

2SHB 1579 - S COMM AMD  
By Committee on Ways & Means

ADOPTED 04/10/2019

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the  
4 population of southern resident killer whales has declined in recent  
5 years and currently stands at a thirty-year low of seventy-four  
6 animals.

7 (2) The governor convened the southern resident killer whale task  
8 force after the 2018 legislative session to study and identify  
9 actions that could be taken to help sustain and recover this  
10 important species. In the course of its work, the task force found  
11 that chinook salmon compose the largest portion of the whales' diet,  
12 and are therefore critical to the recovery of the species. Further,  
13 several runs of chinook salmon in Washington state are listed under  
14 the federal endangered species act, making chinook recovery all the  
15 more urgent.

16 (3) The task force identified four overarching southern resident  
17 killer whale recovery goals and adopted several recommendations for  
18 specific actions under each goal. Goal one identified by the task  
19 force is to increase chinook abundance, and actions under that goal  
20 relate to habitat protection, protection of chinook prey, such as  
21 forage fish, and reducing impacts of nonnative chinook predators.

22 (4) To address the need identified by the task force to increase  
23 chinook abundance, the legislature intends to take initial, important  
24 steps consistent with recommendations made by the governor's southern  
25 resident killer whale task force.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.08  
27 RCW to read as follows:

28 The commission shall adopt rules to liberalize bag limits for  
29 bass, walleye, and channel catfish in all anadromous waters of the  
30 state in order to reduce the predation risk to salmon smolts.

1       **Sec. 3.** RCW 77.32.010 and 2014 c 48 s 26 are each amended to  
2 read as follows:

3       (1) Except as otherwise provided in this chapter or department  
4 rule, a recreational license issued by the director is required to  
5 hunt, fish, or take wildlife or seaweed. A recreational fishing or  
6 shellfish license is not required for carp, freshwater smelt, and  
7 crawfish, and a hunting license is not required for bullfrogs.

8       (2) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or  
9 79A.80.040 is required to park or operate a motor vehicle on a  
10 recreation site or lands, as defined in RCW 79A.80.010.

11       (3) The commission may, by rule, indicate that a fishing permit  
12 issued to a nontribal member by the Colville Tribes shall satisfy the  
13 license requirements in subsection (1) of this section on the waters  
14 of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and  
15 that a Colville Tribes tribal member identification card shall  
16 satisfy the license requirements in subsection (1) of this section on  
17 all waters of Lake Rufus Woods.

18       NEW SECTION.   **Sec. 4.** A new section is added to chapter 77.55  
19 RCW to read as follows:

20       (1) A person proposing construction or other work landward of the  
21 ordinary high water line that will use, divert, obstruct, or change  
22 the natural flow or bed of state waters shall submit a permit  
23 application to the department. However, if a person is unsure about  
24 whether the work requires a permit, they may request a preapplication  
25 determination from the department. The department must evaluate the  
26 proposed work and determine if the work is a hydraulic project and,  
27 if so, whether a permit from the department is required to ensure  
28 adequate protection of fish life.

29       (2) The preapplication determination request must be submitted  
30 through the department's online permitting system and must contain:

31       (a) A description of the proposed project;

32       (b) A map showing the location of the project site; and

33       (c) Preliminary plans and specifications of the proposed  
34 construction or work, if available.

35       (3) The department shall provide tribes and local governments a  
36 seven calendar day review and comment period. The department shall  
37 consider all applicable written comments received before issuing a  
38 determination.

1 (4) The department shall issue a written determination, including  
2 the rationale for the decision, within twenty-one calendar days of  
3 receiving the request.

4 (5) Determinations made according to the provisions of this  
5 section are not subject to the requirements of chapter 43.21C RCW.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.55  
7 RCW to read as follows:

8 (1) When the department determines that a violation of this  
9 chapter, or of any of the rules that implement this chapter, has  
10 occurred or is about to occur, it shall first attempt to achieve  
11 voluntary compliance. The department shall offer information and  
12 technical assistance to the project proponent, identifying one or  
13 more means to accomplish the project proponent's purposes within the  
14 framework of the law. The department shall provide a reasonable  
15 timeline to achieve voluntary compliance that takes into  
16 consideration factors specific to the violation, such as the  
17 complexity of the hydraulic project, the actual or potential harm to  
18 fish life or fish habitat, and the environmental conditions at the  
19 time.

20 (2) If a person violates this chapter, or any of the rules that  
21 implement this chapter, or deviates from a permit, the department may  
22 issue a notice of correction in accordance with chapter 43.05 RCW, a  
23 notice of violation in accordance with chapter 43.05 RCW, a stop work  
24 order, a notice to comply, or a notice of civil penalty as authorized  
25 by law and subject to chapter 43.05 RCW and RCW 34.05.110.

26 (3) For purposes of this section, the term "project proponent"  
27 means a person who has applied for a hydraulic project approval, a  
28 person identified as an authorized agent on an application for a  
29 hydraulic project approval, a person who has obtained a hydraulic  
30 project approval, or a person who undertakes a hydraulic project  
31 without a hydraulic project approval.

32 (4) This section does not apply to a project, or to that portion  
33 of a project, that has received a forest practices hydraulic project  
34 permit from the department of natural resources pursuant to chapter  
35 76.09 RCW.

36 NEW SECTION. **Sec. 6.** A new section is added to chapter 77.55  
37 RCW to read as follows:

1 (1) The department may serve upon a project proponent a stop work  
2 order, which is a final order of the department, if:

3 (a) There is any severe violation of this chapter or of the rules  
4 implementing this chapter or there is a deviation from the hydraulic  
5 project approval that may cause significant harm to fish life; and

6 (b) Immediate action is necessary to prevent continuation of or  
7 to avoid more than minor harm to fish life or fish habitat.

8 (2) (a) The stop work order must set forth:

9 (i) A description of the condition that is not in compliance and  
10 the text of the specific section or subsection of this chapter or the  
11 rules that implement this chapter;

12 (ii) A statement of what is required to achieve compliance;

13 (iii) The date by which the department requires compliance;

14 (iv) Notice of the means to contact any technical assistance  
15 services provided by the department or others;

16 (v) Notice of when, where, and to whom the request to extend the  
17 time to achieve compliance for good cause may be filed with the  
18 department; and

19 (vi) The right to an appeal.

20 (b) A stop work order may require that any project proponent stop  
21 all work connected with the violation until corrective action is  
22 taken. A stop work order may also require that any project proponent  
23 take corrective action to prevent, correct, or compensate for adverse  
24 impacts to fish life and fish habitat.

25 (c) A stop work order must be authorized by senior or executive  
26 department personnel. The department shall initiate rule making to  
27 identify the appropriate level of senior and executive level staff  
28 approval for these actions based on the level of financial effect on  
29 the violator and the scope and scale of the impact to fish life and  
30 habitat.

31 (3) Within five business days of issuing the stop work order, the  
32 department shall mail a copy of the stop work order to the last known  
33 address of any project proponent, to the last known address of the  
34 owner of the land on which the hydraulic project is located, and to  
35 the local jurisdiction in which the hydraulic project is located. The  
36 department must take all measures reasonably calculated to ensure  
37 that the project proponent actually receives notice of the stop work  
38 order.

39 (4) Issuance of a stop work order may be informally appealed by a  
40 project proponent who was served with the stop work order or who

1 received a copy of the stop work order from the department, or by the  
2 owner of the land on which the hydraulic project is located, to the  
3 department within thirty days from the date of receipt of the stop  
4 work order. Requests for informal appeal must be filed in the form  
5 and manner prescribed by the department by rule. A stop work order  
6 that has been informally appealed to the department is appealable to  
7 the board within thirty days from the date of receipt of the  
8 department's decision on the informal appeal.

9 (5) The project proponent who was served with the stop work order  
10 or who received a copy of the stop work order from the department, or  
11 the owner of the land on which the hydraulic project is located, may  
12 commence an appeal to the board within thirty days from the date of  
13 receipt of the stop work order. If such an appeal is commenced, the  
14 proceeding is an adjudicative proceeding under the administrative  
15 procedure act, chapter 34.05 RCW. The recipient of the stop work  
16 order must comply with the order of the department immediately upon  
17 being served, but the board may stay, modify, or discontinue the  
18 order, upon motion, under such conditions as the board may impose.

19 (6) This section does not apply to a project, or to that portion  
20 of a project, that has received a forest practices hydraulic project  
21 permit from the department of natural resources pursuant to chapter  
22 76.09 RCW.

23 (7) For the purposes of this section, "project proponent" has the  
24 same meaning as defined in section 5(3) of this act.

25 NEW SECTION. **Sec. 7.** A new section is added to chapter 77.55  
26 RCW to read as follows:

27 (1)(a) If a violation of this chapter or of the rules  
28 implementing this chapter, a deviation from the hydraulic project  
29 approval, damage to fish life or fish habitat, or potential damage to  
30 fish life or fish habitat, has occurred and the department determines  
31 that a stop work order is unnecessary, the department may issue and  
32 serve upon a project proponent a notice to comply, which must clearly  
33 set forth:

34 (i) A description of the condition that is not in compliance and  
35 the text of the specific section or subsection of this chapter or the  
36 rules that implement this chapter;

37 (ii) A statement of what is required to achieve compliance;

38 (iii) The date by which the department requires compliance to be  
39 achieved;

1 (iv) Notice of the means to contact any technical assistance  
2 services provided by the department or others;

3 (v) Notice of when, where, and to whom a request to extend the  
4 time to achieve compliance for good cause may be filed with the  
5 department; and

6 (vi) The right to an appeal.

7 (b) The notice to comply may require that any project proponent  
8 take corrective action to prevent, correct, or compensate for adverse  
9 impacts to fish life or fish habitat.

10 (2) Within five business days of issuing the notice to comply,  
11 the department shall mail a copy of the notice to comply to the last  
12 known address of any project proponent, to the last known address of  
13 the owner of the land on which the hydraulic project is located, and  
14 to the local jurisdiction in which the hydraulic project is located.  
15 The department must take all measures reasonably calculated to ensure  
16 that the project proponent actually receives notice of the notice to  
17 comply.

18 (3) Issuance of a notice to comply may be informally appealed by  
19 a project proponent who was served with the notice to comply or who  
20 received a copy of the notice to comply from the department, or by  
21 the owner of the land on which the hydraulic project is located, to  
22 the department within thirty days from the date of receipt of the  
23 notice to comply. Requests for informal appeal must be filed in the  
24 form and manner prescribed by the department by rule. A notice to  
25 comply that has been informally appealed to the department is  
26 appealable to the board within thirty days from the date of receipt  
27 of the department's decision on the informal appeal.

28 (4) The project proponent who was served with the notice to  
29 comply, the project proponent who received a copy of the notice to  
30 comply from the department, or the owner of the land on which the  
31 hydraulic project is located may commence an appeal to the board  
32 within thirty days from the date of receipt of the notice to comply.  
33 If such an appeal is commenced, the proceeding is an adjudicative  
34 proceeding under the administrative procedure act, chapter 34.05 RCW.  
35 The recipient of the notice to comply must comply with the notice to  
36 comply immediately upon being served, but the board may stay, modify,  
37 or discontinue the notice to comply, upon motion, under such  
38 conditions as the board may impose.

39 (5) This section does not apply to a project, or to that portion  
40 of a project, that has received a forest practices hydraulic project

1 permit from the department of natural resources pursuant to chapter  
2 76.09 RCW.

3 (6) For the purposes of this section, "project proponent" has the  
4 same meaning as defined in section 5(3) of this act.

5 NEW SECTION. **Sec. 8.** A new section is added to chapter 77.55  
6 RCW to read as follows:

7 (1)(a) If section 13 of this act is enacted into law by June 30,  
8 2019, the department may levy civil penalties of up to ten thousand  
9 dollars for every violation of this chapter or of the rules that  
10 implement this chapter. If section 13 of this act is not enacted into  
11 law by June 30, 2019, the department may levy civil penalties of up  
12 to one hundred dollars for every violation of this chapter or of the  
13 rules that implement this chapter. Each and every violation is a  
14 separate and distinct civil offense.

15 (b) Penalties must be authorized by senior or executive  
16 department personnel. The department shall initiate rule making to  
17 identify the appropriate level of senior and executive level staff  
18 approval for these actions based on the level of financial effect on  
19 the violator and the scope and scale of the impact to fish life and  
20 habitat.

21 (2) The penalty provided must be imposed by notice in writing by  
22 the department, provided either by certified mail or by personal  
23 service, to the person incurring the penalty and to the local  
24 jurisdiction in which the hydraulic project is located, describing  
25 the violation. The department must take all measures reasonably  
26 calculated to ensure that the project proponent actually receives  
27 notice of the notice of penalty. The civil penalty notice must set  
28 forth:

29 (a) The basis for the penalty;

30 (b) The amount of the penalty; and

31 (c) The right of the person incurring the penalty to appeal the  
32 civil penalty.

33 (3)(a) Except as provided in (b) of this subsection, any person  
34 incurring any penalty under this chapter may appeal the penalty to  
35 the board pursuant to chapter 34.05 RCW. Appeals must be filed within  
36 thirty days from the date of receipt of the notice of civil penalty  
37 in accordance with RCW 43.21B.230.

38 (b) Issuance of a civil penalty may be informally appealed by the  
39 person incurring the penalty to the department within thirty days

1 from the date of receipt of the notice of civil penalty. Requests for  
2 informal appeal must be filed in the form and manner prescribed by  
3 the department by rule. A civil penalty that has been informally  
4 appealed to the department is appealable to the board within thirty  
5 days from the date of receipt of the department's decision on the  
6 informal appeal.

7 (4) The penalty imposed becomes due and payable thirty days after  
8 receipt of a notice imposing the penalty unless an appeal is filed.  
9 Whenever an appeal of any penalty incurred under this chapter is  
10 filed, the penalty becomes due and payable only upon completion of  
11 all review proceedings and the issuance of a final order confirming  
12 the penalty in whole or in part. When the penalty becomes past due,  
13 it is also subject to interest at the rate allowed by RCW 43.17.240  
14 for debts owed to the state.

15 (5) If the amount of any penalty is not paid within thirty days  
16 after it becomes due and payable, the attorney general, upon the  
17 request of the director, shall bring an action in the name of the  
18 state of Washington in the superior court of Thurston county or of  
19 the county in which such a violation occurred, to recover the  
20 penalty. In all such actions, the rules of civil procedures and the  
21 rules of evidence are the same as in an ordinary civil action. The  
22 department is also entitled to recover reasonable attorneys' fees and  
23 costs incurred in connection with the penalty recovered under this  
24 section. All civil penalties received or recovered by state agency  
25 action for violations as prescribed in subsection (1) of this section  
26 must be deposited into the state's general fund. The department is  
27 authorized to retain any attorneys' fees and costs it may be awarded  
28 in connection with an action brought to recover a civil penalty  
29 issued pursuant to this section.

30 (6) The department shall adopt by rule a penalty schedule to be  
31 effective by January 1, 2020. The penalty schedule must be developed  
32 in consideration of the following:

- 33 (a) Previous violation history;
- 34 (b) Severity of the impact on fish life and fish habitat;
- 35 (c) Whether the violation of this chapter or of its rules was  
36 intentional;
- 37 (d) Cooperation with the department;
- 38 (e) Reparability of any adverse effects resulting from the  
39 violation; and



1 (f) The extent to which a penalty to be imposed on a person for a  
2 violation committed by another should be reduced if the person was  
3 unaware of the violation and has not received a substantial economic  
4 benefit from the violation.

5 (7) This section does not apply to a project, or to that portion  
6 of a project, that has received a forest practices hydraulic project  
7 permit from the department of natural resources pursuant to chapter  
8 76.09 RCW.

9 NEW SECTION. **Sec. 9.** A new section is added to chapter 77.55  
10 RCW to read as follows:

11 (1) The department may apply for an administrative inspection  
12 warrant in either Thurston county superior court or the superior  
13 court in the county in which the hydraulic project is located. The  
14 court may issue an administrative inspection warrant where:

15 (a) Department personnel need to inspect the hydraulic project  
16 site to ensure compliance with this chapter or with rules adopted to  
17 implement this chapter; or

18 (b) Department personnel have probable cause to believe that a  
19 violation of this chapter or of the rules that implement this chapter  
20 is occurring or has occurred.

21 (2) This section does not apply to a project, or to that portion  
22 of a project, that has received a forest practices hydraulic project  
23 permit from the department of natural resources pursuant to chapter  
24 76.09 RCW.

25 NEW SECTION. **Sec. 10.** A new section is added to chapter 77.55  
26 RCW to read as follows:

27 (1) The department may disapprove an application for hydraulic  
28 project approval submitted by a person who has failed to comply with  
29 a final order issued pursuant to section 6 or 7 of this act or who  
30 has failed to pay civil penalties issued pursuant to section 8 of  
31 this act. Applications may be disapproved for up to one year from the  
32 issuance of a notice of intent to disapprove applications under this  
33 section, or until all outstanding civil penalties are paid and all  
34 outstanding notices to comply and stop work orders are complied with,  
35 whichever is longer.

36 (2) The department shall provide written notice of its intent to  
37 disapprove an application under this section to the applicant and to  
38 any authorized agent or landowner identified in the application.

1 (3) The disapproval period runs from thirty days following the  
2 date of actual notice of intent or when all administrative and  
3 judicial appeals, if any, have been exhausted.

4 (4) Any person provided the notice may seek review from the board  
5 by filing a request for review within thirty days of the date of the  
6 notice of intent to disapprove applications.

7 NEW SECTION. **Sec. 11.** A new section is added to chapter 77.55  
8 RCW to read as follows:

9 The remedies under this chapter are not exclusive and do not  
10 limit or abrogate any other civil or criminal penalty, remedy, or  
11 right available in law, equity, or statute.

12 **Sec. 12.** RCW 43.21B.110 and 2013 c 291 s 34 are each amended to  
13 read as follows:

14 (1) The hearings board shall only have jurisdiction to hear and  
15 decide appeals from the following decisions of the department, the  
16 director, local conservation districts, the air pollution control  
17 boards or authorities as established pursuant to chapter 70.94 RCW,  
18 local health departments, the department of natural resources, the  
19 department of fish and wildlife, the parks and recreation commission,  
20 and authorized public entities described in chapter 79.100 RCW:

21 (a) Civil penalties imposed pursuant to RCW 18.104.155,  
22 70.94.431, 70.105.080, 70.107.050, 76.09.170, (~~77.55.291~~) section 8  
23 of this act, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144,  
24 90.56.310, 90.56.330, and 90.64.102.

25 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
26 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,  
27 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

28 (c) Except as provided in RCW 90.03.210(2), the issuance,  
29 modification, or termination of any permit, certificate, or license  
30 by the department or any air authority in the exercise of its  
31 jurisdiction, including the issuance or termination of a waste  
32 disposal permit, the denial of an application for a waste disposal  
33 permit, the modification of the conditions or the terms of a waste  
34 disposal permit, or a decision to approve or deny an application for  
35 a solid waste permit exemption under RCW 70.95.300.

36 (d) Decisions of local health departments regarding the grant or  
37 denial of solid waste permits pursuant to chapter 70.95 RCW.

1 (e) Decisions of local health departments regarding the issuance  
2 and enforcement of permits to use or dispose of biosolids under RCW  
3 70.95J.080.

4 (f) Decisions of the department regarding waste-derived  
5 fertilizer or micronutrient fertilizer under RCW 15.54.820, and  
6 decisions of the department regarding waste-derived soil amendments  
7 under RCW 70.95.205.

8 (g) Decisions of local conservation districts related to the  
9 denial of approval or denial of certification of a dairy nutrient  
10 management plan; conditions contained in a plan; application of any  
11 dairy nutrient management practices, standards, methods, and  
12 technologies to a particular dairy farm; and failure to adhere to the  
13 plan review and approval timelines in RCW 90.64.026.

14 (h) Any other decision by the department or an air authority  
15 which pursuant to law must be decided as an adjudicative proceeding  
16 under chapter 34.05 RCW.

17 (i) Decisions of the department of natural resources, the  
18 department of fish and wildlife, and the department that are  
19 reviewable under chapter 76.09 RCW, and the department of natural  
20 resources' appeals of county, city, or town objections under RCW  
21 76.09.050(7).

22 (j) Forest health hazard orders issued by the commissioner of  
23 public lands under RCW 76.06.180.

24 (k) Decisions of the department of fish and wildlife to issue,  
25 deny, condition, or modify a hydraulic project approval permit under  
26 chapter 77.55 RCW, to issue a stop work order, to issue a notice to  
27 comply, to issue a civil penalty, or to issue a notice of intent to  
28 disapprove applications.

29 (l) Decisions of the department of natural resources that are  
30 reviewable under RCW 78.44.270.

31 (m) Decisions of an authorized public entity under RCW 79.100.010  
32 to take temporary possession or custody of a vessel or to contest the  
33 amount of reimbursement owed that are reviewable by the hearings  
34 board under RCW 79.100.120.

35 (2) The following hearings shall not be conducted by the hearings  
36 board:

37 (a) Hearings required by law to be conducted by the shorelines  
38 hearings board pursuant to chapter 90.58 RCW.

1 (b) Hearings conducted by the department pursuant to RCW  
2 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and  
3 90.44.180.

4 (c) Appeals of decisions by the department under RCW 90.03.110  
5 and 90.44.220.

6 (d) Hearings conducted by the department to adopt, modify, or  
7 repeal rules.

8 (3) Review of rules and regulations adopted by the hearings board  
9 shall be subject to review in accordance with the provisions of the  
10 administrative procedure act, chapter 34.05 RCW.

11 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.23  
12 RCW to read as follows:

13 (1) The state conservation commission shall convene and  
14 facilitate the departments of ecology, agriculture, fish and  
15 wildlife, and natural resources, and the state conservation  
16 commission to work together cooperatively, efficiently, and  
17 productively on the expeditious construction of three demonstration  
18 projects. The legislature expects that the joint and contemporaneous  
19 participation of all these state agencies will expedite the  
20 permitting of these demonstration projects. The legislature further  
21 intends that the collaborative process that the stakeholder group  
22 creates, including local stakeholders among others, will be used as a  
23 model for river management throughout the state.

24 (2) The floodplain management strategies developed in the process  
25 in this section must address multiple benefits including: Reducing  
26 flood hazard to public infrastructure and other land uses caused by  
27 sediment accumulation or for other causes; improving fish and  
28 wildlife habitat; sustaining viable agriculture; and public access.

29 (3) The state conservation commission and the departments of  
30 agriculture, natural resources, fish and wildlife, and ecology must  
31 jointly identify and assess three demonstration projects that test  
32 the effectiveness and costs of river management by using various  
33 management strategies and techniques as applied to accomplish the  
34 following goals:

35 (a) Protection of agricultural lands;

36 (b) Restoration or enhancement of fish runs; and

37 (c) Protection of public infrastructure and recreational access.

38 (4)(a) The state conservation commission must convene and  
39 facilitate a stakeholder group consisting of the departments of

1 agriculture, natural resources, fish and wildlife, and ecology, and  
2 the state conservation commission, local and statewide agricultural  
3 organizations and conservation districts, land conservation  
4 organizations, and local governments with interest and experience in  
5 floodplain management techniques. The stakeholder group must develop  
6 and assess three demonstration projects, one located in Whatcom  
7 county, one located in Snohomish county, and one located in Grays  
8 Harbor county. The departments must also seek the participation and  
9 the views of the federally recognized tribes that may be affected by  
10 each pilot project.

11 (b) The disposition of any gravel resources removed as a result  
12 of these pilot projects that are owned by the state must be  
13 consistent with chapter 79.140 RCW, otherwise they must be: (i) Used  
14 at the departments' discretion in projects related to fish programs  
15 in the local area of the project or by property owners adjacent to  
16 the project; (ii) made available to a local tribe for its use; or  
17 (iii) sold and the proceeds applied to funding the demonstration  
18 projects.

19 (5) At a minimum, the pilot projects must examine the following  
20 management strategies and techniques:

21 (a) Setting back levees and other measures to accommodate high  
22 flow with reduced risk to property, while providing space for river  
23 processes that are vital to the creation of fish habitat;

24 (b) Providing deeper, cooler holes for fish life;

25 (c) Removing excess sediment and gravel that causes diversion of  
26 water and erosion of river banks and farmland;

27 (d) Providing off-channels for habitat as refuge during high  
28 flows;

29 (e) Ensuring that any management activities leave sufficient  
30 gravel and sediment for fish spawning and rearing;

31 (f) Providing stable river banks that will allow for long-term  
32 growth of riparian enhancement efforts, such as planting shade trees  
33 and hedgerows;

34 (g) Protecting existing mature treed riparian zones that cool the  
35 waters;

36 (h) Restoring previously existing bank contours that protect the  
37 land from erosion caused by more intense and more frequent flooding;  
38 and

39 (i) Developing management practices that reduce the amount of  
40 gravel, sediment, and woody debris deposited into farm fields.

1 (6) By December 31, 2020, the state conservation commission must  
2 coordinate the development of a report to the legislative committees  
3 with oversight of agriculture, water, rural economic development,  
4 ecology, fish and wildlife, and natural resources. The report should  
5 include the input of all state agencies, tribes, local entities, and  
6 stakeholders participating in, or commenting on, the process  
7 identified in this section. The report must include, but not be  
8 limited to, the following elements: (a) Their progress toward setting  
9 benchmarks and meeting the stakeholder group's timetable; (b) any  
10 decisions made in assessing the projects; and (c) agency  
11 recommendations for funding of the projects from federal grants,  
12 federal loans, state grants and loans, and private donations, or if  
13 other funding sources are not available or complete, submitting the  
14 three projects for consideration in the biennial capital budget  
15 request to the governor and the legislature. The departments must  
16 report annually thereafter by December 31st of each year.

17 (7) The stakeholder group must be staffed jointly by the  
18 departments.

19 (8) Within amounts appropriated in the omnibus operating  
20 appropriations act, the state conservation commission, the department  
21 of ecology, the department of agriculture, the department of fish and  
22 wildlife, and the department of natural resources shall implement all  
23 requirements in this section.

24 (9) This section expires June 30, 2030.

25 NEW SECTION. **Sec. 14.** The following acts or parts of acts are  
26 each repealed:

27 (1) RCW 77.55.141 (Marine beach front protective bulkheads or  
28 rockwalls) and 2010 c 210 s 28, 2005 c 146 s 501, & 1991 c 279 s 1;  
29 and

30 (2) RCW 77.55.291 (Civil penalty) and 2010 c 210 s 31, 2005 c 146  
31 s 701, 2000 c 107 s 19, 1993 sp.s. c 2 s 35, 1988 c 36 s 35, & 1986 c  
32 173 s 6."

**2SHB 1579** - S COMM AMD  
By Committee on Ways & Means

**ADOPTED 04/10/2019**

1       On page 1, line 3 of the title, after "abundance;" strike the  
2 remainder of the title and insert "amending RCW 77.32.010 and  
3 43.21B.110; adding a new section to chapter 77.08 RCW; adding new  
4 sections to chapter 77.55 RCW; adding a new section to chapter 43.23  
5 RCW; creating a new section; repealing RCW 77.55.141 and 77.55.291;  
6 prescribing penalties; and providing an expiration date."

EFFECT: Specifies that the Department of Fish and Wildlife may levy civil penalties up to \$10,000 if the section authorizing three demonstration projects is enacted into law by June 30, 2019. If the section authorizing three demonstration projects is not enacted into law by June 30, 2019, the Department of Fish and Wildlife may levy civil penalties up to \$100. Clarifies the process for convening state agencies and stakeholders to conduct three demonstration projects and report findings to the Legislature by December 31, 2020. Provides that agencies must implement the demonstration projects within the amounts appropriated in the omnibus operating appropriations act and expires the demonstration projects on June 30, 2030.

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