

SENATE BILL REPORT

SB 5155

As of January 20, 2025

Title: An act relating to extending a program to streamline the environmental permitting process for salmon recovery projects.

Brief Description: Extending a program to streamline the environmental permitting process for salmon recovery projects.

Sponsors: Senators Salomon, Shewmake, Chapman, Hasegawa, Liias, Nobles and Wellman.

Brief History:

Committee Activity: Local Government: 1/23/25.

Brief Summary of Bill

- Renames the Habitat Recovery Pilot Program to be the Habitat Restoration Permit Pathway Program (HRPPP) and removes the Habitat Recovery Pilot Program's expiration date of June 30, 2025.
- Adds projects under Centennial Clean Water Program grants and the Washington Wildlife and Recreation Program to the list of projects under the HRPPP.
- Requires a project applicant to provide a description of the proposed project and the project's area of potential effect to the Department of Archeology and Historic Preservation.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Staff: Karen Epps (786-7424)

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. The Washington Department of

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.

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

In 2021, the Legislature established a Habitat Recovery Pilot Program (HRPP) to promote and implement habitat restoration projects determined to contribute to the recovery of watersheds throughout the state. The HRPP expires in 2025. To be included in HRPP, an environmental restoration project must directly benefit freshwater, estuarine, or marine fish, or the habitat they rely on. The project must be included on a list of projects reviewed, approved, or funded by one of a number of specified entities, including the Bonneville Power Administration Restoration Program; the Brian Abbott Fish Passage Barrier Removal Board; and the Salmon Recovery Funding Board.

A project applicant or funding agency must review the proposed project with the Department of Archaeology and Historic Preservation (DAHP) and complete any required site surveys before the project applicant files an application for HPA. 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 DAHP, and to affected federally recognized tribes, no fewer than 60 days before the application may be filed with WDFW. For those projects that require lease or other land use authorization from the Department of Natural Resources (DNR), the project applicant must include a signed Joint Aquatic Resources Permit Application (JARPA), attachment E and provide a copy of the completed application to DNR no fewer than 30 days before the application may be filed with WDFW. DNR must make a final decision on application for projects within 30 days of the issuance of an HRPP permit.

WDFW may not review a project under the HRPP 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: The HRPP is renamed to be the Habitat Restoration Permit Pathway Program (HRPPP) and the expiration date of June 30, 2025, is removed.

Projects under the Clean Water Act and Centennial Clean Water Program grants installing instream and riparian nonpoint source projects and under the Washington Wildlife and Recreation Program are added to the list of projects that may be included in the HRPPP.

A project applicant must provide a description of the proposed project and the project's area of potential effect, including vertical and horizontal limits, and any additional ground disturbance activities, rather than their application, to DAHP and to affected federally recognized tribes. A project applicant must provide their application to an affected federally recognized tribe at the tribe's request.

For those projects that require land use authorization from DNR, the timeline requirement

related to providing a copy of the completed application to DNR by no fewer than 30 days before the application may be filed with WDFW is removed. The project applicant may submit its completed HRPPP permit to WDFW either:

- 30 days after providing a copy of a completed application to DNR; or
- upon receipt of a signed JARPA attachment E from DNR, whichever comes first.

If the project applicant submits its application 30 days after filing the signed JARPA attachment E, with DNR, DNR must make a final decision on applications for projects within 30 days of issuance of the HRPPP permit. An applicant may submit a paper or email JARPA submission to apply for approval of an HRPPP.

Appropriation: None.

Fiscal Note: Requested on January 19, 2025.

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

Effective Date: The bill contains an emergency clause and takes effect immediately.