

SENATE BILL REPORT

SB 6047

As of March 1, 2005

Title: An act relating to the removal of gravel from waterways to reduce the impact of flooding.

Brief Description: Concerning the removal of gravel from waterways to reduce flooding.

Sponsors: Senators Brandland and Rasmussen.

Brief History:

Committee Activity: Water, Energy & Environment: 3/1/05.

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Staff: Richard Rodger (786-7461)

Background: Before beginning a construction project, a person must obtain a hydraulic project approval (HPA) for 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. HPAs are issued by the Department of Fish and Wildlife (DFW) to ensure the proper protection of fish life.

The DFW has the authority to issue expedited permits in cases of imminent danger for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Imminent danger includes threats by weather, water flow, or other natural conditions that are likely to occur within 60 days of a request of a permit. Either the DFW or the county legislative authority may determine if an imminent danger exists.

In emergencies arising from weather or stream flow conditions, the DFW must, upon request, issue oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream. An emergency means an immediate threat to life, the public, property, or of environmental degradation.

Summary of Bill: The Department of Fish and Wildlife is required to develop, by August 1, 2005, a programmatic permit for the removal of gravel from watercourses by counties, diking districts and flood control districts. The permit must include dates for authorized gravel removal, locations authorized, notice requirements, and specific removal methods allowed. The permit will be valid for at least five years.

Local diking districts and flood control districts are given the authority to remove gravel from watercourses if it is deemed beneficial in reducing the threat from flooding and conducted pursuant to a programmatic permit. If an area is not served by a diking district or flood control district, then the county can take the lead in removing the gravel from the area's streams.

When local districts and counties remove gravel under this authority, the Department of Natural Resources may not: require approval for construction projects in waterways; require

the payment of a royalty for the removal and use of the gravel; nor prohibit or require mitigation for the activity.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: The build up of gravel in the state's rivers is causing flooding. The state needs a programmatic permit to standardize the process and allow quicker response to dangerous situations. This procedure has been utilized in Alaska, Oregon, and British Columbia.

Testimony Against: This process only focuses on one tool to control flooding. A comprehensive review of the issue needs to be conducted by geologists and fish biologists to avoid unanticipated consequences. The bill conflicts with existing laws and creates a "one size fits all" solution that will not be appropriate in all circumstances. This is not really a problem - only two of 700 permits have been denied by the DFW.

Other: Prioritizing gravel removal without a benefit analysis may backfire and make matters worse, for example if sediments were to fill the areas where gravel is removed.

Who Testified: PRO: Senator Brandland, prime sponsor. CON: Greg Hoeckel, DFW; Heath Packard, Audubon Society of Washington. Other: Tom Clingman, Department of Ecology.