

2 **ESSB 5616** - H COMM AMD **ADOPTED 4/12/95**

3 By Committee on Natural Resources

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

34 (2) "Watershed restoration project" means a public or private  
35 project authorized by the sponsor of a watershed restoration plan that

1 implements the plan or a part of the plan and consists of one or more  
2 of the following activities:

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

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

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

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

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

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

3 NEW SECTION. **Sec. 5.** All agencies of the state 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 (House Bill No. 1724) appoint a project facilitator to develop in  
13 consultation with the applicant and permit agencies a coordinated  
14 process for permit decisions on the application. The process may  
15 incorporate procedures for coordinating state permits under chapter  
16 ..., Laws of 1995 (House Bill No. 1724). The center shall adopt a  
17 target of completing permit decisions within forty-five days of receipt  
18 of a complete application.

19 If House Bill No. 1724 is not enacted by June 30, 1995, this  
20 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.** Sections 1 through 7 of this act are each  
16 added to chapter 89.08 RCW."

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20 On page 1, line 1 of the title, after "projects;" strike the  
21 remainder of the title and insert "adding new sections to chapter 89.08  
22 RCW; adding a new section to chapter 35.63 RCW; adding a new section to  
23 chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding  
24 a new section to chapter 36.70A RCW; adding a new section to chapter  
25 43.21C RCW; adding a new section to chapter 43.30 RCW; adding a new  
26 section to chapter 75.20 RCW; adding a new section to chapter 90.48  
27 RCW; and adding a new section to chapter 90.58 RCW."

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