

SENATE BILL REPORT

SHB 1275

As Reported by Senate Committee On:
Natural Resources & Parks, March 21, 2017

Title: An act relating to including fish passage barrier removal projects that comply with the forest practices rules in the streamlined permit process provided in RCW 77.55.181.

Brief Description: Including fish passage barrier removal projects that comply with the forest practices rules in the streamlined permit process provided in RCW 77.55.181.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Wilcox, Chapman, MacEwen, J. Walsh, Orcutt, Buys, Pettigrew, Fitzgibbon, Haler, Condotta and Muri).

Brief History: Passed House: 3/01/17, 98-0.

Committee Activity: Natural Resources & Parks: 3/14/17, 3/21/17 [DPA].

Brief Summary of Amended Bill

- Provides streamlined review under the existing fish habitat enhancement project approval process for fish passage barrier removal projects that are approved by the Department of Natural Resources under forest practices rules.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass as amended.

Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Staff: Curt Gavigan (786-7437)

Background: Fish Habitat Enhancement Process Permitting. Certain fish habitat enhancement projects may qualify for streamlined review and approval process by the Department of Fish and Wildlife (DFW). The statute states that qualifying projects are expected to result in beneficial impacts to the environment and:

- receive a decision regarding the associated hydraulic project approval in 45 days; and

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.

- are exempt from any local government permitting and associated fees, although local governments have 15 days to provide review and comment to DFW.

To receive streamlined review, a project must:

- meet project type criteria, such as for fish passage barriers removal, eroded or unstable stream bank restoration, or woody debris placement project; and
- meet approval criteria, such as approval by DFW, a conservation district, the Department of Transportation, a city or county, or another formal review and approval process.

Integration of Forest Practices and Hydraulic Project Permitting. In 2012, the Legislature directed the integration of hydraulic project review into forest practices permitting. The integration process included:

- the Forest Practices Board incorporating fish protection standards into the Forest Practices Rules; as well as approving technical guidance;
- the ability for DFW to continue to review and comment on any Forest Practices Application (FPA); and
- a requirement that DFW review, and either verify that the review has occurred or comment on, certain FPAs relating to fish bearing waters, shorelines of the state, and water crossing structures.

Summary of Amended Bill: Fish passage barrier removal projects that are approved by Department of Natural Resources (DNR) under forest practices rules are eligible for streamlined review and approval under the fish habitat enhancement process permitting process.

Forest practices applicants must provide copies of their FPA to appropriate local governments for purposes of their review and comment, unless they are otherwise required to submit a joint aquatic resource permit. DNR's permitting decisions must be made consistent with the process for forest practices hydraulic project approvals. Technical changes are made and appeals procedures are specified.

EFFECT OF NATURAL RESOURCES & PARKS COMMITTEE AMENDMENT(S):

- Specifies timing for submittal of a forest practices hydraulic project to the appropriate local government as the same day the applicant submits the FPA to DNR.

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 on Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill helps

landowners to remove fish passage barriers quicker and more cheaply. Stakeholders have some suggested changes to clarify the language.

Persons Testifying: PRO: Jason Callahan, Washington Forest Protection Association; Debbie Reisert, citizen; Stephen Bernath, DNR.

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