportunities for multi-benefit projects and implement needed changes that will promote the implementation of multi-benefit projects.

- b. Expand the [Snoqualmie Fish, Farm, Flood](#) process to other watersheds in Washington by providing grants to interested watersheds. In 2013, King County convened the Fish, Farm, Flood Advisory Committee consisting of agricultural, salmon recovery, and flood risk reduction representatives as well as Tribal, state, and local jurisdictions. That Committee developed a suite of over thirty recommendations to significantly improve ecological function and habitat quality, strengthen the agricultural economy, and reduce flood risk. Implementation of these recommendations included a Buffer Task Force that developed science-based recommendations for variable width buffers for voluntary restoration on private lands.
 - c. Continue to fund [Floodplains by Design](#). Floodplains by Design is a public-private partnership led by the Department of Ecology (Ecology), the Bonneville Environmental Foundation, and American Rivers that seeks to reduce flood damage, improve working lands, and restore habitat along Washington’s streams and rivers. Floodplains by Design includes a capital grant program led by Ecology and includes partnerships between Tribes, local agencies, NGOs, and landowners.
 - d. Promote the permanent protection of farmland both within and outside the floodplain.
3. Recommendation 2.2.9.3 calls for the identification and implementation of strategies to increase the productivity of non-riparian agricultural lands within the watershed.

Examples include investments in infrastructure and technology, support for collaborative water solutions,¹⁸ support for increasing markets and market access, technical assistance, and other proactive strategies to support agricultural viability. This recommendation specified that funding should be directed towards existing programs that promote agricultural viability, where those programs are available, and that flexible funding should be provided to local governments, conservation districts, and agricultural support organizations to plan for and implement agricultural viability projects.

¹⁸ “Collaborative water solutions” refers to the work of regional collaborations among local, state, federal, and Tribal organizations and regional stakeholders to address water challenges affecting both fish and agriculture, such as the Office of Columbia River’s Columbia River Water Management Program and the [Yakima Basin Integrated Plan](#).

The SCC and State Department of Agriculture both house existing programs that support agricultural viability. Flexible funding should be provided to both agencies that allows riparian restoration and protection projects on agricultural lands to include components that increase the productivity of non-riparian agricultural lands within the watershed, tailored to meet the needs of the agricultural producer(s) involved in the project. The scope of this funding should be broad enough to encompass the examples of strategies listed above and in the body of Recommendation 2.2.9.3.

4. Recommendation 2.2.9.4 directs actions to support succession planning for farmers and programs that encourage land access for the next generation of farmers. Roundtable participants identified the following existing ongoing efforts and resources addressing succession planning that would benefit from additional funding:
 - a. SCC's [Office of Farmland Preservation](#) has existing statutory authority to support succession planning for farmers. The Office of Farmland Preservation has developed a workbook, [Planning the Future of your Farm](#), to support farm transfer decisions. Funds could be directed to the Office of Farmland Preservation to update this workbook, which was developed in 2017, as well as to provide additional staff capacity for outreach to support transition planning.
 - b. Other resources include the American Farmland Trust's [Land Transfer Navigators Program](#), funded by NRCS; Washington State University Extension; Northwest Agriculture Business Center; and Farm Credit Services of America.
5. Recommendation 2.2.9.5 calls for the establishment and funding of a monitoring program that inventories the amount of farmland conversion and loss within the watershed as a result of voluntary riparian protection and restoration actions as well as all other drivers of farmland conversion and loss.

Roundtable participants identified two existing efforts that could be built on to implement this monitoring recommendation:

- a. Voluntary Stewardship Program workgroups report on outcomes every five years; this reporting is ecosystem focused but often also includes an evaluation of farmland conversion and loss within the county. Counties take different approaches to monitoring and tracking and there are a number of different examples that can be drawn from.
- b. PSP has developed Land Use and Habitat strategies that include development and tracking of farmland conversion and preservation and agricultural land viability indicators and metrics, in collaboration with American Farmland Trust. The Partnership has started work to assess cumulative effects of its restoration activities and is conducting a pilot project in the Whidbey Basin.

D. Implementation Proposals for Incentivizing Landowner Participation (Recommendation 2.5)

A small group of Roundtable participants convened to discuss implementation proposals for Recommendation 2.5, which recommends a simplified process for project implementation under the watershed-based riparian strategies and incentives to ensure robust participation in implementation of those strategies. The Facilitation Team also sought input from other Roundtable participants during the September Roundtable meeting and in follow-up conversations, as well as from Lead Entities. Implementation recommendations arising from those conversations are set forth below:

1. Recommendation 2.5 calls for a simplified process to facilitate implementation of projects identified in the riparian watershed-based strategies. The Request for Proposals approach set forth in the Implementation Proposals for Recommendation 2, Section A.6, above, is designed to ensure that funding for riparian projects is awarded in a way that implements the Recommendations under Recommendation 2. This funding would not be provided to the exclusion of other funding sources but would be dedicated to riparian restoration and protection projects and would serve as a primary funding source for those projects.
2. Recommendation 2.5.1 calls for sufficient funding for landowner outreach and technical assistance within each watershed. This recommendation could be implemented through the following implementation proposals, which are also discussed in the Implementation Proposals for Recommendation 2, Sections A.5 and A.6 and Sections B. 1, B.4, B.6-B.7, and B.11-B.12 above:
 - a. Provide funding to watersheds as needed for implementation of the watershed-based riparian implementation program, including the development of riparian watershed-based implementation strategies (Recommendation 2.1).
 - b. Provide targeted funding for development of watershed-based riparian restoration and protection strategies, including funds for technical and facilitation contractor support in watersheds where those services are needed (Recommendation 2.1.3).
 - c. Provide funding for Conservation Districts through the SCC to ensure sufficient staffing and knowledge of all available federal and state voluntary riparian restoration and protection grant opportunities. Lead Entities as well as multiple Roundtable participants have emphasized that Conservation Districts are currently and should continue to be the primary on-the-ground coordinators with landowners to further riparian restoration and protection (Recommendation 2.3.3).

- d. Provide funding to Conservation Districts and other established on-the-ground organizations through the SCC for on-the-ground use of the Riparian Communication Campaign toolkit in conversations with landowners, as well as to equip Conservation Districts with information about available opportunities to support agricultural viability (Recommendation 2.3.5).
 - e. Provide funding to Conservation Districts through the SCC to ensure sufficient staffing and knowledge of all available federal and state voluntary riparian restoration and protection grant opportunities, and to enable Conservation Districts to continue their work to aggregate projects and funding sources to enhance opportunities for riparian habitat restoration and protection (Recommendation 2.3.6).
 - f. Provide funding for the SCC Integrated Science Hub for Agriculture and Ecosystems specifically to provide technical assistance to and among watersheds to facilitate riparian ecosystem restoration and protection (Recommendation 2.3.10).
 - g. Provide funding to both RCO and SCC to provide on-request information and technology sharing among the watershed-based groups that convene pursuant to Recommendation 2.1.2 to develop and implement the riparian watershed-based implementation strategies (Recommendation 2.3.11).
3. Recommendation 2.5.2 calls for a single, simplified application process that is readily usable by all potential funding recipients across watersheds. The Request for Proposals approach set forth in the Implementation Proposals for Recommendation 2, Section A.6, above, is designed to ensure that funding for riparian projects is awarded in a way that implements the Recommendations under Recommendation 2. This funding would not be provided to the exclusion of other funding sources but would be dedicated to riparian restoration and protection projects and would serve as the primary funding source for those projects. Separately, the continued work of the Align Partnership to streamline and simplify the grant funding application process should continue to be supported, as discussed under Recommendation 2.3.6 in the Implementation Proposals for Recommendation 2, Section B.7, above.
4. Recommendation 2.5.3 recommends providing incentives or rewards to landowners for early participation in implementing projects under the riparian watershed-based strategies on their lands, including through higher landowner payments and exemption from the state regulatory and/or compensation approaches set forth in Recommendation 3.

Roundtable participants have expressed broad support for an approach that provides higher landowner payments as well as exemption from the state regulatory and/or compensation approaches contemplated in Recommendation 3, should such an approach need to be

implemented in a watershed that was failing to meet its established targeted outcomes for riparian restoration and protection.

5. Recommendation 2.5.4 recommends the creation of a Sustainable Farm and Fish certification program under WSDA that builds on existing certification programs and includes requirements for riparian and habitat conservation consistent with and implementing the watershed-based riparian implementation strategies. It is envisioned that this certification program would include agreements that provide certainty to landowners to ensure that landowners committing to long-term enrollment are deemed compliant with established and new local, state, and federal regulatory requirements.

To implement this recommendation, fund an evaluation of (i) existing certification programs and (ii) landowner agreements providing regulatory certainty under local, state, and federal laws to analyze the potential of these programs and agreements to serve as a platform for such a Sustainable Farm and Fish certification program; recommend modifications to those programs and agreements, and new programs and agreements, to implement the provisions of Recommendations 2 and 3; and recommend pilot programs that should be developed to further implement this recommendation.

Recommendation 3

Overview of Discussions: As of the date of this report, discussions on the development of implementation strategies related to Recommendation 3 are ongoing. Recommendation 3, which focuses on regulatory or compensation strategies that would come into effect if the concrete targets adopted in the watershed-based implementation strategies are unable to be met through the voluntary actions, was the focus of the October Riparian Roundtable meeting and the group's discussion of this Recommendation will continue at the December Roundtable meeting. Plauché & Carr also expects individual and small group conversations with Roundtable participants and constituency groups to continue into December. For these reasons, a final overview of discussions on Recommendation 3 will be provided in the December report.

The October Roundtable meeting focused on a list of options and approaches to consider if and when the voluntary watershed plans described in Recommendation 2 do not meet objectives. Options considered included those listed as potential regulatory and compensation strategies in the text of Recommendation 3 in the June 2024 Final Report as well as additional ideas proposed by Roundtable participants and approaches proposed for consideration by the Facilitation Team. At the meeting, Plauché & Carr provided a high-level overview and the group engaged in robust discussion on many of the concepts. Participant feedback served to narrow the list of options as well as the scope of certain individual options, leaving a refined subset of regulatory and compensation strategies for follow-up in November and December. A summary of the October Riparian Roundtable meeting is provided in Appendix F | October Riparian Roundtable Executive Summary.

Implementation Proposals:

As noted above, Roundtable discussions are ongoing regarding potential regulatory and compensation strategies that could be employed if watersheds do not meet the concrete targets developed as part of the watershed riparian implementation plans. In advance of the October Roundtable meeting, the Facilitation Team circulated a compilation of potential strategies, along with some initial discussion points for each strategy, developed by the Facilitation Team, to spur Roundtable discussion of each potential strategy. A copy of that compilation is attached to this Report as Appendix G | Recommendation 3 Strategies Compilation. The text of the strategies, including language from Recommendation 3, from the compilation document is included in quotations below, along with a summary of the discussion points from the October Roundtable meeting. These strategies are being reviewed and revised based on the October Roundtable discussion and will be the primary subject for discussion at the December Roundtable meeting. Some of these strategies will also be taken up at the November Roundtable meeting, as time allows. It is important to note that, at this time, no roundtable participant has agreed to any of the regulatory or compensation strategies discussed below, nor have they been asked to do so.

A. Concepts that could be included as part of any regulatory or compensation strategy

Roundtable participants agree that a regulatory or compensation strategy should only come into effect if watershed targets are not met after adequate funding of voluntary measures, as discussed in Recommendation 2. Roundtable participants conveyed a general belief that, if adequate funding is provided, the vast majority of necessary riparian restoration and protection can be accomplished through voluntary programs. The regulatory or compensation strategy would only come into effect when insufficient participation in those voluntary programs, in spite of adequate funding, leads to a failure to meet watershed targets. To emphasize the “last resort” nature of the regulatory or compensation strategy, Roundtable participants discussed two overlay strategies that could serve as precursors to a regulatory or compensation strategy:

1. Safe Harbor for voluntary participants

“Any regulatory or compensation strategy could include a specific carve out for early adopters such that landowners who agree to participate in the voluntary, watershed-based implementation strategies discussed in Recommendation 2, either immediately or when funding is made available for actions on their land, would not be subject to the regulatory or compensation strategy developed as part of Recommendation 3 (if and when that strategy came into effect). This carve out could be instituted immediately, or it could be instituted as an initial strategy to increase landowner participation if targets in the watershed-based implementation strategy are not being met.”

- *An example of a similar strategy that has been discussed at previous roundtable meetings can be found in the Family Forest Fish Passage Program. You can see more at this link: <https://www.dnr.wa.gov/ffpp>”*

Roundtable participants generally agreed that any regulatory or compensation strategy should incentivize landowners who participate in the voluntary program by creating a “safe harbor” for early adopters. The Facilitation Team was charged with further refining such a safe harbor, consistent with the language presented to the Roundtable.

2. Adaptive Management

“If concrete targets in a watershed-based implementation strategy are not being met through the voluntary programs discussed in Recommendation 2, the initial response could be to reconvene the group that developed the watershed-based implementation strategy to discuss and implement adaptive management actions aimed at addressing the reasons specific targets are not being met. The regulatory or compensation strategies developed as part of Recommendation 3 would not come into effect unless targets remained unmet after the implementation of watershed-specific adaptive management actions.”

Roundtable participants generally agreed that adaptive management is a critical component to watershed implementation strategies, particularly considering that the adaptive management process would provide an opportunity to better understand the points of failure that are causing the watershed not to meet targets. However, some Roundtable participants also noted that time is of the essence, and feedback loops that continue over long periods of time should be avoided. The Roundtable will continue to discuss adaptive management strategies that address those concerns.

B. Strategies to address failure of a watershed group to adopt an adequate riparian implementation strategy

*“If the watershed-based group discussed in Recommendation 2.1.2 is unable to adopt or amend an existing riparian watershed-based implementation strategy, as discussed in Recommendation 2.2, _____ shall, in consultation with the organizations listed in Recommendation 2.1.2, develop and adopt a watershed-based implementation strategy, in accordance with Recommendation 2.2, for that watershed. **[For RT3 discussion: Who should this be? RCO, SCC and the County in which that watershed is located? Other options?]**”*

The question of oversight of watershed groups’ development of watershed implementation strategies was initially discussed at the September Roundtable meeting and more thoroughly discussed at the October Roundtable meeting. Roundtable participants noted several overarching concepts that should be considered when developing an oversight strategy:

- Facilitation should be a first step if watershed groups are not able to agree upon a watershed implementation strategy. Roundtable participants generally emphasized that buy-in from all impacted parties is key to a successful implementation strategy. If those impacted parties struggle to reach agreement, the first step should be to bring in a facilitation team to help try to bridge divides to achieve agreement.
- County government should be the first level of governmental oversight if watershed groups are unable to develop an adequate riparian implementation strategy.
- State agencies should serve in an advisory/assistance capacity to county governments as they work with watershed groups to develop riparian implementation strategies.
- The state should lead any regulatory effort that would come into effect if watershed groups are unable to develop a riparian implementation strategy.

The Facilitation Team will be working on a strategy that incorporates these concepts for discussion with the Roundtable.

C. Regulatory and compensation strategies included in Recommendation 3.

- “3.1. A Washington State riparian acquisition program targeted toward land within a particular watershed if, once all voluntary and incentive actions have been exhausted, such acquisition is necessary to achieve the established outcomes as determined by local watershed groups for acres planted in riparian areas, miles of streambank planted, average riparian width, miles of streambank protected by land or easement acquisition, and acres of restored land maintained. The state’s targeted riparian acquisition program would pay fair market value for property interest acquired and would acquire the minimum ownership interest required to achieve long-term outcomes. In the next phase of discussions, the group should explore what situations could trigger the use of the State’s authority under eminent domain as a tool of last resort if that is the only way to meet riparian habitat goals.
- *Note that the targeted compensation strategy would not necessarily require a legislative grant of authority: the State has existing eminent domain authority that could potentially be used in this situation. The State’s eminent domain authority is discussed in Title 8 RCW. <https://app.leg.wa.gov/rcw/default.aspx?Cite=8>*
 - *The following are some initial thoughts for the Roundtable’s consideration with regard to the last sentence of the existing recommendation (“what situations could trigger the use of the State’s authority under eminent domain as a tool of last resort if that is the only way to meet riparian habitat goals.”)*
 - *Can the Roundtable group identify specific circumstances for which the targeted compensation program would be appropriate? Potentially where the watershed-based group determines that a property or properties is/are critical to achieving the concrete results articulated in the implementation strategy, and that all*

mechanisms of voluntarily achieving results on that property/properties have been exhausted?

- *Potentially include procedural safeguards. For example, provide that, if the watershed-based group determines that the use of eminent domain is required, that group would make a recommendation of the Legislature to provide funding for acquisition through eminent domain, thus giving the Legislature a role in determining whether the use of eminent domain is appropriate.”*

The Roundtable participants did not spend much time on Recommendation 3.1 at the October Roundtable meeting. As noted in the June 2024 Final Report and Recommendations, the concept of a targeted acquisition program was discussed in some detail during the 2023–24 Roundtable process. While Roundtable participants recognized the State’s power of eminent domain under current law, several participants across various constituencies discouraged reliance on that power as an exclusive, or primary, strategy to be employed if watersheds are not meeting the targets in their watershed implementation plans.

“3.2. Regulatory approaches for achieving the concrete targets adopted in the watershed-based implementation strategies, including, without limitation:

3.2.1 Innovative approaches such as a riparian calculator that calculates impacts and determines the number of riparian credits a landowner needs to offset the lack of a buffer on their property.

- *Develop a method to calculate riparian impacts and restoration benefits. In watersheds that are not meeting restoration targets using voluntary approaches, provide landowners with the options of (a) restoring riparian areas on their properties, or (b) purchasing credits to offset the lack of riparian vegetation. The revenues from the sale of credits could be used to fund high priority restoration and/or acquisition projects in the same watershed, and/or compensate landowners that conduct riparian restoration on their properties. This would apply to all land use types.*
- *This approach would require new legislation. A similar program could also be pursued under Recommendation 1 using existing state or federal regulatory authorities under the Endangered Species Act or the Growth Management Act and Shoreline Management Act, as a permit requirement to address riparian impacts and in enforcement actions and after-the-fact permits. Permittees would have the option of conducting permittee-responsible mitigation or purchasing riparian credits to offset unavoidable impacts. Under this approach, if a watershed is not meeting its restoration targets, the mitigation requirements could be extended to apply to currently exempt uses and activities.”*

The October Roundtable meeting included a robust discussion of potential crediting strategies and how those strategies could potentially be employed as part of an overall riparian restoration strategy. Some of the points raised by Roundtable participants are noted below. The discussion of a riparian crediting program will be raised again as part of the November and December Roundtable meetings, as a crediting program could have a role in implementing Recommendation 1 as well as Recommendation 3.

- A riparian crediting program could be used as part of enforcing existing regulatory controls, potentially as part of Growth Management Act, Shoreline Management Act and Clean Water Act regulatory strategies. Such a program should also be discussed as part of the discussion of Recommendation 1, which focuses on enforcement of existing regulations.
- Several Roundtable participants noted that a riparian crediting program could be particularly helpful in urban areas, where significant riparian restoration can be challenging because of the existing built environment. With regard to urban areas:
 - Roundtable participants generally agreed that urban areas need to participate in riparian restoration; the fact that the built environment makes that difficult should not create a “pass” for urban or developed areas.
 - Several Roundtable participants also noted that we shouldn’t “give up” on urban areas. There are places within developed areas where riparian restoration is feasible and could provide significant benefits beyond habitat benefits to salmon and steelhead.
 - Some Roundtable participants suggested that a tax might be a more appropriate vehicle than a crediting system to ensure urban and developed areas participate in riparian restoration. A tax could be levied across urban and developed areas to spread the burden of riparian restoration, as opposed to resting that burden exclusively on riparian landowners. There was also some discussion of including a tax throughout developed areas in combination with a crediting program in riparian areas.
- Several Roundtable participants noted that crediting programs can be problematic, and any move toward such a program should benefit from lessons learned from other crediting programs (like wetland mitigation banking). Monetizing ecological value can create opportunities for manipulating markets. It is important to be sure that the crediting program actually results in projects that help advance salmon recovery.
- There was also a discussion of whether crediting programs would apply generally to riparian properties or whether some sort of application for development, redevelopment, etc. would trigger a crediting program. The National Marine Fisheries Service has developed a crediting program for activities in the Puget Sound area that uses a Puget Sound nearshore habitat calculator to establish value for credits. That

crediting program is triggered when a property owner applies for development, redevelopment, or repair and maintenance of existing structures. That calculator was developed for Endangered Species Act compliance, which may limit its use as a precedent or example for a Washington state riparian crediting program.

- Local government representatives noted that any requirement that counties purchase credits related to county land would need to include funding for that purchase.
- There was a recommendation that the Facilitation Team work with the Riparian Working Group to further develop strategies around a crediting program.
- Some Roundtable representatives also emphasized that restoration of some specific areas may be critical for salmon recovery; the crediting program should not apply to those areas.
- There was also a discussion of the potential interplay between a crediting program in urban areas and Clean Water Act stormwater permits in urban areas, which require increasing levels of protection in urban areas.

“3.2.2 Requiring public and private landowners owning property adjacent to a riparian area that do not participate in the voluntary incentive programs discussed in Recommendation 2 above, to establish, maintain, and protect a riparian management zone on their property.

- *This requirement would bring some of the provisions of the proposed Lorraine Loomis Act, HB 1838/SB 5727 (2022)) into effect if voluntary programs are not meeting specified targets in a watershed. Here is a link to the language of the proposed Lorraine Loomis Act: proposed [Lorraine Loomis Act](#), see sections 203-206.*
- *There has been a lot of discussion around takings implications of this buffer requirement. We are circulating a copy of Courtney Kaylor’s Working Group presentation last year addressing takings issues. We are also including circulating a copy of Professor Monte Mills presentation on tribal treaty rights. It might be helpful to review these presentations in advance of the RT3 discussion.¹⁹”*

There was not adequate time to discuss Recommendation 3.2.2 at the October Roundtable meeting. The Facilitation Team anticipates that this Recommendation will be the subject of further discussion at the November and December Roundtable meetings.

¹⁹ Copies of Ms. Kaylor’s presentation on takings and Professor Mills’ presentation on Tribal treaty rights are included with this report in Appendix F | October Riparian Roundtable Executive Summary.

“3.2.3 Removing exemptions and exceptions under GMA/SMA in the Riparian Management Zone.

- *Under this recommendation, if a watershed is not meeting the established watershed-based targets, the local government’s use of exemptions, variances and reasonable use accommodations under both GMA and SMA would be suspended until such time as those targets are being met.*
- *There are critical distinctions between exemptions, which are included within the GMA and SMA statutes and generally exempt a suite of activities from regulation or permit requirements, and variances and reasonable use exceptions, which are property-specific decisions not to apply, or to modify the application of, a regulation to a particular activity or a particular piece of property.*
- *There has been some discussion about the takings implications of this strategy, particularly as it applies to variances and reasonable use accommodations, which are tools local governments use to avoid potential regulatory takings. Again, it is worth reviewing the attached presentation from Courtney Kaylor discussing takings issues.*
- *A possible variant with regard to exemptions: under the SMA, exempt uses are exempted from the permit process; they are not necessarily exempted from compliance with provisions of the code. One approach could be to require that exempt activities obtain a letter of exemption from the local government with jurisdiction in order for the activity to be exempt. This could help ensure local governments have the ability to review activities to ensure that they qualify for the applicable exemption, establish the current activities in exempt areas, and provide an opportunity for local governments to share with landowners applicable code provisions and potential eligibility for voluntary programs for protection and restoration.”*

Roundtable discussion of this Recommendation focused on variances and reasonable use exceptions and authorizations. Some Roundtable participants expressed frustration that these types of authorizations allow significant development that is interfering with achieving the “no net loss” standard under existing law. Other Roundtable participants noted that variances and reasonable use exceptions are often in place to address public health and safety issues or to ensure protection of constitutionally protected property rights. There was a general recognition that this topic – the use/overuse of variances and reasonable use exceptions under existing law – should be taken up as part of the November Roundtable discussion of Recommendation 1, which is focused on ensuring implementation of existing laws.

With regard to the potential removal of variances and reasonable use exemptions as part of a regulatory approach to address a watershed’s failure to meet targets in the watershed

implementation plan, the Roundtable discussed diving deeper into some of the nuanced differences between the Growth Management Act and the Shoreline Management Act with regard to variances, exemptions and exceptions. There was also a recommendation that more work be done to refine distinctions between different types of variances, exemptions and exceptions. The Facilitation Team intends follow-up with regard to those details.

“3.2.4 Imposing a development moratorium on properties within the watershed until outcomes are met.

- *A local government’s imposition of a development moratorium is contemplated in existing law. Both the SMA and the GMA provide for temporary moratoria on development. RCW 36.70A.390 (GMA) and RCW 90.58.590 (SMA). The moratoria authorized under those provisions must be temporary, ranging from 6 to 18 months under GMA (under specified circumstances) and up to 2 years under SMA.*
- *Moratoria also have takings implications, although takings issues are generally more limited because the moratoria represent a temporary (not permanent) prohibition on activities.*
- *The scope of a moratorium impacts the likelihood of implicating takings issues. A more geographically targeted approach (e.g. limiting development on riparian adjacent properties) may face less scrutiny for takings than a broader approach (e.g. limiting development on all properties within a watershed).”*

Roundtable members discussed some of the challenges around implementing a moratorium, including:

- A moratorium would result in a temporary pause in development, not a permanent solution.
- A broad moratorium in riparian adjacent properties could impact restoration activities.
- A moratorium just holds status quo, it does not result in restoration, which is the objective here.
- A moratorium requires a declaration of an emergency.
- A moratorium could broadly impact the tax base for local governments.

After further discussion, some Roundtable participants suggested that the Facilitation Team work to refine this proposal to focus less on a moratorium and more on the potential to institute some sort of “closure” that would stop activities in riparian areas when targets are not being met (an analogy was made to the closure of shellfish harvest areas when pollution threatens public health.) Another suggestion was that the Facilitation Team explore applying some sort of concurrency requirement for stream function similar to requirements under the Growth Management Act that infrastructure be sufficient, or upgraded to be sufficient, to adequately service new development before that development is permitted. The Facilitation

Team will further explore these concepts and ensure continued Roundtable discussions on this strategy.

“3.2.5 Regulatory approaches that have succeeded in other jurisdictions or under different regulatory frameworks, such as the Minnesota Buffer Law,²⁰ which requires perennial vegetative buffers of up to 50 feet along lakes, rivers, and streams and buffers of 16.5 feet along ditches.

- *The Minnesota Buffer Law (MBL), like the proposed Lorraine Loomis Act (LLA) discussed in 3.2.2, above, establishes mandatory buffers on certain water adjacent properties. There are a few key distinctions between the MBL and the LLA:*
 - *The buffer requirement in the MBL only applies to areas adjacent to public waterways, whereas the proposed LLA applies to all salmon and steelhead bearing streams.*
 - *The MBL buffer requirements are more limited than the proposed LLA’s requirement that the entire Riparian Management Zone be included in a buffer. The MBL requires a maximum 50-foot buffer and minimum 30-foot buffer along public lakes, rivers and streams, and a 16.5-foot buffer along drainage ditches.*
 - *The proposed LLA does not appear to allow typical crop species in the buffer area. The MBL allows a wide range of non-invasive species, including hay and forage crops, such as alfalfa and clover, which may also be harvested.*
- *One approach that could be considered: if a watershed is not meeting the targets adopted in its watershed implementation strategy, a law similar to the MBL would come into effect in that watershed, requiring a maximum of 50-foot buffers. The voluntary programs discussed in Recommendation 2 would then be targeted at expanding that buffer coverage beyond 50 feet.”*

Roundtable participants discussed several potential limitations with a law similar to the MBL as a regulatory strategy that would come into effect if a watershed is not meeting implementation strategy targets. First, a 50-foot buffer is a very broad-brush approach that would be inadequate in many areas. Roundtable members noted that the lack of flexibility statewide could be problematic. Roundtable participants also noted that the MBL had an exemption for properties funded under the CREP program to ensure the regulatory requirements of the MBL did not jeopardize CREP funding.

²⁰ <https://bwsr.state.mn.us/minnesota-buffer-law>.

There was also discussion about whether the MBL might be part of a strategy that provided a uniform 50-foot buffer on most riparian areas, with voluntary programs targeted to expanding buffers beyond that initial 50 feet.

Roundtable participants ultimately agreed that a program similar to the MBL should remain on the table for further discussion.

D. New regulatory strategies discussed at the October Roundtable meeting

In addition to the specific recommendations included in Recommendation 3, the Facilitation Team brought forward three new ideas, some developed by the Facilitation Team and some suggested by Roundtable members, for discussion at the October Roundtable meeting. Each of these was raised for the first time at the October meeting for initial feedback and to determine whether it bears further examination.

1. A requirement for compliance with current buffer standards at property transfer

“If a watershed is not meeting the targets in its watershed-based implementation strategy, a requirement would come into effect that riparian property owners certify, as part of the transfer of ownership, that the property meets the riparian buffer requirements in the County or City’s current critical areas ordinance. If the property does not meet those buffer standards, actions must be taken to establish such buffers. The idea would be to create a system similar to the septic certification process, which requires a certification that a septic system is operating properly as part of the transfer of ownership.”

This strategy arose out of analogies to on-site septic requirements. Many jurisdictions require inspection of on-site septic systems and certification that the system is properly functioning prior to property transfer. In the October Roundtable meeting, participants discussed the history of these on-site septic requirements and how they might be translated to compliance with buffer requirements in existing codes. Roundtable participants agreed this strategy should be further developed.

2. Mandatory implementation of the Department of Ecology’s Voluntary Clean Water Guidance for Agriculture

“If a watershed is not meeting the targets in its watershed-based implementation strategy, the buffer recommendations in the Department of Ecology’s Voluntary Clean Water Guidance for Agriculture, Chapter 12 Riparian Areas & Surface Water Protection could become mandatory in that watershed. In summary, landowners would be required to implement a fully forested Riparian Management Zone based on 1 SPTH₂₀₀ along streams and, if not feasible, must implement one of two alternative, three-zone riparian management options providing for a fully forested riparian area in the zone closest to the streambank (i.e., the core zone) and allowing for certain low-intensity uses in the zones furthest from the streambank – either (1) light intensity agricultural use of the inner zone, or (2) agricultural use of the outer zone that implements additional best management practices.

- *This concept comes from the facilitation team as part of the Riparian Roundtable process. The buffer requirements that would come into effect under this approach would be independent from Ecology’s Water Quality Program requirements and recommendations. That said, if landowners in a watershed were required to implement buffers consistent with Ecology’s Voluntary Clean Water Guidance for Agriculture, landowners’ implementation of that buffer could also establish compliance with Ecology’s Clean Water Act Program.*
- *A similar framework would be applied to all land uses to ensure that the burden does not fall disproportionately onto the agricultural sector.”*

This potential strategy was raised by the Facilitation Team. Some Roundtable participants noted that the 3-tiered buffers established in the Ecology guidance are similar to those in the forestry context, where some activities are allowed in buffer areas. Some Roundtable participants objected that the Ecology guidance was not adequately based on science. Some Roundtable participants emphasized that the Ecology program was a voluntary program and objected to it becoming a regulatory control, arguing that regulatory controls presented a negative incentive for landowners and voluntary programs were adequate. Other Roundtable participants disagreed, noting that some voluntary programs do not require buffers that are adequate according to existing scientific knowledge.

Some Roundtable participants appreciated the flexibility that is embodied within Ecology’s guidance. Others noted that that the Ecology guidance is dense and seems very complicated; it would need to be significantly simplified to be a regulatory program. It would also need to be expanded to address other uses in the watershed.

Ultimately Roundtable participants agreed this approach should be further explored by the Facilitation Team.

3. Revising the GMA Voluntary Stewardship Program to serve as a regulatory backstop

“The Voluntary Stewardship Program (VSP), RCW 36.70A.700, et. seq) is an existing program on agricultural lands that contains both voluntary provisions and a regulatory backstop. We hope to have a more focused discussion at Roundtable 3 about the mechanics of VSP so participants can consider whether a modified VSP approach could provide a strategy for addressing watersheds where the targets established in the watershed-based implementation strategy are not being met. Some considerations relevant to a modified VSP program include:

- *Not all counties participate in VSP (27 of 39). Would a modified VSP approach work in a non-VSP county?*
- *VSP only addresses agricultural lands – what considerations come into play if we want to use the model more broadly?*
- *VSP is linked to GMA’s protection (not restoration) standard. Can it be expanded to include restoration to meet targets in a watershed implementation strategy?*

- *VSP is administered by SCC. Would that need to change if the program is made mandatory in certain circumstances?*
- *Could VSP work plans be modified to include targets in the watershed-based implementation strategies discussed in Recommendation 2? Would this be a necessary addition?”*

There was a good discussion of VSP among Roundtable participants. Ultimately, Roundtable participants felt that the VSP program could be part of a strategy for achieving the targets in watershed implementation plans but that it did not make sense to try to modify the VSP program to serve as an overall regulatory strategy if those targets are not met. Roundtable participants agreed this strategy, as presented by the Facilitation Team, did not warrant further exploration.

4. Abatement Authority

Some Roundtable members suggested the potential use of state or local abatement authority in the event a watershed is not meeting its targets. In this instance, state or local governments would go onto properties that need to be restored to recover salmon runs and undertake the restoration itself, as is done at times with health and safety issues on a property. The Facilitation Team agreed to further explore this strategy.

5. Enforcement of Total Maximum Daily Loads (TMDLs)

Some Roundtable members suggested better enforcement of TMDLs, where streams are listed as impaired for not meeting temperature standards, as a regulatory approach. The Facilitation Team agreed to bring this discussion forward as part of the November Roundtable discussion of enforcement of existing regulatory programs.

Recommendation 1

Overview of Discussions: Recommendation 1 is set for discussion at the November Riparian Roundtable meeting. Roundtable participant discussions, especially discussions on Recommendation 3 at the October Roundtable meeting, have continued to involve topics and considerations that will inform implementation proposals for Recommendation 1. Because discussions related to ensuring that existing regulatory authorities in Washington protect existing, functioning riparian habitat will take place outside of the timeframe for this report, an overview of discussions on this Recommendation will be provided in a December report.

Implementation Proposals: Discussion on development of implementation proposals for Recommendation 1 are ongoing as of the date of this report. Final implementation proposals will be provided in a December report.

Recommendation 4

Overview of Discussions: Recommendation 4 is set for discussion at the December Riparian Roundtable meeting. While Roundtable participant comments and discussions have

continued to touch on the RCO and SCC voluntary riparian restoration incentive programs established in the 2023–25 capital budget, meetings directly addressing continued funding of these programs (as provided in Recommendation 4) are anticipated to take place in December. An overview of discussions on this Recommendation will be provided in a December report.

Implementation Proposals: Discussion on development of implementation proposals for Recommendation 4 are ongoing as of the date of this report. Final implementation proposals for Recommendation 4 will be provided in a December report.

Appendix A | 2024–25 Final Framework

Riparian Roundtable Discussion Framework for 2024-25 Dialogue

I. Introduction

The next phase of the Riparian Roundtable dialogue will take place from July of 2024 through the end of June, 2025. This phase of the discussions will focus on implementing the recommendations contained in the final report from the 2023-24 Roundtable discussions. <https://ofm.wa.gov/sites/default/files/public/publications/Riparian%20Taskforce%20Final%20Report%20and%20Recommendations.pdf>

The facilitation team anticipates that the bulk of the work in this phase of the Roundtable discussions will occur between August 1 and December 15. These discussions will focus on developing concrete implementation strategies for each of the recommendations in the June 2024 Report. Roundtable participants have strongly expressed a desire and capacity to spend considerable, focused time in the coming months to do the individual and group work needed to turn these recommendations into action. This Framework for discussions is intended to capitalize on that willingness.

II. Participants:

The Roundtable discussions will include the same organizations and individuals who participated in the 2023-24 Roundtable discussions.

III. Framework for Roundtable meetings:

A. Structure

- Roundtable: Roundtable meetings for this phase of discussions will occur monthly, with one meeting per month in August, September, October, November and December. With the exception of the virtual, half-day meeting on August 26, the meetings will be in person for a full day. We believe in-person discussions will be critical for working through different perspectives, and we will encourage Roundtable participants to adjust their calendars to attend these meetings in person. However, we also acknowledge that all Roundtable participants are juggling many important commitments and that there may be meetings where one or more Roundtable participants are not able to participate in person. We will allow for virtual participation in those instances.

We intend to discuss locations for these meetings with Roundtable participants at the August 26 Roundtable meeting.

In terms of substantive agendas for these meetings, we envision that the September, October, November and December Roundtable meetings will each address one of the four recommendations from the final report from the 2023-24 Roundtable process. We intend to discuss the order of those discussions at the August 26 Roundtable meeting.

- Working Group: As appropriate, a Working Group made up of representatives of Roundtable participants and other participants will meet in advance of the Roundtable meetings to discuss technical and policy issues. We anticipate that Working Group topics will largely be set by the Roundtable at the meeting preceding the meeting at which the Working Group topics will be discussed. For example, at the August Roundtable meeting, the Roundtable will discuss the agenda for the September meeting and decide what, if any, topics would be helpful to address with the Working Group in advance of the September Roundtable meeting. The facilitation team will then schedule Working Group meetings on those topics.
- Small Group conversations: Throughout these Roundtable discussions, the facilitation team has coordinated with individual Roundtable members, or Roundtable constituency groups, between Roundtable meetings. We envision that those individual discussions will increase in this phase of our dialogue as we work through some of the more challenging issues. We also envision that we may break into smaller constituency groups during parts of the monthly Roundtable meetings, if the facilitation team believes that discussions with individuals or individual constituency groups would be helpful during those meetings. Some of those breakout sessions may be pre-designed, others may be called for in real time, during the Roundtable meetings.

B. Legislative Engagement:

The facilitation team intends to increase and deepen engagement with the Legislature in this phase of the Roundtable discussions. We will be working with legislators to designate a group of legislators with which we can interact as the discussions move forward and eventually bring into some Roundtable meetings. The facilitation team believes that the Roundtable constituencies should also participate in that legislative coordination. At our August 26 Roundtable meeting, we will form the group of representatives from different constituencies for that ongoing legislative coordination.

C. 2025 discussions:

The facilitation team will assist the Roundtable participants in efforts to pursue the implementation strategies discussed during our fall/winter 2024 Roundtable discussions beginning in January 2025 through the 2025 Legislative Session and to the end of the 2023-25 biennium. This work may include providing background information and support for Roundtable participants as they seek to engage non-Roundtable participants in taking action on the implementation strategies; facilitation of ongoing dialogue among Roundtable participants, and between Roundtable participants and the Legislature, about

implementation of the riparian recommendations; or additional research regarding implementation of the riparian recommendations.

Appendix B | August Riparian Working Group and Roundtable Meetings

August Riparian Working Group Meeting

August 16, 2024; 12:00 p.m.–2:00 p.m.

Agenda

- I. Brief Introductions
- II. Discussion of 2024–25 Framework

Meeting Materials

2024–25 Roundtable Framework

Executive Summary

The Working Group meeting included an overview of the draft 2024-25 framework for the Riparian Taskforce and provided an opportunity for input and questions on the framework. The framework was structured around five Riparian Roundtables to be held in person for a full day and occurring once per month starting in August through the end of 2024. The Riparian Roundtable meetings taking place between September and December would focus discussions on development of implementation strategies for each of the four Final Recommendations from the June 2024 Riparian Taskforce Final Report and Recommendations. The framework also provided for legislator engagement which, along with meeting locations and the order in which the Roundtable would address each of the Final Recommendations, would be discussed at the August Riparian Roundtable meeting. Participants asked about the timing of the November 15 report required by the legislative proviso and funding requests in the Governor's budget and noted there may be an opportunity to do a work session with the Legislature to familiarize them with the implementation recommendations.

August Riparian Roundtable Meeting

August 26, 2024; 1:00 p.m.-5:00 p.m.

Virtual Meeting

Agenda

- I. Introductions**
- II. Objectives for the 2024 Roundtable Discussions and Ongoing Engagement in 2025**
 - a. Principles for Participation in 2024 Roundtable Discussions*
- III. Framework for Remaining 2024 Roundtable Meetings**
 - a. Order of Discussion of Recommendations*
 - b. Meeting Locations*
- IV. Legislative Engagement in 2024 Roundtable Discussions**
- V. September Roundtable Meeting**
 - a. Meeting Agenda*
 - b. Working Group Discussions*

Meeting Materials

2024-2-25 Final Framework

Executive Summary

Introductions

Peter Dykstra thanked all of the participants for joining the meeting to launch the newest phase of the Riparian Roundtables and asked them to introduce themselves.

Objectives for the 2024 Roundtable Discussions and Ongoing Engagement in 2025

Peter Dykstra reminded the participants that this next phase of the Riparian Taskforce was funded by a budget proviso in the 2024 Supplemental Budget that included additional funding for the Riparian Taskforce work during the State 2025 fiscal year. The proviso asked the facilitation team to reconvene this group to develop a proposal to implement the recommendations in the June 2024 report to the Legislature and to provide a report with additional information on implementation strategies to the Legislature by November 15,

2024. In addition, the new proviso requires the facilitation team to convene a group of interested legislators and engage them in the Riparian Taskforce process. Finally, the facilitation team has budget under the current proviso to be available for continued engagement with the Riparian Taskforce and the Legislature after the conclusion of the 2024 Roundtable discussions and through the first half of 2025.

Peter Dykstra then asked the group to share their thoughts regarding the Riparian Taskforce process to date and how they were approaching the new phase of Riparian Taskforce. Many participants took the opportunity to share with the group their hopes, concerns, and commitment to engaging in the ongoing Riparian Taskforce process. Peter Dykstra then reminded the group of the Principles of Participation for the Riparian Roundtables that were provided in the June 2024 report to the Legislature and asked whether there were any concerns about continuing the next phase of the discussions under those Principles. No concerns were voiced.

Framework for Remaining 2024 Roundtable Meetings

Order of Discussion of Recommendations

Billy Plauché provided an overview of the approach and schedule for the remaining 2024 Roundtable meetings. The facilitation team proposed one Roundtable meeting per month through the end of 2024. Each meeting will be a one-day, all-day in person meeting. Each meeting will focus on one of the 4 recommendations from the June 2024 report to the Legislature. Billy Plauché asked the group to consider the facilitation team's proposed order of discussion of the recommendations:

- **Recommendation 2** – September 13
- **Recommendation 3** – October 25
- **Recommendation 1** – November 15
- **Recommendation 4** – December 13

After discussion and feedback from multiple participants, the group agreed to the proposed order of discussions.

Meeting Locations

Billy Plauché raised the question of where to hold the four Roundtable meetings given that the facilitation team is recommending one-day, all-day in person meetings. No field visits are planned for this phase of the Riparian Roundtables but the facilitation team wishes to have the meeting locations accommodate travel from various parts of the state. After discussion and feedback from the group, it was agreed that the meetings would be held in the following locations:

- **September 13** – Snoqualmie Pass/Cle Elum
- **October 25** – Snoqualmie Pass/Cle Elum
- **November 15** – Olympia
- **December 13** – Tacoma

Legislative Engagement in 2024 Roundtable Discussions

Peter Dykstra reminded the group that the newest budget proviso requires the facilitation team to convene a group of interested members of the Legislature as part of the process for developing the implementation proposals. The facilitation team proposed that the facilitation team would work with a small group of Riparian Roundtable participants in initial information briefings with the group of interested legislators, starting with the group of 12 legislators the facilitation team has been updating over the course of the last couple of years. The facilitation team's plans would also have the group of interested legislators be brought into some of the later Riparian Roundtable discussions. For the initial briefings, the facilitation team suggested that they be joined by a small group of Roundtable members who were not lobbyists.

There was substantial discussion and feedback regarding the facilitation team's proposed approach to the legislative engagement in 2024. Several alternatives to the attendees of the initial legislator briefings were proposed by various Roundtable representatives, and several participants raised concerns about having some Riparian Roundtable participants be in those meetings while others would be excluded from them. The facilitation team accepted the feedback. The group agreed that the facilitation team would incorporate the feedback and come back to the Riparian Roundtable with a revised proposal for the legislative engagement in 2024.

September Roundtable Meeting

Meeting Agenda

Given that the group agreed to take on Recommendation 2 at the September 13 meeting, Amanda Carr gave the participants a refresher on the items contained in Recommendation 2. The overview included a reminder that Recommendation 2 was focused on how to support watershed level, voluntary efforts to restore riparian habitats for salmon recovery and agricultural viability. The facilitation team reiterated their hope that participants would spend time revisiting in detail the various elements in Recommendation 2 for the September 13 meeting given the wide variety of strategies that are included in that Recommendation.

Discussion was had by meeting participants concerning the role of salmon recovery lead entities as watershed level leads on riparian efforts, the level of funding needed to implement the concepts in Recommendation 2, the overarching structure at a statewide level for this riparian framework, the need for effective monitoring and adaptive management as part of the riparian restoration efforts, and suggestions for additional information that the facilitation team could gather for the September 13 Riparian Roundtable meeting.

Working Group Discussions

Unlike the previous phase of the Riparian Roundtable discussions, this phase does not include a formal series of Working Group discussions. The facilitation team is willing to put together Working Group discussion where they can be helpful to Roundtable discussions on an ad hoc basis. In addition, the facilitation team is having, and is available to have more, one-on-one and small group meetings with the constituency groups.

In discussing preparation for the September 13 Riparian Roundtable meeting, participants requested a Working Group/101 Session on Washington's Salmon Recovery Framework. The facilitation team committed to schedule the Working Group session ahead of the September 13 Riparian Roundtable.

Appendix C | Riparian Roundtable Participants

The following list provides the individuals invited to participate as members in the Riparian Roundtable process convened by Plauché & Carr under the 2024 Riparian Taskforce budget proviso. Those members and their designees were also invited to participate in the Riparian Working Group convened to support Roundtable discussions. Working Group members are listed separately below.

Riparian Roundtable

1. Addie Candib, Pacific Northwest Regional Director, American Farmland Trust
2. Bill Clarke, Attorney at Law and Lobbyist, Washington Realtors and Washington Public Utilities District Association
3. Bre Elsey, Director of Governmental Affairs, Washington Farm Bureau
4. Carl Schroeder, Deputy Director of Government Relations, Association of Washington Cities
5. Chad Bowechop, Tribal Council Vice Chair, Makah Tribe
6. Craig Bill, Director, Governor's Office of Indian Affairs
7. Dani Madrone, Pacific Northwest Policy Manager, American Farmland Trust
8. Daryl Williams, Environmental Contractor, Tulalip Tribes
9. David Herrera, Fisheries and Wildlife Policy Advisor, Skokomish Tribe
10. David Troutt, Natural Resources Director, Nisqually Indian Tribe
11. Derek Sandison, Director, Washington State Department of Agriculture
12. Diana Carlen, Vice-President, Gordon Thomas Honeywell Governmental Affairs, and Consultant, Washington Association of Wheat Growers, Washington Potato and Onion Association, and Manulife Investment Management
13. Edward Johnstone, Chairman, Northwest Indian Fisheries Commission
14. Erik Neatherlin, Executive Director, Governor's Salmon Recovery Office
15. Fran Wilshusen, Director of Environmental Protection Services, Northwest Indian Fisheries Commission
16. Gretchen Lech, Senior Policy and Engagement Manager, North America, Manulife Investment Management
17. Heather Bartlett, Deputy Director, Washington State Department of Ecology
18. James Thompson, Executive Director, Washington State Conservation Commission

19. Jarred-Michael Erickson, Tribal Business Council Chairman, Confederated Tribes of the Colville Reservation
20. Jason Spadaro, Executive Director, Washington Forest Protection Association
21. Jay Gordon, Policy Director, Washington State Dairy Federation
22. Jeremy (J.J.) Wilbur, Tribal Council Vice Chair, Swinomish Indian Tribal Community
23. Jim Cahill, Senior Budget Assistant to the Governor for Natural Resources, Office of Financial Management
24. Jim Peters, Habitat Policy Analyst, Northwest Indian Fisheries Commission
25. Jon DeVaney, President, Washington State Tree Fruit Association
26. Justin Allegro, Policy Director, The Nature Conservancy in Washington
27. Kadi Bizyayeva, Tribal Council Member and Fisheries Director, Stillaguamish Tribe
28. Kate Dean, Commissioner, Jefferson County
29. Kris Peters, Tribal Council Chairman, Squaxin Island Tribe
30. Laura Bradstreet, Executive Director, Puget Sound Partnership
31. Leonard Forsman, Tribal Council Chairman, Suquamish Tribe
32. Lisa Wilson, Tribal Council Member, Lummi Nation
33. Loni Greninger, Tribal Council Vice Chair, Jamestown S’Klallam Tribe
34. Margen Carlson, Conservation Director, Washington State Department of Fish and Wildlife
35. Mark Streuli, Lobbyist, Washington Cattlemen’s Association, Potato Commission
36. Matt Harris, Director of Governmental Affairs, Washington State Potato Commission
37. Megan Duffy, Director, Washington Recreation and Conservation Office
38. Michelle Hennings, Executive Director, Washington Association of Wheat Growers
39. Mindy Roberts, Puget Sound Program Director, Washington Conservation Action
40. Paul Jewell, Policy Director – Water, Land Use, Environment & Solid Waste, Washington State Association of Counties
41. Phil Rigdon, Director, Department of Natural Resources, Yakama Nation
42. Rob Duff, Executive Director of Policy & Outreach, Office of Governor Jay Inslee
43. Ron Allen, Tribal Council Chairman, Jamestown S’Klallam Tribe

44. Ron Wesen, Commissioner, Skagit County
45. Ruth Musgrave, Senior Policy Advisor for Natural Resources, Office of Governor Jay Inslee
46. Vanessa Kritzer, Executive Director, Washington Association of Land Trusts
47. Wes McCart, Commissioner, Stevens County

Riparian Working Group

1. Alison O’Sullivan, Ecosystem Recovery Program Manager, Suquamish Tribe
2. Amber Lewis, Amber D. Lewis Consulting, Suquamish Tribe
3. Amy Trainer, Environmental Policy Director, Swinomish Indian Tribal Community
4. Ash Roorbach, Forest Practices Coordinator, Northwest Indian Fisheries Commission
5. Ben Rau, Water Quality Program, Watershed Planning Unit, Washington State Department of Ecology
6. Ben Smith, Owner, Maple View Farm
7. Bill Clarke, Attorney at Law and Lobbyist, Washington Realtors and Washington Public Utilities District Association
8. Bob Carey, Strategic Partnerships Director, The Nature Conservancy in Washington
9. Brandon Rogers, Northern Treaty Territories Habitat Manager, Yakama Nation Fisheries
10. Bre Elsey, Director of Governmental Affairs, Farm Bureau
11. Carl Schroeder, Deputy Director of Government Relations, Association of Washington Cities
12. Craig Bill, Director, Governor’s Office of Indian Affairs
13. Dan Wood, Executive Director, Washington State Dairy Federation
14. Dani Madrone, Pacific Northwest Policy Manager, American Farmland Trust
15. Daryl Williams, Environmental Contractor, Tulalip Tribes
16. David Blodgett III, Fisheries Program Manager, Yakama Nation Fisheries
17. David Herrera, Fisheries and Wildlife Policy Advisor, Skokomish Tribe
18. David Troutt, Natural Resources Director, Nisqually Indian Tribe
19. Dewey Holliday, Senior Vice President of Operations, Manulife Investment Management

20. Diana Carlen, Vice-President, Gordon Thomas Honeywell Governmental Affairs, and Consultant, Washington Association of Wheat Growers, Washington Potato and Onion Association, and Manulife Investment Management
21. Edward Johnstone, Chairman, Northwest Indian Fisheries Commission
22. Elizabeth Spaulding, Habitat Policy Specialist, Governor's Salmon Recovery Office
23. Erik Neatherlin, Executive Director, Governor's Salmon Recovery Office
24. Evan Sheffels, Senior Policy Advisor to the Director and Tribal Liaison, Washington State Department of Agriculture
25. Fran Wilshusen, Director of Environmental Protection Services, Northwest Indian Fisheries Commission
26. Gretchen Lech, Senior Policy and Engagement Manager, North America, Manulife Investment Management
27. Hansi Hals, Natural Resources Director, Jamestown S'Klallam Tribe
28. Heather Spore, Environmental Policy Analyst, Swinomish Indian Tribal Community
29. James Thompson, Executive Director, Washington State Conservation Commission
30. Jarred-Michael Erickson, Tribal Business Council Chairman, Confederated Tribes of the Colville Reservation
31. Jason Spadaro, Executive Director, Washington Forest Protection Association
32. Jay Gordon, Policy Director, Washington State Dairy Federation
33. Jeff Janosky, Senior Asset Manager, Cottonwood Ag Management
34. Jens Rasmussen, Land Manager, AgReserves
35. Jeremy (J.J.) Wilbur, Tribal Council Vice Chair, Swinomish Indian Tribal Community
36. Jim Cahill, Senior Budget Assistant to the Governor for Natural Resources, Office of Financial Management
37. Jim Peters, Habitat Policy Analyst, Northwest Indian Fisheries Commission
38. Jon DeVaney, President, Washington State Tree Fruit Association
39. Joshua Rubenstein, Conservation Policy Associate, The Nature Conservancy in Washington
40. Julie Owens, Assistant Director, Natural Resources Department, Squaxin Island Tribe
41. Justin Allegro, Policy Director, The Nature Conservancy in Washington
42. Kadi Bizyayeva, Tribal Council Member and Fisheries Director, Stillaguamish Tribe

43. Kate Dean, Commissioner, Jefferson County
44. Kate Delavan, Office of Farmland Preservation Coordinator, Washington State Conservation Commission
45. Kris Peters, Tribal Council Chairman, Squaxin Island Tribe
46. Larry Epstein, Deputy Director, Puget Sound Partnership
47. Leonard Forsman, Tribal Council Chairman, Suquamish Tribe
48. Levi Keesecker, Ph.D., Ecosystems Manager and Science Hub Lead, Washington State Conservation Commission
49. Lisa Wilson, Tribal Council Member, Lummi Nation
50. Loni Greninger, Tribal Council Vice Chair, Jamestown S’Klallam Tribe
51. Mark Streuli, Lobbyist, Washington Cattlemen’s Association, Potato Commission
52. Matt Harris, Director of Governmental Affairs, Washington State Potato Commission
53. Matthew Hunter, Natural Resources Budget Advisor, Office of Financial Management
54. Melissa Gildersleeve, Water Quality Program Section Manager, Washington State Department of Ecology
55. Michelle Hennings, Executive Director, Washington Association of Wheat Growers
56. Mindy Roberts, Puget Sound Program Director, Washington Conservation Action
57. Natalie Lowell, Environmental Policy Analyst, Makah Tribe Office of Marine Affairs
58. Paul Jewell, Policy Director – Water, Land Use, Environment & Solid Waste, Washington State Association of Counties
59. Peter Headley, Head of Ag, Cascade Asset Management Company
60. Phil Rigdon, Director, Department of Natural Resources, Yakama Nation
61. Rico Vinh, Forests and Fish Project Manager, Washington Conservation Action
62. Rob Duff, Executive Director of Policy & Outreach, Office of Governor Jay Inslee
63. Robinson Low, Habitat Policy Manager, Washington Conservation Action
64. Ron Wesen, Commissioner, Skagit County
65. Ruth Musgrave, Senior Policy Advisor for Natural Resources, Office of Governor Jay Inslee
66. Scott Baird, Vice President of Land, Farmland Reserve

67. Thomas O'Brien, Ecosystem Services Division Manager, Habitat Program, Washington State Department of Fish and Wildlife
68. Tom Davis, Government Relations Director, Washington Forest Protection Association
69. Tom Elliott, Tributary Enhancement Special Project Leader, Yakama Nation Fisheries
70. Valerie Combs, Vice President and Corporate Counsel, PGIM Real Estate
71. Vanessa Kritzer, Executive Director, Washington Association of Land Trusts
72. Wes McCart, Commissioner, Stevens County

Appendix D | Proposed Interested Legislator Engagement Strategy

Proposed Interested Legislator Engagement Strategy for Riparian Roundtable

September to December 2024

- 2024 Operating Budget proviso requires that “independent contractor [Plauché and Carr] must convene a group of interested members of the Legislature to provide the task force with background information regarding the recommendations submitted to the Legislature, and to support the development of the implementation proposals.”
- P&C will bring together the group of legislators that it briefed during the 2023-24 Riparian Taskforce who appear to be remaining in the 2025 Legislature (Senators Salomon, Muzzall, and Warnick and Representatives Chapman, Dent, Lekanoff, Abbarno, and Tharinger) for background briefings by the P&C team on the recommendations and the current status of the implementation discussion process in late September and early October.
- P&C will provide the Riparian Roundtable participants with any PowerPoint presentations used or meeting notes taken during the interested legislators’ briefings.
- P&C will discuss with the legislators how to integrate the legislators into the October, November and December Roundtable meetings. P&C will propose to the interested legislators that we set aside a portion of each of those meetings for dialogue between the Riparian Roundtable members and interested legislators.
- If the interested legislators want to participate in a portion of the October, November and December Riparian Roundtable meetings, P&C will provide a meeting format that allows for participation by lobbyists for any Riparian Roundtable members who wish to have their lobbyist participate in those Riparian Roundtable meetings.
- P&C will work with the interested legislators, the Governor’s office, and the Riparian Roundtable participants to consider a presentation or workshop on the Riparian Roundtable effort during Committee Days in December 2024.

Appendix E | Recommendation 2 Meetings

Lead Entity Workshops 1, 2, and 3

September 4, 6, and 9, 2024

Agenda

- I. Brief Introductions
- II. Discussion of Recommendation 2

Meeting Materials

Excerpts from Recommendation 2 text

Recommendation 2 Questions for Lead Entities

Executive Summary

Each Lead Entity workshop started with background information and context for Recommendation 2 but focused on getting input from representatives of Lead Entities participating in each meeting. The dialogue was structured around several questions related to implementation of various sub-recommendations within Recommendation 2, listed below. In addition to the workshops, Plauché and Carr LLP solicited written input from the Lead Entities on these questions.

Recommendation 2.1.2

- What changes to the make-up of existing groups are needed to implement this recommendation?
- Are any state agencies existing members?

Recommendation 2.1.3

- What level of increased funding would be needed and manageable in the near-term to meet the highest priority riparian projects?
- Do you currently use both public and private sources or only public sources for existing projects?

Recommendation 2.2

- What is the estimated length of time it will take to adopt, amend, or develop a watershed riparian implementation strategy?
- Is there an already-adopted plan? If yes, does it have a riparian restoration component?
- Have specific riparian restoration projects been identified as restoration priorities?

- What level of funding is needed to adopt, amend, or develop a watershed riparian implementation strategy?
- What level of funding would you estimate will be needed to implement the prioritized riparian restoration and protection projects that could be identified in the implementation strategy? A rough estimate would be helpful, recognizing the implementation strategy hasn't yet been adopted.

Recommendation 2.2.1

- Are there examples of lead entity planning that considers or incorporates VSP or Total Maximum Daily Load (TMDL) water quality improved plans, or other regional or watershed-scale plans or processes?
- What are the challenges and opportunities with using these plans or processes in the development of watershed-based implementation strategies?

Recommendation 2.2.2

- How is the Riparian Management Zone (RMZ) currently factored into restoration plans and projects?

Recommendation 2.2.5-2.2.9

- Are any of these factors currently considered in the prioritization of restoration projects? If so, how?

Recommendation 2.2.9 (2.2.9.1-2.2.9.5)

- To what extent is agricultural viability being considered in riparian restoration and protection work?
- To what extent were current riparian restoration and protection efforts coordinated with local agricultural communities?

Recommendation 2.2.10(a-e)

- Are these metrics currently being used to track project and program success?
- What level of funding is required to monitor these metrics?

Recommendation 2.3.1

- What level of funding is needed to implement riparian restoration and conservation projects identified as priorities in already adopted watershed-based plans?

Recommendation 2.5.1

- What level of funding is needed for landowner outreach and technical assistance?

Riparian Working Group Meeting: 101/Q&A on Washington's Salmon Recovery Framework

September 9, 2024; 10:00 a.m.-11:00 a.m.

Agenda

- I. Brief Introductions
- II. Presentation on Washington's Salmon Recovery Framework by RCO
- III. Working Group Q&A and Discussion

Meeting Materials

PowerPoint Presentation titled "Salmon Recovery in Washington" by Washington State Recreation and Conservation Office presented to the Riparian Working Group at a meeting on Washington's salmon recovery framework on September 9, 2024. See Appendix E-2 |

Recommendation 2 Meeting Materials.

Executive Summary

The Working Group meeting included a presentation from Megan Duffy, Executive Director, Washington Recreation and Conservation Office Director, Kat Moore, Salmon Grants Manager at RCO, and Erik Neatherlin, Executive Director, Governor's Salmon Recovery Office on Washington's salmon recovery framework. The presentation included the events leading up to the passage of the Salmon Recovery Act, RCW 77.85, and development of a Statewide Strategy to Recover Salmon in the late 1990s. Salmon recovery regions develop regional plans, required by the Endangered Species Act for listed salmon species, which involve both a local and state review process. Projects are then ranked for funding, allocated through the Salmon Recovery Funding Board. There are 26 watershed-based organizations (i.e., the Lead Entities) which coordinate implementation of the plan at the local level. Project sponsors include Tribes, Conservation Districts, Regional Fisheries Enhancement Groups, land trusts, as well as environmental and community groups. The presentation was followed by group discussion and questions which included landowner engagement in salmon recovery projects, coordination of salmon recovery work with Conservation Districts, and RCO tracking and reporting on salmon recovery progress.

September Riparian Roundtable Executive Summary

September 13, 2024; 8:30 a.m.-5:00 p.m.

Pass Life Workspace
Cathedral Room
69802 WA-906, Suite 201
Snoqualmie Pass, WA 98068

Agenda

- I. Introductions and Overview of Agenda**
- II. Discussion of Correspondence Circulated after August 26 Roundtable**
- III. Discussion of Legislative Engagement Strategy**
- IV. Detailed Discussion of Recommendation 2**
 - a. Standing up Watershed-Based Implementation Programs*
 - i. Local flexibility on organization*
 - ii. Using existing plans*
 - iii. Agricultural viability*
 - iv. Targeted outcomes/monitoring*
 - b. Funding*
 - i. Funding for watershed planning effort*
 - ii. Prioritization of funding needs in 2.3*
 - c. Overall Watershed Coordination/Oversight (Recommendation 2.4)*
 - d. Strategies for Increased Participation*
- V. Discussion of Roundtable 3 (October 25, Recommendation 3 Focus)**
 - a. Working Group Sessions*
 - b. Additional Research*

Meeting Materials

Recommendation 2 text

August Riparian Roundtable Executive Summary
Proposed Interested Legislator Engagement Strategy

Executive Summary

Introductions and Overview of Agenda

Peter Dykstra welcomed the group and noted agenda item II would be covered in the afternoon.

Discussion of Legislative Engagement Strategy

Peter Dykstra shared an overview of the legislator engagement strategy, and participants agreed on moving forward in outreach with legislators.

Detailed Discussion of Recommendation 2

Billy Plauché and Amanda Carr introduced discussion on Recommendation 2 and summarized small-group discussions with Lead Entities and others held in advance of the Roundtable to get input on implementation of Recommendation 2.

Standing up Watershed-Based Implementation Programs

i. Local flexibility on organization

Amanda Carr highlighted that the recommendation language allows flexibility on which group takes the lead on developing the watershed-based strategies different watersheds. Participants shared the importance of that flexibility and that Lead Entities, local Voluntary Stewardship Plan working groups, existing regional collaborative efforts, and others may be the right lead organization in a watershed. The group discussed the importance of sufficient funding and other incentives and strategies to ensure interests come together and complete watershed plans.

ii. Using existing plans

Amanda Carr noted that the recommendation language aims to account for variability in levels of planning completed in different watersheds and to leverage existing work and address planning fatigue. She shared input from small group discussions that more funding is needed in watersheds to meet riparian project needs, and that there is strong interest in relying on and building on planning that has already taken place. Participants emphasized key considerations to take into account including the amount of time being asked of Tribes and farmers to participate in planning processes, the urgency of the work and need to focus on implementation, avoiding holding up implementation where watersheds have already done a lot of work, and providing sufficient funding, flexibility, and incentives for watersheds to successfully address local riparian needs. Participants asked how much additional work would be needed to complete watershed plans in areas that are ready to move forward, and the facilitation team noted that there are criteria and metrics that may require additional work but that may only merit a technical memorandum or tweaks to existing plans. Participant discussion also touched on consideration of watershed plans in local GMA and

SMA planning, potential to use or modify existing structures and processes like the Voluntary Stewardship Plan to accomplish riparian goals in Recommendation 2 and 3, and the level of flexibility and incentives needed to meet riparian goals including ideas such as a creative Request for Proposals (RFP) process.

iii. Agricultural viability

Billy Plauché asked participants to share any additional ideas that elaborate on the recommendations on agricultural viability. Participants shared that agricultural viability means something different in different areas and can involve many factors and that flexibility is needed to address viability at the local level. Participants considered opportunities to address agricultural viability in project criteria and to support agricultural viability with water quality and carbon credit trading. The group noted the presentation from The Freshwater Trust and the work of American Farmland Trust and the Puget Sound Partnership were on-point resources in this discussion. The Roundtable recommended a Working Group to share out more information on agricultural viability and challenges that agricultural landowners and producers are facing outside of the riparian context. The facilitation team also recommended that a small group discussion be held to do a deeper dive into implementation strategies for the agricultural viability recommendations.

iv. Targeted outcomes/monitoring

Amanda Carr shared that Lead Entities provided feedback ahead of the Roundtable that the current approach to reporting metrics for riparian restoration and protection are inconsistent and depend on what is required by the funding source. She also explained that the metrics in the recommendation are meant to be a floor and not a ceiling. Billy Plauché added that it was also recognized that the metrics are an important part of strategies for “what happens if targets aren’t reached” that is connected to Recommendation 3. Participants raised several discussion points including data confidentiality and transparency/accessibility, appropriately addressing implementation and effectiveness monitoring, level and frequency of reporting or auditing and determination of success or failure in a watershed, adaptive management, and the interplay between monitoring data and funding decisions.

Funding

i. Funding for watershed planning effort

Peter Dykstra provided context for the topic and Amanda Carr acknowledged that funding for watershed planning is a critical first step but not the only item that needs to be accomplished right away. Lead Entities reported that providing dedicated riparian funding has helped deliver funding to priority riparian projects that historically have not always scored well for funding, and that there was a further unmet need for near term funding dedicated to riparian work. Participants noted that all watersheds will need to do something and that it is important to provide funding for that work, although it will vary depending on the watershed.

ii. Prioritization of funding needs in 2.3

Amanda Carr shared that the facilitation team sees the list of funding recommendations under 2.3. Participants shared, generally, that the core funding need includes funding for

existing projects, full funding of existing programs, additional funding for riparian programs, better leveraging of state and federal funding, and pursuit of long-term funding. The group took note of EPA funding for riparian projects in the Puget Sound region as well as work on outreach and incentives by the State Conservation Commission (Science Hub) and the Department of Ecology (Hangman Creek and the Commodity Buffers Program). Participants discussed other funding requests and pathways that could support riparian efforts including a creative RFP, WDFW riparian monitoring, permit streamlining work, pay for success, and credit trading programs. Participants also considered opportunities to come together to share and learn from each other's experiences.

Overall Watershed Coordination/Oversight (Recommendation 2.4)

Billy Plauché acknowledged the language of 2.4 is open-ended and that an important part of structuring oversight of the watershed-based groups and strategies is taking into account what happens if targets aren't met in a watershed, including adaptive management. Recommendation 3 will be the subject of the next Roundtable meeting and that discussion will inform implementation proposals around Recommendation 2.4. Participants reflected key issues that may come up in this context include insufficient funding, adaptive management, and addressing landowner participation and incentives as well as the right levels to address these items (i.e., parcel, watershed, state).

Strategies for Increased Participation

Billy Plauché noted a small group discussion would be scheduled to do a deeper dive into these recommendations. Participants emphasized the importance of outreach and education and discussed information and current efforts by the State Conservation Commission that might help with messaging, potential new research or surveys to inform outreach and education efforts, as well as the role of consistent and accessible funding in building trust and participation in voluntary programs.

Discussion of Correspondence Circulated after August 26 Roundtable

Billy Plauché noted the facilitation team received several pieces of correspondence on the recommendations and wanted to provide time for the group to discuss. Some participants shared they were initially surprised but that they appreciated the articulation of others' challenges. Participants expressed a shared sense of commitment to continuing working together even if the group cannot reach consensus on every issue and agreed to move forward.

Discussion of Roundtable 3 (October 25, Recommendation 3 Focus)

Billy Plauché asked participants to share any Working Group session or small group discussion topics that would help support continued work to development implementation strategies related to Recommendation 2, and the group identified the following: agricultural viability, challenges farmers are currently facing, water quality and carbon credit trading, certification programs, and landowner incentives. The meeting adjourned.

Small Group Discussion: Implementing Agricultural Viability Recommendations

October 16, 2024; 12:00 p.m.–2:00 p.m.

Agenda

- I. Brief Introductions
- II. Discussion of addressing agricultural viability in Recommendation 2

Meeting Materials

Recommendation 2 text

Executive Summary

The goal of this small group discussion was to identify additional information and strategies that could be provided in Recommendation 2 implementation proposals regarding agricultural viability. Recommendation 2.2.9 and its sub-recommendations address agricultural viability and was the focus of the discussion. Participants noted Washington State Department of Agriculture's efforts over the 2024-25 biennium on the [Agricultural Competitiveness and Business Viability Study](#) as well as the State Conservation Commission's [Agricultural Viability Toolkit for the Voluntary Stewardship Program](#) as other work and resources that might be helpful and shared other entities involved in agricultural viability. The group also discussed public and private funding sources for projects involving agricultural viability and the need for additional funding for landowner outreach and technical assistance provided by Conservation Districts, and emphasized the variability and complexity of the factors influencing agricultural viability.

Small Group Discussion: Implementing Recommendations on Incentivizing Landowner Participation

October 18, 2024; 9:00 a.m.-10:30 a.m.

Agenda

- I. Brief Introductions
- II. Discussion of incentivizing landowner participation in Recommendation 2

Meeting Materials

Recommendation 2 text

Executive Summary

The goal of this small group discussion was to identify additional information and strategies that could be provided in Recommendation 2 implementation proposals on incentivizing landowner participation. The following sub-recommendations relate to the topic and were the focus of the discussion: 2.3.2, 2.3.4, 2.3.5, 2.5, 2.5.1, 2.5.2, 2.5.3, and 2.5.4. Participants shared that there may be opportunities to assist owners of agricultural lands facing economic challenges and other pressures and the timing considerations a program should address in assisting farmers. The group also identified flexible sources of funding for work with multi-benefit projects that might attract landowners, including Floodplains by Design and the new riparian grant programs under the SCC and RCO, and noted that additional funding is needed for Conservation Districts, and other locally trusted resources, for outreach and assistance activities. Group discussion also touched on messaging with landowners and reducing barriers in grant application processes.

Riparian Working Group Meeting: 101/Q&A on Agricultural Viability and Pressures Facing Agriculture

October 22, 2024; 9:00 a.m.-11:00 a.m.

Agenda

- I. Brief Introductions
- II. Presentations on Agricultural Viability and the Pressures Facing Agriculture
- III. Working Group Q&A and Discussion

Meeting Materials

PowerPoint Presentation titled “Agricultural Viability: Building Context” by Dani Madrone, Pacific Northwest Senior Policy and Planning Manager, American Farmland Trust presented to the Riparian Working Group at a meeting on agricultural viability and pressures facing agriculture on October 22, 2024. See Appendix E-2 | **Recommendation 2**

Meeting Materials.

PowerPoint Presentation titled “Ag Viability Considerations from VSP” by Levi Keesecker, Ph.D., Ecosystems Manager and Science Hub Lead, Washington State Conservation Commission presented to the Riparian Working Group at a meeting on agricultural viability and pressures facing agriculture on October 22, 2024. See Appendix E-2 |

Recommendation 2 Meeting Materials.

Three American Farm Bureau Federation charts provided by Bre Elsey titled: “Production Expenses Per Operation | Washington and U.S. Total,” “Labor Expenses Per Operation | Washington and U.S. Total,” and “Average Net Cash Loss | Washington and U.S. Total.” See Appendix E-2 | **Recommendation 2 Meeting Materials.**

Executive Summary

The Working Group meeting topic was requested at the October Roundtable to provide an opportunity for participants to hear about agricultural viability and explore what viability means, and to discuss the challenges that agricultural producers are facing.

The meeting included presentations by Dani Madrone with American Farmland Trust and Levi Keesecker with the State Conservation Commission (SCC). Kate Delavan with the SCC also shared a link to the [USDA Census of Agriculture](#) for those interested in additional data.

Presentations

Dani's presentation provided context on agricultural viability. She emphasized that agricultural viability involves multiple factors that vary from crop to crop, watershed to watershed, and farm to farm and that agricultural viability is important to salmon recovery because farmers are land stewards, land becomes susceptible to development when farmers leave, and farmers produce food to sustain the population. She also shared information from the 2022 USDA Census of Agriculture and highlighted that we are losing both farmers and farmland and discussed the impact of recent legislation on farmers. Dani also presented on American Farmland Trust's work with the Puget Sound Partnership on agricultural viability and shared some initial takeaways on challenges farmers face and agricultural viability from a recent survey of farmers.

Levi Keesecker presented on the SCC's work on agricultural viability, including an overview of the Voluntary Stewardship Program (VSP) and how the program addresses agricultural viability through county VSP work plans. He also highlighted agricultural viability insights from county VSP programs around the state.

Evan Sheffels with the Washington State Department of Agriculture (WSDA) added perspective from the agency's work to promote agriculture while protecting the public health and welfare. He shared that WSDA is performing an economics analysis of impacts and barriers to Washington state agriculture with the goal of increasing competitiveness of Washington state agriculture. Evan noted high input cost and inflation, labor availability and cost, and water scarcity, among other economic challenges facing farmers. Evan highlighted some of the work WSDA is hoping to do to provide additional assistance to growers to address these challenges and to meet regulatory requirements.

Q&A/Discussion

Bre Elsey with the Washington Farm Bureau shared graphs depicting Washington farm cash losses and input costs compared to the U.S. average (Washington figures are much higher than national averages). Participants added that farmers are price-takers (i.e., cannot raise prices when costs rise) because prices are largely set by processors.

Participants discussed how agricultural viability intersects with riparian buffers and that, in the context of Recommendation 2, a variety of tools are needed to keep farms and farmers viable. While the riparian effort cannot solve all of the challenges facing farmers, maintaining and supporting agricultural land and farmers is important to riparian restoration and protection. Participants also noted that when riparian restoration proponents and agricultural representatives come to the table together to ask for funding, there is more willingness to provide those funds. Participants expressed interest in getting into the details of the issues farmers are facing in order to identify solutions that also improve riparian conditions and noted that some of those conversations would need to take place at the watershed level due to the complexity and local variation in the factors influencing agricultural viability.

Appendix E-2 | Recommendation 2 Meeting Materials

“Salmon Recovery in Washington,” Washington State Recreation and Conservation Office

Salmon Recovery in Washington




 WASHINGTON STATE
Recreation and
Conservation Office

1

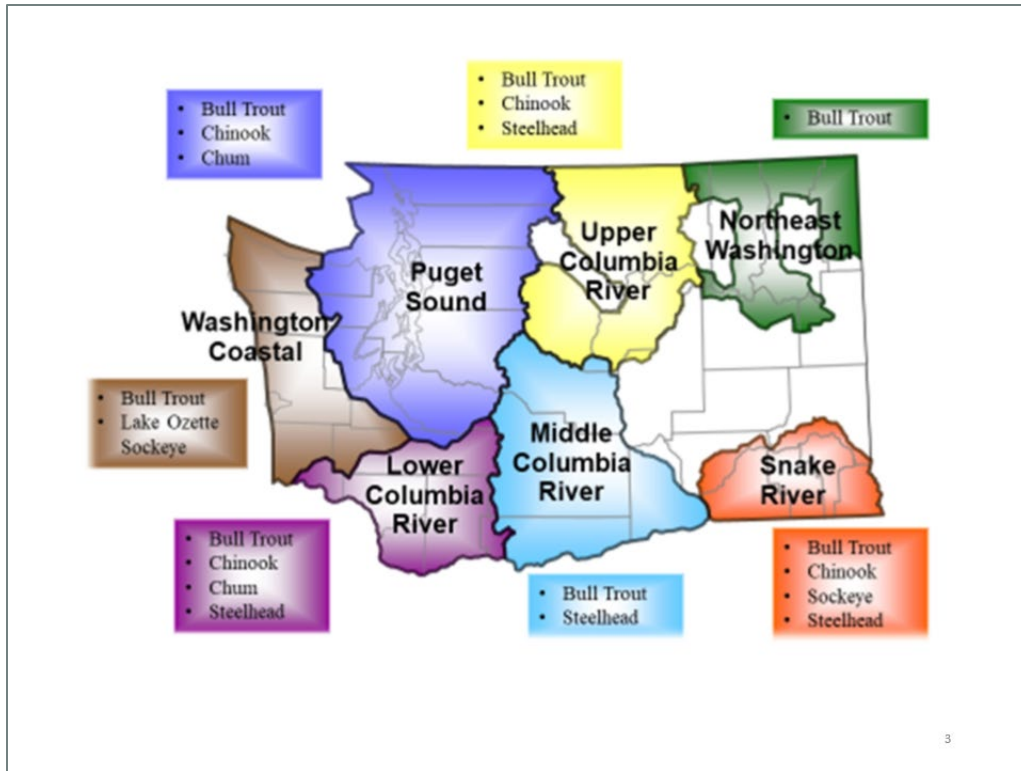
Salmon and Steelhead Federally ESA Listed

- First ESA listing in 1991 (Snake River Sockeye)
- By late 1990's 28 species salmon and steelhead ESA listed across the West Coast
- Currently 16 ESA listed salmonids in Washington



West Coast Region Salmon & Steelhead Recovery Domains

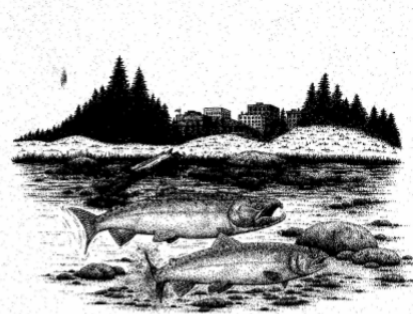
- Puget Sound
- Interior Columbia
- Willamette / Lower Columbia
- Oregon Coast
- Southern Oregon / Northern California Coast
- North-Central California Coast
- California Central Valley
- South-Central / Southern California Coast



Washington's Response

"Saving salmon is a stunningly ambitious goal, full of risks and replete with consequences we barely understand. **But extinction is not an option**, and it's up to us to make the history we want for our children and our grandchildren." Governor Gary Locke, October 9, 1998

- 1998 Salmon Recovery Act (ESHB 2496)
- 1999 Statewide Strategy to Recover Salmon: **Extinction is Not An Option**
- 2006, 2008, 2021 Updates to Statewide Strategy





Washington's Salmon Recovery Act (ESHB 2496) Bottom Up Approach – "The Washington Way"

- Regional Recovery Organizations
- Lead Entity Watershed Groups
- Salmon Recovery Funding Board
- Governor's Salmon Recovery Office

RCW 77.85 Salmon Recovery

- Recovery regions will create recovery plans
- Habitat projects must be vetted at the local level
- Local review process
- State review process
- SRFB allocates funds

SRFB September 2019



Item 2

6

Coordinating Organizations

- Seven regional organizations
 - Wrote local recovery plans adopted by NOAA
 - Coordinate implementation of recovery plans
- 26 Lead Entities
 - Citizen and technical committees that develop and vet projects



Regional Organizations

- Seven regional organizations
 - Three created in statute
 - Governed by regional boards
 - Boards include elected officials, Tribal representatives, and citizens
 - Responsible for writing and coordinating implementation of nine recovery plans
 - In five regions, the regional organization also houses the lead entity





Regional Recovery Plans

- ESA requirement
- Purpose of plans is to identify habitat needs and limiting factors
- Locally based organizations using local knowledge
- NOAA accepted plans in 2008
- Provide guidance to watershed based plans developed by lead entities

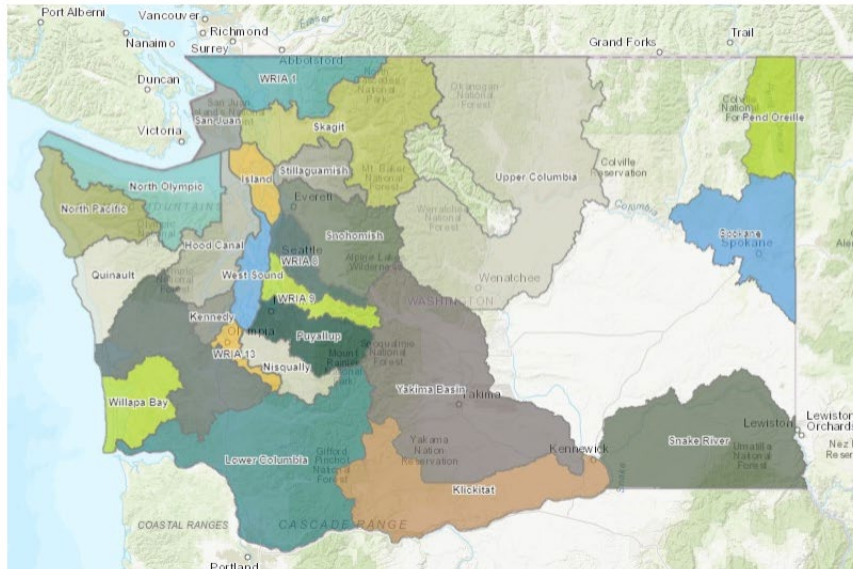
What is a lead entity?

Established by RCW
77.85.050

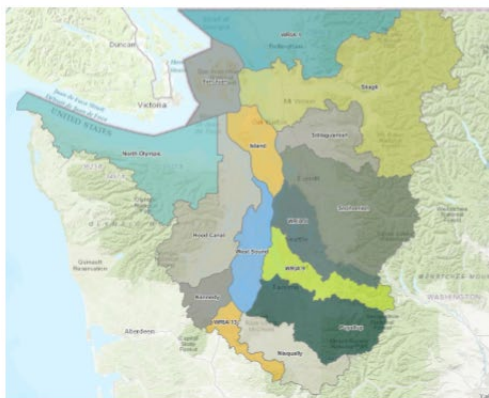
Local, watershed based
organization

Solicit, develop, prioritize and
submit habitat protection and
restoration projects to the
SRFB for funding

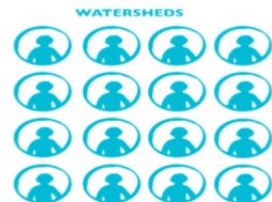
Lead Entities



Puget Sound



- Salmon Recovery Plan completed in 2007
- Consisted of 16 watershed chapters & a regional chapter
- These chapters contain strategies & actions to advance salmon recovery
- Plan to be updated every 10 years





Lead Entities Are Key to Salmon Recovery

- Provide an infrastructure to guide investments
- Build Partnerships and Trust
- Combine Local Science and Social Values to identify projects
- Prioritize Projects to Maximize Public's Investment

Habitat Strategy and Restoration Plan



Vision and goals



Describe high priority stocks, geographical areas, and actions



Identify community and stakeholder groups



Social, economic and scientific knowledge that limit or support vision and goals



Integration with other policies, programs, and regulations



Describe how progress and success are measured

Technical Committee

- Comprised of local, technical experts
- Knowledgeable about local watershed, habitat, and fish conditions
- Provide expertise on priorities and projects
- Rate projects on technical merit
- Present their recommendations to citizen committee



Citizen Committee

- Comprised of local residents; representatives of local, state, federal, and tribal governments; community groups, environmental and fisheries groups; conservation districts; and industries
- Ensure priorities and projects have community support
- Rank the project list based on technical committee evaluation
- Submit list to SRFB for funding





Sponsors

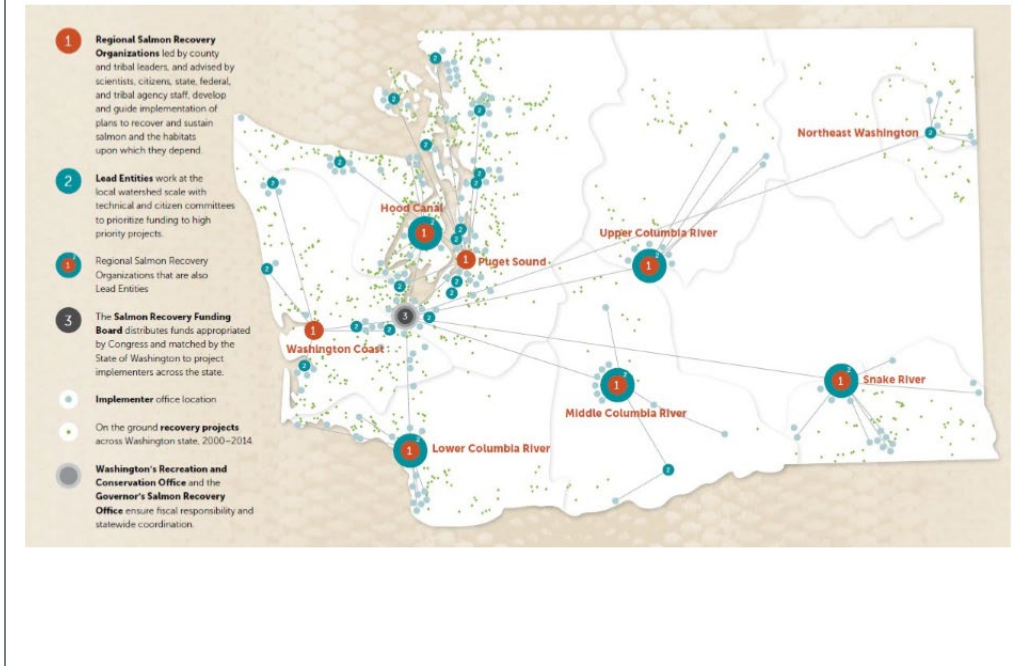
- Tribes
 - Conservation Districts
 - Regional Fish Enhancement Groups (RFEs)
 - Land Trusts
 - Environmental and Community Groups
 - Local Governments
 - State Agencies
-
- Develop projects
 - Implement projects
 - Apply for funding



Salmon Recovery Funding Board

- Recruits proposals via Lead Entity process
- Reviews proposals via the SRFB Review Panel
- Distributes state and federal funds via regional allocation formula and Targeted Investments
- Comprised of gubernatorial appointees and non-voting state agency representatives

Salmon Connect Us



“Agricultural Viability: Building Context,” Dani Madrone, Pacific Northwest Senior Policy and Planning Manager, American Farmland Trust

Agricultural Viability: Building Context

Riparian Roundtable Work Session

October 22, 2024

Dani Madrone

PNW Senior Policy and Planning Manager



Why is agricultural viability important?

- Farmers are stewards of the land and important partners in salmon recovery
- When farmers leave the land, it becomes susceptible to development (“highest and best use”)
- Farmers produce most of the food and other products that sustain the population

One definition...

From the State Conservation Commission's Agricultural Viability Toolkit

Agricultural viability can be defined as the ability of a farmer or group of farmers to:

- productively farm on a given piece of land or in a specific area
- maintain an economically viable farm business
- keep the land in agriculture long-term
- steward the land so it will remain productive into the future.

(This definition originally comes from the *Farming in the Floodplain Project: Existing Conditions Report*, August 2016 by Environmental Service Associates)

Five Elements

From the State Conservation Commission's Agricultural Viability Toolkit

These elements can be considered in evaluating the viability of agriculture:

1. A stable and secure base of agricultural land and water resources
2. Shared agricultural production and market infrastructure and services
3. Technical support to promote agricultural viability and conservation
4. Education, training and succession planning
5. A welcoming business environment

How are farmers doing?

The 2022 Census of Agriculture revealed that, since 2017 (5-year period):

- Washington is the 4th highest state in the nation for the percentage of lost farmland.
- We lost 5.6% of our working farmland, with over 800,000 acres no longer in production.
- 10.4% of Washington's farms were lost, totaling over 3,700 farms.
- The hardest hit were farms of less than 10 acres, which saw a 20.7% decrease.
- The average age of a farmer rose to 59.3 years.
- Producers under age 35 declined by 5.1%, while producers 65 and older grew by 13.2%.
- For every six farmers old enough to qualify for Medicaid, there is only one young producer to take their place.
- Meanwhile, producers ages 36-64 declined by 14.9%.

Recent legislation that impacts ag viability

Climate Commitment Act

- Legislature clearly exempted farmers and the transportation of agricultural products from the fuel surcharge.
- Implementation of the exemption failed. While there have been some rebates issued, agriculture has not yet been made whole.

Farmworker overtime

- In 2021, a bill was passed that mandated overtime pay for farmworkers in a phased schedule.
- Starting in January 2024, farmers now pay full overtime wages to farmworkers who work more than 40 hours a week.

Agricultural Viability in Puget Sound

- American Farmland Trust is working on a project to support county governments in understanding and planning for agricultural viability
- Funded by the Puget Sound Partnership to support the implementation of the Puget Sound Action Agenda
- Strategy 2: Working Lands
 - Support the long-term viability of agriculture
 - Improve planning for agriculture
 - Develop policies to strengthen agricultural resilience

Project Goals

- Shaped by an engaged steering committee
- Identify key elements of agricultural viability
- Engage with farmers to understand their needs and opportunities
- Recommend strategies, tools, and indicators relevant to the 12 Puget Sound counties
- Support counties in implementing the outcomes of this work

Farmer Survey

- Closed on October 17
- 432 responses from current, former, and aspiring farmers across Puget Sound (341 current farmers)
- Farm and farmer demographics
- Ranking challenges in the following categories
 - Land and water
 - Profitability
 - Infrastructure
 - Regulation and Certification
 - Livelihood and Wellbeing
- Ranking and identifying solutions

Quick Look at the Data

Of the current farmers, small farms (less than 50 acres) were highly represented (74%). Some of the top challenges included:

Land and Water:	Finding affordable land to buy Certainty of future water access
Profitability:	Lack of time to do all the needed farm work Cost of production compared to market prices
Infrastructure:	Meat processing facilities On-farm infrastructure
Regulation and certification:	Labor wages and compensation Land use zoning and permitting
Livelihood and wellbeing:	Health insurance and medical costs Reliance of off-farm work to support farm and family

Next Steps

- Disaggregate data by various factors (county, farm size, production type, farmer identifies, etc.)
- Conduct focus groups and interviews to dig deeper and fill in gaps

What is your greatest motivation for farming?

- “Exposing the community to the good life. Giving them reasons and opportunity to fall in love with and support agriculture in their community.”
- “Taking care of the land for our children and everyone else’s children. Preserved environment for animals and humans.”
- “I love working with the land - the place where I was raised - to create a real, tangible product that sustains human life: food.”
- “My family’s legacy of 5 generations farming and my concern for my community and humanity at-large having access to healthy food that supports a healthy planet.”

What is your greatest motivation for farming?

- “Providing good quality fresh food to nourish people while also nourishing the planet.”
- “It provides me an opportunity to connect with my cultural heritage and through farming I have developed a mission to create more sustainable communities.”
- “Good honest work, contribute to the local economy in an environmentally responsible and sustainable manner. Land stewardship.”
- “The tangible reward of producing real food, living in tune with the seasons, and the never-ending challenges to overcome resulting in personal and professional growth.”
- “It’s kinda like asking what motivates one to breathe.”

What does agricultural viability mean to you?

- “Agricultural viability to me simply means that the resources going into a farm are balanced by what comes out. That includes time, energy, quality of life, finance. If imbalance comes, then burnout occurs.”
- “It can mean several things. It could mean the viability of a particular crop to grow in sufficient quantities to be considered agriculture, or it could mean the viability of people who choose agriculture as a career being able to stay in that career.”
- “Everything! It’s a complex system that has eroded over time, making aspects unaffordable, unattainable or uncompetitive.”

What does agricultural viability mean to you?

- “Viability boils down to agriculture as a business. Is the business viable? If yes, agriculture is viable. We are subject to a menagerie of forces beyond our direct control... regulations, broad market changes, changing demographics and politics--and above all: weather.”
- “Agricultural viability to me encompasses the economic, political, practical, and environmental conditions necessary for agriculture and agriculturalists (farmers) to sustain their communities and themselves with the food and products they produce.”

What does agricultural viability mean to you?

- “Agricultural viability, to me, means ensuring that farming and agricultural practices are sustainable, economically feasible, and capable of supporting the livelihoods of farmers and their communities. It encompasses the ability to maintain productive, healthy land, adapt to changing environmental conditions, and implement innovations while preserving agricultural traditions. Viability also requires access to resources like land, water, labor, and infrastructure, as well as a market for farm products that allows farmers to thrive long-term.”
- “Being able to farm in a socially, environmentally, and fiscally sustainable way for my family and my community.”

Stay tuned!

“Ag Viability Considerations from VSP,” Levi Keesecker, Ph.D., Ecosystems Manager and Science Hub Lead, Washington State Conservation Commission

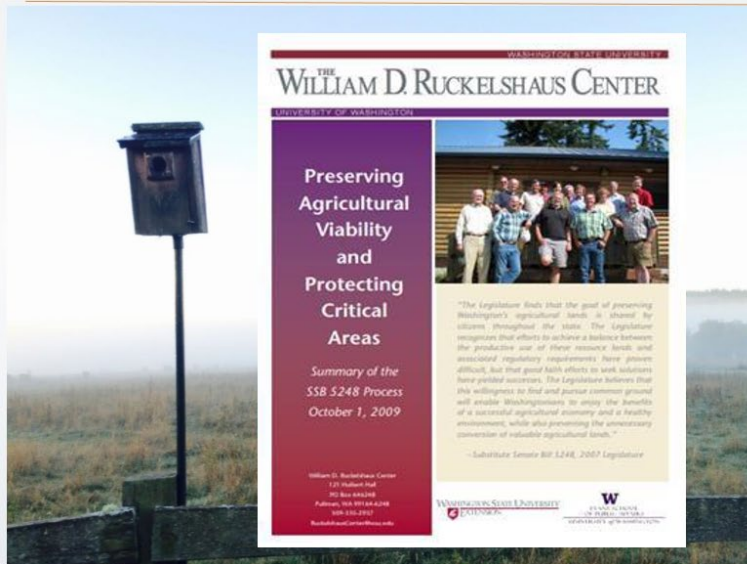


Levi Keesecker, PhD
Science Hub Lead



October 2024



What is the Voluntary Stewardship Program?

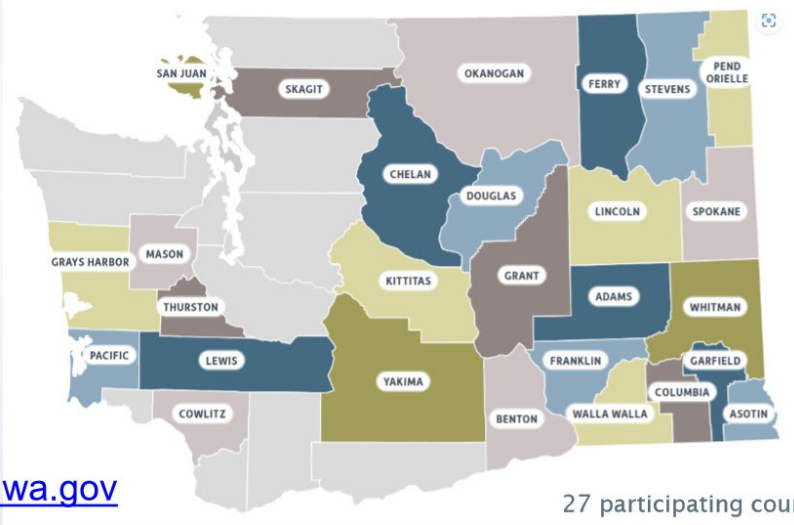


“...all cities and counties in Washington are also required to adopt critical areas regulations.”

Critical Area
Protection & Enhancement


Agricultural Viability

 **Voluntary Stewardship Program (VSP)** 



www.vsp.wa.gov 27 participating counties


Apply Science Lens




Community & Participation



Agricultural Viability



Effectiveness



Implementation

VSP Watershed Work Groups

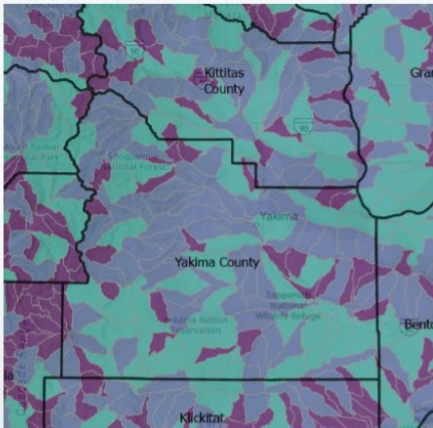
Examples of VSP work group member affiliations

- *Conservation District staff* County Water Dept.
- Ag Producers Land Rights Group Rep.
- College Professor Tribal Staff Lands Council member
- Orchardist Dairy Association member Others
- State Fish & Wildlife Dept. staff

Adaptive Management

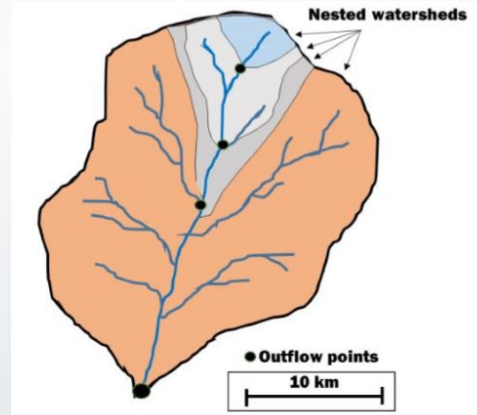


Implementation



Effectiveness

VSP counties must demonstrate that critical area *functions and values* are protected or enhanced – at the watershed scale - relative to July 2011



Agricultural Viability

Establish approach in VSP county work plans

Watershed work groups track, evaluate, adaptively manage

Diverse ways of thinking about "Ag Viability"



Ag Viability – VSP visits*



Strengths

- Co-op run, USDA certified mobile meat processing facility
- Landowners developed local food hub delivery system for residents and businesses.

Challenges

- High cost of land and the challenge of bringing in new farmers
- Housing for seasonal farm workers and restoration technicians.
- Cost of contractual labor and materials is high on the island



* not exhaustive list

Ag Viability – VSP visits*



Strengths

- Large-scale riparian, floodplain, and side channel restoration projects on priority salmonid streams
- High % producers using no-till/conservation tillage

Challenges

- Limited funding for nutrient (e.g., lime application) and upland management improvements.
- Funding priorities have focused the CD's efforts on lowland agricultural land.
- Peak floods damage agricultural fields and erode banks



Ag Viability – VSP visits*



Strengths

- Innovative community dairy cooperative to develop new markets for cow milk
- Floodplains by Design program for projects that may improve functions/values of frequently flooded areas, wetlands, F & W habitat, and ag viability

Challenges

- Not currently eligible for many salmon-focused cost share programs – Meyers Falls as fish barrier
- Funding cycle for current incentive-based cost-share programs is 1-2 years.
 - Sometimes cultural resource surveys take 2+ years to complete.
 - Mismatch of project funding timeframes and on-the-ground considerations required to get projects implemented. .



* not exhaustive list



Biofarming, Regenerative Ag, Local Markets



- Soil chemical and physical properties
- Water dynamics
- Soil microbiology
- Plants
- Invertebrates
- Birds
- Crops and Forage
- Economics



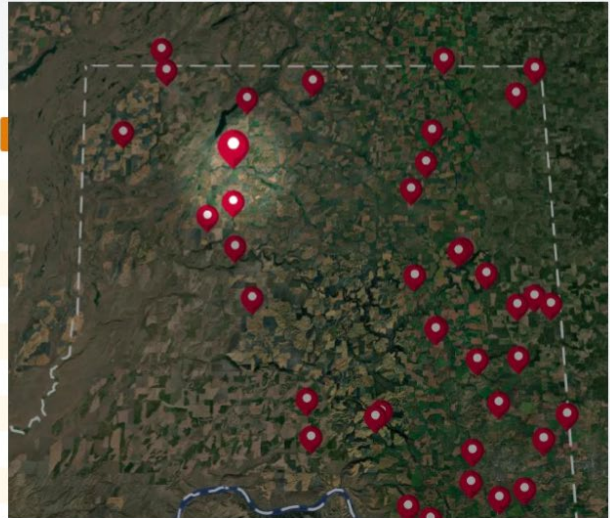
Ag Viability – VSP visits*



Welcome Whitman County Voluntary Stewards!



- No till/direct seed
- Pest management
- Nutrient management
- Cover crops
- Conservation cover
- Critical area planting
- Tree/shrub establishment
- Upland habitat management
- Open channel



* not exhaustive list

Agricultural Viability – Additional Approaches

Surveys to producers

Linking up “ag viability” to county comprehensive planning

Ways to quantify and track

Certifications, soil health, nutrient density, markets



Demonstrate co-benefits of conservation practices within watersheds

Science Hub

Agricultural Viability



Climate Resilience



Ecosystem Health



Focal Activities

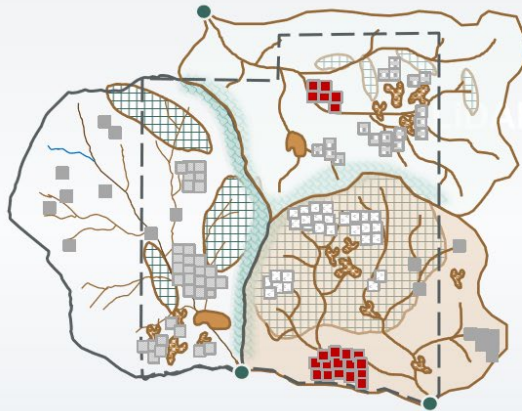
Coordinated Resource Management

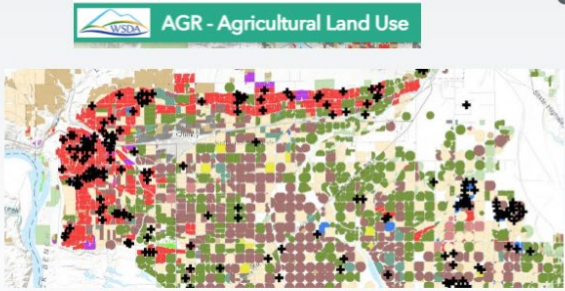
Watershed Planning & Prioritization

Watershed Monitoring

Social: values, motivations, economics, language, trust

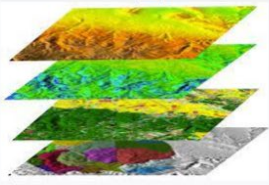
Pilot Watersheds (TBD)






AGR - Agricultural Land Use

Satellite imagery – temporal scale





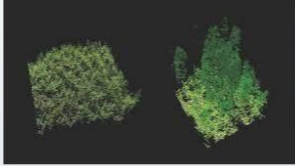
Rangeland Analysis Platform

WASHINGTON STATE
Department of Ecology

Freshwater Information Network Search

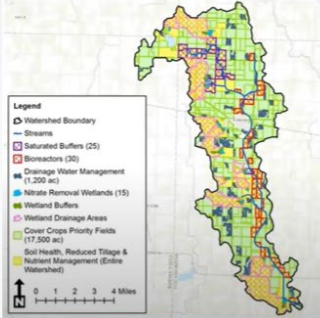
Ammonia	Site ID	Site Name	Type	Last Year
Barometric pressure	34A070	PALOUSE RIVER AT HOOPER	Long-term	2023
Conductivity, Specific (at 25 deg C)	34A170	PALOUSE RIVER AT PALOUSE (BRIDGE ST)	Long-term	2023
Dissolved Oxygen	34B073	SOUTH PALOUSE RIVER AT SHAWNEE RD	Basin	2022
Dissolved Oxygen Percent Saturation	34B110	SOUTH PALOUSE RIVER AT PULLMAN	Long-term	2023
Fecal Coliform	34J073	Union Flat Cr @ Long John Monesch	Basin	2023
Freshwater Quality Index	34J080	Union Flat Cr at Helen Repp Rd	Basin	2022
Nitrite-Nitrate				
Ortho-Phosphate				


LiDAR

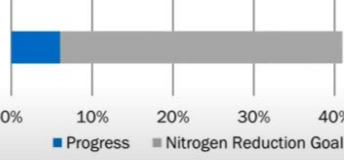


**Watershed
Planning &
Prioritization**

The watershed implementation plan identified priorities.







Mason, Whatcom, Benton CD staff applied approach – 3+ watersheds

Applications to monitoring, planning, benchmarks, outreach, and ag viability

Working with developers to calibrate for PNW



 Washington State
Conservation Commission

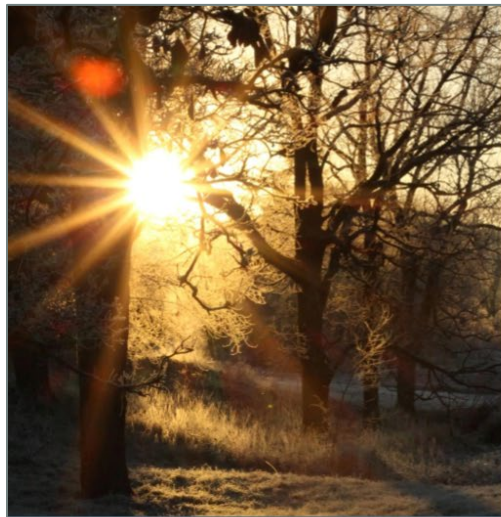
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www.scc.wa.gov
(360) 407-6200

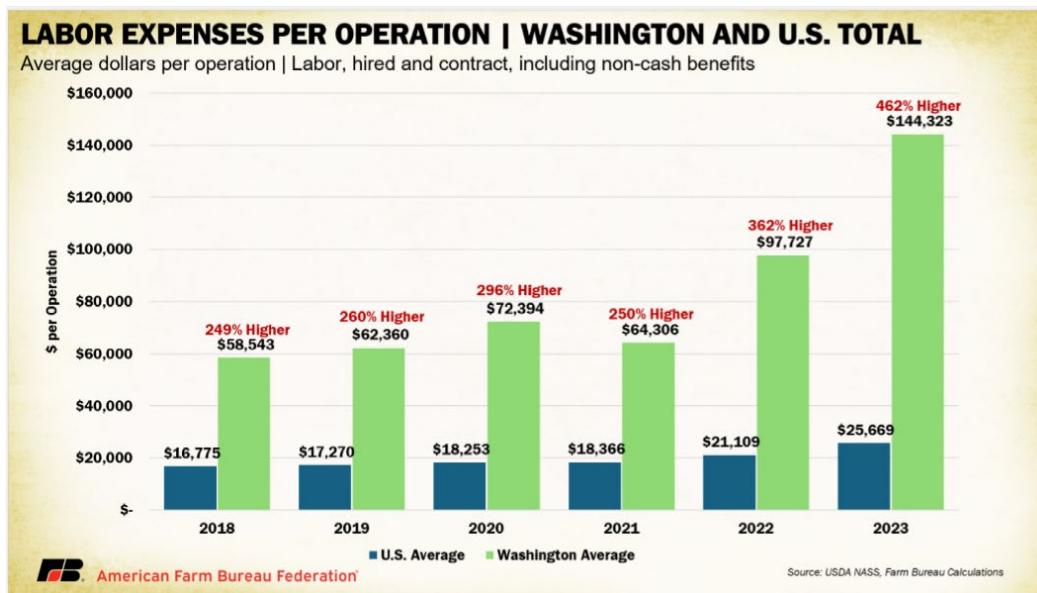
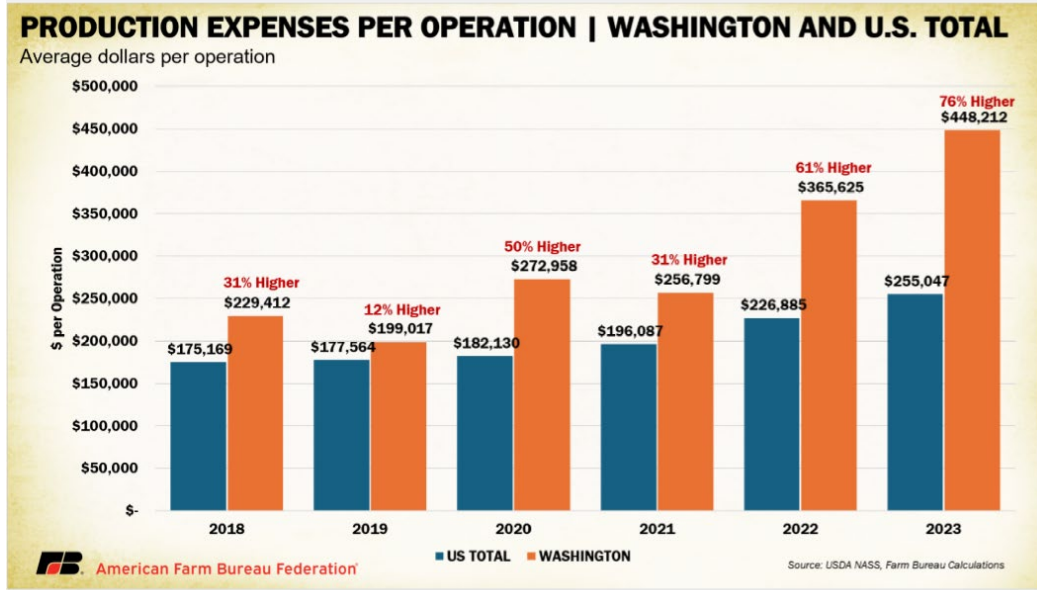


Thank you!

Contact:

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Hub Lead*
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360-789-3650

American Farm Bureau Federation charts, provided by Bre Elsey





Appendix F | October Riparian Roundtable Executive Summary

October 25, 2024; 8:30 a.m.-5:00 p.m.

Suncadia Resort
Miller Room
3600 Suncadia Trail
Cle Elum, WA 98922

Agenda

- I. Introductions and Overview of Agenda (8:30-8:45)**
- II. Brief check in on follow-up on Roundtable 2 (Recommendation 2) items (8:45-9:00)**
- III. Continued discussion of Agricultural viability/challenges facing agriculture (9:00-10:00)**
- IV. Discussion of Recommendation 3: Strategies if watershed implementation plan targets are not being met (10:00-12:00)**
- V. Lunch Break (12-12:30)**
- VI. Discussion of Recommendation 3 (continued) (12:30-2:30)**
- VII. Strategy discussion for legislative briefing (2:30-3:00)**
- VIII. Legislative briefing (legislators and lobbyists to appear virtually) (3:00-4:00)**
- IX. Completion of Recommendation 3 discussion and closeout/next steps (4:00-5:00)**

Meeting Materials

Recommendation 3 Concepts document

[PowerPoint presentation titled “Tribal Treaty Rights”](#) by Monte Mills, Charles I. Stone Professor and Native American Law Center Director, University of Washington School of Law, and presented at the fourth Riparian Working Group meeting in Series 2 on December 1, 2023.

[PowerPoint presentation titled “Riparian Roundtable: Regulatory Takings in WA”](#) by Courtney Kaylor, Partner, McCullough Hill PLLC, and presented at the third Riparian Working Group meeting in Series 2 on November 20, 2023.

Meeting materials from the October 22 Riparian Working Group meeting on agricultural viability and the pressures facing agriculture

Executive Summary

Introductions and Overview of Agenda (8:30-8:45)

Peter Dykstra welcomed the group and walked through introductions.

Brief check in on follow-up on Roundtable 2 (Recommendation 2) items (8:45-9:00)

Amanda Carr shared an overview of follow-up work the facilitation team completed after the September Roundtable meeting including conversations, small group discussions, and a Working Group meeting.

Continued discussion of Agricultural viability/challenges facing agriculture (9:00-10:00)

Amanda Carr noted that a recording and materials from the Working Group on agricultural viability and the pressures facing agriculture were provided for those unable to attend. Participants discussed the complexity of the agricultural industry in Washington and the challenges facing farmers, and that these complexities make it difficult to identify broad solutions to keep agriculture viable. Participants shared additional insights into the factors affecting agriculture viability and that there may be opportunities to assist farmers in particular over the next couple years as they face labor and trade challenges. The group shared general interest in understanding challenges for agriculture related to riparian habitat protection and restoration to ensure viability for both agriculture and salmon.

Discussion of Recommendation 3: Strategies if watershed implementation plan targets are not being met (10:00-12:00) (continued – 12:30-2:30, 4:00-5:00)

Peter Dykstra introduced the discussion including that discussions on Recommendation 3 are focused on what to do if watershed plan targets are not met, and noted the group would address the options in the Recommendation 3 document out of order. The Recommendation 3 document provided regulatory and compensation options for the group’s consideration including the options listed in the text of Recommendation 3 as well as ideas proposed by Roundtable participants in past meetings and approaches proposed for consideration by the facilitation team. In the document, a high-level summary was laid out for each option as well as several questions to prompt discussion.

Billy Plauché started with an overview of the options on the first page, which include incentivizing early adopters, adaptive management to reconvene watershed groups if targets in watershed implementation plans are not being met, and oversight strategies for instances where a watershed group struggles to agree on a watershed implementation strategy. Participants shared general support for protecting early adopters, using adaptive

management while ensuring the right sequence of review and local involvement, providing facilitation or dispute resolution where watershed groups are not able to come together, and allowing local governments to lead those watershed efforts, with advisory input from the state.

Billy Plauché provided an overview of the options in 3.2. The group engaged in robust conversation on several of the options. While no agreement was reached on any option and participants shared a variety of concerns and posed questions as to each, the group generally supported the following approaches: to continue consideration of a riparian calculator but that additional information and detailed discussion would be needed to address questions and concerns; not to pursue an enhanced Voluntary Stewardship Program and to let VSP work as intended; to continue to discuss a tiered buffer approach as a regulatory control that could come into effect if voluntary programs aren't achieving targets, as provided in the Department of Ecology's Clean Water Guidance for Agriculture, and to gain a more detailed understanding of the Guidance; to continue discussion of a riparian zone certification at the time of property transfer, certifying that a property meets the county's critical areas requirements; to continue discussion of adopting requirements similar to the Minnesota Buffer Law, which requires a 30 to 50 foot buffer on most streams, and using voluntary programs to get to restoration beyond 30 to 50 feet; not to pursue the concept of using moratoriums on development in watersheds but to continue discussion of a "closure" or "concurrency" approach to ensuring development or redevelopment protects existing levels of riparian habitat; to continue discussion on removing or limiting of variances and exceptions under GMA and SMA, including further consideration of the differences of what is required under the different laws and, as part of the November Roundtable discussion of enforcement of existing laws, considering ways to limit the overuse of variances or reasonable use exceptions; to note that eminent domain is an existing and available tool but not to rely on that as an exclusive mechanism for compliance; and to continue discussion of requiring protection and restoration of riparian areas within a Riparian Management Zone. Participants also proposed other ideas and variations of the regulatory and compensation options discussed including use of a tax approach (instead of or in addition to a developing a crediting program), using state or local abatement authority to establish riparian buffers, and consideration of enforcement procedures under the Department of Ecology's water quality authorities.

Strategy discussion for legislative briefing (2:30-3:00)

Peter Dykstra noted that four of the six legislators who have engaged with us would join in the afternoon. We may reach out to other legislators to participate in later discussions if they are interested. Those joining today have been brought up to speed on the Roundtable discussions and will have a report on the process on November 15. Participants wanted to thank the legislators for funding and that additional funding will be needed to implement the recommendations.

Legislative briefing (legislators and lobbyists to appear virtually) (3:00-4:00)

Sen. Warnick, Sen. Salomon, Rep. Dent, and Rep. Lekanoff joined virtually. Peter Dykstra welcomed the legislators, walked through introductions, and provided a brief overview of the status of Roundtable discussions. Amanda Carr and Billy Plauché added summaries of discussions on Recommendations 2 and 3.

The legislators asked several questions regarding the details of the Riparian Roundtable recommendations. The facilitation team and participants responded by sharing in detail about the Roundtable's work on the recommendations and implementation and recognized that challenges remain but that participants are still at the table and working together to find answers. The group shared gratitude for the legislators' work to fund the Riparian Roundtable process and that more funding will be needed to implement the recommendations coming out of this process. The group thanked the legislators for joining.

Appendix G | Recommendation 3 Strategies Compilation

Recommendation 3:

Note to Roundtable participants: The text in non-italicized font comes directly from the June 2024 Plauché & Carr LLP report to the Legislature.

The text in italicized font is included for discussion in RT3. The text is not intended to be recommendation language. Rather, it is intended to raise concepts for discussion at the RT3 meeting.

As part of the 2025 Riparian Roundtable effort funded through Engrossed Senate Substitute Bill 5950, Sec. 116(4), Chapter 376, Laws of 2024, the Riparian Roundtable should continue discussing regulatory or compensation strategies that would come into effect if the concrete targets adopted in the watershed-based implementation strategies are unable to be met through the voluntary actions identified above. These strategies should not be employed where intervening events out of the control of the watershed-based groups prevent targets from being achieved. Examples of such events include insufficient funding; natural events such as drought, wildfire or earthquake; or acts of war. These continued discussions should include continued exploration of the following concepts, as well as any other ideas that may be developed during those discussions:

Overlays that could apply to all concepts:

- *Any regulatory or compensation strategy could include a specific carve out for early adopters such that landowners who agree to participate in the voluntary, watershed-based implementation strategies discussed in Recommendation 2, either immediately or when funding is made available for actions on their land, would not be subject to the regulatory or compensation strategy developed as part of Recommendation 3 (if and when that strategy came into effect). This carve out could be instituted immediately, or it could be instituted as an initial strategy to increase landowner participation if targets in the watershed-based implementation strategy are not being met.*
 - *An example of a similar strategy that has been discussed at previous roundtable meetings can be found in the Family Forest Fish Passage Program. You can see more at this link: <https://www.dnr.wa.gov/ffpp>*
- *If concrete targets in a watershed-based implementation strategy are not being met through the voluntary programs discussed in Recommendation 2, the initial response could be to reconvene the group that developed the watershed-based implementation strategy to discuss and implement adaptive management actions aimed at addressing the reasons specific targets are not being met. The regulatory or compensation strategies developed as part of Recommendation 3 would not come into effect unless targets remained unmet after the implementation of watershed-specific adaptive management actions.*

- *If the watershed-based group discussed in Recommendation 2.1.2 is unable to adopt or amend an existing riparian watershed-based implementation strategy, as discussed in Recommendation 2.2, _____ shall, in consultation with the organizations listed in Recommendation 2.1.2, develop and adopt a watershed-based implementation strategy, in accordance with Recommendation 2.2, for that watershed. [For RT3 discussion: Who should this be? RCO, SCC and the County in which that watershed is located? Other options?]*

3.1. A Washington State riparian acquisition program targeted toward land within a particular watershed if, once all voluntary and incentive actions have been exhausted, such acquisition is necessary to achieve the established outcomes as determined by local watershed groups for acres planted in riparian areas, miles of streambank planted, average riparian width, miles of streambank protected by land or easement acquisition, and acres of restored land maintained. The state's targeted riparian acquisition program would pay fair market value for property interest acquired and would acquire the minimum ownership interest required to achieve long-term outcomes. In the next phase of discussions, the group should explore what situations could trigger the use of the State's authority under eminent domain as a tool of last resort if that is the only way to meet riparian habitat goals.

- *Note that the targeted compensation strategy would not necessarily require a legislative grant of authority: the State has existing eminent domain authority that could potentially be used in this situation. The State's eminent domain authority is discussed in Title 8 RCW.*
<https://app.leg.wa.gov/rcw/default.aspx?Cite=8>
- *The following are some initial thoughts for the Roundtable's consideration with regard to the last sentence of the existing recommendation ("what situations could trigger the use of the State's authority under eminent domain as a tool of last resort if that is the only way to meet riparian habitat goals.")*
 - *Can the Roundtable group identify specific circumstances for which the targeted compensation program would be appropriate? Potentially where the watershed-based group determines that a property or properties is/are critical to achieving the concrete results articulated in the implementation strategy, and that all mechanisms of voluntarily achieving results on that property/properties have been exhausted?*
 - *Potentially include procedural safeguards. For example, provide that, if the watershed-based group determines that the use of eminent domain is required, that group would make a recommendation of the legislature to provide funding for acquisition through eminent domain, thus giving*

the Legislature a role in determining whether the use of eminent domain is appropriate.

3.2. Regulatory approaches for achieving the concrete targets adopted in the watershed-based implementation strategies, including, without limitation:

3.2.1 Innovative approaches such as a riparian calculator that calculates impacts and determines the number of riparian credits a landowner needs to offset the lack of a buffer on their property.

- *Develop a method to calculate riparian impacts and restoration benefits. In watersheds that are not meeting restoration targets using voluntary approaches, provide landowners with the options of (a) restoring riparian areas on their properties, or (b) purchasing credits to offset the lack of riparian vegetation. The revenues from the sale of credits could be used to fund high priority restoration and/or acquisition projects in the same watershed, and/or compensate landowners that conduct riparian restoration on their properties. This would apply to all land use types.*
- *This approach would require new legislation. A similar program could also be pursued under Recommendation 1 using existing state or federal regulatory authorities under the Endangered Species Act or the Growth Management Act and Shoreline Management Act, as a permit requirement to address riparian impacts and in enforcement actions and after-the-fact permits. Permittees would have the option of conducting permittee-responsible mitigation or purchasing riparian credits to offset unavoidable impacts. Under this approach, if a watershed is not meeting its restoration targets, the mitigation requirements could be extended to apply to currently exempt uses and activities.*

3.2.2 Requiring public and private landowners owning property adjacent to a riparian area that do not participate in the voluntary incentive programs discussed in Recommendation 2 above, to establish, maintain, and protect a riparian management zone on their property.

- *This requirement would bring some of the provisions of the proposed Lorraine Loomis Act, HB 1838/SB 5727 (2022)) into effect if voluntary programs are not meeting specified targets in a watershed. Here is a link to the language of the proposed Lorraine Loomis Act: proposed [Lorraine Loomis Act](#), see sections 203-206.*
- *There has been a lot of discussion around takings implications of this buffer requirement. We are circulating a copy of Courtney Kaylor's Working Group presentation last year addressing takings issues. We are also including circulating a copy of Professor Monte Mills presentation on tribal treaty rights. It might be helpful to review these presentations in advance of the RT3 discussion.*

3.2.3 Removing exemptions and exceptions under GMA/SMA in the Riparian Management Zone.

- *Under this recommendation, if a watershed is not meeting the established watershed-based targets, the local government's use of exemptions, variances and reasonable use accommodations under both GMA and SMA would be suspended until such time as those targets are being met.*
- *There are critical distinctions between exemptions, which are included within the GMA and SMA statutes and generally exempt a suite of activities from regulation or permit requirements, and variances and reasonable use exceptions, which are property-specific decisions not to apply, or to modify the application of, a regulation to a particular activity or a particular piece of property.*
- *There has been some discussion about the takings implications of this strategy, particularly as it applies to variances and reasonable use accommodations, which are tools local governments use to avoid potential regulatory takings. Again, it is worth reviewing the attached presentation from Courtney Kaylor discussing takings issues.*
- *A possible variant with regard to exemptions: under the SMA, exempt uses are exempted from the permit process; they are not necessarily exempted from compliance with provisions of the code. One approach could be to require that exempt activities obtain a letter of exemption from the local government with jurisdiction in order for the activity to be exempt. This could help ensure local governments have the ability to review activities to ensure that they qualify for the applicable exemption, establish the current activities in exempt areas, and provide an opportunity for local governments to share with landowners applicable code provisions and potential eligibility for voluntary programs for protection and restoration.*

3.2.4 Imposing a development moratorium on properties within the watershed until outcomes are met.

- *A local government's imposition of a development moratorium is contemplated in existing law. Both the SMA and the GMA provide for temporary moratoria on development. RCW 36.70A.390 (GMA) and RCW 90.58.590 (SMA). The moratoria authorized under those provisions must be temporary, ranging from 6 to 18 months under GMA (under specified circumstances) and up to 2 years under SMA.*
- *Moratoria also have takings implications, although takings issues are generally more limited because the moratoria represent a temporary (not permanent) prohibition on activities.*

- *The scope of a moratorium impacts the likelihood of implicating takings issues. A more geographically targeted approach (e.g. limiting development on riparian adjacent properties) may face less scrutiny for takings than a broader approach (e.g. limiting development on all properties within a watershed).*

3.2.5 Regulatory approaches that have succeeded in other jurisdictions or under different regulatory frameworks, such as the Minnesota Buffer Law,²¹ which requires perennial vegetative buffers of up to 50 feet along lakes, rivers, and streams and buffers of 16.5 feet along ditches.

- *The Minnesota Buffer Law (MBL), like the proposed Lorraine Loomis Act (LLA) discussed in 3.2.2, above, establishes mandatory buffers on certain water adjacent properties. There are a few key distinctions between the MBL and the LLA:*
 - *The buffer requirement in the MBL only applies to areas adjacent to public waterways, whereas the proposed LLA applies to all salmon and steelhead bearing streams.*
 - *The MBL buffer requirements are more limited than the proposed LLA's requirement that the entire Riparian Management Zone be included in a buffer. The MBL requires a maximum 50-foot buffer and minimum 30-foot buffer along public lakes, rivers and streams, and a 16.5-foot buffer along drainage ditches.*
 - *The proposed LLA does not appear to allow typical crop species in the buffer area. The MBL allows a wide range of non-invasive species, including hay and forage crops, such as alfalfa and clover, which may also be harvested.*
- *One approach that could be considered: if a watershed is not meeting the targets adopted in its watershed implementation strategy, a law similar to the MBL would come into effect in that watershed, requiring a maximum of 50-foot buffers. The voluntary programs discussed in Recommendation 2 would then be targeted at expanding that buffer coverage beyond 50 feet.*

Additional potential strategies that could come into effect if a watershed is not meeting the targets included in the watershed-based implementation strategy are not met are included below. Some of these strategies have been suggested by Roundtable participants, some from members of the facilitation team:

²¹ <https://bwsr.state.mn.us/minnesota-buffer-law>.

- *If a watershed is not meeting the targets in its watershed-based implementation strategy, a requirement would come into effect that riparian property owners certify, as part of the transfer of ownership, that the property meets the riparian buffer requirements in the County or City's current critical areas ordinance. If the property does not meet those buffer standards, actions must be taken to establish such buffers. The idea would be to create a system similar to the septic certification process, which requires a certification that a septic system is operating properly as part of the transfer of ownership.*
- *If a watershed is not meeting the targets in its watershed-based implementation strategy, the buffer recommendations in the Department of Ecology's [Voluntary Clean Water Guidance for Agriculture, Chapter 12 Riparian Areas & Surface Water Protection](#) could become mandatory in that watershed. In summary, landowners would be required to implement a fully forested Riparian Management Zone based on 1 SPTH₂₀₀ along streams and, if not feasible, must implement one of two alternative, three-zone riparian management options providing for a fully forested riparian area in the zone closest to the streambank (i.e., the core zone) and allowing for certain low-intensity uses in the zones furthest from the streambank – either (1) light intensity agricultural use of the inner zone, or (2) agricultural use of the outer zone that implements additional best management practices.*
 - *This concept comes from the facilitation team as part of the Riparian Roundtable process. The buffer requirements that would come into effect under this approach would be independent from Ecology's Water Quality Program requirements and recommendations. That said, if landowners in a watershed were required to implement buffers consistent with Ecology's Voluntary Clean Water Guidance for Agriculture, landowners' implementation of that buffer could also establish compliance with Ecology's Clean Water Act Program.*
 - *A similar framework would be applied to all land uses to ensure that the burden does not fall disproportionately onto the agricultural sector.*
- *The Voluntary Stewardship Program (VSP), RCW 36.70A.700, et. seq) is an existing program on agricultural lands that contains both voluntary provisions and a regulatory backstop. We hope to have a more focused discussion at Roundtable 3 about the mechanics of VSP so participants can consider whether a modified VSP approach could provide a strategy for addressing watersheds where the targets established in the watershed-based implementation strategy are not being met. Some considerations relevant to a modified VSP program include:*
 - *Not all counties participate in VSP (27 of 39). Would a modified VSP approach work in a non-VSP county?*

- *VSP only addresses agricultural lands – what considerations come into play if we want to use the model more broadly?*
- *VSP is linked to GMA’s protection (not restoration) standard. Can it be expanded to include restoration to meet targets in a watershed implementation strategy?*
- *VSP is administered by SCC. Would that need to change if the program is made mandatory in certain circumstances?*
- *Could VSP work plans be modified to include targets in the watershed-based implementation strategies discussed in Recommendation 2? Would this be a necessary addition?*