

SENATE BILL REPORT

SB 5922

As of January 15, 2024

Title: An act relating to modifying the department of fish and wildlife's habitat recovery pilot program.

Brief Description: Modifying the department of fish and wildlife's habitat recovery pilot program.

Sponsors: Senators Stanford and Nobles; by request of Department of Fish and Wildlife.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/15/24.

Brief Summary of Bill

- Removes the requirement for a project applicant to review a Habitat Recovery Pilot Program project with the Department of Archaeology and Historic Preservation before submitting an application for a Hydraulic Project Approval to the Washington Department of Fish and Wildlife.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Jeff Olsen (786-7428)

Background: 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. The Washington Department of Fish and Wildlife (WDFW) issues HPAs to ensure the proper protection of fish life. A person may file a hydraulic project pre-application to WDFW to determine whether a project requires a complete application for a hydraulic project permit. WDFW must provide tribes and local governments a seven-calendar-day review and comment period for pre-applications. If WDFW determines a complete application is required, the applicant must

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submit a complete application as defined in statute and WDFW would process the permitting decision.

In 2021, the Legislature established a Habitat Recovery Pilot Program (HRPP) to promote and implement habitat restoration projects determined to contribute to the recovery of watersheds throughout the state. To be included in HRPP, an environmental restoration project must directly benefit freshwater, estuarine, or marine fish, or the habitat they rely on. The project must be included on a list of projects reviewed, approved, or funded by one of a number of specified entities, including the Bonneville Power Administration Restoration Program; the Brian Abbott Fish Passage Barrier Removal Board; and the Salmon Recovery Funding Board.

A project applicant or funding agency must review the proposed project with the Department of Archaeology and Historic Preservation (DAHP) and complete any required site surveys before the project applicant files an application for HPA. A project applicant must document consistency in the application with applicable cultural resource protection requirements. A project applicant must provide a copy of its application to DAHP, and to affected federally recognized tribes, no fewer than 60 days before the application may be filed with WDFW.

Summary of Bill: The requirement for a project applicant to review a HRPP project with DAHP before submitting an application for HPA to WDFW is removed. The requirement a project applicant must provide a copy of its application to DAHP and to affected federally recognized tribes no fewer than 60 days before filing an application with WDFW is removed.

Appropriation: None.

Fiscal Note: Requested on January 12, 2024.

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: The changes in the bill will streamline permitting projects by allowing concurrent processes. Timely permitting of habitat restoration and salmon recovery projects is a priority, and by allowing project applicants to submit a permit to the Department of Fish and Wildlife while working with the Department of Archeology and Historic Preservation at the same time helps align in-water windows for certain projects. Some potential applicants are not using the pilot project due to the timing concerns. There are no changes in permits required.

OTHER: The bill removes an advance notice for tribes and historic preservation. Tribes need time to evaluate projects. This pilot project ends in 2025, the pilot should stay the

same until it is complete and then be evaluated for changes.

Persons Testifying: PRO: Senator Derek Stanford, Prime Sponsor; Tom McBride, WDFW; Matt Curtis, WDFW; Don Gourlie, Puget Sound Partnership.

OTHER: Dawn Vyvyan, Yakama Nation.

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