

# FINAL BILL REPORT

## SHB 2525

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C 272 L 08

Synopsis as Enacted

**Brief Description:** Mitigating flood damage.

**Sponsors:** By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Pearson, Kretz, Kristiansen and Ross).

**House Committee on Agriculture & Natural Resources**  
**Senate Committee on Natural Resources, Ocean & Recreation**

### **Background:**

#### Hydraulic Project Approvals.

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. The HPAs are issued by the Washington Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life.

Generally, the WDFW has 45 days to decide on an HPA application. However, an immediate oral HPA is authorized for certain projects if the WDFW or a county legislative authority declares an emergency. If an oral permit is issued on an emergency basis, the conditions of the oral approval must be reduced to an actual paper permit with 30 days.

#### State of Emergency.

The Governor has the authority to declare a state of emergency after making a finding that a public disorder, disaster, energy emergency, or riot exists within the state that affects life, health, property, or the public peace. The state of emergency can be issued statewide, or in any affected area of the state. The declaration of an emergency defines the geographic area of the affected portion of the state.

### **Summary:**

#### State of Emergency.

The instances when the WDFW is able to issue emergency oral approvals of HPA is expanded to include instances when the Governor declares a state of emergency due to flooding.

#### Chronic Flood Dangers.

A county may declare that a chronic danger exists for a particular property not located on a marine shoreline if that property has experienced at least two consecutive years of flooding or erosion that threatens a property or its infrastructure. If a chronic danger is declared, then the

WDFW must issue an approval under the HPA program to remove obstructions, restore banks and roads, repair structures, and protect property and fish resources.

Projects undertaken to mitigate a chronic flood danger are not required to undergo an analysis under the State Environmental Policy Act if the project is designed consistent with fish habitat enhancement projects that primarily utilize native vegetation to control flowing water.

**Votes on Final Passage:**

House	87	8	
Senate	43	3	(Senate amended)
House			(House refused to concur)
Senate			(Senate receded)
Senate	47	2	

**Effective:** June 12, 2008