

HOUSE BILL REPORT

SB 5404

As Passed House:
April 12, 2019

Title: An act relating to expanding the definition of fish habitat enhancement projects.

Brief Description: Expanding the definition of fish habitat enhancement projects.

Sponsors: Senators Rolfes, Honeyford, Van De Wege, McCoy, Salomon and Hasegawa.

Brief History:

Committee Activity:

Rural Development, Agriculture, & Natural Resources: 3/20/19, 4/2/19 [DP].

Floor Activity:

Passed House: 4/12/19, 93-0.

Brief Summary of Bill

- Allows fish habitat enhancement projects that restore native kelp and eelgrass beds, and restore native oysters, to qualify for a streamlined administrative review and approval process.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

Majority Report: Do pass. Signed by 14 members: Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Chapman, Dye, Fitzgibbon, Kretz, Lekanoff, Orcutt, Pettigrew, Ramos, Schmick, Springer and Walsh.

Staff: Rebecca Lewis (786-7339).

Background:

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 an HPA, the applicant must provide certain information to the WDFW. This

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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.

Summary of Bill:

Fish habitat enhancement projects restoring native kelp and eelgrass beds and restoring native oysters may qualify for a streamlined administrative review and approval process.

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) Current law provides an expedited hydraulic projects review process for projects that benefit fish and fish habitat. Shoreline projects are important to salmon recovery, but are not eligible for streamlined review. This is a common sense approach to enable certain shoreline projects that provide benefits to fish to move forward.

(Opposed) None.

Persons Testifying: Senator Rolfes, prime sponsor; Margen Carlson, Department of Fish and Wildlife; and Betsy Peabody, Puget Sound Restoration Fund.

Persons Signed In To Testify But Not Testifying: None.