

1 **SHB 1304** - H AMD

2 By Representative \_\_\_\_

3 On page 2, beginning on line 5, strike all of section 2 and insert  
4 the following:

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.55  
6 RCW to read as follows:

7 (1) As an alternative to requiring and issuing individual  
8 hydraulic project approvals under RCW 77.55.100, 77.55.110, and  
9 77.55.200, the department may adopt rules that describe approved and  
10 disapproved time, manner, locations, methods, or other conditions for  
11 conducting hydraulic permits or other work that will use, divert,  
12 obstruct, or change the natural flow or bed of any of the salt or fresh  
13 waters of the state. The conditions for approval or disapproval shall  
14 be reasonably necessary for protection of fish life. The rules shall:

15 (a) Describe the time, manner, locations, methods, or other  
16 conditions under which the described activity is approved;

17 (b) Describe the activity that is exempt from individual hydraulic  
18 project approval, if conducted in conformance with the rules;

19 (c) Be published in pamphlets, which may provide other reasonably  
20 necessary information or educational materials designed to aid  
21 compliance with the approved time, manner, and methods provided by  
22 rule; and

23 (d) Be provided by the department for free or, when determined by  
24 the fish and wildlife commission, for a fee that shall reasonably  
25 reflect the cost of publication, preparation, and distribution of the  
26 pamphlet.

27 (2) Rules adopted under this section may require possession of the  
28 pamphlet at the hydraulic project activity site or while conducting the  
29 activity. Rules adopted under this section must describe an  
30 application process which identifies the specific location of the  
31 project and any other information deemed necessary for review of the  
32 permit. The rules shall be enforced under RCW 77.15.300.

33 (3) In adopting rules to implement this section, the department  
34 shall ensure that this alternative hydraulic project approval is only  
35 available for repetitive low-risk permit approval requests for which  
36 there are predictable mitigation measures, and that complex projects,

1 or projects that generally require site-specific mitigation measures,  
2 will continue to undergo individual hydraulic project approval.  
3 Activities which result in significant cumulative impacts to fish  
4 within a region will not be eligible for alternative hydraulic project  
5 approval. The rules must also include a description of the method that  
6 the department will use to track, monitor, and evaluate the projects  
7 approved by this alternative process. The rules shall also be written  
8 in a fashion, with sufficient detail, to ensure that they are  
9 enforceable. The department shall also develop a process for  
10 conducting compliance inspections on a random basis to ensure that the  
11 program is effective. The fish and wildlife commission shall provide  
12 for public review and comment of any candidates for the pamphlet type  
13 of approval before committing to final selection.

14 (4) By September 1, 2001, the department shall establish an  
15 advisory committee composed of interested parties to assist in the  
16 development and implementation of the alternative permit program. The  
17 advisory committee will also make recommendations on additional  
18 mechanisms which might be used to create administrative efficiencies  
19 while maintaining the effectiveness of the hydraulic project approval  
20 program as a whole, such as training, workload allocation, and  
21 electronic permitting, as well as explore the need for new resources  
22 for the program.

23 (5) The department shall report to the appropriate legislative  
24 committees by January 1, 2003, on the number and type of alternative  
25 permit approvals granted under this section. The report shall include  
26 information regarding how resources that would have been used to  
27 process these alternative permits as individual permits were shifted to  
28 more complex projects. The department shall send a final report to the  
29 appropriate legislative committees by January, 1, 2005, that includes  
30 the number and type of alternative permit approvals granted under this  
31 section, information regarding how resources that would have been used  
32 to process alternative permits as individual permits were shifted to  
33 complex projects, and any recommendations developed under subsection  
34 (4) of this section.

35 (6) After July 1, 2005, no new types of pamphlets covering  
36 projects not already authorized for alternative hydraulic approval may  
37 be developed by the department under the authority delegated by this  
38 section.-

**EFFECT:** The application process must describe the specific location of the project to allow for review of the permit. The rules must be written so that they are enforceable, and allow for random compliance inspections. Activities which result in significant cumulative impacts to fish within a region are not eligible for this pamphlet approval. No new pamphlets may be developed after July 1, 2005 instead of July 1, 2006. Requires the Department of Fish and Wildlife to establish and advisory committee to assist in the development and implementation of the program, and to make recommendations regarding administrative efficiencies.