

FINAL BILL REPORT

SB 5404

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Synopsis as Enacted

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

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

Senate Committee on Agriculture, Water, Natural Resources & Parks
House Committee on Rural Development, Agriculture, & Natural Resources

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 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 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 process.

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

Votes on Final Passage:

Senate	48	0
House	93	0

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.

Effective: July 28, 2019