

2 **SSB 5616** - S AMD - 187 (S2574.2)

3 By Senators Drew, Gaspard, Sellar, Oke, Owen and Fraser

4 ADOPTED AS AMENDED 3/13/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature declares that it is the
8 goal of the state of Washington to preserve and restore the natural
9 resources of the state and, in particular, fish and wildlife and their
10 habitat. It is further the policy of the state insofar as possible to
11 utilize the volunteer organizations who have demonstrated their
12 commitment to these goals.

13 To this end, it is the intent of the legislature to minimize the
14 expense and delays caused by unnecessary bureaucratic process in
15 securing permits for projects that preserve or restore native fish and
16 wildlife habitat.

17 NEW SECTION. **Sec. 2.** Unless the context clearly requires
18 otherwise, the definitions in this section shall apply throughout
19 sections 1 through 7 of this act.

20 (1) "Watershed restoration plan" means a plan, developed or
21 sponsored by the department of fish and wildlife, the department of
22 ecology, the department of natural resources, a federally recognized
23 Indian tribe acting within and pursuant to its authority, a city, a
24 county, or a conservation district, that provides a general program and
25 implementation measures or actions for the preservation, restoration,
26 re-creation, or enhancement of the natural resources, character, and
27 ecology of a stream, stream segment, drainage area, or watershed, and
28 for which agency and public review has been conducted pursuant to
29 chapter 43.21C RCW, the state environmental policy act. If the
30 implementation measures or actions would have a probable significant,
31 adverse environmental impact, a detailed statement under RCW 43.21C.031
32 must be prepared on the plan.

33 (2) "Watershed restoration project" means a public or private
34 project authorized by the sponsor of a watershed restoration plan that
35 implements the plan or a part of the plan and consists of one or more

1 of the following activities:

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

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

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

19 NEW SECTION. **Sec. 3.** By January 1, 1996, the Washington
20 conservation commission shall develop, in consultation with other state
21 agencies, tribes, and local governments, a consolidated application
22 process for permits for a watershed restoration project to be obtained
23 by a sponsoring agency for a project developed by the agency or
24 sponsored by the agency on behalf of a volunteer organization. The
25 consolidated process shall include a single permit application form for
26 use by all responsible state and local agencies. The commission shall
27 encourage use of the consolidated permit application process by any
28 federal agency responsible for issuance of related permits. The permit
29 application forms to be consolidated shall include, at a minimum,
30 applications for: (1) Approvals related to water quality standards
31 under chapter 90.48 RCW; (2) hydraulic project approvals under chapter
32 75.20 RCW; and (3) Section 401 water quality certifications under 33
33 U.S.C. Sec. 1341 and chapter 90.48 RCW.

34 NEW SECTION. **Sec. 4.** Each agency of the state, tribe, and unit of
35 local government that claims jurisdiction or the right to require
36 permits, other approvals, or fees as a condition of allowing a
37 watershed restoration project to proceed shall designate an office or

1 official as a designated recipient of project applications and shall
2 inform the conservation commission of the designation.

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

9 NEW SECTION. **Sec. 6.** The applicant or any state agency, tribe, or
10 local government with permit processing responsibility may request that
11 the permit assistance center created by chapter ..., Laws of 1995
12 (Senate Bill No. 5489 or House Bill No. 1724) appoint a project
13 facilitator to develop in consultation with the applicant and permit
14 agencies a coordinated process for permit decisions on the application.
15 The process may incorporate procedures for coordinating state permits
16 under chapter ..., Laws of 1995 (Senate Bill No. 5489 or House Bill No.
17 1724). The center shall adopt a target of completing permit decisions
18 within forty-five days of receipt of a complete application.

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

21 NEW SECTION. **Sec. 7.** State agencies, tribes, and local
22 governments responsible for permits or other approvals of watershed
23 restoration projects as defined in section 2 of this act may develop
24 general permits or permits by rule to address some or all projects
25 required by an approved watershed restoration plan, or for types of
26 watershed restoration projects. Nothing in this act precludes local
27 governments, state agencies, and tribes from working out other
28 cooperative permitting agreements outside the procedures of this act.

29 NEW SECTION. **Sec. 8.** 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 7 of this act.

34 NEW SECTION. **Sec. 9.** A new section is added to chapter 35A.63 RCW

1 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

32 A permit, certification, or other approval required by the
33 department for a watershed restoration project as defined in section 2

1 of this act shall be processed in compliance with sections 1 through 7
2 of this act. Public review of proposed watershed restoration projects
3 may be shortened or waived by the department.

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

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

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

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

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23 ADOPTED 3/13/95

24 On page 1, line 1 of the title, after "projects;" strike the
25 remainder of the title and insert "adding new sections to chapter 89.08
26 RCW; adding a new section to chapter 35.63 RCW; adding a new section to
27 chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding
28 a new section to chapter 36.70A RCW; adding a new section to chapter
29 43.21C RCW; adding a new section to chapter 43.30 RCW; adding a new
30 section to chapter 75.20 RCW; adding a new section to chapter 90.48
31 RCW; adding a new section to chapter 90.58 RCW; and making an
32 appropriation."

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