
**Agriculture & Natural Resources
Committee**

HB 1760

Brief Description: Concerning off-site mitigation for projects permitted under chapter 77.55 RCW.

Sponsors: Representatives Blake, Orcutt, Chapman and Buys.

Brief Summary of Bill

- Limits the scope of conditions and mitigation requirements that may be imposed in connection with Hydraulic Project Approvals for maintenance of publicly-owned bridges and culverts, to certain specified conditions and forms of mitigation.

Hearing Date: 2/14/17

Staff: Robert Hatfield (786-7117).

Background:

Hydraulic Project Approvals.

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. HPAs are issued by the Washington Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life. To receive an 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.

Aquatic Resources Mitigation.

The Department of Ecology and the DFW are authorized to condition the issuance of certain permits, including HPAs, on mitigating the impacts of a project. Conditions imposed on a permit must be reasonably related to the project. Mitigation may occur on-site or, under certain circumstances, off-site. A project proponent may use a mitigation plan to propose compensatory

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mitigation that will improve overall biological functions and values. Off-site mitigation may include, among other things, funding the forestry riparian easement program, the riparian easement program, the riparian open space program, or the family forest fish passage program.

Summary of Bill:

For the purposes of maintaining, repairing, and preserving existing publicly-owned bridges and culverts that, at the time of the Hydraulic Project Approval (HPA) application, do not create new impacts to fish life, limitations are created on the conditions and forms of mitigation that may be required as part of an HPA.

For off-site mitigation requirements imposed in connection with an HPA, the range of mitigation actions that are considered to be reasonably related to maintenance, repair, and preservation activities is limited to specified forms of mitigation. There is an exception for projects that function as replacement projects or that cause a long-term impact to fish life.

For conditions that may be imposed in connection with an HPA, only on-site conditions relating to timing of the work activity, or other condition relating directly to the work activity, are considered reasonably related to the work activity. There is an exception for projects that function as replacement projects or that cause a long-term impact to fish life.

Mitigation plans that fund projects related to the forestry riparian easement program, the riparian open space program, or the family forest fish passage program, or that remove fish passage barriers, are presumed to be reasonably related to the project and are to be given preferred treatment by the Department of Fish and Wildlife if the proposed off-site mitigation is in the same watershed as the project.

Appropriation: None.

Fiscal Note: Available.

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