

# SENATE BILL REPORT

## SB 6509

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As of February 3, 2014

**Title:** An act relating to fish barrier removals.

**Brief Description:** Concerning fish barrier removals.

**Sponsors:** Senators Liias, Pearson, Hargrove, Dangel, Ranker, McCoy and Rolfes.

**Brief History:**

**Committee Activity:** Natural Resources & Parks: 2/04/14.

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### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Staff:** Bonnie Kim (786-7316)

**Background:** Any construction project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters in Washington requires hydraulic project approval (HPA). The Washington Department of Fish and Wildlife (WDFW) issues HPAs to ensure the proper protection of fish life. To receive an HPA, an applicant must provide WDFW with certain information, including general plans for the overall project, complete plans and specifications for construction proposed to occur within the mean higher high water line (saltwater) or ordinary high water line (freshwater), and complete plans for the proper protection of fish life.

Certain fish habitat enhancement projects expected to benefit the environment may qualify for streamlined permit review and are exempt from the State Environmental Policy Act and local permitting. WDFW reviews and approves permits for eligible fish habitat enhancement projects that eliminate human-made fish passage barriers, restore eroded or unstable streambanks, or place woody debris or other instream structures that benefit naturally reproducing fish stocks. Projects must also be approved through certain fish habitat and wildlife enhancement or conservation programs.

**Summary of Bill:** WDFW may review and approve a fish habitat enhancement project approved through: (1) the Department of Transportation's (DOT) environmental retrofit program as a standalone fish passage barrier correction project; and (2) a local, state, or federally approved fish barrier removal grant program designed to assist local governments implementing standalone fish passage barrier corrections. WDFW may also contract with cities and counties to assist in identifying and removing fish passage impediments.

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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.*

DOT and WDFW must initiate contact with the U.S. Army Corps of Engineers, the National Oceanic and Atmospheric Administration, and, if necessary, the U.S. Fish and Wildlife Service to explore the feasibility of bundling multiple transportation-related fish barrier removal projects under any available nationwide permits to streamline federal permitting and reduce processing times. DOT and WDFW must report to the Legislature by October 1, 2016, summarizing the information gathered and any progress made toward using the bundling concept.

**Appropriation:** None.

**Fiscal Note:** Requested on January 31, 2014.

**Committee/Commission/Task Force Created:** No.

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