
SECOND SUBSTITUTE HOUSE BILL 1539

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Appropriations (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 03/06/95.

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 creating a new section.

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 each state agency, county, or city responsible for permitting a
5 watershed restoration project. The commission shall encourage use of
6 the consolidated permit application process by any federal agency and
7 any federally recognized Indian tribe responsible for issuance of
8 related permits. The permit application forms to be consolidated shall
9 include, at a minimum: (1) Approvals related to water quality
10 standards under chapter 90.48 RCW; (2) hydraulic project approvals
11 under chapter 75.20 RCW; and (3) Section 401 water quality
12 certifications under 33 U.S.C. Sec. 1341 and chapter 90.48 RCW.

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

19 NEW SECTION. **Sec. 5.** Each state agency, county, or city that is
20 required to use the single application developed under section 3 of
21 this act shall issue the necessary permits within forty-five days of
22 receipt of a complete application. No state agency, county, or city
23 may charge a fee for processing a consolidated application. A county
24 or city may elect to waive the processing of the application.

25 NEW SECTION. **Sec. 6.** Each state agency, county, or city
26 responsible for permits or other approvals of watershed restoration
27 projects as defined in section 2 of this act may develop general
28 permits or permits by rule to address some or all projects required by
29 an approved watershed restoration plan, or for types of watershed
30 restoration projects.

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

33 A permit required under this chapter for a watershed restoration
34 project as defined in section 2 of this act shall be processed in
35 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.** If specific funding for the purposes of
18 this act, referencing this act by bill number, is not provided by June
19 30, 1995, in the omnibus appropriations act, this act is null and void.

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

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