
ENGROSSED SUBSTITUTE SENATE BILL 5616

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; 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 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, 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. If the
14 implementation measures or actions would have a probable significant,
15 adverse environmental impact, a detailed statement under RCW 43.21C.031
16 must be prepared on the plan.

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

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

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

31 (c) A project primarily designed to improve fish and wildlife
32 habitat, remove or reduce impediments to migration of fish, or enhance
33 the fishery resource available for use by all of the citizens of the
34 state, provided that any structure other than a bridge or culvert or
35 instream habitat enhancement structure associated with the project is
36 less than two hundred square feet in floor area and is located above
37 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 to be obtained
5 by a sponsoring agency for a project developed by the agency or
6 sponsored by the agency on behalf of a volunteer organization. The
7 consolidated process shall include a single permit application form for
8 use by all responsible state and local agencies. The commission shall
9 encourage use of the consolidated permit application process by any
10 federal agency responsible for issuance of related permits. The permit
11 application forms to be consolidated shall include, at a minimum,
12 applications for: (1) Approvals related to water quality standards
13 under chapter 90.48 RCW; (2) hydraulic project approvals under chapter
14 75.20 RCW; and (3) Section 401 water quality certifications under 33
15 U.S.C. Sec. 1341 and chapter 90.48 RCW.

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

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

28 NEW SECTION. **Sec. 6.** The applicant or any state agency, tribe, or
29 local government with permit processing responsibility may request that
30 the permit assistance center created by chapter ..., Laws of 1995
31 (Senate Bill No. 5489 or House Bill No. 1724) appoint a project
32 facilitator to develop in consultation with the applicant and permit
33 agencies a coordinated process for permit decisions on the application.
34 The process may incorporate procedures for coordinating state permits
35 under chapter ..., Laws of 1995 (Senate Bill No. 5489 or House Bill No.

1 1724). The center shall adopt a target of completing permit decisions
2 within forty-five days of receipt of a complete application.

3 If neither Senate Bill No. 5489 nor House Bill No. 1724 are enacted
4 by June 30, 1995, this section shall be null and void.

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

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

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

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

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

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

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

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

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

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

3 Decisions pertaining to watershed restoration projects as defined
4 in section 2 of this act are not subject to the requirements of RCW
5 43.21C.030(2)(c).

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

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

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

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

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

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

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

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

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

5 NEW SECTION. **Sec. 18.** Sections 1 through 7 of this act are each
6 added to chapter 89.08 RCW.

--- END ---