

SENATE BILL REPORT

SB 5765

As of February 9, 1995

Title: An act relating to delegation to local municipal jurisdictions of hydraulic project approval authority.

Brief Description: Delegating to local municipal jurisdictions of hydraulic project approval authority.

Sponsors: Senators Heavey, Snyder, Smith, Finkbeiner and Schow.

Brief History:

Committee Activity: Ecology & Parks: 2/14/95.

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. Appeals from department decisions may be taken to the Hydraulic Appeals Board, created within the Environmental Hearings Office.

Summary of Bill: The department must delegate to local municipal jurisdictions the HPA approval authority for projects within harbor areas when five conditions are met: (1) the local jurisdiction requests the authority in writing; (2) the Growth Management Act comprehensive plan by the jurisdiction is approved by the state; (3) the Shoreline Master Program is approved by the state; (4) the jurisdiction exercises the authority in accordance with the department's HPA rules; and (5) the jurisdiction consults with the department and takes into account the department's recommendations in project review.

The department's HPA rules provide that technical provisions of the rules may be modified or deleted by the approving authority when the applicant provides an alternative that provides equal or greater protection for fish life, and adequate assurances are made that the alternative plan is going to be completed.

Appropriation: None.

Fiscal Note: Requested on February 6, 1995.

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