

**RCW 90.58.357 Maintenance activities performed by certain entities that do not require a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by a local government—Notification.** (1) The following maintenance activities undertaken by the department of fish and wildlife, a federally recognized Indian tribe, a public utility district, or a municipal utility, necessary to maintain the operation of fish hatcheries, including water intakes and discharges, fish ladders, water and power conveyances, weirs, and racks and traps used for fish collection, do not require a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by a local government:

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

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

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

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

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

(3) Prior to beginning a maintenance or repair project, the proponent of the project must provide written notification of projects authorized under this section to the local government with jurisdiction and to the department. [2023 c 305 s 3.]

**Finding—2023 c 305:** See note following RCW 90.58.355.