
**Natural Resources, Ecology &
Parks Committee**

HB 1354

Brief Description: Authorizing a pilot program for flood control.

Sponsors: Representatives Pearson and Kristiansen.

Brief Summary of Bill

- Creates a flood control and stream bank restoration pilot program authorizing counties in select watersheds to test permit approval processes for flood control and stream bank restoration projects.
- Directs the Department of Ecology, the Department of Fish and Wildlife (WDFW), and the Department of Natural Resources to assist with the pilot and provide technical assistance to project proponents to develop projects that protect property and fish life.
- Delegates the WDFW's authority to issue hydraulic project approvals to the county legislative authority for the pilot program.

Hearing Date: 2/11/05

Staff: Jeff Olsen (786-7157).

Background:

Before beginning a construction project, a person must obtain a hydraulic project approval (HPA) 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. HPAs are issued by the Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life.

The WDFW has the authority to issue expedited permits in cases of imminent danger for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Imminent danger includes threats by weather, water flow, or other natural conditions that are likely to occur within 60 days of a request of a permit. Either the WDFW or the county legislative authority may determine if an imminent danger exists.

In emergencies arising from weather or stream flow conditions, the WDFW must issue upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream without the necessity of obtaining a written

approval prior to commencing work. An emergency means an immediate threat to life, the public, property, or environmental degradation.

Summary of Bill:

A flood control and stream bank restoration pilot program is established to demonstrate flood control projects that protect property, protect or enhance habitat, and protect fish life. A county legislative authority within water resource inventory areas (WRIA) three, four, five, and seven shall administer the pilot program and may select up to 10 projects within each WRIA. The pilot program must test permit approval processes for flood control and stream bank restoration projects and the effect of approving projects designed to protect property, protect or enhance habitat, and protect fish life. For projects selected for the pilot program, the WDFW must delegate authority to approve HPAs to the county legislative authority.

The objectives of the pilot program include identifying methods for expediting and coordinating permit decision-making processes, identifying conflicts with current laws, and evaluating the differences between projects designed to protect property, protect habitat, and protect fish life.

The Department of Ecology (DOE), WDFW, and the Department of Natural Resources must provide technical assistance to project proponents for the pilot program. The DOE must notify each eligible county regarding the pilot program and invite county participation. A county may select projects for the pilot program including dredging, stream bank stabilization, and dike construction or repair. When a project has been selected for inclusion in the pilot program, the county must schedule an initial coordination meeting and contact all appropriate agencies and the project applicant. Other local jurisdictions must be invited to participate when a project is selected for inclusion in the pilot program and those jurisdictions have a role in the permitting process. The purpose of the coordination meeting is to identify all necessary permit requirements; determine the sequence of permitting decisions; determine a timeline for the decisions and how those decisions can be expedited; and work with the applicant to make sure that he or she understands how the process will work, what the applicant is responsible for, and when those responsibilities must be met in order to adhere to the overall permitting timeline.

The DOE, in cooperation with the participating counties, other participating local jurisdictions, and state agencies, shall submit a final report on the pilot program to the appropriate committees of the legislature by December 1, 2007.

Appropriation: None.

Fiscal Note: Requested on 2/1/05.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.