

# SENATE BILL REPORT

## SB 5404

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As Reported by Senate Committee On:  
Agriculture, Water, Natural Resources & Parks, February 7, 2019

**Title:** An act relating to expanding the definition of fish habitat enhancement projects.

**Brief Description:** Expanding the definition of fish habitat enhancement projects.

**Sponsors:** Senators Rolfes, Honeyford, Van De Wege, McCoy, Salomon and Hasegawa.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/05/19, 2/07/19 [DP].

**Brief Summary of Bill**

- Allows fish habitat enhancement projects that restore native kelp and eelgrass beds, and restore native oysters to qualify for a streamlined administrative review and approval process.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Majority Report:** Do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, McCoy, Rolfes and Short.

**Staff:** Karen Epps (786-7424)

**Background:** 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. The Washington Department of Fish and Wildlife (DFW) issues HPAs to ensure the proper protection of fish life.

Fish habitat enhancement projects meeting a certain set of criteria may qualify for a streamlined administrative review and approval process. These are projects expected to result in beneficial impacts to the environment, and are exempt from any local government permitting and associated fees, although local governments have 15 days to provide review

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and comment to DFW. To receive streamlined review, a project must be of the size and scale, as determined by DFW, and accomplish one or more of the following:

- elimination of human-made or human-caused fish passage barriers;
- restoration of an eroded or unstable streambank employing the principle of bioengineering; or
- placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

Additionally, to qualify for streamlined review, a project must also be approved by certain sponsoring entities, including DFW, a conservation district, the Department of Transportation, a city or county, or another formal review and approval processes.

**Summary of Bill:** Fish habitat enhancement projects restoring native kelp and eelgrass beds, and restoring native oysters, may qualify for a streamlined administrative review and approval process.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill is modernizing and updating the HPA statute to allow for different kinds of fish restoration projects. This bill will advance habitat restoration which is critically important to recovering salmon. This bill will also benefit rockfish recovery as well as climate resiliency and ocean acidification. This bill will help to restore marine habitats and species such as kelp and native oysters. Near shore habitats are incredibly important for the health and recovery of many different fish species and the bill will help not only at the state permitting level but also at the local permitting level. This bill is a straightforward bill that adds kelp, eel grass, and oyster restoration projects to the list of restoration projects that get expedited permitting, making these restoration projects easier, cheaper, and faster.

**Persons Testifying:** PRO: Senator Christine Rolfes, Prime Sponsor; Betsy Peabody, Executive Director, Puget Sound Restoration Fund; Jay Manning, Board Member, Puget Sound Restoration Fund; Jeff Davis, Department of Fish and Wildlife.

**Persons Signed In To Testify But Not Testifying:** No one.