
SENATE BILL 5228

State of Washington

65th Legislature

2017 Regular Session

By Senators Honeyford, Rivers, Fortunato, Becker, Bailey, Ericksen, Warnick, and Pearson

Read first time 01/18/17. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to the definition of hydraulic project in
2 relation to the hydraulic project approval permits; and reenacting
3 and amending RCW 77.55.011.

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

5 **Sec. 1.** RCW 77.55.011 and 2012 1st sp.s. c 1 s 101 are each
6 reenacted and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Bed" means the land below the ordinary high water lines of
10 state waters. This definition does not include irrigation ditches,
11 canals, storm water runoff devices, or other artificial watercourses
12 except where they exist in a natural watercourse that has been
13 altered artificially.

14 (2) "Board" means the pollution control hearings board created in
15 chapter 43.21B RCW.

16 (3) "Commission" means the state fish and wildlife commission.

17 (4) "Date of receipt" has the same meaning as defined in RCW
18 43.21B.001.

19 (5) "Department" means the department of fish and wildlife.

20 (6) "Director" means the director of the department of fish and
21 wildlife.

1 (7) "Emergency" means an immediate threat to life, the public,
2 property, or of environmental degradation.

3 (8) "Emergency permit" means a verbal hydraulic project approval
4 or the written follow-up to the verbal approval issued to a person
5 under RCW 77.55.021(12).

6 (9) "Expedited permit" means a hydraulic project approval issued
7 to a person under RCW 77.55.021 (14) and (16).

8 (10) "Forest practices hydraulic project" means a hydraulic
9 project that requires a forest practices application or notification
10 under chapter 76.09 RCW.

11 (11) "Hydraulic project" means the construction or performance of
12 work at or below the ordinary high water line that will use, divert,
13 obstruct, or change the natural flow or bed of any of the salt or
14 freshwaters of the state.

15 (12) "Imminent danger" means a threat by weather, water flow, or
16 other natural conditions that is likely to occur within sixty days of
17 a request for a permit application.

18 (13) "Marina" means a public or private facility providing boat
19 moorage space, fuel, or commercial services. Commercial services
20 include but are not limited to overnight or live-aboard boating
21 accommodations.

22 (14) "Marine terminal" means a public or private commercial wharf
23 located in the navigable water of the state and used, or intended to
24 be used, as a port or facility for the storing, handling,
25 transferring, or transporting of goods to and from vessels.

26 (15) "Multiple site permit" means a hydraulic project approval
27 issued to a person under RCW 77.55.021 for hydraulic projects
28 occurring at more than one specific location and which includes
29 site-specific requirements.

30 (16) "Ordinary high water line" means the mark on the shores of
31 all water that will be found by examining the bed and banks and
32 ascertaining where the presence and action of waters are so common
33 and usual, and so long continued in ordinary years as to mark upon
34 the soil or vegetation a character distinct from the abutting upland.
35 Provided, that in any area where the ordinary high water line cannot
36 be found, the ordinary high water line adjoining saltwater is the
37 line of mean higher high water and the ordinary high water line
38 adjoining freshwater is the elevation of the mean annual flood.

39 (17) "Pamphlet hydraulic project" means a hydraulic project for
40 the removal or control of aquatic noxious weeds conducted under the

1 aquatic plants and fish pamphlet authorized by RCW 77.55.081, or for
2 mineral prospecting and mining conducted under the gold and fish
3 pamphlet authorized by RCW 77.55.091.

4 (18) "Permit" means a hydraulic project approval permit issued
5 under this chapter.

6 (19) "Permit modification" means a hydraulic project approval
7 issued to a person under RCW 77.55.021 that extends, renews, or
8 changes the conditions of a previously issued hydraulic project
9 approval.

10 (20) "Sandbars" includes, but is not limited to, sand, gravel,
11 rock, silt, and sediments.

12 (21) "Small scale prospecting and mining" means the use of only
13 the following methods: Pans; nonmotorized sluice boxes;
14 concentrators; and minirocker boxes for the discovery and recovery of
15 minerals.

16 (22) "Spartina," "purple loosestrife," and "aquatic noxious
17 weeds" have the same meanings as defined in RCW 17.26.020.

18 (23) "Stream bank stabilization" means those projects that
19 prevent or limit erosion, slippage, and mass wasting. These projects
20 include, but are not limited to, bank resloping, log and debris
21 relocation or removal, planting of woody vegetation, bank protection
22 using rock or woody material or placement of jetties or groins,
23 gravel removal, or erosion control.

24 (24) "Tide gate" means a one-way check valve that prevents the
25 backflow of tidal water.

26 (25) "Waters of the state" and "state waters" means all salt and
27 freshwaters waterward of the ordinary high water line and within the
28 territorial boundary of the state.

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