

# ANALYSIS OF 2SSB 5442

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House Agriculture & Ecology Committee

April 3, 1997

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## **BACKGROUND:**

*Hydraulic Project Approval (HPA) Permits. HPA permits are administered by the Department of Fish and Wildlife (DFW). HPA permits are required for work that will use, change, or obstruct the flow or bed of fresh or salt waters. Protection of fish life is the only basis on which a permit application can be conditioned or denied.*

*In its rules regulating the issuance of HPA permits, the DFW recognizes three types of permits: emergency, expedited, and standard. Emergency permits are issued when the DFW finds that there is an immediate threat to life, public or private property, or environmental degradation that may arise from weather, flood, or fire-related conditions. During emergency conditions, the DFW is required to grant immediate oral approval to conduct certain work within the state's waters. The oral approval can contain conditions to protect fish life and these conditions must be put in writing within 30 days of the emergency. The DFW's HPA rule also allows written expedited permits to be issued in the event of an imminent threat. The DFW's rules do not specifically define the term imminent threat.— This permit may be issued only after a complete written application is submitted and the appropriate environmental analysis under the State Environmental Policy Act (SEPA) is conducted. The DFW normally issues expedited permits within 10 days of a completed application. Standard permits require a complete written application, an environmental analysis under SEPA, and are issued within 45 days of receiving an application. Both the expedited and standard permits are written, not oral, permits.*

## **SUMMARY:**

*Legislative findings are made that the regulatory process governing flood control needs to be streamlined. (Sec. 1).*

*The DFW must issue expedited permits when a weather or flood event is likely to cause loss of property, extreme hardship, or unacceptable environmental damage within 45 days. The DFW must issue the permit within seven days of receiving a complete written application. Expedited permits are to take priority over non-emergency permits. (Sec. 2).*

*At the request of a county, the DFW must develop 5-year maintenance agreements.*

*Maintenance agreements will allow specified work in the state's waters without the need to obtain project specific permits. These 5-year agreements must be consistent with the local comprehensive flood plan. The DFW may specify the conditions and times under which project work may occur. (Sec. 2).*

*One million dollars is appropriated from the public works assistance account to the flood control assistance account to complete projects that were funded but not completed during the 1995-97 biennium. (Sec. 3).*

*The bill is subject to an emergency clause and takes effect immediately. (Sec. 4).*