

SENATE BILL REPORT

EHB 1187

As Passed Senate, March 3, 2020

Title: An act relating to revising hydraulic project eligibility standards under RCW 77.55.181 for conservation district-sponsored fish habitat enhancement projects.

Brief Description: Revising hydraulic project eligibility standards under RCW 77.55.181 for conservation district-sponsored fish habitat enhancement projects.

Sponsors: Representatives Dent, Blake, Chandler, Kretz, Schmick and Bergquist.

Brief History: Passed House: 2/14/19, 96-0; 2/12/20, 97-0.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/20/20 [DP].

Floor Activity:

Passed Senate: 3/03/20, 49-0.

Brief Summary of Engrossed Bill

- Removes the requirement that conservation district-sponsored fish habitat enhancement projects eligible for streamlined review follow design standards established by the Conservation Commission through an interagency agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service.
- Provides that conservation district-sponsored fish habitat enhancement projects determined to be eligible for streamlined review must be approved by conservation districts.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, McCoy, Rolfes and Short.

Staff: Karen Epps (786-7424)

Background: Conservation Districts. A conservation district is a governmental subdivision of the state, which exercises public powers. Conservation districts work with landowners on

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a voluntary basis, providing incentive-based conservation help on private lands. The board of supervisors of a conservation district is composed of five members, three of whom are elected and two appointed by the Conservation Commission.

Hydraulic Project Approval for Fish Habitat Enhancement Projects. A hydraulic project approval (HPA) is required 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. The Department of Fish and Wildlife (DFW) issues HPAs to ensure the proper protection of fish life.

Fish habitat enhancement projects meeting a certain set of criteria may qualify for a streamlined administrative review and approval process. These are projects expected to result in beneficial impacts to the environment, and are of the size and scale, as determined by DFW, 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.

To qualify for streamlined review, a project must be approved by certain sponsoring entities, including DFW, a conservation district, the Department of Transportation, a city or county, or another formal review and approval process.

Fish habitat enhancement projects qualifying for streamlined review and sponsored by conservation districts must comply with design standards established by the Conservation Commission through an interagency agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service.

Summary of Engrossed Bill: The requirement that conservation district-sponsored fish habitat enhancement projects eligible for streamlined review follow design standards established by the Conservation Commission through an interagency agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service is removed. Conservation district-sponsored fish habitat enhancement projects determined to be eligible for streamlined review must be approved by conservation districts.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Regular Session 2019): PRO: This bill comes from the Ag Forestry Leadership Training Program. Legislation passed a number of years ago that made changes, and this bill is a fix to put things back into place. This bill will streamline the process for conservation districts to do fish enhancement projects and make it easier for districts to do fish enhancement projects. This bill will improve existing law by eliminating

the need for workarounds that create inefficiencies for conservation districts and improve salmon recovery as a whole. Current law allows for an expedited permit from DFW under certain circumstances for projects developed and led by a conservation district as long as the district has complied with design standards developed by the Conservation Commission. The commission has not yet developed these standards, so when a district develops a project they cannot take advantage of the process because there are no design standards. This bill changes current law to allow the conservation district to develop the project and submit the application to DFW. The projects will still need to meet all the requirements outlined in law and the permit applications would still be reviewed by DFW. The commission would recommend that the House bill be consistent with SB 5567. The language in the Senate bill would allow the commission to track the permit requests and enter the projects into the projects database to track costs of the districts.

Persons Testifying: PRO: Representative Tom Dent, Prime Sponsor; Evan Bauder, citizen; Alison Halpern, Washington State Conservation Commission.

Persons Signed In To Testify But Not Testifying: No one.

Staff Summary of Public Testimony (Regular Session 2020): PRO: This bill will streamline the process for fish habitat projects and will make it simpler for these projects to be completed. This bill will improve existing law to eliminate work arounds that create inefficiencies for DFW and conservation districts when permitting fish habitat enhancement projects critical to salmon and orcas. This bill will allow districts to use this streamlined pathway as was originally intended when the law was written and improve efficiencies for conservation districts, DFW, and recovery efforts.

Persons Testifying: PRO: Representative Tom Dent, Prime Sponsor; Alison Halpern, State Conservation Commission; Evan Bauder, citizen.

Persons Signed In To Testify But Not Testifying: No one.