

HOUSE BILL REPORT

HB 2167

As Reported By House Committee On:

Natural Resources

Title: An act relating to regular maintenance of marinas.

Brief Description: Exempting regular maintenance of marinas from hydraulic project review and approval.

Sponsors: Representatives Buck, Goldsmith, Benton, Huff, Blanton, Thompson, Hymes, Koster, Pennington, Beeksma, Sheldon, Fuhrman and McMahan.

Brief History:

Committee Activity:

Natural Resources: 1/17/96, 1/24/96 [DPS].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Elliot; Hatfield; Jacobsen; Keiser; Sheldon; Stevens; L. Thomas and Thompson.

Staff: Rick Anderson (786-7114).

Background: The Hydraulic Project Act (HPA) requires that any person or government agency desiring to construct a project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the state's salt or fresh waters must obtain approval from the Department of Fish and Wildlife. The protection of fish life is the only ground upon which approval may be conditioned or denied. Any denial of a permit by the department must specify, in writing, why the project was denied.

An application must include general plans for the overall project and complete plans and specifications for work within the high water line. Ordinarily, a 45-day deadline is set for processing a complete permit application. A permit is valid for up to five years, and substantial progress on construction must occur within two years of permit issuance. Appeals of department decisions may be taken to the Hydraulic Appeals Board, created within the Environmental Hearings Office.

Marinas are required to receive an HPA permit prior to undertaking certain maintenance activities, such as dredging.

Summary of Substitute Bill: Upon request, the Department of Fish and Wildlife must issue a five-year renewable permit to a marina for regular maintenance activities. Regular maintenance is defined as those activities necessary to restore the marina to those conditions approved in the original HPA permit. Each permit must include a provision requiring notification to the department 14 days prior to beginning regular maintenance activities at a marina.

Substitute Bill Compared to Original Bill: The original bill exempted regular maintenance activities at marinas from HPA permit requirements.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Marinas conduct regular maintenance activities for which a permit is needed. This bill will expedite those activities. Marina maintenance activities are normally routine but can be damaging to fish life. Routine maintenance at marinas should receive renewable five-year permits in the same way that agricultural activities are permitted.

Testimony Against: Dredging at marinas can affect fish life. The department should be notified prior to beginning maintenance operations to ensure that fish life will be protected.

Testified: Ed Manary, Department of Fish and Wildlife; and Eric Johnson, Washington Public Ports Association; and Dawn P. Vyvyan, Yakima Nation (con).