
HOUSE BILL 1208

State of Washington

69th Legislature

2025 Regular Session

By Representatives Tharinger and Ryu

Prefiled 01/09/25.

1 AN ACT Relating to extending a program to streamline the
2 environmental permitting process for salmon recovery projects;
3 amending RCW 77.55.480 and 43.21C.515; creating a new section;
4 providing an effective date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that in 2021 the
7 legislature created the habitat recovery pilot program to streamline
8 project permitting for habitat restoration projects that have been
9 determined to contribute to the recovery of watersheds throughout the
10 state. The legislature also finds that the pilot project's intent to
11 advance projects to construction as quickly and efficiently as
12 possible has been realized, with projects experiencing time and cost
13 savings by utilizing the streamlined process.

14 (2) Therefore, the legislature intends to make the pilot program
15 permanent and to improve the streamlined process.

16 **Sec. 2.** RCW 77.55.480 and 2021 c 75 s 2 are each amended to read
17 as follows:

18 (1) The habitat (~~(recovery pilot)~~) restoration permit pathway
19 program is created.

1 (2) (a) In order to be included in this statewide (~~(pilot)~~) permit
2 pathway program and qualify for the permit review and approval
3 process created in this section, an environmental restoration project
4 must directly benefit freshwater, estuarine, or marine fish, or the
5 habitat they rely on, and must be included on a list of projects
6 (~~(reviewed)~~) approved(~~(r)~~) or funded by one of the following
7 restoration programs:

- 8 (i) The Bonneville power administration restoration program;
- 9 (ii) The Brian Abbott fish barrier removal board;
- 10 (iii) The estuary and salmon restoration program;
- 11 (iv) The floodplains by design program;
- 12 (v) The office of Chehalis basin aquatic species restoration
13 program;
- 14 (vi) The office of Columbia river habitat recovery projects;
- 15 (vii) The Puget Sound acquisition and restoration fund;
- 16 (viii) The Puget Sound national estuary program;
- 17 (ix) The salmon recovery funding board;
- 18 (x) The Washington coast restoration and resiliency initiative;
- 19 (xi) The Yakima tributary access and habitat program;
- 20 (xii) Fish recovery projects sponsored by a federally recognized
21 tribe; (~~and~~)
- 22 (xiii) Fish acclimation facility projects sponsored or operated
23 by a federally recognized tribe;
- 24 (xiv) Clean water section 319 and centennial clean water program
25 grants installing instream and riparian nonpoint source projects; and
26 (xv) The Washington wildlife and recreation program, funded by
27 the habitat conservation account created in RCW 79A.15.020.

28 (b) A project application reviewed under this section must
29 document consistency with local, state, and federal flood risk
30 reduction requirements. A project may not be reviewed under the
31 process created in this section if the local government within whose
32 geographical jurisdiction the project will be located determines that
33 the project does not meet applicable flood risk reduction
34 requirements, or otherwise determines that the project raises
35 concerns regarding public health and safety, and the local government
36 provides timely notice of its determination to the department.

37 (c) (i) With regard to cultural resources, a project applicant or
38 funding agency must review the project with the department of
39 archaeology and historic preservation and complete any required site
40 surveys before the project applicant files an application under this

1 section. A project applicant must document consistency in the
2 application with applicable cultural resource protection
3 requirements.

4 (ii) A project applicant must provide a ~~((copy of its~~
5 ~~application))~~ description of the proposed project and the project's
6 area of potential effect, including vertical and horizontal limits
7 and any additional ground disturbance activities, to the department
8 of archaeology and historic preservation, and to affected federally
9 recognized tribes, no fewer than 60 days before the application may
10 be filed with the department. A project applicant must provide a copy
11 of its application under this section to an affected federally
12 recognized tribe at the tribe's request.

13 (iii) The department may not review a project under the expedited
14 process created in this section if a cultural resource site is
15 identified at the project site or if an affected federally recognized
16 tribe withholds its consent that the project should be expedited
17 according to the process set forth in this section. Such consent may
18 be withheld upon a determination that the project may adversely
19 impact cultural resources. Notice of such a determination must be
20 provided to the department by the affected federally recognized tribe
21 in a timely manner.

22 (iv) In the event of an inadvertent discovery of cultural
23 resources or human remains, the project applicant shall immediately
24 notify the department, the department of archaeology and historic
25 preservation, and affected federally recognized tribes. In the event
26 of an inadvertent discovery of cultural resources or human remains,
27 existing requirements applicable to inadvertent discoveries of
28 cultural resources and human remains, including those set forth in
29 chapters 27.53, 27.44, and 68.60 RCW, apply.

30 (d) For those projects that require a ~~((lease or other))~~ land use
31 authorization from the department of natural resources, the project
32 applicant must include in its application for a permit under this
33 section a signed joint aquatic resources permit application,
34 attachment E. The project applicant must provide a copy of a
35 completed application to the department of natural resources ~~((no~~
36 ~~fewer than 30 days before the application may be filed with the~~
37 ~~department))~~. The project applicant may submit its completed
38 application for a permit under this section to the department either:
39 (i) 30 days after providing a copy of a completed application to the
40 department of natural resources; or (ii) upon receipt of a signed

1 attachment E from the department of natural resources, whichever
2 comes first. If the project applicant submits their application 30
3 days after filing the signed joint aquatic resources permit
4 application, attachment E, with the department of natural resources,
5 the department of natural resources must make a final decision on
6 applications for projects under this section within 30 days of the
7 issuance of a permit under this section.

8 (3) Fish recovery and fish habitat restoration projects meeting
9 the criteria of subsection (2) of this section are expected to result
10 in beneficial impacts to the aquatic environment. Projects approved
11 for inclusion in this (~~pilet~~) permit pathway program and that are
12 reviewed and approved according to the provisions of this section are
13 not subject to the requirements of RCW 43.21C.030(2) and are not
14 required to obtain local or state permits or approvals other than the
15 permit issued under this section, except permits minimally necessary
16 as a requirement of participation in a federal program.

17 (4) (a) A permit under this chapter is required for projects that
18 meet the criteria of subsection (2) of this section and must be
19 reviewed and, if appropriate, approved under this section. An
20 applicant shall use the department's online permitting system or a
21 paper or email joint aquatic resources permit application submission
22 to apply for approval under this section and shall at the same time
23 provide a copy of the application to the local government within
24 whose geographical jurisdiction the project will be located, to the
25 members of the multiagency permitting team created in this section,
26 and to potentially affected federally recognized tribes.

27 (b) When the department concludes that a complete application has
28 been submitted under this section and copies of the application have
29 been provided as required in this section, the department shall
30 provide notice to the local government within whose geographical
31 jurisdiction the project will be located, to potentially affected
32 federally recognized tribes, and to the members of the multiagency
33 permitting team of receipt of a complete permit application.

34 (i) Unless the multiagency permitting team process described in
35 this section is invoked, the department shall evaluate and make a
36 decision on the application not sooner than 25 days, and not later
37 than 45 days, after receipt of a complete permit application.

38 (ii) Within 25 days of receiving a copy of the complete project
39 application, the local government within whose geographical
40 jurisdiction the project would be located, any member of the

1 multiagency permitting team, or a potentially affected federally
2 recognized tribe may request that the department place the
3 application on hold and immediately convene a meeting with the
4 requesting entity and the multiagency permitting team to review and
5 evaluate the project.

6 (iii) All parties involved in this review process shall work in
7 good faith to expedite permitting and any party with concerns shall
8 provide the basis for its concerns and potential pathways to address
9 those concerns. Any party objecting to expedited permitting shall
10 provide a written basis for its objections to the department or the
11 multiagency permitting team.

12 (iv) The multiagency review process may not exceed 45 days from
13 the request for review.

14 (c) The multiagency permitting team consists of representatives
15 of the local government in whose geographical jurisdiction the
16 project would be located, the department, the department of ecology,
17 the recreation and conservation office, the governor's salmon
18 recovery office, the department of natural resources, and, when the
19 project in question is located in the Puget Sound basin, the Puget
20 Sound partnership. For projects located in the Puget Sound basin,
21 meetings of the multiagency permitting team must be facilitated by
22 the Puget Sound partnership. All other meetings of the multiagency
23 permitting team must be facilitated by the recreation and
24 conservation office.

25 (d) The department or, where applicable, the multiagency
26 permitting team, shall exclude any project from the review and
27 approval process created by this section if it concludes that the
28 project may adversely impact human health, public safety, or the
29 environment, or that the project's scope or complexity renders it
30 inappropriate for expedited review.

31 (e) If the department or the multiagency permitting team
32 determines that the review and approval process created by this
33 section is not appropriate for the proposed project, the department
34 shall notify the applicant, the appropriate local government, and
35 potentially affected federally recognized tribes of its
36 determination. The applicant may reapply for approval of the project
37 under generally applicable review and approval processes. If the
38 multiagency permitting team determines that the review and approval
39 process created by this section is appropriate for the proposed
40 project, the hold on the application must be lifted and the

1 department shall make a decision within the time that remains of the
2 original 45-day decision deadline.

3 (f) Any person aggrieved by the approval, denial, conditioning,
4 or modification of a permit under this section may appeal the
5 decision as provided in RCW 77.55.021(8).

6 (g) The department shall, in a timely manner, provide a copy of
7 any application seeking review under this section and shall
8 thereafter coordinate with affected federally recognized tribes as it
9 implements this section.

10 (5) No local or state government may require permits or charge
11 fees other than the permit issued under this section, except permits
12 minimally necessary as a requirement of participation in a federal
13 program, for fish recovery (~~(pilot)~~) projects that meet the criteria
14 of subsection (2) of this section and that are reviewed and approved
15 according to the provisions of this section.

16 (6) No civil liability may be imposed by any court on the state
17 or its officers and employees for any adverse impacts resulting from
18 a fish recovery stimulus (~~(pilot)~~) project permitted by the
19 department under the criteria of this section except upon proof of
20 gross negligence or willful or wanton misconduct.

21 (~~((7) This section expires June 30, 2025.)~~)

22 **Sec. 3.** RCW 43.21C.515 and 2021 c 75 s 3 are each amended to
23 read as follows:

24 (~~((1))~~) A project that receives a permit pursuant to RCW
25 77.55.480 is not subject to the requirements of RCW 43.21C.030(2).

26 (~~((2) This section expires June 30, 2025.)~~)

27 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of
29 the state government and its existing public institutions, and takes
30 effect June 30, 2025.

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