

HOUSE BILL REPORT

HB 1478

As Passed House:
February 23, 2021

Title: An act relating to fish habitat enhancement projects authorized pursuant to RCW 77.55.181.

Brief Description: Concerning fish habitat enhancement projects authorized pursuant to RCW 77.55.181.

Sponsors: Representatives Shewmake, Ortiz-Self, Fitzgibbon, Rule, Lekanoff and Pollet.

Brief History:

Committee Activity:

Rural Development, Agriculture & Natural Resources: 2/9/21, 2/10/21 [DP].

Floor Activity:

Passed House: 2/23/21, 57-40.

Brief Summary of Bill

- Allows local governments to charge fees or impose requirements for fish habitat enhancement projects that receive streamlined hydraulic project approval (HPA) review to administer National Flood Insurance Program regulation requirements.
- Provides that projects approved by a federally recognized tribe as a sponsoring entity may qualify for streamlined HPA review.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 8 members: Representatives Chapman, Chair; Shewmake, Vice Chair; Fitzgibbon, Kloba, Lekanoff, Morgan, Ramos and Springer.

Minority Report: Do not pass. Signed by 6 members: Representatives Chandler, Ranking

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Member; Dent, Assistant Ranking Minority Member; Klicker, Kretz, Orcutt and Schmick.

Minority Report: Without recommendation. Signed by 1 member: Representative McEntire.

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) and 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 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.

Fish habitat enhancement projects approved by a federally recognized tribe as a sponsoring entity may qualify for streamlined hydraulic projects review.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The committee heard a similar bill earlier on in the session, but there was a desire to include tribes as sponsoring entities of fish habitat enhancement projects, and to ensure that local governments have authority to require fees or permits if necessary to administer National Flood Insurance Program (NFIP) requirements. This bill ensures that the NFIP process is uninterrupted. About 30,000 people in the state acquire flood insurance through the NFIP. The bill does not change any of the requirements or timelines for streamlined fish habitat enhancement projects, it just adds federally recognized tribes as a sponsoring entity.

(Opposed) None.

Persons Testifying: Representative Shewmake, prime sponsor; and Tom McBride, Washington Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: None.