
**Agriculture and Natural Resources
Committee**

HB 2085

Brief Description: Modifying the department of fish and wildlife's habitat recovery pilot program.

Sponsors: Representatives Nance, Doglio, Simmons, Reed, Ramel, Timmons, Thai, Lekanoff, Riccelli and Reeves; by request of Department of Fish and Wildlife.

Brief Summary of Bill

- Removes the timing requirement that project applicants under the Habitat Recovery Pilot Program (Pilot Program) take certain actions regarding cultural resources prior to submitting an application under the Pilot Program.

Hearing Date: 1/17/24

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. The Department of Fish and Wildlife (WDFW) issues HPAs to ensure the proper protection of fish life.

Fish Habitat Enhancement Projects.

Fish habitat enhancement projects that meet certain criteria may qualify for a streamlined HPA review and approval process. These are projects that are expected to result in beneficial impacts

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

to the environment, and are of the size and scale, as determined by the WDFW, to accomplish certain objectives regarding fish habitat enhancement.

Habitat Recovery Pilot Program.

The Habitat Recovery Pilot Program (Pilot Program) was created through legislation enacted in 2021. The Pilot Program expires in 2025. The purpose of the Pilot Program is to promote and implement habitat restoration projects that have been determined to contribute to the recovery of watersheds throughout the state. To be included in the Pilot Program, an environmental restoration project must meet certain criteria, including that the project directly benefits freshwater, estuarine, or marine fish, or the habitat they rely on.

A permit issued pursuant to the Pilot Program is required for any project that meets the criteria for inclusion in the Pilot Program and that would otherwise be required to obtain an HPA. Projects approved for inclusion in the Pilot Program are not required to obtain local or state permits or approvals other than the permit issued under the Pilot Program, except permits minimally necessary as a requirement of participation in a federal program.

Cultural Resources.

A project applicant under the Pilot Program must review the proposed project with the Department of Archaeology and Historic Preservation (DAHP) and complete any required site surveys before the project applicant may file an application under the Pilot Program. A project applicant must document consistency in the application with applicable cultural resource protection requirements. A project applicant must provide a copy of its application to the DAHP and to affected federally recognized tribes no fewer than 60 days before the application may be filed with the WDFW.

The WDFW may not review a project under the Pilot Program if a cultural resource site is identified at the project site or if an affected federally recognized tribe withholds its consent that the project should be expedited. Such consent may be withheld upon a determination that the project may adversely impact cultural resources. Notice of such a determination must be provided to the WDFW by the affected federally recognized tribe in a timely manner.

Summary of Bill:

A project applicant under the Habitat Recovery Pilot Program (Pilot Program) must review the project with the Department of Archaeology and Historic Preservation (DAHP), must complete any required site surveys, and must provide a copy of its application to the DAHP and to affected federally recognized tribes, but is not required to do so before filing its application under the Pilot Program.

Appropriation: None.

Fiscal Note: Requested on January 3, 2024.

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