

# HOUSE BILL REPORT

## EHB 1187

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**As Passed House:**  
February 12, 2020

**Title:** An act relating to revising hydraulic project eligibility standards under RCW 77.55.181 for conservation district-sponsored fish habitat enhancement projects.

**Brief Description:** Revising hydraulic project eligibility standards under RCW 77.55.181 for conservation district-sponsored fish habitat enhancement projects.

**Sponsors:** Representatives Dent, Blake, Chandler, Kretz, Schmick and Bergquist.

**Brief History:**

**Committee Activity:**

Rural Development, Agriculture, & Natural Resources: 1/25/19, 2/1/19 [DP].

**Floor Activity:**

Passed House: 2/14/19, 96-0.

**Floor Activity:**

Passed House: 2/12/20, 97-0.

**Brief Summary of Engrossed Bill**

- Changes the process by which conservation district-sponsored fish habitat enhancement projects determined to be eligible for streamlined hydraulic project review may be approved.

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### HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 15 members: Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman, Dye, Fitzgibbon, Kretz, Lekanoff, Orcutt, Pettigrew, Ramos, Schmick, Springer and Walsh.

**Staff:** Rebecca Lewis (786-7339).

**Background:**

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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.*

### Hydraulic Project Approval for Fish Habitat Enhancement Projects.

A person must obtain a hydraulic project approval (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. Hydraulic project approvals are issued by the Washington Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life. To receive a HPA, the applicant must provide certain information to the WDFW. This information includes general plans for the overall project and complete plans for the proper protection of fish life.

Fish habitat enhancement projects that meet a certain set of criteria may qualify for a streamlined administrative review and approval process. These are projects that are expected to result in beneficial impacts to the environment, and are of the size and scale, as determined by the WDFW, to accomplish one or more of the following:

- elimination of human-made or human-caused fish passage barriers;
- restoration of an eroded or unstable streambank employing the principle of bioengineering; or
- placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

Additionally, to qualify for streamlined review, a project must also be approved by certain sponsoring entities, including the WDFW, a conservation district, the Department of Transportation, a city or county, or other formal review and approval processes.

### Conservation District-Sponsored Fish Habitat Enhancement Projects.

Fish habitat enhancement projects that qualify for streamlined review and are sponsored by conservation districts must comply with design standards established by the Washington Conservation Commission through an interagency agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service.

### **Summary of Engrossed Bill:**

The requirement that conservation district-sponsored fish habitat enhancement projects determined to be eligible for streamlined review follow design standards established by the Washington Conservation Commission through an interagency agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service is removed. Instead, conservation district-sponsored fish habitat enhancement projects determined to be eligible for streamlined review must be approved by conservation districts.

**Appropriation:** None.

**Fiscal Note:** Available.

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

### **Staff Summary of Public Testimony:**

(In support) This idea was brought forth by a group from this year's AgForestry class, and it simply streamlines the process for conservation district-sponsored fish habitat enhancement projects so that more can be done to protect fish habitat. The current review process for such projects is based on an agreement that never came to pass. The Conservation Commission (Commission) has worked with the AgForestry class, who did most of the work. It is a simple bill. The Commission thanks the Washington Department of Fish and Wildlife (WDFW) for their role in work-arounds within the law to help accomplish important fish habitat projects. In the past, the WDFW acted as a sponsor for certain conservation district-sponsored projects as a work-around in certain cases so that important habitat projects could be completed.

(Opposed) None.

(Other) This policy is in the spirit of the Lean theory of governance. Current language contains technical errors which have constrained proposal updates, but does not change regulatory outcomes. As such, this bill provides a narrowly focused administrative correction, and represents an efficient use of constituents' tax dollars. The streamlined process in the bill would not apply to land development projects.

**Persons Testifying:** (In support) Representative Dent, prime sponsor; Stu Trefry, Washington State Conservation Commission; and Margen Carlson, Washington Department of Fish and Wildlife.

(Other) John Bolender, Mason Conservation District.

**Persons Signed In To Testify But Not Testifying:** None.