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**Agriculture & Natural Resources  
Committee**

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**HB 2677**

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

**Sponsors:** Representatives Ericksen and Pearson.

**Brief Summary of Bill**

- Allows local diking districts, flood control districts, and counties to remove gravel from streams and other watercourses if it is deemed by the local district to be beneficial in reducing the threat from flooding without making a payment to the state or being granted a hydraulics approval from the Department of Fish and Wildlife.

**Hearing Date:** 1/21/08

**Staff:** Jason Callahan (786-7117).

**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 (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.

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 for protecting property threatened by the stream without the necessity of obtaining a

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written approval prior to commencing work. An emergency means an immediate threat to life, the public, property, or the environment. Emergency oral permits must be reduced to paper within 30 days of issuance.

**Summary of Bill:**

Local diking districts and flood control districts are given the authority to remove gravel from streams and other watercourses if it is deemed by the local district to be beneficial in reducing the threat of flooding. Prior to removing the gravel, the local district must contact the WDFW for a list of dates during which gravel removal will have the least impact. The local district is expected, but not required, to comply with those dates except in emergency situations. 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 removing gravel under this authority, the local districts and counties are not required to satisfy the state's approval requirements for construction projects in waterways, nor are they required to pay a payment to the Department of Natural Resources (DNR) for the removal and use of the gravel. In addition, the DNR, WDFW, and Department of Ecology may not prohibit or require mitigation from local districts or counties when they are removing gravel from streams.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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