
**Natural Resources, Ecology &
Parks Committee**

HB 2710

Brief Description: Clarifying the process for hydraulic permit appeals.

Sponsors: Representatives Buck and B. Sullivan.

Brief Summary of Bill

- Consolidates under the jurisdiction of the Hydraulic Appeals Board all appeals to hydraulic permits issued by the Washington Department of Fish and Wildlife.

Hearing Date: 1/24/06

Staff: Jeff Olsen (786-7157).

Background:

A person must obtain a hydraulic permit before beginning construction on any project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Hydraulic permits are issued by the Washington Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life. The bed of state waters is defined in the hydraulic code as land below the ordinary high water line of state waters.

Hydraulic permit decisions may be appealed to the Director of the WDFW under the provisions of the Administrative Procedure Act. The appeal may be heard by the Director or an administrative law judge, but final decisions on the appeal are made by the Director.

Certain projects related to agricultural irrigation, off-site mitigation, marine beach front bulkheads, and fish habitat enhancement projects may be appealed to the Hydraulic Appeals Board (HAB). The HAB is established within the Environmental Hearings Office and consists of three members: the Director of the Department of Ecology or the Director's designee, the Director of the Department of Agriculture or the Director's designee, and the Director of the WDFW or the Director's designee. The HAB makes findings of fact and prepares a written decision on each case it hears. A decision of the HAB must be agreed to by at least two members of the board.

Chapter 371, Laws of 2002 (Engrossed Substitute Senate Bill 6387, Section 307 subsection 23), created the Hydraulic Project Approval Task Force (Task Force). The Task Force was directed to conduct an evaluation of the HPA program and make recommendations to the Legislature by

November 30, 2002. The Task Force recommended that all formal HPA appeals should be the jurisdiction of the HAB.

Summary of Bill:

All hydraulic permit decisions issued by the WDFW, not just permits for certain types of projects related to agricultural irrigation, off-site mitigation, marine beach front bulkheads, and fish habitat enhancement, may be appealed to the HAB.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.