

HOUSE BILL REPORT

HB 1539

As Reported By House Committee On:

Natural Resources

Appropriations

Title: An act relating to watershed restoration projects.

Brief Description: Establishing a single-application process for watershed restoration projects.

Sponsors: Representatives Buck, Ebersole, Fuhrman, Wolfe, Chandler, Chappell, Kremen, Grant, Kessler, Basich, Hargrove, L. Thomas, G. Fisher, Johnson, Dyer, Elliot, Goldsmith, McMahan, Clements, Cooke, Brumsickle and Mastin.

Brief History:

Committee Activity:

Natural Resources: 2/9/95, 2/21/95 [DPS];

Appropriations: 3/4/95 [DP2S(w/o sub NR)].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Staff: Rick Anderson (786-7114).

Background: Local governments are required to develop several types of water-related plans. Examples of these planning requirements include: shoreline management plans, stormwater plans, drinking water plans, flood plans, and local watershed action plans. Governmental agencies typically ensure compliance with these plans through various permits.

Summary of Substitute Bill: By January 1, 1996, the Washington Conservation Commission is required to consolidate the process of applying for various watershed-related permits by developing a single application form. In developing the single application form, the Conservation Commission must consult with affected governmental agencies.

The single application form applies only to projects that are: 1) part of a watershed restoration plan; and 2) meet the definition of a watershed restoration project.

A "watershed restoration project" is defined as a project that is authorized by the sponsor of a watershed restoration plan, implements the plan, and meets one of the following criteria: 1) involves less than 10 miles of streamreach and disturbs less than 25 cubic yards of sand, gravel, or soil; 2) uses bioengineering principles to restore streambanks; and 3) improves fish and wildlife habitat.

A "watershed restoration plan" is defined as a watershed restoration plan that: 1) is developed or sponsored by the departments of Ecology, Natural Resources, Fish and Wildlife, or by a federally recognized Indian tribe, city, county, conservation district; and 2) has had an environmental review under the State Environmental Policy Act.

Each state and local agency that requires a permit for a watershed restoration project must designate a permit recipient and inform the Conservation Commission of that designation.

All state and local agencies requiring a permit for a watershed restoration project must process the single application form within 45 days. State agencies may not charge a fee for processing the permits covered in the single application.

The following permits must be consolidated by the commission, and be processed within 45 days: permits for a watershed project required by county planning commissions, the Department of Ecology, the Department of Natural Resources, and permits required by the Growth Management Act and the State Hydraulics Code.

Watershed projects are exempt from environmental review under the state environmental policy act (SEPA) and from substantial development permits under the shoreline management act. Local governments may review the project for consistency with the local shoreline master program. Permits reviewed by a local government must be processed within 45 days and no fee may be charged for processing the permit.

Substitute Bill Compared to Original Bill: The substitute bill changes the definition of a "watershed restoration plan" by requiring the plan have a SEPA environmental review. The definition of "watershed restoration project" is changed by adding greater specificity to the criteria that must be met to qualify as a project. The substitute adds provisions exempting projects from SEPA environmental review and from substantial development permits. The substitute bill authorizes local governments to ensure consistency with local shoreline master programs. The substitute bill allows, but does not require, local governments to waive fees for processing the consolidated permit form.

Appropriation: \$50,000 to the State Conservation Commission.

Fiscal Note: Available.

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

Testimony For: Volunteer groups implementing watershed restoration plans need help and technical assistance from state agencies, not endless permitting requirements. Volunteer groups are often unable to afford permit fees. There are a number of restoration projects ready to be implemented; this bill will help expedite restoration projects. Small cities may not be able to process the permits in 30 days and may not be able to afford to waive fees.

Testimony Against: None.

Testified: Ric Abbett, NWSSC of Trout Unlimited; Al Schmauder, Clover Creek Council of Pierce County; Kathy Minsch, Puget Sound Water Quality Authority; Maureen Morris, Association of Washington Cities; Ted Bottiger, Washington Association of Conservation Districts; and Willy O'Neil, Long Live the King (all in favor).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Natural Resources. Signed by 28 members: Representatives Silver, Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Staff: Nancy Stevenson (786-7137).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Natural Resources: A change is made prohibiting counties and cities from charging a fee, but allowing them to waive the requirement to process the consolidated application. References to state agencies are made uniform. The second substitute clarifies that not all agencies are required to expedite permits, only those issuing watershed restoration project related permits. The appropriation of \$50,000 is deleted. The act becomes null and void unless funds are provided in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: This bill is designed to help volunteer organizations do watershed restoration projects. It will be simpler for groups like the Boy Scouts and Long Live the Kings to do projects. This is very helpful to our efforts in habitat restoration.

Testimony Against: None.

Testified: Representative Jim Buck, prime sponsor; Ted Bottiger, Washington Association of Conservation Districts; and Willy O'Neil, Long Live the Kings.