

---

**Agriculture & Natural Resources  
Committee**

---

**SSB 5733**

**Brief Description:** Regarding hydraulic project permit approval for projects intended to reduce or eliminate damage from floods.

**Sponsors:** Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Stevens and Jacobsen).

**Brief Summary of Substitute Bill**

- Provides a mechanism for counties to declare when a chronic flood danger exists.

**Hearing Date:** 3/26/07

**Staff:** Jason Callahan (786-7117).

**Background:**

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. All HPAs are issued by the Washington Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life.

The WDFW has the authority to issue expedited permits in cases of imminent danger for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Imminent danger includes threats by weather, water flow, or other natural conditions that are likely to occur within 60 days of a request of a permit. Either the WDFW or the county legislative authority may determine if an imminent danger exists.

In emergencies arising from weather or stream flow conditions, the WDFW must issue, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or protecting property threatened by the stream, without the necessity of a person obtaining a written approval prior to commencing work. An emergency means an immediate threat to life, the public, property, or environmental degradation.

---

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

**Summary of Bill:**

A county is required to declare that a chronic danger exists for a particular property not located on a marine shoreline if that property has experienced at least two consecutive years of flooding or erosion that causes a threat to a property or its infrastructure. If a chronic danger is declared, then the WDFW must issue an approval under the HPA program to remove obstructions, restore banks and roads, repair structures, and protect property and fish resources.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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