

# SENATE BILL REPORT

## HB 1478

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As of March 4, 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:** Passed House: 2/23/21, 57-40.

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 3/11/21.

### Brief Summary of Bill

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

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

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

**Background:** Hydraulic Project Approval for Fish Habitat Enhancement Projects. A 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 Department of Fish and Wildlife (WDFW) issues HPAs to ensure the proper protection of

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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 part of the legislation nor does it constitute a statement of legislative intent.*

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 of the size and scale, as determined by 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; or
- placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

To qualify for streamlined review, a project must be approved by certain sponsoring entities, including WDFW, a conservation district, the Washington State Department of Transportation, a city or county, or another formal review and approval process.

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. Ecology provides assistance to local governments responsible for implementing local floodplain management plans as well as managing development in floodplains under the National Flood Insurance Program (NFIP).

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 that help mitigate flooding effects. Homes and businesses in high-risk flood areas with mortgages from government-backed lenders are required to have flood insurance.

**Summary of Bill:** Fish habitat enhancement projects, approved by a federally recognized tribe as a sponsoring entity, may qualify for streamlined hydraulic projects review.

Local governments may impose requirements, charge fees, or both, as necessary to administer NFIP regulation requirements for fish habitat enhancement projects that qualify for and receive streamlined hydraulic project approval review.

**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.