
**Agriculture & Natural Resources
Committee**

HB 2388

Brief Description: Exempting certain forest practices from the requirements of the hydraulic code.

Sponsors: Representatives Orcutt, Blake, Kretz, Takko, Short, Rivers, Hurst, Overstreet and McCune.

Brief Summary of Bill

- Considers certain forest practices to have satisfied the requirement of having to obtain a hydraulic project approval from the Department of Fish and Wildlife if operating under an approved forest practices application.

Hearing Date: 1/24/12

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

To receive a HPA, the applicant must provide certain information to the WDFW. This information includes general plans for the overall project, complete plans and specifications for any construction that is proposed to occur within the mean higher high water line (saltwater) or ordinary high water line (freshwater), and complete plans for the proper protection of fish life.

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.

A person who unlawfully undertakes a project in violation of the HPA requirements may be prosecuted for a gross misdemeanor. Prosecution is available if a person conducts a project without a HPA, or if a person violates the conditions of the operative HPA.

Forest Practices Applications.

A forest practices application (FPA) must be approved by the Department of Natural Resources (DNR) prior to conducting a forest practice such as tree thinning, chemical application, forest road building, or tree harvest. The FPA is submitted to the DNR, and if approved, the FPA is valid for conducting the allowable forest practices for a period of two years from the date of approval.

Forest practices that use, divert, obstruct, or change the natural flow of water may also be required to obtain a HPA in addition to an approved FPA.

Summary of Bill:

Certain forest practices are considered to have satisfied the requirement of having to obtain a hydraulic project approval (HPA) even if the forest practice uses, diverts, obstructs, or changes the natural flow of water. These forest practices must be covered under an approved forest practices application (FPA) or be associated with a project that is covered under an approved FPA.

The forest practices considered to have satisfied the HPA requirements are provided in an inclusive list. They are:

- felling and yarding of timber;
- bridge redecking or decking repair;
- bridge curbing or railing repair;
- bridge painting;
- other routine bridge repair above the high water line;
- water ford construction;
- water ford repair with equipment;
- removal of woody debris from culverts and culvert openings;
- removal of woody debris not imbedded in the stream bed or stream banks from upstream bridge openings;
- beaver dam and beaver removal affecting road drainage and water crossings; and
- single lane forestry road water crossing structures installed over certain types of water bodies.

Appropriation: None.

Fiscal Note: Available.

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