

# HOUSE BILL REPORT

## 2SSB 5442

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### As Reported By House Committee On:

Agriculture & Ecology

**Title:** An act relating to flood damage reduction.

**Brief Description:** Permitting expedited flood repairs during flooding emergencies.

**Sponsors:** Senate Committee on Natural Resources & Parks (originally sponsored by Senators Swecker, Loveland, Anderson, Stevens, Haugen, Prince, Hale, Franklin, Sheldon, Benton, Rasmussen and Zarelli).

### Brief History:

#### Committee Activity:

Agriculture & Ecology: 4/3/97 [DPA].

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## HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass as amended. Signed by 11 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin; Koster; Mastin; Regala and Sump.

**Staff:** Rick Anderson (786-7114).

**Background:** Hydraulic Project Approval (HPA) Permits. HPA permits are administered by the Department of Fish and Wildlife (DFW). HPA permits are required for work that will use, change, or obstruct the flow or bed of fresh or salt waters. Protection of fish life is the only basis on which a permit application can be conditioned or denied.

In its rules regulating the issuance of HPA permits, the DFW recognizes three types of permits: emergency, expedited, and standard. Emergency permits are issued when the DFW finds that there is an immediate threat to life, public or private property, or environmental degradation that may arise from weather, flood, or fire-related conditions. During emergency conditions, the DFW is required to grant immediate oral approval to conduct certain work within the state's waters. The oral approval can contain conditions to protect fish life and these conditions must be put in writing within 30 days of the emergency. The DFW's HPA rule also allows written expedited permits to be issued in the event of an imminent threat. The DFW's rules

do not specifically define the term imminent threat.— This permit may be issued only after a complete written application is submitted and the appropriate environmental analysis under the State Environmental Policy Act (SEPA) is conducted. The DFW normally issues expedited permits within 10 days of a completed application. Standard permits require a complete written application, an environmental analysis under SEPA, and are issued within 45 days of receiving an application. Both the expedited and standard permits are written, not oral, permits.

**Summary of Amended Bill:** The three types of HPA permits issued by the DFW are established in statute. The standard and expedited permits are written permits. The department must issue expedited permits within 15 days of receiving a complete application. Expedited permits are issued when there is an imminent threat of damage from a flood. Imminent threat is defined as a flood or weather-related threat that is likely to occur within 60 days. The department may not require an environmental analysis under the SEPA as a condition of issuing an expedited permit. Expedited permits are valid for up to 60 days. A definition of emergency is established for the purpose of defining when immediate oral approval must be granted for an emergency permit. A county legislative authority or the department can declare an emergency or an imminent threat. A county legislative authority is required to notify the department when declaring an emergency or imminent threat.

At the request of a county, the department must develop five-year maintenance agreements. Maintenance agreements will allow specified work in the state's waters without the need to obtain project specific permits. These five-year agreements must be consistent with the local comprehensive flood plan. The DFW may specify the conditions and times under which project work may occur.

**Amended Bill Compared to Second Substitute Bill:** The striking amendment makes the bill identical to House version of HB 1443, as it passed the House. Specifically, the amendment deletes a provision reappropriating \$1 million to the flood control assistance account, provides greater specificity about the types of permits the department can issue and how it can issue them, and authorizes a county to declare an emergency or a condition of imminent threat.

**Appropriation:** None.

**Fiscal Note:** Available for SHB 1443.

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

**Testimony For:** The House version of the bill improves an already good bill. Reappropriating funds to the flood control account will benefit local governments but this provision is in the Senate budget.

**Testimony Against:** None.

**Testified:** Ed Manary, Department of Fish and Wildlife (in favor)