

HOUSE BILL REPORT

HB 2628

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to requiring the department of fish and wildlife to identify acceptable stabilization projects for landowners.

Brief Description: Regarding model bank stabilization projects under chapter 77.55 RCW.

Sponsors: Representatives Orcutt, Pearson, Blake, Kristiansen and Ross.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/21/08, 1/31/08 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Fish and Wildlife to provide technical assistance to landowners in the assessment and selection of appropriate bank protection techniques from previously developed technical manuals.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer, Grant, Loomis, McCoy, Nelson, Newhouse and Orcutt.

Staff: Jason Callahan (786-7117).

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. The HPAs are issued by the Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life.

Included in the scope of the HPA permitting program are streambank stabilization projects. Most HPAs can be modified by the WDFW if conditions change after being issued. However,

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for streambank stabilization projects, the WDFW can only modify the approval if the WDFW can show that changing conditions warrant the modification in order to protect fish life.

Summary of Substitute Bill:

The WDFW is required to provide technical assistance to landowners in the assessment and selection of appropriate bank protection techniques from technical manuals that have been previously developed by the WDFW. The technical manuals from which the WDFW is to rely on for the provision of the landowner assistance must be updated at least once every five years.

The model bank protection techniques are to be designed so that a riparian landowner can choose from among them when commencing a bank stabilization project to protect his or her property from flooding, and must include general engineering and design criteria. The techniques must also provide for the adequate protection of fish life.

A landowner utilizing one of the model techniques is still required to obtain an HPA. Landowners not choosing to utilize a model project may still proceed with other methods.

Substitute Bill Compared to Original Bill:

The original bill required the WDFW to develop new bank stabilization methods that did not rely on the model techniques that have already been developed.

Appropriation: None.

Fiscal Note: Available. Fiscal note requested on substitute bill on January 29, 2008.

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

Staff Summary of Public Testimony:

(In support) Landowners desperately need help getting HPAs. Many people do not even try to apply because they know that the engineering costs will be too high. Some pre-developed designs do exist, but there needs to be a way to connect those designs with the people during the HPA application process. Reducing the engineering costs on the front end make the projects more attractive to landowners.

The WDFW has developed many streambank protection measures. Developing the measures was an eight year process and the resulting manual is intended for city engineers. There needs to be an effort made to bridge this information to the permit applicant.

(Opposed) None.

Persons Testifying: Representative Orcutt, prime sponsor; Terry Willis; Greg Hueckel, Washington Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: Dan Wood, Washington Farm Bureau; and Jay Gordon, Washington State Dairy Federation.