

SENATE BILL REPORT

SB 5221

As of January 23, 1995

Title: An act relating to hydraulic project approval authority of the department of fish and wildlife.

Brief Description: Modifying the hydraulic project approval authority of the department of fish and wildlife.

Sponsors: Senators McCaslin, Hargrove and Snyder.

Brief History:

Committee Activity: Ecology & Parks: 1/25/95.

SENATE COMMITTEE ON ECOLOGY & PARKS

Staff: Gary Wilburn (786-7453)

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 obtain from the Department of Fish and Wildlife approval as to the adequacy of the project's protection of fish life. The "bed" of the water body is defined as land below the ordinary high water line, and does not include irrigation ditches, canals, storm water run-off devices or other artificial watercourses.

An HPA 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. The protection of fish life is the only ground upon which approval may be conditioned or denied. A permit is valid for a five-year period, and substantial progress on construction must occur within two years of permit issuance.

In 1992 the Department of Fisheries, the predecessor to the Department of Fish and Wildlife, issued proposed rules that would require HPA approval for projects creating impervious surfaces of 5000 square feet or more. The proposed rule stated that artificially created impervious surfaces increase storm water run-off, resulting in changes to the flow and bed of state waters, adversely impacting fish life.

Summary of Bill: HPA authority of the department is limited to construction or other work occurring at or below the mean higher high water line in salt water and the ordinary high water line in fresh water. Approvals may not be denied or conditioned on the basis of human or animal actions or environmental conditions that occur above such lines.

Appropriation: None.

Fiscal Note: Requested on January 20, 1995.

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