

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1758

Chapter 305, Laws of 2023

68th Legislature
2023 Regular Session

FISH HATCHERY MAINTENANCE ACTIVITIES—PERMITTING—SHORELINE MANAGEMENT
ACT

EFFECTIVE DATE: July 23, 2023

Passed by the House April 13, 2023
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 5, 2023
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Approved May 4, 2023 3:34 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1758** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 5, 2023

**Secretary of State
State of Washington**

1 remedial action, through the procedures developed by the department
2 pursuant to RCW 70A.305.090;

3 (2) Any person installing site improvements for stormwater
4 treatment in an existing boatyard facility to meet requirements of a
5 national pollutant discharge elimination system stormwater general
6 permit. The department must ensure compliance with the substantive
7 requirements of this chapter through the review of engineering
8 reports, site plans, and other documents related to the installation
9 of boatyard stormwater treatment facilities;

10 (3) The department of transportation projects and activities that
11 meet the conditions of RCW 90.58.356; (~~or~~)

12 (4) Projects and activities undertaken by the department of fish
13 and wildlife, a federally recognized Indian tribe, a public utility
14 district, or a municipal utility that meet the conditions of section
15 3 of this act; or

16 (5) Actions taken on the Columbia river by the United States army
17 corps of engineers, under the authority of United States Code Titles
18 33 and 42 and 33 C.F.R. Sec. 335, to maintain and improve federal
19 navigation channels in accordance with federally mandated dredged
20 material management and improvement project plans, provided the
21 project: (a) Has undergone environmental review under both the
22 national environmental policy act, 42 U.S.C. Sec. 4321-4370h and the
23 state environmental policy act, chapter 43.21C RCW; and (b) has
24 applied for federal clean water act section 401 water quality
25 certifications issued by the department.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.58
27 RCW to read as follows:

28 (1) The following maintenance activities undertaken by the
29 department of fish and wildlife, a federally recognized Indian tribe,
30 a public utility district, or a municipal utility, necessary to
31 maintain the operation of fish hatcheries, including water intakes
32 and discharges, fish ladders, water and power conveyances, weirs, and
33 racks and traps used for fish collection, do not require a
34 substantial development permit, conditional use permit, variance,
35 letter of exemption, or other review conducted by a local government:

36 (a) Maintenance, repair, or replacement of equipment and
37 components that support the larger hatchery facility and occur within
38 the existing footprint of fish hatchery facilities;

1 (b) Construction or installation of safety structures and
2 equipment;

3 (c) Maintenance occurring within existing water intake and
4 outflow sites during times when fish presence is minimized; or

5 (d) Construction undertaken in response to unforeseen,
6 extraordinary circumstances that is necessary to prevent a decline,
7 lapse, or cessation of operation of a fish hatchery facility.

8 (2) The proponent of a project undertaken pursuant to this
9 section must ensure compliance with the substantive requirements of
10 this chapter for projects under this section. Projects undertaken
11 under this section must not adversely affect public access or
12 shoreline ecological functions.

13 (3) Prior to beginning a maintenance or repair project, the
14 proponent of the project must provide written notification of
15 projects authorized under this section to the local government with
16 jurisdiction and to the department.

Passed by the House April 13, 2023.

Passed by the Senate April 5, 2023.

Approved by the Governor May 4, 2023.

Filed in Office of Secretary of State May 5, 2023.

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