

**SENATE BILL REPORT**

**SB 6475**

**AS REPORTED BY COMMITTEE ON ENERGY & UTILITIES,  
FEBRUARY 7, 1992**

**Brief Description:** Declaring that the state has no regulatory authority over federally owned or licensed hydro projects.

**SPONSORS:** Senators Saling, Snyder, Stratton, Thorsness, Patterson, Nelson, McDonald and Amondson

**SENATE COMMITTEE ON ENERGY & UTILITIES**

**Majority Report:** That Substitute Senate Bill No. 6475 be substituted therefor, and the substitute bill do pass.

Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Roach, Stratton, Sutherland, and Williams.

**Staff:** Phil Moeller (786-7445)

**Hearing Dates:** February 4, 1992; February 7, 1992

**BACKGROUND:**

The federal government preempts state regulation of certain aspects of the operation and maintenance of dams. There is concern that the state may be duplicating the efforts of federal government in the inspection of some of these facilities.

In 1989, the Legislature directed the preparation of a state comprehensive hydropower plan. The plan was to designate areas where hydropower development is likely to conflict with significant environmental values, and areas where hydropower development will not conflict with or may even enhance environmental values.

The hydropower plan was to be completed by March 31, 1991. It has yet to be delivered to the Legislature.

**SUMMARY:**

The powers of the Director of the Department of Ecology are modified to exclude the authority to inspect dam construction, modification, or operation if the dam or facility is owned by the United States or is licensed under the federal Power Act.

The state policy relating to future development of hydropower is modified to include guidelines preventing duplication of regulatory efforts relating to any facility owned by the United States or licensed under the federal Power Act.

The state hydropower task force is directed to recommend to the Legislature, by July 1, 1992, proposals for a state comprehensive hydropower plan.

**EFFECT OF PROPOSED SUBSTITUTE:**

It is clarified that the Department of Ecology reacquires dam-related authority if the federal government grants these jurisdictional powers. It is further clarified that the Department of Ecology retains the authority to review or comment on dam-related reports, plans or specifications. References to the state hydropower plan are stricken.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested February 4, 1992

**TESTIMONY FOR:**

This legislation is needed to prevent duplicative inspection programs.

**TESTIMONY AGAINST:**

The bill is too extreme in limiting state authority to regulate dams.

**TESTIFIED:** Amy Bell, Washington State Energy Office; Keli Covin (pro); Bob Crump, Washington PUD Association (pro); Garth Jackson, Tacoma City Light (pro); Collins Sprague, Washington Water Power (pro); Heidi Adelsman, Department of Ecology (con); Ron Newbry, Pacificorp (pro); Mel Schaefer, Department of Ecology (con)