
HOUSE BILL 2272

State of Washington

56th Legislature

1999 Regular Session

By Representatives Linville and Lambert

Read first time 03/16/1999. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to watercourse maintenance; adding a new section to
2 chapter 75.20 RCW; creating new sections; and making an appropriation.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature recognizes the
5 importance of long-term habitat productivity and diversity for fish,
6 and for the protection of water quality and quantity to meet the needs
7 of people and fish. The legislature also recognizes the importance of
8 maintaining and enhancing fish habitats necessary to sustain healthy
9 fish populations. The legislature additionally recognizes that impacts
10 from upstream and upland storm water run-off that is inadequately
11 controlled can significantly affect fish habitat and water quality and
12 quantity. One impact is an increased deposit of sediment in
13 watercourses in agricultural lands. Such impacts increase the need for
14 drainage maintenance.

15 (2) The legislature finds that: (a) Watercourse maintenance
16 activities can be conducted in a manner that is beneficial to fish
17 habitat and fish propagation; and (b) the state lacks a clear policy
18 relating to watercourse maintenance activities, especially what

1 differentiates an entirely artificial watercourse from a natural
2 watercourse that has been altered by man.

3 (3) The legislature therefore declares that watercourse maintenance
4 activities shall be regulated in the least burdensome manner that is
5 consistent with the state's fish management objectives and the federal
6 endangered species act.

7 (4) It is the intent of the legislature to authorize the department
8 of fish and wildlife to adopt rules applicable to watercourse
9 maintenance activities under chapter 75.20 RCW.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 75.20 RCW
11 to read as follows:

12 (1) The department shall adopt rules applicable to watercourse
13 maintenance activities. The department shall adopt these rules in
14 cooperation with the affected communities and other interested parties.

15 (2) The department shall develop rules for watercourse maintenance
16 activities that will use, divert, obstruct, or change the natural flow
17 or bed of any of the salt or fresh waters of the state. Rules shall
18 include criteria for differentiation of wholly artificial watercourses
19 from natural watercourses that have been altered by man. Following the
20 adoption of the rules, the department shall update and distribute the
21 irrigation and fish pamphlet describing the methods of watercourse
22 maintenance activities that are approved under the rules. The pamphlet
23 serves as the hydraulic project approval for any project that is
24 conducted solely for watercourse maintenance and that is conducted as
25 described in the pamphlet. No further hydraulic project approval is
26 required for such a project.

27 (3) Nothing in this section prohibits the department from requiring
28 a hydraulic project approval for those parts of hydraulic projects that
29 are not specifically described in the pamphlet.

30 NEW SECTION. **Sec. 3.** (1) As a first step in the rule-making
31 process required under section 2 of this act, the department of fish
32 and wildlife shall conduct a pilot project in at least one
33 representative and willing drainage district in cooperation with the
34 conservation commission, local farmers, and other interested parties.
35 The purpose of the pilot project is to develop interim guidelines to
36 serve as a model for application state-wide. The pilot will focus on
37 natural watercourses that have been substantially altered by man in

1 previous times and are commonly referred to as drainage ditches.
2 Management practices will be developed that provide for occasional
3 maintenance to remove build up of silt and noxious weeds, such as reed
4 canary grass, in a manner that does not decrease, and where possible
5 increases, fish habitat and water quality in these watercourses. The
6 growing of shade trees on one side of drainage ditches as a means of
7 discouraging growth of reed canary grass while providing improved fish
8 and wildlife benefits shall be considered. The project shall also
9 include an investigation, in cooperation with the department of
10 ecology, of the adequacy of storm water programs for upland urbanized
11 land that may drain into the project area. Any local jurisdictions
12 with inadequate storm water programs will be notified accordingly. The
13 department of fish and wildlife shall submit a report to the
14 legislature by December 1, 2000, concerning the pilot project created
15 in this section.

16 (2) The pilot project shall be completed by June 30, 2000, and the
17 rules shall be adopted by March 31, 2001. The updated pamphlet shall
18 be published within two months of adoption of the rules.

19 NEW SECTION. **Sec. 4.** The sum of one hundred thousand dollars, or
20 as much thereof as may be necessary, is appropriated for the fiscal
21 year ending June 30, 2000, from the general fund to the department of
22 fish and wildlife for the purposes of funding the pilot project created
23 in section 3 of this act, rule development work under this act, and the
24 report to the legislature.

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