
**Rural Development, Agriculture &
Natural Resources Committee**

HB 1268

Brief Description: Clarifying the authority of local governments to administer national flood insurance program regulation requirements in the context of fish habitat enhancement projects authorized pursuant to RCW 77.55.181.

Sponsors: Representatives Shewmake, Fitzgibbon and Rule.

Brief Summary of Bill

- Allows local governments to charge fees or impose requirements for certain types of fish habitat enhancement projects in order to administer National Flood Insurance Program regulation requirements.

Hearing Date: 1/27/21

Staff: Rebecca Lewis (786-7339).

Background:

Floodplain Management.

The Department of Ecology (Ecology) is the lead state agency for floodplain management, which includes flood risk reduction and protection of floodplain environmental functions. Local governments are responsible for implementing local floodplain management plans as well as the National Flood Insurance Program (NFIP). Local governments may receive technical assistance from Ecology.

The NFIP, managed by the Federal Emergency Management Agency, makes federally backed flood insurance available in those states and communities that agree to adopt and enforce

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floodplain management ordinances to reduce future flood damage.

Fish Habitat Enhancement Projects.

A person must obtain a hydraulic project approval (HPA) prior to commencing any 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. Hydraulic project approvals are issued by the Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life. To receive an HPA, the applicant must provide certain information to the WDFW. This information includes general plans for the overall project and complete plans for the proper protection of fish life.

Fish habitat enhancement projects that meet a certain set of criteria may qualify for a streamlined administrative review and approval process. These are projects that are expected to result in beneficial impacts to the environment, and are of the size and scale, as determined by the WDFW, to 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;
- placement of woody debris or other instream structures that benefit naturally reproducing fish stocks; or
- restoration of native kelp or eelgrass beds and native oysters.

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

Local governments may not charge fees or require permits for fish habitat enhancement projects that qualify for and receive streamlined HPA review.

Summary of Bill:

Local governments are authorized to charge fees, impose requirements, or both, for fish habitat enhancement projects that qualify for and receive streamlined hydraulic project approval review as necessary to administer National Flood Insurance Program regulation requirements.

Appropriation: None.

Fiscal Note: Requested on January 20, 2021.

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