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HOUSE BILL 1606

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State of Washington

67th Legislature

2022 Regular Session

By Representatives Barkis, Abbarno, Caldier, Eslick, Walsh, Robertson, Graham, Corry, Stokesbary, Sutherland, Dufault, Gilday, Jacobsen, Griffey, Chambers, and Young

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1 AN ACT Relating to the correction of culverts; amending RCW  
2 47.01.515; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the federal  
5 court injunction in *U.S. v. Washington* directs the state to correct  
6 culverts under state maintained roads that hinder fish passage and  
7 create barriers for fish to swim upstream by 2030. The court order  
8 imposed environmental justice obligations to correct adverse impacts.  
9 The legislature finds the court order addresses the same issues that  
10 are sought to be addressed by chapter 314, Laws of 2021. Further  
11 review of projects only delay the correction of the adverse impacts  
12 and are counterproductive to the improved outcomes being sought. For  
13 this reason, the legislature is directing the department of  
14 transportation to forego review under chapter 70A.02 RCW.

15 **Sec. 2.** RCW 47.01.515 and 2021 c 314 s 9 are each amended to  
16 read as follows:

17 (1) The department must apply and comply with the substantive and  
18 procedural requirements of chapter 70A.02 RCW unless otherwise  
19 directed by law.

1        (2) The requirements imposed on the department by this section do  
2 not apply to any project correcting a fish barrier as directed by the  
3 2013 federal court injunction issued in *U.S. v. Washington*.

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