

# SENATE BILL REPORT

## SB 6010

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As Reported By Senate Committee On:  
Natural Resources, Ocean & Recreation, February 28, 2007

**Title:** An act relating to hydraulic project permits for activities in aquatic reserves.

**Brief Description:** Concerning the issuance of hydraulic project permits for activities in aquatic reserves.

**Sponsors:** Senators Poulsen, Brown, Jacobsen, Murray and Hargrove.

**Brief History:**

**Committee Activity:** Natural Resources, Ocean & Recreation: 2/22/07, 2/28/07 [DP, DNP].

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

**Majority Report:** Do pass.

Signed by Senators Rockefeller, Vice Chair; Fraser, Hargrove, Poulsen and Spanel.

**Minority Report:** Do not pass.

Signed by Senators Stevens and Swecker.

**Staff:** Kim Johnson (786-7346)

**Background:** A person or agency must obtain a hydraulic permit approval from the Department of Fish and Wildlife (DFW) to construct or perform works that use, divert, obstruct, or change the natural flow or bed of any saltwater or freshwater of the state. Currently, DFW is the only entity with the authority to administer hydraulic permits. Generally, DFW must grant or deny a permit within 45 calendar days of receiving a complete hydraulic permit application (HPA).

Marinas or marine terminals that were in existence on or before June 6, 1996, or new marinas or marine terminals that have received an initial construction permit, may request and the DFW must grant a renewable five-year permit that allows for regular maintenance activities. Regular maintenance includes such activities as dredging, piling replacement, and float replacement.

The Department of Natural Resources (DNR) manages state-owned aquatic lands, including all tidelands, shorelands, harbor areas, beds of navigable waters, and waterways. Management may include identifying and withdrawing public lands from conflicting uses for the benefit of the public. One of the tools used to identify and withdraw such lands is an

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aquatic reserve. Benefits of aquatic reserves may include environmental observation, study, enjoyment, and other ecological utilization.

**Summary of Bill:** Before issuing or renewing an HPA for dock reconstruction occurring within an aquatic reserve, or for other activities associated with gravel barging occurring within an aquatic reserve, DFW must first obtain concurrence from the DNR and from the county or city having land-use jurisdiction. This concurrence requirement applies to any HPA or permit renewal pending on or after January 1, 2007.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: The aquatic reserve off of Maury Island serves as orca wintering areas, critical salmon migratory corridor, one of the largest herring stock area in Washington, and an important area for birds, especially the western grebe. The functioning habitat on the island and the aquatic reserve should be protected and preserved. This bill is a step in the right direction. It forces the different silos in state and local agencies to work together when issuing a permit that affects aquatic reserves.

The health of Puget Sound is in decline, and speaks to the failure of mitigation practices under the current permitting process. A project of this size and location will be damaging. The agencies that issue the permits for these types of projects are not thinking holistically about the health of Puget Sound, and this bill would require the DFW to work with other agencies hopefully in a more holistic health view. Local governments have failed to designate proper mineral resource areas, because the science is lacking.

CON: We have concerns with the bill as written. This bill would actually slow up permitting processes that we are trying very hard to speed up. The HPA is DFW's jurisdiction, and we have the expertise to handle these permit approvals and would like to remove the language that requires the department to get concurrence from DNR and other local governments.

This measure is designed to do one thing, to prevent the mine from operating. The project has been reviewed by at least five agencies and all have ultimately approved it. The demand for the materials that the mine will provide will not subside just because this mine is not allowed to operate. We cannot drive the materials off of the island, without the barge the mining operation is not feasible. Barge transportation is more fuel efficient and keeps trucks off the road. Without Maury island up and running, the material will cost more, will take longer to get to locations in the central Puget Sound, and contribute to the already congested roads of this region. This bill gives local government a veto power over state agency permit authority simply because the local government disagreed with the issuance of certain permits. Please help preserve the integrity of the GMA.

**Persons Testifying:** PRO: Sharon Nelson, on behalf of King County Councilmember Dow Constantine; Naki Stevens, People for Puget Sound; Heath Packard, Audubon.

CON: Greg Hueckel, DFW; Steve Gano, Pete Stoltz, Glacier Northwest; Ryan Durkan, Steve Roos, Hillis Clark Martin & Peterson on behalf of Glacier Northwest.