

# SENATE BILL REPORT

## ESHB 2757

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As Reported By Senate Committee On:  
Natural Resources, Parks & Shorelines, February 28, 2002

**Title:** An act relating to administration of hydraulic project approval.

**Brief Description:** Creating the hydraulic project approval permit program technical advisory group.

**Sponsors:** House Committee on Natural Resources (originally sponsored by Representatives Rockefeller, Ericksen, Hunt, Doumit, Linville and Pearson).

**Brief History:**

**Committee Activity:** Natural Resources, Parks & Shorelines: 2/27/02, 2/28/02 [DPA-WM].

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### SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & SHORELINES

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, Morton, Oke, Snyder, Spanel and Stevens.

**Staff:** Ross Antipa (786-7413)

**Background:** A person is required to obtain a hydraulic permit for any project or work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state before beginning the construction work. These include certain projects or activities related to irrigation or stock watering purposes or streambank stabilization, and projects and activities related to marine beach front protective bulkheads or rock walls. The permits are issued to ensure the proper protection of fish life and are issued by the Department of Fish and Wildlife (DFW).

DFW is statutorily authorized to issue programmatic hydraulic project approvals for small scale mining and prospecting, and for activities or projects conducted solely for the removal or control of certain aquatic weeds. The programmatic approval is in lieu of an applicant obtaining an individual hydraulic permit. Under the programmatic approval process, the department publishes a pamphlet that states the rules for that activity. As long as the person follows the rules provided in the pamphlet, that person is considered to be in compliance with the law. There is no general authority for DFW to issue pamphlet hydraulic project approvals for other types of work or activities.

DFW processes in excess of 6,000 hydraulic project approvals a year. The scope of the review of these projects varies based on the proposed project. DFW is not authorized to charge fees for processing hydraulic project approvals.

**Summary of Amended Bill:** A hydraulic project approval permit program technical advisory group is created to conduct a study of the state hydraulic project approval permit program. The advisory group constitutes a subcommittee of the Fish and Wildlife Commission and consists of 18 members.

Membership of the advisory group consists of: a member of the commission who serves as the chair; one person designated by the Secretary of Transportation; one person designated by the Director of the Department of Fish and Wildlife; one person designated by the Director of Ecology; one person designated by the Commissioner of Public Lands; one person jointly designated by the Association of Washington Cities and the Washington State Association of Counties; one person designated by Washington State Public Ports Association; one person designated by the Regional Fisheries Enhancement Group Advisory Board; one person designated by the Washington State Farm Bureau; one person designated by the Washington Cattlemen's Association; one person who represents marine construction, jointly designated by the Building Industry Association of Washington and the Associated General Contractors of Washington; one person designated by the American Council of Engineering Companies; one person designated by the Northwest Indian Fisheries Commission; one person designated by aquaculture interests; two persons representing environmental organizations; one person designated by commercial fishing interests; and one person designated by recreational fishing interests.

Federal regulatory representatives must be invited to participate in the work of the advisory group. The commission may employ temporary staff or contract for necessary support services.

As part of its study of the hydraulic permit program, the advisory group must determine: if there are clear statutory and administrative goals for the program; whether the activities, projects, and physical areas covered by the program are clearly delineated in statute; whether there is duplication or conflict with similar federal, state, or local regulatory programs; whether the program is being administered in a cost-effective manner and whether there are system efficiencies that can be adopted; whether the program is consistently applied from region to region; the effectiveness of permit conditions and mitigation requirements in protecting fish life; the adequacy of permit monitoring to ensure that the protection of fish life is being achieved; the adequacy of training programs for department employees and groups responsible for complying with the program requirements; whether the hydraulic appeals board process and membership can be changed to improve the appeals process; and whether existing funding sources are adequate for the program workload and fairly distribute costs and benefits of the program between general taxpayers and program applicants.

After completing its study, the advisory group must submit a report that provides recommendations to improve the program, and appropriate funding sources for the program. The report must also identify outcome-based performance measures to improve the timeliness of permit issuance, service delivery, and client satisfaction. Any recommendations concerning fees must be consistent with the efforts to integrate forest practices and hydraulic permitting processes.

The advisory group must submit a report containing its recommendations and findings to the Governor, the Fish and Wildlife Commission, and the appropriate legislative committees by November 15, 2002.

**Amended Bill Compared to Substitute Bill:** A representative of the Washington Cattlemen's Association is added.

**Appropriation:** None.

**Fiscal Note:** Requested on January 31, 2002.

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

**Testimony For:** The hydraulic permit program needs a thorough review by the people who are regulated by the program and by the people who are interested in conservation of fish life.

**Testimony Against:** None.

**Testified:** Greg Hueckel, WDFW (pro).