H-1661.1

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**HOUSE BILL 1606**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Barkis, Abbarno, Caldier, Eslick, Walsh, Robertson, Graham, Corry, Stokesbary, Sutherland, Dufault, Gilday, Jacobsen, Griffey, Chambers, and Young

AN ACT Relating to the correction of culverts; amending RCW 47.01.515; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that the federal court injunction in *U.S. v. Washington* directs the state to correct culverts under state maintained roads that hinder fish passage and create barriers for fish to swim upstream by 2030. The court order imposed environmental justice obligations to correct adverse impacts. The legislature finds the court order addresses the same issues that are sought to be addressed by chapter 314, Laws of 2021. Further review of projects only delay the correction of the adverse impacts and are counterproductive to the improved outcomes being sought. For this reason, the legislature is directing the department of transportation to forego review under chapter 70A.02 RCW.

**Sec.**  RCW 47.01.515 and 2021 c 314 s 9 are each amended to read as follows:

(1) The department must apply and comply with the substantive and procedural requirements of chapter 70A.02 RCW unless otherwise directed by law.

(2) The requirements imposed on the department by this section do not apply to any project correcting a fish barrier as directed by the 2013 federal court injunction issued in *U.S. v. Washington*.

**--- END ---**