

# SENATE BILL REPORT

## SB 5567

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As of February 6, 2019

**Title:** An act relating to revising hydraulic project eligibility standards under RCW 77.55.181 for conservation district-sponsored fish habitat enhancement projects.

**Brief Description:** Revising hydraulic project eligibility standards under RCW 77.55.181 for conservation district-sponsored fish habitat enhancement projects.

**Sponsors:** Senators Honeyford, Takko, Short, Rolfes and Warnick.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/05/19.

**Brief Summary of Bill**

- Removes the requirement that conservation district-sponsored fish habitat enhancement projects eligible for streamlined review follow design standards established by the Conservation Commission through an interagency agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service.
- Requires copies of a completed application form for conservation district-sponsored fish habitat enhancement projects be provided to the Washington Department of Fish and Wildlife and the Conservation Commission.

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**SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS**

**Staff:** Karen Epps (786-7424)

**Background:** Conservation Districts. A conservation district is a governmental subdivision of the state, which exercises public powers. Conservation districts work with landowners on a voluntary basis, providing incentive-based conservation help on private lands. The board of supervisors of a conservation district is composed of five members, three of whom are elected and two appointed by the Conservation Commission.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Hydraulic Project Approval for Fish Habitat Enhancement Projects. A hydraulic project approval (HPA) is required for any project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. The Department of Fish and Wildlife (DFW) issues HPAs to ensure the proper protection of fish life.

Fish habitat enhancement projects meeting a certain set of criteria may qualify for a streamlined administrative review and approval process. These are projects expected to result in beneficial impacts to the environment, and are of the size and scale, as determined by DFW, to accomplish one or more of the following:

- elimination of human-made or human-caused fish passage barriers;
- restoration of an eroded or unstable streambank employing the principle of bioengineering; or
- placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

To qualify for streamlined review, a project must be approved by certain sponsoring entities, including DFW, a conservation district, the Department of Transportation, a city or county, or another formal review and approval process.

Fish habitat enhancement projects qualifying for streamlined review and sponsored by conservation districts must comply with design standards established by the Conservation Commission through an interagency agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service.

**Summary of Bill:** The requirement that conservation district-sponsored fish habitat enhancement projects eligible for streamlined review follow design standards established by the Conservation Commission through an interagency agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service is removed.

Conservation district-sponsored fish habitat enhancement projects determined to be eligible for streamlined review must be approved by conservation districts. Conservation district-sponsored projects must provide copies of the completed application form to DFW and the Conservation Commission.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: Under this bill, projects will still meet the requirements of the elements outlined in the current law and DFW will continue review the applications and retain approval authority. This bill will allow conservation districts to do restoration projects in a more timely fashion. This bill removes a work around that conservation districts are currently doing and help them to do habitat restoration work that is critically important.

OTHER: This bill will improve the efficiency of the regulatory environment while enhancing the outcomes anticipated by the Legislature when this law was first adopted. The statute currently contains technical errors that need a work around and that creates inefficiencies in the process for both the DFW and conservation districts.

**Persons Testifying:** PRO: Senator Jim Honeyford, Prime Sponsor; Alison Halpern, Washington State Conservation Commission; Jeff Davis, DFW.

OTHER: John Bolender, Mason Conservation District.

**Persons Signed In To Testify But Not Testifying:** No one.