

SHB 1885 - H AMD 178

By Representative Taylor

WITHDRAWN 03/01/2011

1 On page 34, after line 25, insert the following:

2 "NEW SECTION. **Sec. 511.** (1) The legislature finds that the
3 hydraulic project approval process established in chapter 77.55 RCW is
4 one of the oldest environmental permitting processes currently in use
5 at the state level. In 1949, the time of the hydraulic code's initial
6 inception, the hydraulic project approval process was not only an
7 essential and critical tool necessary for the protection of fish life
8 in Washington's waterways, but in many cases it was the only such tool
9 available for the protection of the resource.

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

17 (3) The legislature further finds that although the hydraulic
18 project approval process is the only permitting process that on its
19 face is specifically dedicated to protecting fish life, the importance
20 of the program is minimized by the protection of fish life that occurs
21 naturally as a result of the implementation of all of the other
22 environmental laws and regulations affecting activities located in or
23 near state waters. Even without the hydraulic project approval
24 process, fish life protection would be ensured based on the operation
25 of, to name only a few: The federal and state clean water act; the
26 endangered species act; chapter 77.57 RCW; the shoreline management
27 act; the growth management act and critical area ordinances; the forest
28 practices act and the forest and fish habitat conservation plan; the
29 state environmental policy act; local grading permits and other
30 regulatory authorities; state proprietary discretion in aquatic lands

1 permitting; watershed planning; salmon recovery programs; and the
2 general sense of duty to protect and restore the aquatic environment
3 that all Washingtonians feel is an important part of their natural
4 heritage and is inherent in state resource management.

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

17 (5) The legislature intends with this act to simply remove the
18 hydraulic project approval process responsibilities from the department
19 of fish and wildlife and rely on the government infrastructure and the
20 myriad other environmental programs to provide the vital role of
21 protecting fish life and habitat. This step would not only save the
22 state nearly nine million dollars in general fund moneys each biennium,
23 but it would also allow the department of fish and wildlife to free the
24 resources necessary to pursue its primary management responsibilities
25 under Title 77 RCW. This outcome is far more favorable as a public
26 policy than either continuing to rely on state taxpayers to fund the
27 hydraulic project approval program, charging a fee to applicants for an
28 antiquated and unnecessary program, or investing still more state money
29 into programmatic permits that offer little or no additional
30 protections to fish life yet maintain the misleading façade that the
31 contents of chapter 77.55 RCW are a wise investment for the people of
32 Washington.

33 **Sec. 512.** RCW 34.05.328 and 2010 c 112 s 15 are each amended to
34 read as follows:

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

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

3 (b) Determine that the rule is needed to achieve the general goals
4 and specific objectives stated under (a) of this subsection, and
5 analyze alternatives to rule making and the consequences of not
6 adopting the rule;

7 (c) Provide notification in the notice of proposed rule making
8 under RCW 34.05.320 that a preliminary cost-benefit analysis is
9 available. The preliminary cost-benefit analysis must fulfill the
10 requirements of the cost-benefit analysis under (d) of this subsection.
11 If the agency files a supplemental notice under RCW 34.05.340, the
12 supplemental notice shall include notification that a revised
13 preliminary cost-benefit analysis is available. A final cost-benefit
14 analysis shall be available when the rule is adopted under RCW
15 34.05.360;

16 (d) Determine that the probable benefits of the rule are greater
17 than its probable costs, taking into account both the qualitative and
18 quantitative benefits and costs and the specific directives of the
19 statute being implemented;

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

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

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

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

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

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

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

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

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

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

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

15 (c) Promote and assist voluntary compliance; and

16 (d) Evaluate whether the rule achieves the purpose for which it was
17 adopted, including, to the maximum extent practicable, the use of
18 interim milestones to assess progress and the use of objectively
19 measurable outcomes.

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

24 (a) Coordinate implementation and enforcement of the rule with the
25 other federal and state entities regulating the same activity or
26 subject matter by making every effort to do one or more of the
27 following:

28 (i) Deferring to the other entity;

29 (ii) Designating a lead agency; or

30 (iii) Entering into an agreement with the other entities specifying
31 how the agency and entities will coordinate implementation and
32 enforcement.

33 If the agency is unable to comply with this subsection (4)(a), the
34 agency shall report to the legislature pursuant to (b) of this
35 subsection;

36 (b) Report to the joint administrative rules review committee:

37 (i) The existence of any overlap or duplication of other federal or

1 state laws, any differences from federal law, and any known overlap,
2 duplication, or conflict with local laws; and

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

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

8 (i) Significant legislative rules of the departments of ecology,
9 labor and industries, health, revenue, social and health services, and
10 natural resources, the employment security department, the forest
11 practices board, and the office of the insurance commissioner(~~(, and to~~
12 ~~the legislative rules of the department of fish and wildlife~~
13 ~~implementing chapter 77.55 RCW))); and~~

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

19 (b) This section does not apply to:

20 (i) Emergency rules adopted under RCW 34.05.350;

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

23 (iii) Rules adopting or incorporating by reference without material
24 change federal statutes or regulations, Washington state statutes,
25 rules of other Washington state agencies, shoreline master programs
26 other than those programs governing shorelines of statewide
27 significance, or, as referenced by Washington state law, national
28 consensus codes that generally establish industry standards, if the
29 material adopted or incorporated regulates the same subject matter and
30 conduct as the adopting or incorporating rule;

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

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

36 (vi) Rules that set or adjust fees or rates pursuant to legislative
37 standards;

1 (vii) Rules of the department of social and health services
2 relating only to client medical or financial eligibility and rules
3 concerning liability for care of dependents; or

4 (viii) Rules of the department of revenue that adopt a uniform
5 expiration date for reseller permits as authorized in RCW 82.32.780 and
6 82.32.783.

7 (c) For purposes of this subsection:

8 (i) A "procedural rule" is a rule that adopts, amends, or repeals
9 (A) any procedure, practice, or requirement relating to any agency
10 hearings; (B) any filing or related process requirement for making
11 application to an agency for a license or permit; or (C) any policy
12 statement pertaining to the consistent internal operations of an
13 agency.

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

17 (iii) A "significant legislative rule" is a rule other than a
18 procedural or interpretive rule that (A) adopts substantive provisions
19 of law pursuant to delegated legislative authority, the violation of
20 which subjects a violator of such rule to a penalty or sanction; (B)
21 establishes, alters, or revokes any qualification or standard for the
22 issuance, suspension, or revocation of a license or permit; or (C)
23 adopts a new, or makes significant amendments to, a policy or
24 regulatory program.

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

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

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

1 (b) The costs incurred by state agencies in complying with this
2 section;

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

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

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

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

12 **Sec. 513.** RCW 43.21K.010 and 2003 c 39 s 25 are each amended to
13 read as follows:

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

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

19 (2) "Coordinating agency" means the state, regional, or local
20 agency with the primary regulatory responsibility for the proposed
21 environmental excellence program agreement. If multiple agencies have
22 jurisdiction to administer state environmental laws affected by an
23 environmental excellence agreement, the department of ecology shall
24 designate or act as the coordinating agency.

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

29 (4) "Environmental laws" means chapters 43.21A, 70.94, 70.95,
30 70.105, 70.119A, (~~77.55,~~) 90.48, 90.52, 90.58, 90.64, and 90.71 RCW,
31 and RCW 90.54.020(3)(b) and rules adopted under those chapters and
32 section. The term environmental laws as used in this chapter does not
33 include any provision of the Revised Code of Washington, or of any
34 municipal ordinance or enactment, that regulates the selection of a
35 location for a new facility.

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

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

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

8 (8) "Stakeholder" means a person who has a direct interest in the
9 proposed environmental excellence program agreement or who represents
10 a public interest in the proposed environmental excellence program
11 agreement. Stakeholders may include communities near the project,
12 local or state governments, permittees, businesses, environmental and
13 other public interest groups, employees or employee representatives, or
14 other persons.

15 **Sec. 514.** RCW 70.105D.090 and 2003 c 39 s 30 are each amended to
16 read as follows:

17 (1) A person conducting a remedial action at a facility under a
18 consent decree, order, or agreed order, and the department when it
19 conducts a remedial action, are exempt from the procedural requirements
20 of chapters 70.94, 70.95, 70.105, (~~77.557~~) 90.48, and 90.58 RCW, and
21 the procedural requirements of any laws requiring or authorizing local
22 government permits or approvals for the remedial action. The
23 department shall ensure compliance with the substantive provisions of
24 chapters 70.94, 70.95, 70.105, (~~77.557~~) 90.48, and 90.58 RCW, and the
25 substantive provisions of any laws requiring or authorizing local
26 government permits of approvals. The department shall establish
27 procedures for ensuring that such remedial actions comply with the
28 substantive requirements adopted pursuant to such laws, and shall
29 consult with the state agencies and local governments charged with
30 implementing these laws. The procedures shall provide an opportunity
31 for comment by the public and by the state agencies and local
32 governments that would otherwise implement the laws referenced in this
33 section. Nothing in this section is intended to prohibit implementing
34 agencies from charging a fee to the person conducting the remedial
35 action to defray the costs of services rendered relating to the
36 substantive requirements for the remedial action.

1 (2) An exemption in this section or in RCW 70.94.335, 70.95.270,
2 70.105.116, (~~(77.55.030,)~~) 90.48.039, and 90.58.355 shall not apply if
3 the department determines that the exemption would result in loss of
4 approval from a federal agency necessary for the state to administer
5 any federal law, including the federal resource conservation and
6 recovery act, the federal clean water act, the federal clean air act,
7 and the federal coastal zone management act. Such a determination by
8 the department shall not affect the applicability of the exemptions to
9 other statutes specified in this section.

10 **Sec. 515.** RCW 76.09.030 and 2008 c 46 s 1 are each amended to read
11 as follows:

12 (1) There is hereby created the forest practices board of the state
13 of Washington as an agency of state government consisting of members as
14 follows:

15 (a) The commissioner of public lands or the commissioner's
16 designee;

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

19 (c) The director of the department of agriculture or the director's
20 designee;

21 (d) The director of the department of ecology or the director's
22 designee;

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

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

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

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

1 (2) (~~The director of the department of fish and wildlife's service~~
2 ~~on the board may be terminated two years after August 18, 1999, if the~~
3 ~~legislature finds that after two years the department has not made~~
4 ~~substantial progress toward integrating the laws, rules, and programs~~
5 ~~governing forest practices, chapter 76.09 RCW, and the laws, rules, and~~
6 ~~programs governing hydraulic projects, chapter 77.55 RCW. Such a~~
7 ~~finding shall be based solely on whether the department of fish and~~
8 ~~wildlife makes substantial progress as defined in this subsection, and~~
9 ~~will not be based on other actions taken as a member of the board.~~
10 ~~Substantial progress shall include recommendations to the legislature~~
11 ~~for closer integration of the existing rule-making authorities of the~~
12 ~~board and the department of fish and wildlife, and closer integration~~
13 ~~of the forest practices and hydraulics permitting processes, including~~
14 ~~exploring the potential for a consolidated permitting process. These~~
15 ~~recommendations shall be designed to resolve problems currently~~
16 ~~associated with the existing dual regulatory and permitting processes.~~

17 ~~(3))~~ The members of the initial board appointed by the governor
18 shall be appointed so that the term of one member shall expire December
19 31, 1975, the term of one member shall expire December 31, 1976, the
20 term of one member shall expire December 31, 1977, the terms of two
21 members shall expire December 31, 1978, and the terms of two members
22 shall expire December 31, 1979. Thereafter, each member shall be
23 appointed for a term of four years. Vacancies on the board shall be
24 filled in the same manner as the original appointments. Each member of
25 the board shall continue in office until his or her successor is
26 appointed and qualified. The commissioner of public lands or the
27 commissioner's designee shall be the chair of the board.

28 ~~((4))~~ (3) The board shall meet at such times and places as shall
29 be designated by the chair or upon the written request of the majority
30 of the board. The principal office of the board shall be at the state
31 capital.

32 ~~((5))~~ (4) Members of the board, except public employees and
33 elected officials, shall be compensated in accordance with RCW
34 43.03.250. Each member shall be entitled to reimbursement for travel
35 expenses incurred in the performance of their duties as provided in RCW
36 43.03.050 and 43.03.060.

37 ~~((6))~~ (5) The board may employ such clerical help and staff
38 pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

1 **Sec. 516.** RCW 89.08.470 and 2003 c 39 s 47 are each amended to
2 read as follows:

3 ~~((1))~~ By January 1, 1996, the Washington conservation commission
4 shall develop, in consultation with other state agencies, tribes, and
5 local governments, a consolidated application process for permits for
6 a watershed restoration project developed by an agency or sponsored by
7 an agency on behalf of a volunteer organization. The consolidated
8 process shall include a single permit application form for use by all
9 responsible state and local agencies. The commission shall encourage
10 use of the consolidated permit application process by any federal
11 agency responsible for issuance of related permits. The permit
12 application forms to be consolidated shall include, at a minimum,
13 applications for: ~~((a))~~ (1) Approvals related to water quality
14 standards under chapter 90.48 RCW; ~~((b) hydraulic project approvals~~
15 ~~under chapter 77.55 RCW;))~~ and ~~((c))~~ (2) section 401 water quality
16 certifications under 33 U.S.C. Sec. 1341 and chapter 90.48 RCW.

17 ~~((2) If a watershed restoration project is also a fish habitat~~
18 ~~enhancement project that meets the criteria of RCW 77.55.290(1), the~~
19 ~~project sponsor shall instead follow the permit review and approval~~
20 ~~process established in RCW 77.55.290 with regard to state and local~~
21 ~~government permitting requirements. The sponsor shall so notify state~~
22 ~~and local permitting authorities.))~~

23 **Sec. 517.** RCW 90.48.310 and 2007 c 30 s 1 are each amended to read
24 as follows:

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

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

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

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

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

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

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

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

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

9 **Sec. 518.** RCW 90.58.147 and 2003 c 39 s 49 are each amended to
10 read as follows:

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

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

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

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

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

26 NEW SECTION. **Sec. 519.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 77.55.011 (Definitions) and 2010 c 210 s 26, 2009 c 549 s
29 1028, & 2005 c 146 s 101;

30 (2) RCW 77.55.021 (Permit) and 2010 c 210 s 27, 2008 c 272 s 1, &
31 2005 c 146 s 201;

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

34 (4) RCW 77.55.041 (Derelict fishing, crab, and other shellfish
35 gear--Removal) and 2010 c 193 s 10, 2005 c 146 s 302, & 2002 c 20 s 4;

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

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

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

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

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

11 (10) RCW 77.55.111 (Habitat incentives agreement) and 2005 c 146 s
12 403, 2001 c 253 s 54, & 1997 c 425 s 4;

13 (11) RCW 77.55.121 (Habitat incentives program--Goal--Requirements
14 of agreement--Application evaluation factors) and 2005 c 146 s 404,
15 2000 c 107 s 229, & 1997 c 425 s 3;

16 (12) RCW 77.55.131 (Dike vegetation management guidelines--
17 Memorandum of agreement) and 2005 c 146 s 405, 2000 c 107 s 18, 1993
18 sp.s. c 2 s 34, & 1991 c 322 s 19;

19 (13) RCW 77.55.141 (Marine beach front protective bulkheads or
20 rockwalls) and 2010 c 210 s 28, 2005 c 146 s 501, & 1991 c 279 s 1;

21 (14) RCW 77.55.151 (Marina or marine terminal) and 2005 c 146 s
22 502, 2002 c 368 s 7, & 1996 c 192 s 2;

23 (15) RCW 77.55.161 (Storm water discharges) and 2005 c 146 s 503 &
24 2002 c 368 s 4;

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

27 (17) RCW 77.55.181 (Fish habitat enhancement project--Permit review
28 and approval process) and 2010 c 210 s 29, 2005 c 146 s 505, 2001 c 253
29 s 55, & 1998 c 249 s 3;

30 (18) RCW 77.55.191 (Columbia river anadromous fish sanctuary--
31 Restrictions) and 2005 c 146 s 506, 1998 c 190 s 89, 1995 1st sp.s. c
32 2 s 27, 1993 sp.s. c 2 s 36, 1988 c 36 s 36, 1985 c 307 s 5, 1983 1st
33 ex.s. c 46 s 76, & 1961 c 4 s 1;

34 (19) RCW 77.55.201 (Landscape management plan) and 2005 c 146 s
35 507;

36 (20) RCW 77.55.211 (Informational brochure) and 2005 c 146 s 406,
37 1993 sp.s. c 2 s 28, & 1991 c 322 s 21;

- 1 (21) RCW 77.55.221 (Flood damage repair and reduction activities--
2 Five-year maintenance permit agreements) and 2005 c 146 s 508;
3 (22) RCW 77.55.231 (Conditions imposed upon a permit--Reasonably
4 related to project) and 2005 c 146 s 601 & 2002 c 368 s 5;
5 (23) RCW 77.55.241 (Off-site mitigation) and 2010 c 210 s 30, 2005
6 c 146 s 602, & 1996 c 276 s 1;
7 (24) RCW 77.55.251 (Mitigation plan review) and 2005 c 146 s 603,
8 2000 c 107 s 15, & 1997 c 424 s 6;
9 (25) RCW 77.55.261 (Placement of woody debris as condition of
10 permit) and 2005 c 146 s 604, 2000 c 107 s 17, 1993 sp.s. c 2 s 33, &
11 1991 c 322 s 18;
12 (26) RCW 77.55.271 (Sediment dredging or capping actions--Dredging
13 of existing channels and berthing areas--Mitigation not required) and
14 1997 c 424 s 5;
15 (27) RCW 77.55.281 (Fishways on certain agricultural drainage
16 facilities) and 2005 c 146 s 605;
17 (28) RCW 77.55.291 (Civil penalty) and 2010 c 210 s 31, 2005 c 146
18 s 701, 2000 c 107 s 19, 1993 sp.s. c 2 s 35, 1988 c 36 s 35, & 1986 c
19 173 s 6; and
20 (29) RCW 77.15.300 (Unlawful hydraulic project activities--Penalty)
21 and 2000 c 107 s 239 & 1998 c 190 s 52.

22 NEW SECTION. **Sec. 520.** RCW 88.28.070 is decodified."

23 Renumber the remaining section in Part 5 consecutively, correct any
24 internal references accordingly, and correct the title.

EFFECT: Repeals all requirements of the department of fish and
wildlife's hydraulic project approval program.

--- END ---