

FINAL BILL REPORT

2SSB 5442

C 385 L 97

Synopsis as Enacted

Brief Description: Permitting expedited flood repairs during flooding emergencies.

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

Senate Committee on Natural Resources
Senate Committee on Ways & Means
House Committee on Agriculture & Ecology

Background: There has been significant flooding in recent years. Counties have the primary authority in developing flood reduction plans. Plans are written in cooperation with the Department of Ecology, the Department of Natural Resources, and other state and federal agencies. The law dealing with construction in state waters is not clear on what constitutes an emergency and what can be done to prevent flooding while still protecting fish habitat.

Summary: The three types of hydraulic permits issued by the Department of Fish and Wildlife 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 State Environmental Policy Act 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 department may specify the conditions and times under which project work may occur.

Votes on Final Passage:

Senate	48	1	
House	98	0	(House amended)
Senate	42	1	(Senate concurred)

Effective: July 27, 1997