
**Agriculture & Natural Resources
Committee**

SSB 5228

Brief Description: Establishing the joint legislative task force on hydraulic project approval program jurisdiction.

Sponsors: Senate Committee on Natural Resources & Parks (originally sponsored by Senators Honeyford, Rivers, Fortunato, Becker, Bailey, Ericksen, Warnick and Pearson).

Brief Summary of Substitute Bill

- Creates a joint legislative task force to review issues relating to hydraulic project approval jurisdiction.

Hearing Date: 3/21/17

Staff: Rebecca Lewis (786-7339).

Background:

The Department of Fish and Wildlife (DFW) administers the Hydraulic Project Approval (HPA) program to ensure the proper protection of fish life. A person must obtain an HPA prior to commencing any construction project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. To receive an HPA, the applicant must provide certain information to the DFW, including general plans for the overall project and complete plans for the proper protection of fish life. Most applicants for an HPA are required to pay a \$150 application fee. The DFW's authority to impose an application fee expires June 30, 2017.

Certain activities are exempt from the application fee requirement. Exempt projects include certain noxious weed control projects, mineral prospecting and mining projects, HPAs related to forest practices hydraulic projects, HPAs occurring on farm or agricultural land, and projects located above the ordinary high water line. The term ordinary high water line describes the mark

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on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are common and usual.

Summary of Bill:

A joint legislative task force on Hydraulic Project Approval (HPA) jurisdiction (task force) is established. The House Office of Program Research and Senate Committee Services must provide staff support to the task force. The Department of Fish and Wildlife (DFW) must cooperate with and provide information to the task force upon request.

The task force must review issues relating to HPA program jurisdiction including current law, current and historical practices of the DFW, and alternative approaches. The task force must provide a brief summary of its work and recommendations to the appropriate committees of the Legislature by October 1, 2017.

The task force must consist of the following members:

- one member each from the two largest caucuses in the Senate, appointed by the President of the Senate;
- one member each from the two largest caucuses in the House of Representatives, appointed by the Speaker of the House;
- the Director of the DFW, or his or her designee; and
- additional members, appointed by the legislative members of the task force, who represent stakeholders including, but not limited to, business, local government, agriculture, and conservation interests. The legislative members of the task force must also request representation from tribal governments.

Appropriation: None.

Fiscal Note: Requested on March 15, 2017.

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