

HOUSE BILL REPORT

2SHB 1346

As Passed Legislature

Title: An act relating to regulatory reform of the hydraulic project approval program.

Brief Description: Improving the efficiency and predictability of the hydraulic project approval program.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Buck, B. Sullivan, Kretz, DeBolt, Blake, Eickmeyer and Takko).

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 2/11/05, 3/1/05 [DPS];
Appropriations: 3/5/05 [DP2S(w/o sub NREP)].

Floor Activity:

Passed House: 3/11/05, 94-0.
Passed Senate: 4/14/05, 43-0.
Passed Legislature.

Brief Summary of Second Substitute Bill

- Reorganizes Chapter 77.55 RCW, Construction Projects in State Waters, and repeals certain sections.
- Establishes a definition section and a new chapter relating to fishways, flow, and screening.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake, DeBolt, Dickerson, Eickmeyer, Orcutt and Williams.

Minority Report: Do not pass. Signed by 1 member: Representative Hunt.

Staff: Jeff Olsen (786-7157).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute by Committee on Natural Resources, Ecology & Parks. Signed by 29 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, McIntire, Miloscia, Pearson, Priest, Schual-Berke, Talcott and Walsh.

Staff: Alicia Paatsch (786-7178).

Background:

A person must obtain a hydraulic project approval (HPA) for any project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state before beginning construction. The HPAs are issued by the Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life.

Summary of Second Substitute Bill:

Chapter 77.55 RCW, Construction Projects in State Waters, is reorganized and certain sections are repealed and rewritten as new sections. A definition section is established, and a new chapter is created for sections relating to fishways, flow, and screening.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Natural Resources, Ecology & Parks) (In support of original bill) The Hydraulics Code is 56 years old and has been amended many times and is hard to read and understand. The equivalency process, which is determined by the Department of Fish and Wildlife, would avoid some duplication in current permitting requirements. The reorganization of the chapter is much improved over the existing language.

(With concerns on original bill) The Northwest Indian Fisheries Commission is concerned about some of the changes in the bill but would like to work with the prime sponsor to address those concerns. Changes in the intent section and to ordinary high water mark may exclude current projects, like bulkheads and streambank projects, which are currently subject to the hydraulic project approval process. The Gold and Fish Pamphlet needs to be updated. The hydraulic approval is being used to restore systems, not to protect fish. General permits, five year permits, and equivalency are new concepts that need more discussion. Irrigation districts activities are excluded by definition, but further clarification is required.

Testimony For: (Appropriations) None.

Testimony Against: (Natural Resources, Ecology & Parks) None.

Testimony Against: (Appropriations) None.

Persons Testifying: (Natural Resources, Ecology & Parks) (In support of original bill) Representative Buck, prime sponsor; Jeff Morisen, Whatcom County; and Eric Johnson, Washington Public Ports Association; Greg Christensen.

(With concerns on original bill) Mike Schwasow, Washington State Water Resource Association; Greg Hueckel, Washington State Department of Fish and Wildlife; and Heath Packard, Audubon.

Persons Testifying: (Appropriations) None.

Persons Signed In To Testify But Not Testifying: (Natural Resources, Ecology & Parks) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.