
SUBSTITUTE SENATE BILL 5155

State of Washington

69th Legislature

2025 Regular Session

By Senate Local Government (originally sponsored by Senators Salomon, Shewmake, Chapman, Hasegawa, Liiias, Nobles, and Wellman)

READ FIRST TIME 01/31/25.

1 AN ACT Relating to extending a program to streamline the
2 environmental permitting process for salmon recovery projects;
3 amending RCW 77.55.480 and 43.21C.515; creating a new section;
4 providing an effective date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that in 2021 the
7 legislature created the habitat recovery pilot program to streamline
8 project permitting for habitat restoration projects that have been
9 determined to contribute to the recovery of watersheds throughout the
10 state. The legislature also finds that the pilot project's intent to
11 advance projects to construction as quickly and efficiently as
12 possible has been realized, with projects experiencing time and cost
13 savings by utilizing the streamlined process. It is the intent of the
14 legislature to make this permit pathway an option and not to replace
15 or supplant current permit requirements.

16 (2) Therefore, the legislature intends to make the pilot program
17 permanent and to improve the streamlined process.

18 **Sec. 2.** RCW 77.55.480 and 2021 c 75 s 2 are each amended to read
19 as follows:

1 (1) The habitat (~~recovery pilot~~) restoration permit pathway
2 program is created. The habitat restoration permit pathway as
3 outlined in this section does not replace or supplant the permit
4 requirements under this chapter, but rather may be used as an
5 optional permit pathway.

6 (2) (a) In order to be included in this statewide (~~pilot~~) permit
7 pathway program and qualify for the permit review and approval
8 process created in this section, an environmental restoration project
9 must directly benefit freshwater, estuarine, or marine fish, or the
10 habitat they rely on, and must be included on a list of projects
11 (~~reviewed~~) approved(~~r~~) or funded by one of the following
12 restoration programs:

13 (i) The Bonneville power administration restoration program;
14 (ii) The Brian Abbott fish barrier removal board;
15 (iii) The estuary and salmon restoration program;
16 (iv) The floodplains by design program;
17 (v) The office of Chehalis basin aquatic species restoration
18 program;

19 (vi) The office of Columbia river habitat recovery projects;
20 (vii) The Puget Sound acquisition and restoration fund;
21 (viii) The Puget Sound national estuary program;
22 (ix) The salmon recovery funding board;
23 (x) The Washington coast restoration and resiliency initiative;
24 (xi) The Yakima tributary access and habitat program;
25 (xii) Fish recovery projects sponsored by a federally recognized
26 tribe; (~~and~~)

27 (xiii) Fish acclimation facility projects sponsored or operated
28 by a federally recognized tribe;

29 (xiv) Clean water section 319 and centennial clean water program
30 grants installing instream and riparian nonpoint source projects;

31 (xv) The Washington wildlife and recreation program, funded by
32 the habitat conservation account created in RCW 79A.15.020;

33 (xvi) A regional recovery organization or regional salmon
34 recovery organization as defined in RCW 77.85.010;

35 (xvii) Washington department of transportation's environmental
36 retrofit program; and

37 (xviii) The state conservation commission's riparian grants or
38 natural resource investments.

39 (b) A project application reviewed under this section must
40 document consistency with local, state, and federal flood risk

1 reduction requirements. A project may not be reviewed under the
2 process created in this section if the local government within whose
3 geographical jurisdiction the project will be located determines that
4 the project does not meet applicable flood risk reduction
5 requirements, or otherwise determines that the project raises
6 concerns regarding public health and safety, and the local government
7 provides timely notice of its determination to the department.

8 (c) (i) With regard to cultural resources, a project applicant or
9 funding agency must review the project with the department of
10 archaeology and historic preservation and complete any required site
11 surveys before the project applicant files an application under this
12 section. A project applicant must document consistency in the
13 application with applicable cultural resource protection
14 requirements.

15 (ii) A project applicant must provide a ~~((copy of its~~
16 ~~application))~~ description of the proposed project and the project's
17 area of potential effect, including vertical and horizontal limits
18 and any additional ground disturbance activities, to the department
19 of archaeology and historic preservation, and to affected federally
20 recognized tribes, no fewer than 60 days before the application may
21 be filed with the department. A project applicant must provide a copy
22 of its application under this section to an affected federally
23 recognized tribe at the tribe's request.

24 (iii) The department may not review a project under the expedited
25 process created in this section if a cultural resource site is
26 identified at the project site or if an affected federally recognized
27 tribe withholds its consent that the project should be expedited
28 according to the process set forth in this section. Such consent may
29 be withheld upon a determination that the project may adversely
30 impact cultural resources. Notice of such a determination must be
31 provided to the department by the affected federally recognized tribe
32 in a timely manner.

33 (iv) In the event of an inadvertent discovery of cultural
34 resources or human remains, the project applicant shall immediately
35 notify the department, the department of archaeology and historic
36 preservation, and affected federally recognized tribes. In the event
37 of an inadvertent discovery of cultural resources or human remains,
38 existing requirements applicable to inadvertent discoveries of
39 cultural resources and human remains, including those set forth in
40 chapters 27.53, 27.44, and 68.60 RCW, apply.

1 (d) For those projects that require a (~~lease or other~~) land use
2 authorization from the department of natural resources, the project
3 applicant must include in its application for a permit under this
4 section a signed joint aquatic resources permit application,
5 attachment E. The project applicant must provide a copy of a
6 completed application to the department of natural resources (~~no~~
7 ~~fewer than 30 days before the application may be filed with the~~
8 ~~department~~). The project applicant may submit its completed
9 application for a permit under this section to the department either:
10 (i) 30 days after providing a copy of a completed application to the
11 department of natural resources; or (ii) upon receipt of a signed
12 attachment E from the department of natural resources, whichever
13 comes first. If the project applicant submits their application 30
14 days after filing the signed joint aquatic resources permit
15 application, attachment E, with the department of natural resources,
16 the department of natural resources must make a final decision on
17 applications for projects under this section within 30 days of the
18 issuance of a permit under this section.

19 (3) Fish recovery and fish habitat restoration projects meeting
20 the criteria of subsection (2) of this section are expected to result
21 in beneficial impacts to the aquatic environment. Projects approved
22 for inclusion in this (~~pilot~~) permit pathway program and that are
23 reviewed and approved according to the provisions of this section are
24 not subject to the requirements of RCW 43.21C.030(2) and are not
25 required to obtain local or state permits or approvals other than the
26 permit issued under this section, except permits minimally necessary
27 as a requirement of participation in a federal program.

28 (4) (a) A permit under this chapter is required for projects that
29 meet the criteria of subsection (2) of this section and must be
30 reviewed and, if appropriate, approved under this section. An
31 applicant shall use the department's online permitting system or a
32 paper or email joint aquatic resources permit application submission
33 to apply for approval under this section and shall at the same time
34 provide a copy of the application to the local government within
35 whose geographical jurisdiction the project will be located, to the
36 members of the multiagency permitting team created in this section,
37 and to potentially affected federally recognized tribes.

38 (b) When the department concludes that a complete application has
39 been submitted under this section and copies of the application have
40 been provided as required in this section, the department shall

1 provide notice to the local government within whose geographical
2 jurisdiction the project will be located, to potentially affected
3 federally recognized tribes, and to the members of the multiagency
4 permitting team of receipt of a complete permit application.

5 (i) Unless the multiagency permitting team process described in
6 this section is invoked, the department shall evaluate and make a
7 decision on the application not sooner than 25 days, and not later
8 than 45 days, after receipt of a complete permit application.

9 (ii) Within 25 days of receiving a copy of the complete project
10 application, the local government within whose geographical
11 jurisdiction the project would be located, any member of the
12 multiagency permitting team, or a potentially affected federally
13 recognized tribe may request that the department place the
14 application on hold and immediately convene a meeting with the
15 requesting entity and the multiagency permitting team to review and
16 evaluate the project.

17 (iii) All parties involved in this review process shall work in
18 good faith to expedite permitting and any party with concerns shall
19 provide the basis for its concerns and potential pathways to address
20 those concerns. Any party objecting to expedited permitting shall
21 provide a written basis for its objections to the department or the
22 multiagency permitting team.

23 (iv) The multiagency review process may not exceed 45 days from
24 the request for review.

25 (c) The multiagency permitting team consists of representatives
26 of the local government in whose geographical jurisdiction the
27 project would be located, the department, the department of ecology,
28 the recreation and conservation office, the governor's salmon
29 recovery office, the department of natural resources, and, when the
30 project in question is located in the Puget Sound basin, the Puget
31 Sound partnership. For projects located in the Puget Sound basin,
32 meetings of the multiagency permitting team must be facilitated by
33 the Puget Sound partnership. All other meetings of the multiagency
34 permitting team must be facilitated by the recreation and
35 conservation office.

36 (d) The department or, where applicable, the multiagency
37 permitting team, shall exclude any project from the review and
38 approval process created by this section if it concludes that the
39 project may adversely impact human health, public safety, or the

1 environment, or that the project's scope or complexity renders it
2 inappropriate for expedited review.

3 (e) If the department or the multiagency permitting team
4 determines that the review and approval process created by this
5 section is not appropriate for the proposed project, the department
6 shall notify the applicant, the appropriate local government, and
7 potentially affected federally recognized tribes of its
8 determination. The applicant may reapply for approval of the project
9 under generally applicable review and approval processes. If the
10 multiagency permitting team determines that the review and approval
11 process created by this section is appropriate for the proposed
12 project, the hold on the application must be lifted and the
13 department shall make a decision within the time that remains of the
14 original 45-day decision deadline.

15 (f) Any person aggrieved by the approval, denial, conditioning,
16 or modification of a permit under this section may appeal the
17 decision as provided in RCW 77.55.021(8).

18 (g) The department shall, in a timely manner, provide a copy of
19 any application seeking review under this section and shall
20 thereafter coordinate with affected federally recognized tribes as it
21 implements this section.

22 (5) No local or state government may require permits or charge
23 fees other than the permit issued under this section, except permits
24 minimally necessary as a requirement of participation in a federal
25 program, for fish recovery (~~(pilot)~~) projects that meet the criteria
26 of subsection (2) of this section and that are reviewed and approved
27 according to the provisions of this section.

28 (6) No civil liability may be imposed by any court on the state
29 or its officers and employees for any adverse impacts resulting from
30 a fish recovery stimulus (~~(pilot)~~) project permitted by the
31 department under the criteria of this section except upon proof of
32 gross negligence or willful or wanton misconduct.

33 (~~((7) This section expires June 30, 2025.))~~)

34 **Sec. 3.** RCW 43.21C.515 and 2021 c 75 s 3 are each amended to
35 read as follows:

36 (~~((1))~~) A project that receives a permit pursuant to RCW
37 77.55.480 is not subject to the requirements of RCW 43.21C.030(2).

38 (~~((2) This section expires June 30, 2025.))~~)

1 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect June 30, 2025.

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