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**SUBSTITUTE HOUSE BILL 1539**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Natural Resources (originally sponsored by 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)

Read first time 02/22/95.

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; adding a new section to chapter 90.58  
8 RCW; and making an appropriation.

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 6 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, a federally recognized  
7 Indian tribe acting within and pursuant to its authority, a city, a  
8 county, or a conservation district, that provides a general program and  
9 implementation measures or actions for the preservation, restoration,  
10 re-creation, or enhancement of the natural resources, character, and  
11 ecology of a stream, stream segment, drainage area, or watershed, and  
12 for which agency and public review has been conducted pursuant to  
13 chapter 43.21C RCW, the state environmental policy act.

14        (2) "Watershed restoration project" means a public or private  
15 project authorized by the sponsor of a watershed restoration plan that  
16 implements the plan or a part of the plan and consists of one or more  
17 of the following activities:

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

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

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

35        NEW SECTION.        **Sec. 3.**        By January 1, 1996, the Washington  
36 conservation commission shall develop, in consultation with other state  
37 agencies, tribes, and local governments, a consolidated application  
38 process for permits for a watershed restoration project to be obtained

1 by a sponsoring agency for a project developed by the agency or  
2 sponsored by the agency on behalf of a volunteer organization. The  
3 consolidated process shall include a single permit application form for  
4 use by all responsible state and local agencies. The commission shall  
5 encourage use of the consolidated permit application process by any  
6 federal agency and any federally recognized Indian tribe responsible  
7 for issuance of related permits. The permit application forms to be  
8 consolidated shall include, at a minimum: (1) Approvals related to  
9 water quality standards under chapter 90.48 RCW; (2) hydraulic project  
10 approvals under chapter 75.20 RCW; and (3) Section 401 water quality  
11 certifications under 33 U.S.C. Sec. 1341 and chapter 90.48 RCW.

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

18 NEW SECTION. **Sec. 5.** All state agencies, counties, and cities  
19 shall accept the single application developed under section 3 of this  
20 act and shall issue the necessary permits within forty-five days of  
21 receipt of a complete application. All state agencies shall, and each  
22 county and city may, process the application without charge.

23 NEW SECTION. **Sec. 6.** State agencies and local governments  
24 responsible for permits or other approvals of watershed restoration  
25 projects as defined in section 2 of this act may develop general  
26 permits or permits by rule to address some or all projects required by  
27 an approved watershed restoration plan, or for types of watershed  
28 restoration projects.

29 NEW SECTION. **Sec. 7.** A new section is added to chapter 35.63 RCW  
30 to read as follows:

31 A permit required under this chapter for a watershed restoration  
32 project as defined in section 2 of this act shall be processed in  
33 compliance with sections 1 through 6 of this act.

1        NEW SECTION.    **Sec. 8.** A new section is added to chapter 35A.63 RCW  
2 to read as follows:

3        A permit required under this chapter for a watershed restoration  
4 project as defined in section 2 of this act shall be processed in  
5 compliance with sections 1 through 6 of this act.

6        NEW SECTION.    **Sec. 9.** A new section is added to chapter 36.70 RCW  
7 to read as follows:

8        A permit required under this chapter for a watershed restoration  
9 project as defined in section 2 of this act shall be processed in  
10 compliance with sections 1 through 6 of this act.

11       NEW SECTION.    **Sec. 10.** A new section is added to chapter 36.70A  
12 RCW 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 6 of this act.

16       NEW SECTION.    **Sec. 11.** A new section is added to chapter 43.21C  
17 RCW to read as follows:

18       Decisions pertaining to watershed restoration projects as defined  
19 in section 2 of this act are not subject to the requirements of RCW  
20 43.21C.030(2)(c).

21       NEW SECTION.    **Sec. 12.** A new section is added to chapter 43.30 RCW  
22 to read as follows:

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

26       NEW SECTION.    **Sec. 13.** A new section is added to chapter 75.20 RCW  
27 to read as follows:

28       A hydraulic project approval required by the department for a  
29 watershed restoration project as defined in section 2 of this act shall  
30 be processed in compliance with sections 1 through 6 of this act.

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

1 A permit, certification, or other approval required by the  
2 department for a watershed restoration project as defined in section 2  
3 of this act shall be processed in compliance with sections 1 through 6  
4 of this act. Public review of proposed watershed restoration projects  
5 may be shortened or waived by the department.

6 NEW SECTION. **Sec. 15.** A new section is added to chapter 90.58 RCW  
7 to read as follows:

8 Watershed restoration projects as defined in section 2 of this act  
9 are exempt from the requirement to obtain a substantial development  
10 permit. Local government may review the projects for consistency with  
11 the locally adopted shoreline master program in an expeditious manner  
12 and shall issue its decision along with any conditions within forty-  
13 five days of receiving a complete consolidated application form from  
14 the applicant. No fee may be charged for accepting and processing  
15 applications for watershed restoration projects as used in this  
16 section.

17 NEW SECTION. **Sec. 16.** The sum of fifty thousand dollars, or as  
18 much thereof as may be necessary, is appropriated for the biennium  
19 ending June 30, 1997, from the general fund to the state conservation  
20 commission for the purposes of this act.

21 NEW SECTION. **Sec. 17.** Sections 1 through 6 of this act are each  
22 added to chapter 89.08 RCW.

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