

# SENATE BILL REPORT

## 2SHB 2530

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As Reported By Senate Committee On:  
Natural Resources, Ocean & Recreation, February 27, 2008  
Ways & Means, March 03, 2008

**Title:** An act relating to studying the effectiveness of the existing hydraulic project approval process under chapter 77.55 RCW in protecting fish life.

**Brief Description:** Studying the effectiveness of the existing hydraulic project approval process under chapter 77.55 RCW in protecting fish life.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Nelson, Cody and Upthegrove).

**Brief History:** Passed House: 2/18/08, 94-0.

**Committee Activity:** Natural Resources, Ocean & Recreation: 2/27/08 [DP-WM].  
Ways & Means: 3/3/08 [DP].

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### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Rockefeller and Stevens.

**Staff:** Curt Gavigan (786-7437)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

**Staff:** Elise Greef (786-7708)

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

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*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.*

Upon application, DFW generally has 45 days to grant or deny an HPA. DFW may also place conditions on an HPA for the protection of fish life.

In emergency situations posing an immediate threat to life, property, or environmental degradation, DFW must issue oral approval for certain projects on request. DFW also has the authority to issue expedited permits when natural conditions pose a likely threat or where the normal permit process would cause hardship or unacceptable damage to the environment.

Additionally, DFW is statutorily authorized to issue programmatic HPAs for small scale mining and prospecting, and for activities or projects conducted solely for the removal or control of certain aquatic weeds. The programmatic approval is in lieu of an applicant obtaining an individual HPA. Under the programmatic approval process, DFW publishes a pamphlet that states the rules for that activity.

**Summary of Bill:** DFW must study the effectiveness of the existing HPA permitting system in protecting fish life.

The study must consider the effectiveness of legislative enactments, the implementation by DFW, and the impact that historic funding levels have had on the program's effectiveness. When reviewing the HPA program, DFW must focus on both the level of compliance as well as the fish protection offered in instances of full compliance.

The study must be completed as funding allows. DFW may pay for the study using direct appropriations specified for the study, non-designated funds within the control of DFW, or private donations. The report cannot be deemed final until the Fish and Wildlife Commission has voted to affirm the study's completeness.

The bill expires January 1, 2011. The bill is null and void unless funded in the budget.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony (Natural Resources, Ocean & Recreation):** PRO: Preliminary review in one region of the Department of Fish and Wildlife suggests that compliance is good, but that the hydraulic project approval process may not be adequately protecting fish. Puget Sound is facing endangered species issues and declining habitat. Hydraulic project approvals are a tool to help shorelines. This bill will allow a review of this important program.

**Persons Testifying (Natural Resources, Ocean & Recreation):** PRO: Peter Birch, Department of Fish and Wildlife; Naki Stevens, People for Puget Sound.

**Staff Summary of Public Testimony (Ways & Means):** PRO: This is a very important bill for Puget Sound. State and local governments, and non-governmental entities, are investing a lot of money to restore the Sound's health by 2020. The full cost of the study is \$240,000; the House funded at \$135,000. Please fund at the full level.

**Persons Testifying (Ways & Means):** PRO: Naki Stevens, People for Puget Sound.