
HOUSE BILL 2597

State of Washington 61st Legislature 2010 Regular Session

By Representatives Pearson, Warnick, and Kretz

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1 AN ACT Relating to streamlining state environmental permitting
2 through the elimination of the hydraulics project approval process;
3 amending RCW 43.21K.010, 70.105D.090, 76.09.030, 89.08.470, 90.48.310,
4 and 90.58.147; reenacting and amending RCW 34.05.328; creating a new
5 section; decodifying RCW 88.28.070; and repealing RCW 77.55.011,
6 77.55.021, 77.55.031, 77.55.041, 77.55.051, 77.55.061, 77.55.081,
7 77.55.091, 77.55.101, 77.55.111, 77.55.121, 77.55.131, 77.55.141,
8 77.55.151, 77.55.161, 77.55.171, 77.55.181, 77.55.191, 77.55.201,
9 77.55.211, 77.55.221, 77.55.231, 77.55.241, 77.55.251, 77.55.261,
10 77.55.271, 77.55.281, 77.55.291, 77.55.301, 77.55.311, and 77.15.300.

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

12 NEW SECTION. **Sec. 1.** (1) The legislature finds that the hydraulic
13 project approval process established in chapter 77.55 RCW is one of the
14 oldest environmental permitting processes currently in use at the state
15 level. In 1949, the time of the hydraulic code's initial inception,
16 the hydraulic project approval process was not only an essential and
17 critical tool necessary for the protection of fish life in Washington's
18 waterways, but in many cases it was the only such tool available for
19 the protection of the resource.

1 (2) The legislature further finds that, since 1949, many additional
2 federal, state, and local resource protection regulations have emerged
3 to complement the hydraulic project approval process. So complete is
4 the safety net of regulations affecting Washington waterways that, with
5 slightly different emphases within the existing authorities of other
6 regulatory programs, the hydraulic project approval process has grown
7 redundant and unnecessary.

8 (3) The legislature further finds that although the hydraulic
9 project approval process is the only permitting process that on its
10 face is specifically dedicated to protecting fish life, the importance
11 of the program is minimized by the protection of fish life that occurs
12 naturally as a result of the implementation of all of the other
13 environmental laws and regulations affecting activities located in or
14 near state waters. Even without the hydraulic project approval
15 process, fish life protection would be ensured based on the operation
16 of, to name only a few: The federal and state clean water act; the
17 endangered species act; chapter 77.57 RCW; the shoreline management
18 act; the growth management act and critical area ordinances; the forest
19 practices act and the forest and fish habitat conservation plan; the
20 state environmental policy act; local grading permits and other
21 regulatory authorities; state proprietary discretion in aquatic lands
22 permitting; watershed planning; salmon recovery programs; and the
23 general sense of duty to protect and restore the aquatic environment
24 that all Washingtonians feel is an important part of their natural
25 heritage and is inherent in state resource management.

26 (4) The legislature further finds that, according to a report by
27 the department of fish and wildlife, the administrative and technical
28 costs of the state's hydraulic project approval process is
29 approximately four million five hundred thousand dollars each fiscal
30 year. This amount is fully borne by the general fund, without
31 dedicated revenue, and takes financial resources away from other
32 important state programs where it could be used to promote economic
33 development, strengthen education investments, ensure the viability of
34 social safety nets, or to protect citizens through an enhanced
35 commitment to the criminal justice system; all of which are more vital
36 to the state's present and future than the continued implementation of
37 an antiquated and redundant permitting system.

1 (5) The legislature intends with this act to simply remove the
2 hydraulic project approval process responsibilities from the department
3 of fish and wildlife and rely on the government infrastructure and the
4 myriad other environmental programs to provide the vital role of
5 protecting fish life and habitat. This step would not only save the
6 state nearly nine million dollars in general fund moneys each biennium,
7 but it would also allow the department of fish and wildlife to free the
8 resources necessary to pursue its primary management responsibilities
9 under Title 77 RCW. This outcome is far more favorable as a public
10 policy than either continuing to rely on state taxpayers to fund the
11 hydraulic project approval program, charging a fee to applicants for an
12 antiquated and unnecessary program, or investing still more state money
13 into programmatic permits that offer little or no additional
14 protections to fish life yet maintain the misleading façade that the
15 contents of chapter 77.55 RCW are a wise investment for the people of
16 Washington.

17 **Sec. 2.** RCW 34.05.328 and 2003 c 165 s 2 and 2003 c 39 s 13 are
18 each reenacted and amended to read as follows:

19 (1) Before adopting a rule described in subsection (5) of this
20 section, an agency shall:

21 (a) Clearly state in detail the general goals and specific
22 objectives of the statute that the rule implements;

23 (b) Determine that the rule is needed to achieve the general goals
24 and specific objectives stated under (a) of this subsection, and
25 analyze alternatives to rule making and the consequences of not
26 adopting the rule;

27 (c) Provide notification in the notice of proposed rule making
28 under RCW 34.05.320 that a preliminary cost-benefit analysis is
29 available. The preliminary cost-benefit analysis must fulfill the
30 requirements of the cost-benefit analysis under (d) of this subsection.
31 If the agency files a supplemental notice under RCW 34.05.340, the
32 supplemental notice shall include notification that a revised
33 preliminary cost-benefit analysis is available. A final cost-benefit
34 analysis shall be available when the rule is adopted under RCW
35 34.05.360;

36 (d) Determine that the probable benefits of the rule are greater

1 than its probable costs, taking into account both the qualitative and
2 quantitative benefits and costs and the specific directives of the
3 statute being implemented;

4 (e) Determine, after considering alternative versions of the rule
5 and the analysis required under (b), (c), and (d) of this subsection,
6 that the rule being adopted is the least burdensome alternative for
7 those required to comply with it that will achieve the general goals
8 and specific objectives stated under (a) of this subsection;

9 (f) Determine that the rule does not require those to whom it
10 applies to take an action that violates requirements of another federal
11 or state law;

12 (g) Determine that the rule does not impose more stringent
13 performance requirements on private entities than on public entities
14 unless required to do so by federal or state law;

15 (h) Determine if the rule differs from any federal regulation or
16 statute applicable to the same activity or subject matter and, if so,
17 determine that the difference is justified by the following:

18 (i) A state statute that explicitly allows the agency to differ
19 from federal standards; or

20 (ii) Substantial evidence that the difference is necessary to
21 achieve the general goals and specific objectives stated under (a) of
22 this subsection; and

23 (i) Coordinate the rule, to the maximum extent practicable, with
24 other federal, state, and local laws applicable to the same activity or
25 subject matter.

26 (2) In making its determinations pursuant to subsection (1)(b)
27 through (h) of this section, the agency shall place in the rule-making
28 file documentation of sufficient quantity and quality so as to persuade
29 a reasonable person that the determinations are justified.

30 (3) Before adopting rules described in subsection (5) of this
31 section, an agency shall place in the rule-making file a rule
32 implementation plan for rules filed under each adopting order. The
33 plan shall describe how the agency intends to:

34 (a) Implement and enforce the rule, including a description of the
35 resources the agency intends to use;

36 (b) Inform and educate affected persons about the rule;

37 (c) Promote and assist voluntary compliance; and

1 (d) Evaluate whether the rule achieves the purpose for which it was
2 adopted, including, to the maximum extent practicable, the use of
3 interim milestones to assess progress and the use of objectively
4 measurable outcomes.

5 (4) After adopting a rule described in subsection (5) of this
6 section regulating the same activity or subject matter as another
7 provision of federal or state law, an agency shall do all of the
8 following:

9 (a) Provide to the business assistance center a list citing by
10 reference the other federal and state laws that regulate the same
11 activity or subject matter;

12 (b) Coordinate implementation and enforcement of the rule with the
13 other federal and state entities regulating the same activity or
14 subject matter by making every effort to do one or more of the
15 following:

16 (i) Deferring to the other entity;

17 (ii) Designating a lead agency; or

18 (iii) Entering into an agreement with the other entities specifying
19 how the agency and entities will coordinate implementation and
20 enforcement.

21 If the agency is unable to comply with this subsection (4)(b), the
22 agency shall report to the legislature pursuant to (c) of this
23 subsection;

24 (c) Report to the joint administrative rules review committee:

25 (i) The existence of any overlap or duplication of other federal or
26 state laws, any differences from federal law, and any known overlap,
27 duplication, or conflict with local laws; and

28 (ii) Make recommendations for any legislation that may be necessary
29 to eliminate or mitigate any adverse effects of such overlap,
30 duplication, or difference.

31 (5)(a) Except as provided in (b) of this subsection, this section
32 applies to:

33 (i) Significant legislative rules of the departments of ecology,
34 labor and industries, health, revenue, social and health services, and
35 natural resources, the employment security department, the forest
36 practices board, and the office of the insurance commissioner(~~(, and to~~
37 ~~the legislative rules of the department of fish and wildlife~~
38 ~~implementing chapter 77.55 RCW)); and~~

1 (ii) Any rule of any agency, if this section is voluntarily made
2 applicable to the rule by the agency, or is made applicable to the rule
3 by a majority vote of the joint administrative rules review committee
4 within forty-five days of receiving the notice of proposed rule making
5 under RCW 34.05.320.

6 (b) This section does not apply to:

7 (i) Emergency rules adopted under RCW 34.05.350;

8 (ii) Rules relating only to internal governmental operations that
9 are not subject to violation by a nongovernment party;

10 (iii) Rules adopting or incorporating by reference without material
11 change federal statutes or regulations, Washington state statutes,
12 rules of other Washington state agencies, shoreline master programs
13 other than those programs governing shorelines of statewide
14 significance, or, as referenced by Washington state law, national
15 consensus codes that generally establish industry standards, if the
16 material adopted or incorporated regulates the same subject matter and
17 conduct as the adopting or incorporating rule;

18 (iv) Rules that only correct typographical errors, make address or
19 name changes, or clarify language of a rule without changing its
20 effect;

21 (v) Rules the content of which is explicitly and specifically
22 dictated by statute;

23 (vi) Rules that set or adjust fees or rates pursuant to legislative
24 standards; or

25 (vii) Rules of the department of social and health services
26 relating only to client medical or financial eligibility and rules
27 concerning liability for care of dependents.

28 (c) For purposes of this subsection:

29 (i) A "procedural rule" is a rule that adopts, amends, or repeals
30 (A) any procedure, practice, or requirement relating to any agency
31 hearings; (B) any filing or related process requirement for making
32 application to an agency for a license or permit; or (C) any policy
33 statement pertaining to the consistent internal operations of an
34 agency.

35 (ii) An "interpretive rule" is a rule, the violation of which does
36 not subject a person to a penalty or sanction, that sets forth the
37 agency's interpretation of statutory provisions it administers.

1 (iii) A "significant legislative rule" is a rule other than a
2 procedural or interpretive rule that (A) adopts substantive provisions
3 of law pursuant to delegated legislative authority, the violation of
4 which subjects a violator of such rule to a penalty or sanction; (B)
5 establishes, alters, or revokes any qualification or standard for the
6 issuance, suspension, or revocation of a license or permit; or (C)
7 adopts a new, or makes significant amendments to, a policy or
8 regulatory program.

9 (d) In the notice of proposed rule making under RCW 34.05.320, an
10 agency shall state whether this section applies to the proposed rule
11 pursuant to (a)(i) of this subsection, or if the agency will apply this
12 section voluntarily.

13 (6) By January 31, 1996, and by January 31st of each even-numbered
14 year thereafter, the office of financial management, after consulting
15 with state agencies, counties, and cities, and business, labor, and
16 environmental organizations, shall report to the governor and the
17 legislature regarding the effects of this section on the regulatory
18 system in this state. The report shall document:

19 (a) The rules proposed to which this section applied and to the
20 extent possible, how compliance with this section affected the
21 substance of the rule, if any, that the agency ultimately adopted;

22 (b) The costs incurred by state agencies in complying with this
23 section;

24 (c) Any legal action maintained based upon the alleged failure of
25 any agency to comply with this section, the costs to the state of such
26 action, and the result;

27 (d) The extent to which this section has adversely affected the
28 capacity of agencies to fulfill their legislatively prescribed mission;

29 (e) The extent to which this section has improved the acceptability
30 of state rules to those regulated; and

31 (f) Any other information considered by the office of financial
32 management to be useful in evaluating the effect of this section.

33 **Sec. 3.** RCW 43.21K.010 and 2003 c 39 s 25 are each amended to read
34 as follows:

35 The definitions in this section apply throughout this chapter
36 unless the context clearly requires otherwise.

1 (1) "State, regional, or local agency" means an agency, board,
2 department, authority, or commission that administers environmental
3 laws.

4 (2) "Coordinating agency" means the state, regional, or local
5 agency with the primary regulatory responsibility for the proposed
6 environmental excellence program agreement. If multiple agencies have
7 jurisdiction to administer state environmental laws affected by an
8 environmental excellence agreement, the department of ecology shall
9 designate or act as the coordinating agency.

10 (3) "Director" means the individual or body of individuals in whom
11 the ultimate legal authority of an agency is vested by any provision of
12 law. If the agency head is a body of individuals, a majority of those
13 individuals constitutes the director.

14 (4) "Environmental laws" means chapters 43.21A, 70.94, 70.95,
15 70.105, 70.119A, (~~77.557~~) 90.48, 90.52, 90.58, 90.64, and 90.71 RCW,
16 and RCW 90.54.020(3)(b) and rules adopted under those chapters and
17 section. The term environmental laws as used in this chapter does not
18 include any provision of the Revised Code of Washington, or of any
19 municipal ordinance or enactment, that regulates the selection of a
20 location for a new facility.

21 (5) "Facility" means a site or activity that is regulated under any
22 of the provisions of the environmental laws.

23 (6) "Legal requirement" includes any provision of an environmental
24 law, rule, order, or permit.

25 (7) "Sponsor" means the owner or operator of a facility, including
26 a municipal corporation, subject to regulation under the environmental
27 laws of the state of Washington, or an authorized representative of the
28 owner or operator, that submits a proposal for an environmental
29 excellence program agreement.

30 (8) "Stakeholder" means a person who has a direct interest in the
31 proposed environmental excellence program agreement or who represents
32 a public interest in the proposed environmental excellence program
33 agreement. Stakeholders may include communities near the project,
34 local or state governments, permittees, businesses, environmental and
35 other public interest groups, employees or employee representatives, or
36 other persons.

1 **Sec. 4.** RCW 70.105D.090 and 2003 c 39 s 30 are each amended to
2 read as follows:

3 (1) A person conducting a remedial action at a facility under a
4 consent decree, order, or agreed order, and the department when it
5 conducts a remedial action, are exempt from the procedural requirements
6 of chapters 70.94, 70.95, 70.105, (~~(77.557)~~) 90.48, and 90.58 RCW, and
7 the procedural requirements of any laws requiring or authorizing local
8 government permits or approvals for the remedial action. The
9 department shall ensure compliance with the substantive provisions of
10 chapters 70.94, 70.95, 70.105, (~~(77.557)~~) 90.48, and 90.58 RCW, and the
11 substantive provisions of any laws requiring or authorizing local
12 government permits of approvals. The department shall establish
13 procedures for ensuring that such remedial actions comply with the
14 substantive requirements adopted pursuant to such laws, and shall
15 consult with the state agencies and local governments charged with
16 implementing these laws. The procedures shall provide an opportunity
17 for comment by the public and by the state agencies and local
18 governments that would otherwise implement the laws referenced in this
19 section. Nothing in this section is intended to prohibit implementing
20 agencies from charging a fee to the person conducting the remedial
21 action to defray the costs of services rendered relating to the
22 substantive requirements for the remedial action.

23 (2) An exemption in this section or in RCW 70.94.335, 70.95.270,
24 70.105.116, (~~(77.55.0307)~~) 90.48.039, and 90.58.355 shall not apply if
25 the department determines that the exemption would result in loss of
26 approval from a federal agency necessary for the state to administer
27 any federal law, including the federal resource conservation and
28 recovery act, the federal clean water act, the federal clean air act,
29 and the federal coastal zone management act. Such a determination by
30 the department shall not affect the applicability of the exemptions to
31 other statutes specified in this section.

32 **Sec. 5.** RCW 76.09.030 and 2008 c 46 s 1 are each amended to read
33 as follows:

34 (1) There is hereby created the forest practices board of the state
35 of Washington as an agency of state government consisting of members as
36 follows:

1 (a) The commissioner of public lands or the commissioner's
2 designee;

3 (b) The director of the department of (~~community, trade, and~~
4 ~~economic development~~) commerce or the director's designee;

5 (c) The director of the department of agriculture or the director's
6 designee;

7 (d) The director of the department of ecology or the director's
8 designee;

9 (e) The director of the department of fish and wildlife or the
10 director's designee;

11 (f) An elected member of a county legislative authority appointed
12 by the governor: PROVIDED, That such member's service on the board
13 shall be conditioned on the member's continued service as an elected
14 county official;

15 (g) One member representing a timber products union, appointed by
16 the governor from a list of three names submitted by a timber labor
17 coalition affiliated with a statewide labor organization that
18 represents a majority of the timber product unions in the state; and

19 (h) Six members of the general public appointed by the governor,
20 one of whom shall be a small forest landowner who actively manages his
21 or her land, and one of whom shall be an independent logging
22 contractor.

23 ~~(2) ((The director of the department of fish and wildlife's service~~
24 ~~on the board may be terminated two years after August 18, 1999, if the~~
25 ~~legislature finds that after two years the department has not made~~
26 ~~substantial progress toward integrating the laws, rules, and programs~~
27 ~~governing forest practices, chapter 76.09 RCW, and the laws, rules, and~~
28 ~~programs governing hydraulic projects, chapter 77.55 RCW. Such a~~
29 ~~finding shall be based solely on whether the department of fish and~~
30 ~~wildlife makes substantial progress as defined in this subsection, and~~
31 ~~will not be based on other actions taken as a member of the board.~~
32 ~~Substantial progress shall include recommendations to the legislature~~
33 ~~for closer integration of the existing rule-making authorities of the~~
34 ~~board and the department of fish and wildlife, and closer integration~~
35 ~~of the forest practices and hydraulics permitting processes, including~~
36 ~~exploring the potential for a consolidated permitting process. These~~
37 ~~recommendations shall be designed to resolve problems currently~~
38 ~~associated with the existing dual regulatory and permitting processes.~~

1 ~~(3)~~) The members of the initial board appointed by the governor
2 shall be appointed so that the term of one member shall expire December
3 31, 1975, the term of one member shall expire December 31, 1976, the
4 term of one member shall expire December 31, 1977, the terms of two
5 members shall expire December 31, 1978, and the terms of two members
6 shall expire December 31, 1979. Thereafter, each member shall be
7 appointed for a term of four years. Vacancies on the board shall be
8 filled in the same manner as the original appointments. Each member of
9 the board shall continue in office until his or her successor is
10 appointed and qualified. The commissioner of public lands or the
11 commissioner's designee shall be the chair of the board.

12 ~~((4))~~ (3) The board shall meet at such times and places as shall
13 be designated by the chair or upon the written request of the majority
14 of the board. The principal office of the board shall be at the state
15 capital.

16 ~~((5))~~ (4) Members of the board, except public employees and
17 elected officials, shall be compensated in accordance with RCW
18 43.03.250. Each member shall be entitled to reimbursement for travel
19 expenses incurred in the performance of their duties as provided in RCW
20 43.03.050 and 43.03.060.

21 ~~((6))~~ (5) The board may employ such clerical help and staff
22 pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

23 **Sec. 6.** RCW 89.08.470 and 2003 c 39 s 47 are each amended to read
24 as follows:

25 ~~((1))~~ By January 1, 1996, the Washington conservation commission
26 shall develop, in consultation with other state agencies, tribes, and
27 local governments, a consolidated application process for permits for
28 a watershed restoration project developed by an agency or sponsored by
29 an agency on behalf of a volunteer organization. The consolidated
30 process shall include a single permit application form for use by all
31 responsible state and local agencies. The commission shall encourage
32 use of the consolidated permit application process by any federal
33 agency responsible for issuance of related permits. The permit
34 application forms to be consolidated shall include, at a minimum,
35 applications for: ~~((a))~~ (1) Approvals related to water quality
36 standards under chapter 90.48 RCW; ~~((b) hydraulic project approvals~~

1 under chapter 77.55 RCW;) and ((+e)) (2) section 401 water quality
2 certifications under 33 U.S.C. Sec. 1341 and chapter 90.48 RCW.

3 ~~((2) If a watershed restoration project is also a fish habitat
4 enhancement project that meets the criteria of RCW 77.55.290(1), the
5 project sponsor shall instead follow the permit review and approval
6 process established in RCW 77.55.290 with regard to state and local
7 government permitting requirements. The sponsor shall so notify state
8 and local permitting authorities.))~~

9 **Sec. 7.** RCW 90.48.310 and 2007 c 30 s 1 are each amended to read
10 as follows:

11 (1) Notwithstanding any other provisions of this chapter, the
12 application of barley straw to waters of the state for the purposes of
13 water clarification does not require a state waste discharge permit as
14 long as the following provisions are met:

15 (a) The barley straw is applied at a rate of up to two hundred
16 twenty-five pounds per acre of surface water;

17 (b) Whole bales or tightly packed straw are not used. Straw must
18 be loosely packed in nylon or mesh bags;

19 (c) Bags of straw are placed where control is desired, such as
20 around docks and swim areas, and around inlets to aid in aeration or
21 mixing;

22 (d) The bags must be staked or anchored in place;

23 (e) Straw is placed in early spring, prior to the growth of algae;
24 and

25 (f) Bags are removed four to six months after placement and must
26 not be left in the water over winter.

27 (2) The placement of barley straw into waters of the state in any
28 other instance is not authorized absent a permit.

29 ~~((3) This section does not alter any permit requirement that may
30 exist under chapter 77.55 RCW.))~~

31 **Sec. 8.** RCW 90.58.147 and 2003 c 39 s 49 are each amended to read
32 as follows:

33 ~~((1))~~ A public or private project that is designed to improve
34 fish or wildlife habitat or fish passage shall be exempt from the
35 substantial development permit requirements of this chapter when all of
36 the following apply:

1 ~~((a))~~ (1) The project has been approved by the department of fish
2 and wildlife; and

3 ~~((b) The project has received hydraulic project approval by the
4 department of fish and wildlife pursuant to chapter 77.55 RCW; and~~

5 ~~(c))~~ (2) The local government has determined that the project is
6 substantially consistent with the local shoreline master program. The
7 local government shall make such determination in a timely manner and
8 provide it by letter to the project proponent.

9 ~~((2) Fish habitat enhancement projects that conform to the
10 provisions of RCW 77.55.290 are determined to be consistent with local
11 shoreline master programs.))~~

12 NEW SECTION. Sec. 9. The following acts or parts of acts are each
13 repealed:

14 (1) RCW 77.55.011 (Definitions) and 2009 c 549 s 1028 & 2005 c 146
15 s 101;

16 (2) RCW 77.55.021 (Permit) and 2008 c 272 s 1 & 2005 c 146 s 201;

17 (3) RCW 77.55.031 (Driving across established ford) and 2005 c 146
18 s 301;

19 (4) RCW 77.55.041 (Derelict fishing gear--Removal) and 2005 c 146
20 s 302 & 2002 c 20 s 4;

21 (5) RCW 77.55.051 (Spartina/purple loosestrife--Removal or control)
22 and 2005 c 146 s 303;

23 (6) RCW 77.55.061 (Hazardous substance remedial actions--Procedural
24 requirements not applicable) and 1994 c 257 s 18;

25 (7) RCW 77.55.081 (Removal or control of aquatic noxious weeds--
26 Rules--Pamphlet) and 2005 c 146 s 401 & 1995 c 255 s 4;

27 (8) RCW 77.55.091 (Small scale prospecting and mining--Rules) and
28 2005 c 146 s 402 & 1997 c 415 s 2;

29 (9) RCW 77.55.101 (Environmental excellence program agreements--
30 Effect on chapter) and 1997 c 381 s 25;

31 (10) RCW 77.55.111 (Habitat incentives agreement) and 2005 c 146 s
32 403, 2001 c 253 s 54, & 1997 c 425 s 4;

33 (11) RCW 77.55.121 (Habitat incentives program--Goal--Requirements
34 of agreement--Application evaluation factors) and 2005 c 146 s 404,
35 2000 c 107 s 229, & 1997 c 425 s 3;

36 (12) RCW 77.55.131 (Dike vegetation management guidelines--

1 Memorandum of agreement) and 2005 c 146 s 405, 2000 c 107 s 18, 1993
2 sp.s. c 2 s 34, & 1991 c 322 s 19;

3 (13) RCW 77.55.141 (Marine beach front protective bulkheads or
4 rockwalls) and 2005 c 146 s 501 & 1991 c 279 s 1;

5 (14) RCW 77.55.151 (Marina or marine terminal) and 2005 c 146 s
6 502, 2002 c 368 s 7, & 1996 c 192 s 2;

7 (15) RCW 77.55.161 (Storm water discharges) and 2005 c 146 s 503 &
8 2002 c 368 s 4;

9 (16) RCW 77.55.171 (Watershed restoration projects--Permit
10 processing) and 2005 c 146 s 504 & 1995 c 378 s 14;

11 (17) RCW 77.55.181 (Fish habitat enhancement project--Permit review
12 and approval process) and 2005 c 146 s 505, 2001 c 253 s 55, & 1998 c
13 249 s 3;

14 (18) RCW 77.55.191 (Columbia river anadromous fish sanctuary--
15 Restrictions) and 2005 c 146 s 506, 1998 c 190 s 89, 1995 1st sp.s. c
16 2 s 27, 1993 sp.s. c 2 s 36, 1988 c 36 s 36, 1985 c 307 s 5, 1983 1st
17 ex.s. c 46 s 76, & 1961 c 4 s 1;

18 (19) RCW 77.55.201 (Landscape management plan) and 2005 c 146 s
19 507;

20 (20) RCW 77.55.211 (Informational brochure) and 2005 c 146 s 406,
21 1993 sp.s. c 2 s 28, & 1991 c 322 s 21;

22 (21) RCW 77.55.221 (Flood damage repair and reduction activities--
23 Five-year maintenance permit agreements) and 2005 c 146 s 508;

24 (22) RCW 77.55.231 (Conditions imposed upon a permit--Reasonably
25 related to project) and 2005 c 146 s 601 & 2002 c 368 s 5;

26 (23) RCW 77.55.241 (Off-site mitigation) and 2005 c 146 s 602 &
27 1996 c 276 s 1;

28 (24) RCW 77.55.251 (Mitigation plan review) and 2005 c 146 s 603,
29 2000 c 107 s 15, & 1997 c 424 s 6;

30 (25) RCW 77.55.261 (Placement of woody debris as condition of
31 permit) and 2005 c 146 s 604, 2000 c 107 s 17, 1993 sp.s. c 2 s 33, &
32 1991 c 322 s 18;

33 (26) RCW 77.55.271 (Sediment dredging or capping actions--Dredging
34 of existing channels and berthing areas--Mitigation not required) and
35 1997 c 424 s 5;

36 (27) RCW 77.55.281 (Fishways on certain agricultural drainage
37 facilities) and 2005 c 146 s 605;

1 (28) RCW 77.55.291 (Civil penalty) and 2005 c 146 s 701, 2000 c 107
2 s 19, 1993 sp.s. c 2 s 35, 1988 c 36 s 35, & 1986 c 173 s 6;

3 (29) RCW 77.55.301 (Hydraulic appeals board--Members--
4 Jurisdiction--Procedures) and 2005 c 146 s 801, 2003 c 393 s 21, 2000
5 c 107 s 20, 1996 c 276 s 2, 1993 sp.s. c 2 s 37, 1989 c 175 s 160, 1988
6 c 272 s 3, 1988 c 36 s 37, & 1986 c 173 s 4;

7 (30) RCW 77.55.311 (Hydraulic appeals board--Procedures) and 2005
8 c 146 s 802, 1995 c 382 s 7, 1989 c 175 s 161, & 1986 c 173 s 5; and

9 (31) RCW 77.15.300 (Unlawful hydraulic project activities--Penalty)
10 and 2000 c 107 s 239 & 1998 c 190 s 52.

11 NEW SECTION. **Sec. 10.** RCW 88.28.070 is decodified.

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