

Natural Resources

HB 1304

Brief Description: *Allowing for the issuance of pamphlets in lieu of hydraulic approval permits for certain projects.*

Sponsors: *Representatives Doumit, Ericksen, Eickmeyer, Jackley, Sump, Pearson and Linville.*

Brief Summary of Bill

- *The Department of Fish and Wildlife is authorized to adopt rules for the issuance of pamphlet hydraulic project approvals for a project or work activity that would otherwise require a permit.*
- *The pamphlet approvals are in lieu of issuing individual hydraulic permits for the work or activity.*

Hearing Date: *1/31/01*

Staff: *Bill Lynch (786-7092).*

Background:

A person is required to obtain a hydraulic permit for any project or work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state before beginning the construction or work. The permits are issued to ensure the proper protection of fish life and are issued by the Department of Fish and Wildlife.

The Department of Fish and Wildlife is statutorily authorized to issue blanket-type hydraulic project approvals for small scale prospecting and mining, and for activities or projects conducted solely for the removal or control of certain aquatic weeds. The blanket-

type hydraulic approval is in lieu of an individual hydraulic permit. Under the blanket-type approval procedure, the department publishes a pamphlet that states the rules for that activity. As long as a person follows the rules provided in the pamphlet, that person is considered to be in compliance with the law. There is no general authority for the department to issue pamphlet hydraulic project approvals for other types of work or activities.

Failure to obtain a hydraulic project approval before commencing work, or failure to follow the conditions of a hydraulic project approval is a gross misdemeanor.

Summary of Bill:

The Department of Fish and Wildlife is authorized to adopt rules for the issuance of pamphlet hydraulic project approvals for general project or work activity that would otherwise require a permit; for projects or activities related to irrigation or stock watering purposes or streambank stabilization; and projects and activities related to marine beach front protective bulkheads or rockwalls. The pamphlet approvals are in lieu of issuing individual hydraulic permits for the work or activity.

The rules must describe the time, manner, locations, methods, or other conditions under which the activity is approved; describe the activity that is exempt from individual project approval; and be published in pamphlets. The department may provide the pamphlets for free or for a fee that reasonably reflects the cost of the pamphlet. The rules may require possession of the pamphlet at the time the activity is being conducted at the hydraulic project activity site.

Failure to follow the conditions of the pamphlet is a gross misdemeanor.

Effective Date: *Ninety days after adjournment of session in which bill is passed.*

Appropriation: *None.*

Fiscal Note: *Requested on January 23, 2001.*