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**Agriculture & Natural Resources  
Committee**

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**HB 2530**

**Brief Description:** Studying the effectiveness of the existing hydraulic project approval process under chapter 77.55 RCW in protecting fish life.

**Sponsors:** Representative Nelson.

**Brief Summary of Bill**

- Requires the Department of Fish and Wildlife (WDFW) to conduct a study regarding the effectiveness of the existing hydraulics project approval permitting system.
- Prohibits the WDFW from approving or renewing any hydraulics project approvals within the Maury Island Aquatic Reserve for any commercial, industrial, or barge-loading facilities.

**Hearing Date:** 1/17/08

**Staff:** Jason Callahan (786-7117).

**Background:**

Hydraulic Project Approvals

Before beginning a construction project, 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. HPAs are issued by the Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life.

The WDFW is statutorily authorized to issue programmatic HPAs for small scale mining and prospecting, and for activities or projects conducted solely for the removal or control of certain aquatic weeds. The programmatic approval is in lieu of an applicant obtaining an individual HPA. Under the programmatic approval process, the WDFW publishes a pamphlet that states the rules for that activity.

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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.*

HPA decisions may be appealed to the Director of the WDFW under the provisions of the Administrative Procedure Act. Certain appeals related to agriculture or off-site mitigation are heard by the Hydraulic Appeals Board.

### The Maury Island Aquatic Reserve

The Maury Island Aquatic Reserve was created in 2004 by the Commissioner of Public Lands (Commissioner), and includes the bedlands and tidelands surrounding Maury Island and Quartermaster Harbor. In the order establishing the aquatic reserve, the Commissioner identified unique and significant natural values of the impacted aquatic lands and withdrew the lands from general leasing.

### **Summary of Bill:**

#### HPA Study

The WDFW is required to conduct a study regarding the effectiveness of the existing HPA permitting system. The study must consider the effectiveness of legislative enactments, the implementation by the WDFW, and the impact that historic funding levels have had on the program's effectiveness. When reviewing the HPA program, the WDFW must focus on both the level of compliance as well as the actual fish protection offered in instances of full compliance.

The study is not required to be completed by a certain date, but must be done as readily as funds allow. The WDFW may pay for the study using direct appropriations specified for the study, non-designated funds within the control of the WDFW, or private donations. The report cannot be deemed final until the Fish and Wildlife Commission has voted to affirm the study's completeness.

#### HPA Temporary Restriction

Until the HPA study is completed, the WDFW is prohibited from approving or renewing any HPAs within the Maury Island Aquatic Reserve for any commercial, industrial, or barge-loading facilities.

**Appropriation:** None.

**Fiscal Note:** Available.

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