

# SENATE BILL REPORT

## SB 6027

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As of January 23, 2014

**Title:** An act relating to streamlining hydraulic project approval for sediment removal by citizen volunteers.

**Brief Description:** Regarding sediment removal by citizen volunteers.

**Sponsors:** Senator O'Ban.

**Brief History:**

**Committee Activity:** Natural Resources & Parks: 1/21/14.

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### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

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

**Background:** Hydraulic Project Approvals (HPA). An 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 Department of Fish and Wildlife (DFW) to ensure the proper protection of fish life.

Pamphlet HPAs. Generally a person must apply for and obtain an HPA for each hydraulic project conducted. However, in several circumstances the Legislature has provided DFW with direction to adopt rules and publish a pamphlet that serves as the HPA. These activities are (1) removing and controlling noxious weeds, and (2) small scale prospecting and mining.

**Summary of Bill:** Actions to remove accumulated organic and nutrient-laden sediment from fresh water may be conducted without an HPA so long as the action is consistent with rules established by DFW. An action is exempt from the permit only if removal of these sediment types is its sole purpose. The use of small gas-powered portable dredges for this purpose is listed as an example of the type of action that is permit exempt.

To implement the HPA exemption, DFW must:

- adopt rules that apply to these sediment removal projects by December 31, 2014; and
- distribute a pamphlet describing approved sediment removal actions after rulemaking is complete. The pamphlet serves as the HPA for such actions.

**Appropriation:** None.

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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.*

**Fiscal Note:** Requested on January 18, 2014.

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

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

**Staff Summary of Public Testimony:** PRO: Streams and other water systems face a problem from toxic algae blooms and other issues that affect salmon. This bill assists in the cleanup of the problem sediment deposits that lead to these issues and promotes the ability of volunteers to help with conservation and clean-up efforts. The law already allows the use of pamphlets for gold panning, so this would reduce a regulatory burden on those helping the environment.

CON: While these projects can be beneficial, the current system already functions well and is not burdensome to DFW or private citizens. Applications for the type of projects covered by this bill are relatively few and a pamphlet process would be costly. Removal of sediment can have unintended impacts, and DFW believes that such projects should receive individual review and permitting.

**Persons Testifying:** PRO: Senator O'Ban, prime sponsor; Don Russell, citizen.

CON: Pat Chapman, DFW.