
SENATE BILL 6047

State of Washington

59th Legislature

2005 Regular Session

By Senators Brandland and Rasmussen

Read first time 02/24/2005. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to the removal of gravel from waterways to reduce
2 the impact of flooding; amending RCW 36.32.290 and 79.90.150; adding a
3 new section to chapter 86.09 RCW; adding a new section to chapter 85.05
4 RCW; and adding a new section to chapter 77.55 RCW.

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

6 **Sec. 1.** RCW 36.32.290 and 1963 c 4 s 36.32.290 are each amended to
7 read as follows:

8 (1) Except as otherwise provided in this section:

9 (a) When the ((board of county commissioners)) legislative
10 authority of any county deems it essential to the public interest for
11 flood prevention purposes ((it)), the county may remove drifts, jams,
12 logs, debris, ((gravel,)) earth, stone or bars forming obstructions to
13 the stream, or other material from the beds, channels, and banks of
14 watercourses in any manner deemed expedient((, including the deposit
15 thereof)).

16 (b) The legislative authority of any county may remove gravel from
17 streams or other watercourses consistent with the terms of the
18 programmatic permit issued by the department of fish and wildlife under

1 section 5 of this act when the gravel removal is deemed by the county
2 legislative authority to be beneficial in reducing the impact of
3 potential flooding.

4 (2) The authority to remove materials from streams or under
5 watercourses under this chapter includes the authority to deposit the
6 removed materials on bars not forming obstructions to the stream, or on
7 subsidiary or high water channels of (~~such~~) the watercourses.

8 (3) The legislative authority of a county may only exercise the
9 authority granted under this section to remove gravel from streams or
10 other watercourses if the area of the county from which the gravel is
11 to be removed is not within the jurisdiction of an active diking
12 district organized under chapter 85.05 RCW or an active flood control
13 district organized under chapter 86.09 RCW.

14 NEW SECTION. Sec. 2. A new section is added to chapter 86.09 RCW
15 to read as follows:

16 A flood control district created under this chapter may, when it is
17 deemed by the board of directors of the flood control district to be
18 beneficial in reducing the impact of potential flooding, remove gravel
19 from a stream or other watercourse, or portion of a stream or other
20 watercourse, located within the flood control district consistent with
21 the terms of the programmatic permit issued by the department of fish
22 and wildlife under section 5 of this act.

23 NEW SECTION. Sec. 3. A new section is added to chapter 85.05 RCW
24 to read as follows:

25 Any diking districts created under this chapter may, when it is
26 deemed by the board of commissioners of the diking district to be
27 beneficial in reducing the impact of potential flooding, remove gravel
28 from a stream or other watercourse, or portion of a stream or other
29 watercourse, located within the diking district consistent with the
30 terms of the programmatic permit issued by the department of fish and
31 wildlife under section 5 of this act.

32 **Sec. 4.** RCW 79.90.150 and 2003 c 39 s 41 are each amended to read
33 as follows:

34 (1) When a public agency removes gravel, rock, sand, silt or other
35 material directly, or under a public contract, from any aquatic lands

1 (~~is removed by any public agency or under public contract~~) for
2 channel (~~(or)~~) improvement, harbor improvement, flood impact reduction,
3 or flood control, the use of (~~such~~) the material may be authorized by
4 the department (~~of natural resources~~) for a public purpose on:

5 (a) Land owned or leased by the state or any municipality, county,
6 or public corporation(~~(: PROVIDED, That when no public land site is~~
7 available for deposit of such material, its deposit on)); or

8 (b) Private land, with the landowner's permission (~~is authorized~~
9 ~~and may be designated by the department of natural resources to be for~~
10 ~~a public purpose~~), if there is no public land available for deposit of
11 the material.

12 (2) Prior to removal and use of material under this section, the
13 state agency, municipality, county, or public corporation contemplating
14 or arranging (~~such~~) the removal or use shall first obtain written
15 permission from the department (~~of natural resources~~), except for
16 flood control districts removing gravel under section 2 of this act,
17 diking districts removing gravel under section 3 of this act, and
18 county legislative authorities removing gravel under RCW 36.32.290.
19 These public entities are not required to obtain permission from the
20 department to remove or use gravel from streams or other watercourses
21 for flood control or flood impact reduction purposes and are only
22 required to notify the department of their intent to do so.

23 (3) No payment of royalty shall be required for (~~such~~) gravel,
24 rock, sand, silt, or other material used for (~~such~~) a public purpose
25 under this section, but a charge will be made if (~~such~~) the material
26 is subsequently sold or used for some other purpose(~~(: PROVIDED,~~
27 ~~That)~~).

28 (4) The department may authorize (~~such~~) a public agency or
29 private landowner to dispose of (~~such~~) material removed under this
30 section without charge when necessary to implement disposal of
31 material.

32 (5) No charge shall be required for any use of the material
33 obtained under the provisions of this chapter when used solely on an
34 authorized site.

35 (6) No charge shall be required for any removal or use of the
36 material obtained under the provisions of this chapter if the material
37 is used for public purposes by local governments, including flood
38 control districts removing gravel under section 2 of this act, diking

1 districts removing gravel under section 3 of this act, and county
2 legislative authorities removing gravel under RCW 36.32.290. Public
3 purposes include, but are not limited to, flood control, flood impact
4 reduction, and the construction and maintenance of roads, dikes, and
5 levies.

6 (7) The department may not prohibit, penalize, or condition a flood
7 control district operating under section 2 of this act, a diking
8 district operating under section 3 of this act, or a county legislative
9 authority operating under RCW 36.32.290 when removing gravel from
10 streams or other watercourses for flood control or flood impact
11 reduction purposes.

12 (8) Nothing in this section shall repeal or modify the provisions
13 of RCW 77.55.100 or eliminate the necessity of obtaining a permit for
14 such removal from other state or federal agencies as otherwise required
15 by law.

16 NEW SECTION. Sec. 5. A new section is added to chapter 77.55 RCW
17 to read as follows:

18 (1) Flood control districts, diking districts, and counties shall
19 not require written approval under this chapter for the removal of
20 gravel from streams or other watercourses when the gravel removal is
21 deemed by the county legislative authority, flood control district
22 board of directors, or diking district board of commissioners to be
23 beneficial in reducing the impact of potential flooding and when the
24 gravel removal operation is conducted under a programmatic permit
25 issued under this section.

26 (2) The department shall develop a programmatic permit for the
27 removal of gravel from watercourses by counties, diking districts, and
28 flood control districts by August 1, 2005. The permit developed under
29 this section remains valid for at least five years from its
30 implementation date, and may include the following requirements:

- 31 (a) Dates when the gravel removal may be conducted;
32 (b) Specifications as to where the gravel removal may be conducted;
33 (c) Requirements for notification to the department that gravel
34 removal will be conducted; and
35 (d) Specifications on allowable methods for removing gravel.

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