

2SHB 1579 - S COMM AMD

By Committee on Agriculture, Water, Natural Resources & Parks

OUT OF ORDER 04/10/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the
4 population of southern resident killer whales has declined in recent
5 years and currently stands at a thirty-year low of seventy-four
6 animals.

7 (2) The governor convened the southern resident killer whale task
8 force after the 2018 legislative session to study and identify
9 actions that could be taken to help sustain and recover this
10 important species. In the course of its work, the task force found
11 that chinook salmon compose the largest portion of the whales' diet,
12 and are therefore critical to the recovery of the species. Further,
13 several runs of chinook salmon in Washington state are listed under
14 the federal endangered species act, making chinook recovery all the
15 more urgent.

16 (3) The task force identified four overarching southern resident
17 killer whale recovery goals and adopted several recommendations for
18 specific actions under each goal. Goal one identified by the task
19 force is to increase chinook abundance, and actions under that goal
20 relate to habitat protection, protection of chinook prey, such as
21 forage fish, and reducing impacts of nonnative chinook predators.

22 (4) To address the need identified by the task force to increase
23 chinook abundance, the legislature intends to take initial, important
24 steps consistent with recommendations made by the governor's southern
25 resident killer whale task force.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.08
27 RCW to read as follows:

28 The commission shall adopt rules to liberalize bag limits for
29 bass, walleye, and channel catfish in all anadromous waters of the
30 state in order to reduce the predation risk to salmon smolts.

1 **Sec. 3.** RCW 77.32.010 and 2014 c 48 s 26 are each amended to
2 read as follows:

3 (1) Except as otherwise provided in this chapter or department
4 rule, a recreational license issued by the director is required to
5 hunt, fish, or take wildlife or seaweed. A recreational fishing or
6 shellfish license is not required for carp, freshwater smelt, and
7 crawfish, and a hunting license is not required for bullfrogs.

8 (2) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or
9 79A.80.040 is required to park or operate a motor vehicle on a
10 recreation site or lands, as defined in RCW 79A.80.010.

11 (3) The commission may, by rule, indicate that a fishing permit
12 issued to a nontribal member by the Colville Tribes shall satisfy the
13 license requirements in subsection (1) of this section on the waters
14 of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and
15 that a Colville Tribes tribal member identification card shall
16 satisfy the license requirements in subsection (1) of this section on
17 all waters of Lake Rufus Woods.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.55
19 RCW to read as follows:

20 (1) A person proposing construction or other work landward of the
21 ordinary high water line that will use, divert, obstruct, or change
22 the natural flow or bed of state waters shall submit a permit
23 application to the department. However, if a person is unsure about
24 whether the work requires a permit, they may request a preapplication
25 determination from the department. The department must evaluate the
26 proposed work and determine if the work is a hydraulic project and,
27 if so, whether a permit from the department is required to ensure
28 adequate protection of fish life.

29 (2) The preapplication determination request must be submitted
30 through the department's online permitting system and must contain:

31 (a) A description of the proposed project;

32 (b) A map showing the location of the project site; and

33 (c) Preliminary plans and specifications of the proposed
34 construction or work, if available.

35 (3) The department shall provide tribes and local governments a
36 seven calendar day review and comment period. The department shall
37 consider all applicable written comments received before issuing a
38 determination.

1 (4) The department shall issue a written determination, including
2 the rationale for the decision, within twenty-one calendar days of
3 receiving the request.

4 (5) Determinations made according to the provisions of this
5 section are not subject to the requirements of chapter 43.21C RCW.

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

8 (1) When the department determines that a violation of this
9 chapter, or of any of the rules that implement this chapter, has
10 occurred or is about to occur, it shall first attempt to achieve
11 voluntary compliance. The department shall offer information and
12 technical assistance to the project proponent, identifying one or
13 more means to accomplish the project proponent's purposes within the
14 framework of the law. The department shall provide a reasonable
15 timeline to achieve voluntary compliance that takes into
16 consideration factors specific to the violation, such as the
17 complexity of the hydraulic project, the actual or potential harm to
18 fish life or fish habitat, and the environmental conditions at the
19 time.

20 (2) If a person violates this chapter, or any of the rules that
21 implement this chapter, or deviates from a permit, the department may
22 issue a notice of correction in accordance with chapter 43.05 RCW, a
23 notice of violation in accordance with chapter 43.05 RCW, a stop work
24 order, a notice to comply, or a notice of civil penalty as authorized
25 by law and subject to chapter 43.05 RCW and RCW 34.05.110.

26 (3) For purposes of this section, the term "project proponent"
27 means a person who has applied for a hydraulic project approval, a
28 person identified as an authorized agent on an application for a
29 hydraulic project approval, a person who has obtained a hydraulic
30 project approval, or a person who undertakes a hydraulic project
31 without a hydraulic project approval.

32 (4) This section does not apply to a project, or to that portion
33 of a project, that has received a forest practices hydraulic project
34 permit from the department of natural resources pursuant to chapter
35 76.09 RCW.

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

1 (1) The department may serve upon a project proponent a stop work
2 order, which is a final order of the department, if:

3 (a) There is any severe violation of this chapter or of the rules
4 implementing this chapter or there is a deviation from the hydraulic
5 project approval that may cause significant harm to fish life; and

6 (b) Immediate action is necessary to prevent continuation of or
7 to avoid more than minor harm to fish life or fish habitat.

8 (2) (a) The stop work order must set forth:

9 (i) A description of the condition that is not in compliance and
10 the text of the specific section or subsection of this chapter or the
11 rules that implement this chapter;

12 (ii) A statement of what is required to achieve compliance;

13 (iii) The date by which the department requires compliance;

14 (iv) Notice of the means to contact any technical assistance
15 services provided by the department or others;

16 (v) Notice of when, where, and to whom the request to extend the
17 time to achieve compliance for good cause may be filed with the
18 department; and

19 (vi) The right to an appeal.

20 (b) A stop work order may require that any project proponent stop
21 all work connected with the violation until corrective action is
22 taken. A stop work order may also require that any project proponent
23 take corrective action to prevent, correct, or compensate for adverse
24 impacts to fish life and fish habitat.

25 (c) A stop work order must be authorized by senior or executive
26 department personnel. The department shall initiate rule making to
27 identify the appropriate level of senior and executive level staff
28 approval for these actions based on the level of financial effect on
29 the violator and the scope and scale of the impact to fish life and
30 habitat.

31 (3) Within five business days of issuing the stop work order, the
32 department shall mail a copy of the stop work order to the last known
33 address of any project proponent, to the last known address of the
34 owner of the land on which the hydraulic project is located, and to
35 the local jurisdiction in which the hydraulic project is located.
36 Substantial compliance with these mailing requirements is deemed
37 satisfactory compliance with this subsection. For purposes of this
38 subsection, "substantial compliance" means mailing to the last known
39 address of the owner of the land on which the hydraulic project is
40 located, to the local jurisdiction in which the hydraulic project is

1 located, and to the last known address of any project proponent who
2 has applied for a hydraulic project approval, who is identified as an
3 authorized agent on an application for a hydraulic project approval,
4 or who has obtained a hydraulic project approval.

5 (4) Issuance of a stop work order may be informally appealed by a
6 project proponent who was served with the stop work order or who
7 received a copy of the stop work order from the department, or by the
8 owner of the land on which the hydraulic project is located, to the
9 department within thirty days from the date of receipt of the stop
10 work order. Requests for informal appeal must be filed in the form
11 and manner prescribed by the department by rule. A stop work order
12 that has been informally appealed to the department is appealable to
13 the board within thirty days from the date of receipt of the
14 department's decision on the informal appeal.

15 (5) The project proponent who was served with the stop work order
16 or who received a copy of the stop work order from the department, or
17 the owner of the land on which the hydraulic project is located, may
18 commence an appeal to the board within thirty days from the date of
19 receipt of the stop work order. If such an appeal is commenced, the
20 proceeding is an adjudicative proceeding under the administrative
21 procedure act, chapter 34.05 RCW. The recipient of the stop work
22 order must comply with the order of the department immediately upon
23 being served, but the board may stay, modify, or discontinue the
24 order, upon motion, under such conditions as the board may impose.

25 (6) This section does not apply to a project, or to that portion
26 of a project, that has received a forest practices hydraulic project
27 permit from the department of natural resources pursuant to chapter
28 76.09 RCW.

29 (7) For the purposes of this section, "project proponent" has the
30 same meaning as defined in section 5(3) of this act.

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 77.55
32 RCW to read as follows:

33 (1)(a) If a violation of this chapter or of the rules
34 implementing this chapter, a deviation from the hydraulic project
35 approval, damage to fish life or fish habitat, or potential damage to
36 fish life or fish habitat, has occurred and the department determines
37 that a stop work order is unnecessary, the department may issue and
38 serve upon a project proponent a notice to comply, which must clearly
39 set forth:

1 (i) A description of the condition that is not in compliance and
2 the text of the specific section or subsection of this chapter or the
3 rules that implement this chapter;

4 (ii) A statement of what is required to achieve compliance;

5 (iii) The date by which the department requires compliance to be
6 achieved;

7 (iv) Notice of the means to contact any technical assistance
8 services provided by the department or others;

9 (v) Notice of when, where, and to whom a request to extend the
10 time to achieve compliance for good cause may be filed with the
11 department; and

12 (vi) The right to an appeal.

13 (b) The notice to comply may require that any project proponent
14 take corrective action to prevent, correct, or compensate for adverse
15 impacts to fish life or fish habitat.

16 (2) Within five business days of issuing the notice to comply,
17 the department shall mail a copy of the notice to comply to the last
18 known address of any project proponent, to the last known address of
19 the owner of the land on which the hydraulic project is located, and
20 to the local jurisdiction in which the hydraulic project is located.
21 Substantial compliance with these mailing requirements is deemed
22 satisfactory compliance with this subsection. For purposes of this
23 subsection, "substantial compliance" means mailing to the last known
24 address of the owner of the land on which the hydraulic project is
25 located, to the local jurisdiction in which the hydraulic project is
26 located, and to the last known address of any project proponent who
27 has applied for a hydraulic project approval, who is identified as an
28 authorized agent on an application for a hydraulic project approval,
29 or who has obtained a hydraulic project approval.

30 (3) Issuance of a notice to comply may be informally appealed by
31 a project proponent who was served with the notice to comply or who
32 received a copy of the notice to comply from the department, or by
33 the owner of the land on which the hydraulic project is located, to
34 the department within thirty days from the date of receipt of the
35 notice to comply. Requests for informal appeal must be filed in the
36 form and manner prescribed by the department by rule. A notice to
37 comply that has been informally appealed to the department is
38 appealable to the board within thirty days from the date of receipt
39 of the department's decision on the informal appeal.

1 (4) The project proponent who was served with the notice to
2 comply, the project proponent who received a copy of the notice to
3 comply from the department, or the owner of the land on which the
4 hydraulic project is located may commence an appeal to the board
5 within thirty days from the date of receipt of the notice to comply.
6 If such an appeal is commenced, the proceeding is an adjudicative
7 proceeding under the administrative procedure act, chapter 34.05 RCW.
8 The recipient of the notice to comply must comply with the notice to
9 comply immediately upon being served, but the board may stay, modify,
10 or discontinue the notice to comply, upon motion, under such
11 conditions as the board may impose.

12 (5) This section does not apply to a project, or to that portion
13 of a project, that has received a forest practices hydraulic project
14 permit from the department of natural resources pursuant to chapter
15 76.09 RCW.

16 (6) For the purposes of this section, "project proponent" has the
17 same meaning as defined in section 5(3) of this act.

18 NEW SECTION. **Sec. 8.** A new section is added to chapter 77.55
19 RCW to read as follows:

20 (1)(a) If section 13 of this act is enacted into law by June 30,
21 2019, the department may levy civil penalties of up to ten thousand
22 dollars for every violation of this chapter or of the rules that
23 implement this chapter. If section 13 of this act is not enacted into
24 law by June 30, 2019, the department may levy civil penalties of up
25 to one hundred dollars for every violation of this chapter or of the
26 rules that implement this chapter. Each and every violation is a
27 separate and distinct civil offense.

28 (b) Penalties must be authorized by senior or executive
29 department personnel. The department shall initiate rule making to
30 identify the appropriate level of senior and executive level staff
31 approval for these actions based on the level of financial effect on
32 the violator and the scope and scale of the impact to fish life and
33 habitat.

34 (2) The penalty provided must be imposed by notice in writing by
35 the department, provided either by certified mail or by personal
36 service, to the person incurring the penalty and to the local
37 jurisdiction in which the hydraulic project is located, describing
38 the violation. The civil penalty notice must set forth:

39 (a) The basis for the penalty;

1 (b) The amount of the penalty; and

2 (c) The right of the person incurring the penalty to appeal the
3 civil penalty.

4 (3) (a) Except as provided in (b) of this subsection, any person
5 incurring any penalty under this chapter may appeal the penalty to
6 the board pursuant to chapter 34.05 RCW. Appeals must be filed within
7 thirty days from the date of receipt of the notice of civil penalty
8 in accordance with RCW 43.21B.230.

9 (b) Issuance of a civil penalty may be informally appealed by the
10 person incurring the penalty to the department within thirty days
11 from the date of receipt of the notice of civil penalty. Requests for
12 informal appeal must be filed in the form and manner prescribed by
13 the department by rule. A civil penalty that has been informally
14 appealed to the department is appealable to the board within thirty
15 days from the date of receipt of the department's decision on the
16 informal appeal.

17 (4) The penalty imposed becomes due and payable thirty days after
18 receipt of a notice imposing the penalty unless an appeal is filed.
19 Whenever an appeal of any penalty incurred under this chapter is
20 filed, the penalty becomes due and payable only upon completion of
21 all review proceedings and the issuance of a final order confirming
22 the penalty in whole or in part. When the penalty becomes past due,
23 it is also subject to interest at the rate allowed by RCW 43.17.240
24 for debts owed to the state.

25 (5) If the amount of any penalty is not paid within thirty days
26 after it becomes due and payable, the attorney general, upon the
27 request of the director, shall bring an action in the name of the
28 state of Washington in the superior court of Thurston county or of
29 the county in which such a violation occurred, to recover the
30 penalty. In all such actions, the rules of civil procedures and the
31 rules of evidence are the same as in an ordinary civil action. The
32 department is also entitled to recover reasonable attorneys' fees and
33 costs incurred in connection with the penalty recovered under this
34 section. All civil penalties received or recovered by state agency
35 action for violations as prescribed in subsection (1) of this section
36 must be deposited into the state's general fund. The department is
37 authorized to retain any attorneys' fees and costs it may be awarded
38 in connection with an action brought to recover a civil penalty
39 issued pursuant to this section.

1 (6) The department shall adopt by rule a penalty schedule to be
2 effective by January 1, 2020. The penalty schedule must be developed
3 in consideration of the following:

4 (a) Previous violation history;

5 (b) Severity of the impact on fish life and fish habitat;

6 (c) Whether the violation of this chapter or of its rules was
7 intentional;

8 (d) Cooperation with the department;

9 (e) Reparability of any adverse effects resulting from the
10 violation; and

11 (f) The extent to which a penalty to be imposed on a person for a
12 violation committed by another should be reduced if the person was
13 unaware of the violation and has not received a substantial economic
14 benefit from the violation.

15 (7) This section does not apply to a project, or to that portion
16 of a project, that has received a forest practices hydraulic project
17 permit from the department of natural resources pursuant to chapter
18 76.09 RCW.

19 NEW SECTION. **Sec. 9.** A new section is added to chapter 77.55
20 RCW to read as follows:

21 (1) The department may apply for an administrative inspection
22 warrant in either Thurston county superior court or the superior
23 court in the county in which the hydraulic project is located. The
24 court may issue an administrative inspection warrant where:

25 (a) Department personnel need to inspect the hydraulic project
26 site to ensure compliance with this chapter or with rules adopted to
27 implement this chapter; or

28 (b) Department personnel have probable cause to believe that a
29 violation of this chapter or of the rules that implement this chapter
30 is occurring or has occurred.

31 (2) This section does not apply to a project, or to that portion
32 of a project, that has received a forest practices hydraulic project
33 permit from the department of natural resources pursuant to chapter
34 76.09 RCW.

35 NEW SECTION. **Sec. 10.** A new section is added to chapter 77.55
36 RCW to read as follows:

37 (1) The department may disapprove an application for hydraulic
38 project approval submitted by a person who has failed to comply with

1 a final order issued pursuant to section 6 or 7 of this act or who
2 has failed to pay civil penalties issued pursuant to section 8 of
3 this act. Applications may be disapproved for up to one year from the
4 issuance of a notice of intent to disapprove applications under this
5 section, or until all outstanding civil penalties are paid and all
6 outstanding notices to comply and stop work orders are complied with,
7 whichever is longer.

8 (2) The department shall provide written notice of its intent to
9 disapprove an application under this section to the applicant and to
10 any authorized agent or landowner identified in the application.

11 (3) The disapproval period runs from thirty days following the
12 date of actual notice of intent or when all administrative and
13 judicial appeals, if any, have been exhausted.

14 (4) Any person provided the notice may seek review from the board
15 by filing a request for review within thirty days of the date of the
16 notice of intent to disapprove applications.

17 NEW SECTION. **Sec. 11.** A new section is added to chapter 77.55
18 RCW to read as follows:

19 The remedies under this chapter are not exclusive and do not
20 limit or abrogate any other civil or criminal penalty, remedy, or
21 right available in law, equity, or statute.

22 **Sec. 12.** RCW 43.21B.110 and 2013 c 291 s 34 are each amended to
23 read as follows:

24 (1) The hearings board shall only have jurisdiction to hear and
25 decide appeals from the following decisions of the department, the
26 director, local conservation districts, the air pollution control
27 boards or authorities as established pursuant to chapter 70.94 RCW,
28 local health departments, the department of natural resources, the
29 department of fish and wildlife, the parks and recreation commission,
30 and authorized public entities described in chapter 79.100 RCW:

31 (a) Civil penalties imposed pursuant to RCW 18.104.155,
32 70.94.431, 70.105.080, 70.107.050, 76.09.170, (~~77.55.291~~) section 8
33 of this act, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144,
34 90.56.310, 90.56.330, and 90.64.102.

35 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
36 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,
37 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

1 (c) Except as provided in RCW 90.03.210(2), the issuance,
2 modification, or termination of any permit, certificate, or license
3 by the department or any air authority in the exercise of its
4 jurisdiction, including the issuance or termination of a waste
5 disposal permit, the denial of an application for a waste disposal
6 permit, the modification of the conditions or the terms of a waste
7 disposal permit, or a decision to approve or deny an application for
8 a solid waste permit exemption under RCW 70.95.300.

9 (d) Decisions of local health departments regarding the grant or
10 denial of solid waste permits pursuant to chapter 70.95 RCW.

11 (e) Decisions of local health departments regarding the issuance
12 and enforcement of permits to use or dispose of biosolids under RCW
13 70.95J.080.

14 (f) Decisions of the department regarding waste-derived
15 fertilizer or micronutrient fertilizer under RCW 15.54.820, and
16 decisions of the department regarding waste-derived soil amendments
17 under RCW 70.95.205.

18 (g) Decisions of local conservation districts related to the
19 denial of approval or denial of certification of a dairy nutrient
20 management plan; conditions contained in a plan; application of any
21 dairy nutrient management practices, standards, methods, and
22 technologies to a particular dairy farm; and failure to adhere to the
23 plan review and approval timelines in RCW 90.64.026.

24 (h) Any other decision by the department or an air authority
25 which pursuant to law must be decided as an adjudicative proceeding
26 under chapter 34.05 RCW.

27 (i) Decisions of the department of natural resources, the
28 department of fish and wildlife, and the department that are
29 reviewable under chapter 76.09 RCW, and the department of natural
30 resources' appeals of county, city, or town objections under RCW
31 76.09.050(7).

32 (j) Forest health hazard orders issued by the commissioner of
33 public lands under RCW 76.06.180.

34 (k) Decisions of the department of fish and wildlife to issue,
35 deny, condition, or modify a hydraulic project approval permit under
36 chapter 77.55 RCW, to issue a stop work order, to issue a notice to
37 comply, to issue a civil penalty, or to issue a notice of intent to
38 disapprove applications.

39 (l) Decisions of the department of natural resources that are
40 reviewable under RCW 78.44.270.

1 (m) Decisions of an authorized public entity under RCW 79.100.010
2 to take temporary possession or custody of a vessel or to contest the
3 amount of reimbursement owed that are reviewable by the hearings
4 board under RCW 79.100.120.

5 (2) The following hearings shall not be conducted by the hearings
6 board:

7 (a) Hearings required by law to be conducted by the shorelines
8 hearings board pursuant to chapter 90.58 RCW.

9 (b) Hearings conducted by the department pursuant to RCW
10 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and
11 90.44.180.

12 (c) Appeals of decisions by the department under RCW 90.03.110
13 and 90.44.220.

14 (d) Hearings conducted by the department to adopt, modify, or
15 repeal rules.

16 (3) Review of rules and regulations adopted by the hearings board
17 shall be subject to review in accordance with the provisions of the
18 administrative procedure act, chapter 34.05 RCW.

19 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.23
20 RCW to read as follows:

21 (1) The state conservation commission shall convene and
22 facilitate the departments of ecology, agriculture, fish and
23 wildlife, and natural resources, and the state conservation
24 commission to work together cooperatively, efficiently, and
25 productively on the expeditious construction of three demonstration
26 projects. The legislature expects that the joint and contemporaneous
27 participation of all these state agencies will expedite the
28 permitting of these demonstration projects. The legislature further
29 intends that the collaborative process that the stakeholder group
30 creates, including local stakeholders among others, will be used as a
31 model for river management throughout the state.

32 (2) The floodplain management strategies developed in the process
33 in this section must address multiple benefits including: Reducing
34 flood hazard to public infrastructure and other land uses caused by
35 sediment accumulation or for other causes; improving fish and
36 wildlife habitat; sustaining viable agriculture; and public access.

37 (3) The state conservation commission and the departments of
38 agriculture, natural resources, fish and wildlife, and ecology must
39 jointly identify and assess three demonstration projects that test

1 the effectiveness and costs of river management by using various
2 management strategies and techniques as applied to accomplish the
3 following goals:

4 (a) Protection of agricultural lands;

5 (b) Restoration or enhancement of fish runs; and

6 (c) Protection of public infrastructure and recreational access.

7 (4) (a) The state conservation commission must convene and
8 facilitate a stakeholder group consisting of the departments of
9 agriculture, natural resources, fish and wildlife, and ecology, and
10 the state conservation commission, local and statewide agricultural
11 organizations and conservation districts, land conservation
12 organizations, and local governments with interest and experience in
13 floodplain management techniques. The stakeholder group must develop
14 and assess three demonstration projects, one located in Whatcom
15 county, one located in Snohomish county, and one located in Grays
16 Harbor county. The departments must also seek the participation and
17 the views of the federally recognized tribes that may be affected by
18 each pilot project.

19 (b) The disposition of any gravel resources removed as a result
20 of these pilot projects that are owned by the state must be
21 consistent with chapter 79.140 RCW, otherwise they must be: (i) Used
22 at the departments' discretion in projects related to fish programs
23 in the local area of the project or by property owners adjacent to
24 the project; (ii) made available to a local tribe for its use; or
25 (iii) sold and the proceeds applied to funding the demonstration
26 projects.

27 (5) At a minimum, the pilot projects must examine the following
28 management strategies and techniques:

29 (a) Setting back levees and other measures to accommodate high
30 flow with reduced risk to property, while providing space for river
31 processes that are vital to the creation of fish habitat;

32 (b) Providing deeper, cooler holes for fish life;

33 (c) Removing excess sediment and gravel that causes diversion of
34 water and erosion of river banks and farmland;

35 (d) Providing off-channels for habitat as refuge during high
36 flows;

37 (e) Ensuring that any management activities leave sufficient
38 gravel and sediment for fish spawning and rearing;

1 (f) Providing stable river banks that will allow for long-term
2 growth of riparian enhancement efforts, such as planting shade trees
3 and hedgerows;

4 (g) Protecting existing mature treed riparian zones that cool the
5 waters;

6 (h) Restoring previously existing bank contours that protect the
7 land from erosion caused by more intense and more frequent flooding;
8 and

9 (i) Developing management practices that reduce the amount of
10 gravel, sediment, and woody debris deposited into farm fields.

11 (6) By December 31, 2020, the state conservation commission must
12 coordinate the development of a report to the legislative committees
13 with oversight of agriculture, water, rural economic development,
14 ecology, fish and wildlife, and natural resources. The report should
15 include the input of all state agencies, tribes, local entities, and
16 stakeholders participating in, or commenting on, the process
17 identified in this section. The report must include, but not be
18 limited to, the following elements: (a) Their progress toward setting
19 benchmarks and meeting the stakeholder group's timetable; (b) any
20 decisions made in assessing the projects; and (c) agency
21 recommendations for funding of the projects from federal grants,
22 federal loans, state grants and loans, and private donations, or if
23 other funding sources are not available or complete, submitting the
24 three projects for consideration in the biennial capital budget
25 request to the governor and the legislature. The departments must
26 report annually thereafter by December 31st of each year.

27 (7) The stakeholder group must be staffed jointly by the
28 departments.

29 (8) Within amounts appropriated in the omnibus operating
30 appropriations act, the state conservation commission, the department
31 of ecology, the department of agriculture, the department of fish and
32 wildlife, and the department of natural resources shall implement all
33 requirements in this section.

34 (9) This section expires June 30, 2030.

35 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
36 each repealed:

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

1 (2) RCW 77.55.291 (Civil penalty) and 2010 c 210 s 31, 2005 c 146
2 s 701, 2000 c 107 s 19, 1993 sp.s. c 2 s 35, 1988 c 36 s 35, & 1986 c
3 173 s 6."

2SHB 1579 - S COMM AMD

By Committee on Agriculture, Water, Natural Resources & Parks

OUT OF ORDER 04/10/2019

4 On page 1, line 3 of the title, after "abundance;" strike the
5 remainder of the title and insert "amending RCW 77.32.010 and
6 43.21B.110; adding a new section to chapter 77.08 RCW; adding new
7 sections to chapter 77.55 RCW; adding a new section to chapter 43.23
8 RCW; creating a new section; repealing RCW 77.55.141 and 77.55.291;
9 prescribing penalties; and providing an expiration date."

EFFECT: Specifies that the Department of Fish and Wildlife may levy civil penalties up to \$10,000 if the section authorizing three demonstration projects is enacted into law by June 30, 2019. If the section authorizing three demonstration projects is not enacted into law by June 30, 2019, the Department of Fish and Wildlife may levy civil penalties up to \$100. Clarifies the process for convening state agencies and stakeholders to conduct three demonstration projects and report findings to the Legislature by December 31, 2020. Provides that agencies must implement the demonstration projects within the amounts appropriated in the omnibus operating appropriations act and expires the demonstration projects on June 30, 2030.

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