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**HOUSE BILL 1225**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Chapman, Tharinger, and Lekanoff; by request of Department of Fish and Wildlife

Read first time 01/11/23. Referred to Committee on Environment & Energy.

1 AN ACT Relating to permitting for certain department of fish and  
2 wildlife hatchery maintenance activities; amending RCW 90.58.355;  
3 adding a new section to chapter 90.58 RCW; and creating a new  
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that fish hatchery  
7 programs managed by the department of fish and wildlife require  
8 routine maintenance in order to keep them operational.

9 **Sec. 2.** RCW 90.58.355 and 2021 c 299 s 1 are each amended to  
10 read as follows:

11 Requirements to obtain a substantial development permit,  
12 conditional use permit, variance, letter of exemption, or other  
13 review conducted by a local government to implement this chapter do  
14 not apply to:

15 (1) Any person conducting a remedial action at a facility  
16 pursuant to a consent decree, order, or agreed order issued pursuant  
17 to chapter 70A.305 RCW, or to the department of ecology when it  
18 conducts a remedial action under chapter 70A.305 RCW. The department  
19 must ensure compliance with the substantive requirements of this  
20 chapter through the consent decree, order, or agreed order issued

1 pursuant to chapter 70A.305 RCW, or during the department-conducted  
2 remedial action, through the procedures developed by the department  
3 pursuant to RCW 70A.305.090;

4 (2) Any person installing site improvements for stormwater  
5 treatment in an existing boatyard facility to meet requirements of a  
6 national pollutant discharge elimination system stormwater general  
7 permit. The department must ensure compliance with the substantive  
8 requirements of this chapter through the review of engineering  
9 reports, site plans, and other documents related to the installation  
10 of boatyard stormwater treatment facilities;

11 (3) The department of transportation projects and activities that  
12 meet the conditions of RCW 90.58.356; (~~or~~)

13 (4) The department of fish and wildlife projects and activities  
14 that meet the conditions of section 3 of this act; or

15 (5) Actions taken on the Columbia river by the United States army  
16 corps of engineers, under the authority of United States Code Titles  
17 33 and 42 and 33 C.F.R. Sec. 335, to maintain and improve federal  
18 navigation channels in accordance with federally mandated dredged  
19 material management and improvement project plans, provided the  
20 project: (a) Has undergone environmental review under both the  
21 national environmental policy act, 42 U.S.C. Sec. 4321-4370h and the  
22 state environmental policy act, chapter 43.21C RCW; and (b) has  
23 applied for federal clean water act section 401 water quality  
24 certifications issued by the department.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.58  
26 RCW to read as follows:

27 (1) The following department of fish and wildlife maintenance  
28 activities, necessary to maintain the operation of state-managed fish  
29 hatcheries, including water intakes and discharges, fish ladders,  
30 water and power conveyances, weirs, and racks and traps used for fish  
31 collection, do not require a substantial development permit,  
32 conditional use permit, variance, letter of exemption, or other  
33 review conducted by a local government:

34 (a) Maintenance, repair, or replacement of equipment and  
35 components that support the larger hatchery facility and occur within  
36 the existing footprint of fish hatchery facilities;

37 (b) Construction or installation of safety structures and  
38 equipment;

1 (c) Maintenance occurring within existing water intake and  
2 outflow sites; or

3 (d) Construction undertaken in response to unforeseen,  
4 extraordinary circumstances that is necessary to prevent a decline,  
5 lapse, or cessation of operation of a state fish hatchery facility.

6 (2) The department of fish and wildlife must ensure compliance  
7 with the substantive requirements of this chapter for projects under  
8 this section. Projects undertaken under this section must not  
9 adversely affect public access or shoreline ecological functions.

10 (3) Prior to beginning a maintenance or repair project, the  
11 department of fish and wildlife must provide written notification of  
12 projects authorized under this section to the local government with  
13 jurisdiction and to the department.

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