

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5616

Chapter 378, Laws of 1995

54th Legislature
1995 Regular Session

WATERSHED RESTORATION PROJECTS--STREAMLINED PERMITTING PROCESS

EFFECTIVE DATE: 7/23/95

Passed by the Senate April 21, 1995
YEAS 46 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 12, 1995
YEAS 96 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 16, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5616** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 16, 1995 - 11:28 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5616

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By Senate Committee on Natural Resources (originally sponsored by Senators Gaspard, Sellar, Haugen, Hochstatter, Drew, A. Anderson, Swecker, Newhouse, Deccio, Rasmussen, Winsley and Morton)

Read first time 02/27/95.

1 AN ACT Relating to watershed restoration projects; adding new
2 sections to chapter 89.08 RCW; adding a new section to chapter 35.63
3 RCW; adding a new section to chapter 35A.63 RCW; adding a new section
4 to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW;
5 adding a new section to chapter 43.21C RCW; adding a new section to
6 chapter 43.30 RCW; adding a new section to chapter 75.20 RCW; adding a
7 new section to chapter 90.48 RCW; and adding a new section to chapter
8 90.58 RCW.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** The legislature declares that it is the goal
11 of the state of Washington to preserve and restore the natural
12 resources of the state and, in particular, fish and wildlife and their
13 habitat. It is further the policy of the state insofar as possible to
14 utilize the volunteer organizations who have demonstrated their
15 commitment to these goals.

16 To this end, it is the intent of the legislature to minimize the
17 expense and delays caused by unnecessary bureaucratic process in
18 securing permits for projects that preserve or restore native fish and
19 wildlife habitat.

1 NEW SECTION. **Sec. 2.** Unless the context clearly requires
2 otherwise, the definitions in this section shall apply throughout
3 sections 1 through 7 of this act.

4 (1) "Watershed restoration plan" means a plan, developed or
5 sponsored by the department of fish and wildlife, the department of
6 ecology, the department of natural resources, the department of
7 transportation, a federally recognized Indian tribe acting within and
8 pursuant to its authority, a city, a county, or a conservation
9 district, that provides a general program and implementation measures
10 or actions for the preservation, restoration, re-creation, or
11 enhancement of the natural resources, character, and ecology of a
12 stream, stream segment, drainage area, or watershed, and for which
13 agency and public review has been conducted pursuant to chapter 43.21C
14 RCW, the state environmental policy act. If the implementation
15 measures or actions would have a probable significant, adverse
16 environmental impact, a detailed statement under RCW 43.21C.031 must be
17 prepared on the plan.

18 (2) "Watershed restoration project" means a public or private
19 project authorized by the sponsor of a watershed restoration plan that
20 implements the plan or a part of the plan and consists of one or more
21 of the following activities:

22 (a) A project that involves less than ten miles of streamreach, in
23 which less than twenty-five cubic yards of sand, gravel, or soil is
24 removed, imported, disturbed, or discharged, and in which no existing
25 vegetation is removed except as minimally necessary to facilitate
26 additional plantings;

27 (b) A project for the restoration of an eroded or unstable stream
28 bank that employs the principles of bioengineering, including limited
29 use of rock as a stabilization only at the toe of the bank, and with
30 primary emphasis on using native vegetation to control the erosive
31 forces of flowing water; or

32 (c) A project primarily designed to improve fish and wildlife
33 habitat, remove or reduce impediments to migration of fish, or enhance
34 the fishery resource available for use by all of the citizens of the
35 state, provided that any structure other than a bridge or culvert or
36 instream habitat enhancement structure associated with the project is
37 less than two hundred square feet in floor area and is located above
38 the ordinary high water mark of the stream.

1 NEW SECTION. **Sec. 3.** By January 1, 1996, the Washington
2 conservation commission shall develop, in consultation with other state
3 agencies, tribes, and local governments, a consolidated application
4 process for permits for a watershed restoration project developed by an
5 agency or sponsored by an agency on behalf of a volunteer organization.
6 The consolidated process shall include a single permit application form
7 for use by all responsible state and local agencies. The commission
8 shall encourage use of the consolidated permit application process by
9 any federal agency responsible for issuance of related permits. The
10 permit application forms to be consolidated shall include, at a
11 minimum, applications for: (1) Approvals related to water quality
12 standards under chapter 90.48 RCW; (2) hydraulic project approvals
13 under chapter 75.20 RCW; and (3) Section 401 water quality
14 certifications under 33 U.S.C. Sec. 1341 and chapter 90.48 RCW.

15 NEW SECTION. **Sec. 4.** Each agency of the state and unit of local
16 government that claims jurisdiction or the right to require permits,
17 other approvals, or fees as a condition of allowing a watershed
18 restoration project to proceed shall designate an office or official as
19 a designated recipient of project applications and shall inform the
20 conservation commission of the designation.

21 NEW SECTION. **Sec. 5.** All agencies of the state and local
22 governments shall accept the single application developed under section
23 3 of this act. Unless the procedures under section 6 of this act are
24 invoked, the application shall be processed without charge and permit
25 decisions shall be issued within forty-five days of receipt of a
26 complete application.

27 NEW SECTION. **Sec. 6.** The applicant or any state agency, tribe, or
28 local government with permit processing responsibility may request that
29 the permit assistance center created by chapter ..., Laws of 1995
30 (House Bill No. 1724) appoint a project facilitator to develop in
31 consultation with the applicant and permit agencies a coordinated
32 process for permit decisions on the application. The process may
33 incorporate procedures for coordinating state permits under chapter
34 ..., Laws of 1995 (House Bill No. 1724). The center shall adopt a
35 target of completing permit decisions within forty-five days of receipt
36 of a complete application.

1 If House Bill No. 1724 is not enacted by June 30, 1995, this
2 section shall be null and void.

3 NEW SECTION. **Sec. 7.** State agencies, tribes, and local
4 governments responsible for permits or other approvals of watershed
5 restoration projects as defined in section 2 of this act may develop
6 general permits or permits by rule to address some or all projects
7 required by an approved watershed restoration plan, or for types of
8 watershed restoration projects. Nothing in this act precludes local
9 governments, state agencies, and tribes from working out other
10 cooperative permitting agreements outside the procedures of this act.

11 NEW SECTION. **Sec. 8.** A new section is added to chapter 35.63 RCW
12 to read as follows:

13 A permit required under this chapter for a watershed restoration
14 project as defined in section 2 of this act shall be processed in
15 compliance with sections 1 through 7 of this act.

16 NEW SECTION. **Sec. 9.** A new section is added to chapter 35A.63 RCW
17 to read as follows:

18 A permit required under this chapter for a watershed restoration
19 project as defined in section 2 of this act shall be processed in
20 compliance with sections 1 through 7 of this act.

21 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.70 RCW
22 to read as follows:

23 A permit required under this chapter for a watershed restoration
24 project as defined in section 2 of this act shall be processed in
25 compliance with sections 1 through 7 of this act.

26 NEW SECTION. **Sec. 11.** A new section is added to chapter 36.70A
27 RCW to read as follows:

28 A permit required under this chapter for a watershed restoration
29 project as defined in section 2 of this act shall be processed in
30 compliance with sections 1 through 7 of this act.

31 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.21C
32 RCW to read as follows:

1 Decisions pertaining to watershed restoration projects as defined
2 in section 2 of this act are not subject to the requirements of RCW
3 43.21C.030(2)(c).

4 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.30 RCW
5 to read as follows:

6 A permit required by the department for a watershed restoration
7 project as defined in section 2 of this act shall be processed in
8 compliance with sections 1 through 7 of this act.

9 NEW SECTION. **Sec. 14.** A new section is added to chapter 75.20 RCW
10 to read as follows:

11 A hydraulic project approval required by the department for a
12 watershed restoration project as defined in section 2 of this act shall
13 be processed in compliance with sections 1 through 7 of this act.

14 NEW SECTION. **Sec. 15.** A new section is added to chapter 90.48 RCW
15 to read as follows:

16 A permit, certification, or other approval required by the
17 department for a watershed restoration project as defined in section 2
18 of this act shall be processed in compliance with sections 1 through 7
19 of this act. Public review of proposed watershed restoration projects
20 may be shortened or waived by the department.

21 NEW SECTION. **Sec. 16.** A new section is added to chapter 90.58 RCW
22 to read as follows:

23 Watershed restoration projects as defined in section 2 of this act
24 are exempt from the requirement to obtain a substantial development
25 permit. Local government shall review the projects for consistency
26 with the locally adopted shoreline master program in an expeditious
27 manner and shall issue its decision along with any conditions within
28 forty-five days of receiving a complete consolidated application form
29 from the applicant. No fee may be charged for accepting and processing
30 applications for watershed restoration projects as used in this
31 section.

32 NEW SECTION. **Sec. 17.** Sections 1 through 7 of this act are each
33 added to chapter 89.08 RCW.

Passed the Senate April 21, 1995.
Passed the House April 12, 1995.
Approved by the Governor May 16, 1995.
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