
**Agriculture & Natural Resources
Committee**

HB 2597

Brief Description: Streamlining state environmental permitting through the elimination of the hydraulics project approval process.

Sponsors: Representatives Pearson, Warnick and Kretz.

Brief Summary of Bill

- Eliminates the requirement that a person must obtain a hydraulic project approval from the Department of Fish and Wildlife prior to initiating a construction project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state.

Hearing Date: 2/2/10

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 salt or fresh waters of the state. HPAs are issued by the Washington Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life.

To receive a HPA, the applicant must provide certain information to the WDFW. This information includes general plans for the overall project, complete plans and specifications for any construction that is proposed to occur within the mean higher high water line (saltwater) or ordinary high water line (freshwater), and complete plans for the proper protection of fish life. There is no fee associated with applying for or receiving a HPA.

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.

With a few exceptions, the WDFW must issue an approval or denial of a HPA application within 45 days of receiving the application. If approved, the HPA is valid for five years, and the applicant is required to demonstrate substantial progress on the construction within two years. If conditions change from the application, both the holder of the HPA and the WDFW can request modifications to the HPA.

The WDFW 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, the WDFW publishes a pamphlet that states the rules for the intended activity.

A person who unlawfully undertakes a project in violation of the HPA requirements may be prosecuted for a gross misdemeanor. Prosecution is available if a person conducts a project without an HPA, or if a person violates the conditions the operative HPA.

Summary of Bill:

The requirement that a person must obtain a Hydraulic Project Approval from the WDFW prior to initiating a construction project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state is repealed. Intent is added that the protection of aquatic resources will be accomplished through the existing government infrastructure and other existing environmental programs.

Appropriation: None.

Fiscal Note: Not requested.

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