
**Agriculture & Natural Resources
Committee**

HB 1748

Brief Description: Regarding hydraulic project permit approval for projects intended to reduce or eliminate damage from floods.

Sponsors: Representatives B. Sullivan, Curtis and Pearson.

Brief Summary of Bill

- Requires the Washington Department of Fish and Wildlife to give equal consideration to protecting public safety, private property, and fish life when reviewing applications for a hydraulic project approval that is intended to protect against flooding.
- Requires the Washington Department of Fish and Wildlife to issue expedited written permits if a county finds that a chronic flooding danger exists.

Hearing Date: 2/5/07

Staff: Jason Callahan (786-7117).

Background:

A hydraulic project approval (HPA) is required 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 [RCW 77.55.021]. HPAs are issued by the Washington Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life.

The WDFW 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 WDFW or the county legislative authority may determine if an imminent danger exists.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In emergencies arising from weather or stream flow conditions, the WDFW must issue, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or protecting property threatened by the stream, without the necessity of a person obtaining a written approval prior to commencing work. An emergency means an immediate threat to life, the public, property, or environmental degradation.

Summary of Bill:

HPA review of flood control projects

The WDFW is required to give equal consideration to the protection of public safety, private property, and fish life when reviewing applications for an HPA that is intended by the applicant to eliminate or reduce damages to upland properties from potential flooding.

Chronic flood danger declarations

A county is required to declare that a chronic danger exists for a particular property if that property has experienced at least two consecutive years of flooding or erosion. If a chronic danger is declared, then the WDFW must issue an expedited written HPA that allows for obstructions to be removed, existing structures to be repaired, banks and road access to be restored, and private property and fish resources to be protected. The expedited HPA must be issued within 30 days, and is valid for 120 days.

The expedited permit may not be conditioned on the completion of a review under the State Environmental Policy Act; however, the WDFW may require reasonable measures designed to protect fish life. Any conditions of the approval may not preclude the property owner from taking reasonable actions necessary to prevent future flooding or erosion.

Appropriation: None.

Fiscal Note: Not requested.

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