SENATE BILL REPORT SB 5408

As of January 24, 2001

Title: An act relating to processing and compliance with hydraulic project approvals.

Brief Description: Concerning hydraulic project approvals.

Sponsors: Senators Jacobsen, Constantine and Spanel.

Brief History:

Committee Activity: Natural Resources, Parks & Shorelines: 1/31/01.

SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & SHORELINES

Staff: Ross Antipa (786-7413)

Background: The Department of Fish and Wildlife administers the hydraulic project approval program. Any person who constructs projects or performs other work that will use, divert, obstruct, or change the natural flow or bed of any state waters must have a valid hydraulic permit to do so. The department's primary authority to protect fish life lies with the hydraulic permit program.

The recent listing of salmon and trout stocks as threatened or endangered species has placed more attention on the hydraulic permit program. If hydraulic permits were accompanied by more field verification visits and stronger enforcement standards, then greater protection for fish life would occur.

Summary of Bill: The Department of Fish and Wildlife must establish minimum levels for hydraulic permit field visits. A minimum of 50 percent of sites must be visited for applications filed and for projects completed. Sufficient staffing is required to assure issuance/denial of all applications within statutory deadlines (45 calendar days). The department must report annually on the expected hydraulic permit workload and the resources necessary to meet that workload. A tracking system must be established for hydraulic permits which allows for public access of information through the worldwide web. In cases of hydraulic permit compensatory mitigation, the mitigation objectives must be satisfied substantially prior to commencing construction. The department must adopt bonding requirements for mitigation projects. The department is provided new authority for hydraulic permit stop work orders, notice of correction or site restoration orders. Certain hydraulic permit violations may be designated as infractions by the department. Violation of stop work

or corrective orders are punishable as gross misdemeanors. The department authority to levy civil penalties (up to \$100/day) is repealed.

Appropriation: None.

Fiscal Note: Requested on January 24, 2001.

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