
**Agriculture & Natural Resources
Committee**

HB 2525

Brief Description: Allowing for the mitigation of flood damage without obtaining a permit under chapter 77.55 RCW.

Sponsors: Representatives Pearson, Kretz and Kristiansen.

Brief Summary of Bill

- Authorizes activities conducted by a landowner to mitigate, repair, or prevent further damage from a flood event without receiving a hydraulic project approval from the Washington Department of Fish and Wildlife during states of emergencies.

Hearing Date: 1/21/08

Staff: Jason Callahan (786-7117).

Background:

Hydraulic Project Approvals

Before beginning a construction project, a person must obtain a hydraulic project approval (HPA) 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. HPAs are issued by the Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life [RCW 77.55.021].

Generally, the WDFW has 45 days to decide on an HPA application. However, an immediate oral HPA is authorized for certain projects if the WDFW or a county legislative authority declares an emergency. If an oral permit is issued on an emergency basis, the conditions of the oral approval must be reduced to an actual paper permit with thirty days [RCW 77.55.021(8)].

States of Emergency

The Governor has the authority to declare a state of emergency after making a finding that a public disorder, disaster, energy emergency, or riot exists within the state that affects life, health,

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property, or the public peace [RCW 43.06.010(12)]. The state of emergency can be issued statewide, or in any affected area of the state. The declaration of an emergency defines the geographic area of the affected portion of the state.

Summary of Bill:

Activities conducted by a landowner to mitigate, repair, or prevent further damage from a flood event are authorized to go forward without an HPA if the activities are occurring in an area of the state and during a time that a state of emergency has been declared by the Governor.

The WDFW is required to publish informational brochures explaining when HPAs are not needed to prevent flood damage. The WDFW is also authorized to make public non-binding best management practices relating to flood damage mitigation.

Appropriation: None.

Fiscal Note: Not requested.

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