

RCW 76.09.490 Forest practices hydraulic project—Department may request information/technical assistance from the department of fish and wildlife—Concurrence review process. (1) The department may request information and technical assistance from the department of fish and wildlife regarding any forest practices hydraulic project regulated under this chapter.

(2) A concurrence review process is established for certain forest practices hydraulic projects, as follow[s]:

(a) After receiving an application under RCW 76.09.050 that includes a forest practices hydraulic project involving one or more water crossing structures meeting the criteria of (b) of this subsection, the department shall provide all necessary information provided by the applicant to the department of fish and wildlife for concurrence review consistent with RCW 77.55.361(3). The required information must be transmitted by the department to the department of fish and wildlife as soon as practicable following the receipt of a complete application.

(b) The concurrence review process applies only to:

(i) Culvert installation or replacement, and repair at or below the bankfull width, as that term is defined in WAC 222-16-010 on July 10, 2012, in fish bearing rivers and streams that exceed five percent gradient;

(ii) Bridge construction or replacement, and repair at or below the bankfull width, of fish bearing unconfined streams; or

(iii) Fill within the flood level - 100 year, as that term is defined in WAC 222-16-010, as it existed on July 10, 2012, of fish bearing unconfined streams. [2012 1st sp.s. c 1 § 202.]

Contingent effective date—2012 1st sp.s. c 1 §§ 202 and 205:

"Sections 202 and 205 of this act take effect on the date the forest practices board incorporates fish protection standards adopted under chapter 77.55 RCW into the forest practices rules and approves technical guidance as required under RCW 76.09.040. The department of natural resources must provide written notice of the effective date of these sections to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department of natural resources." [2012 1st sp.s. c 1 § 215.] On November 4, 2013, the department of natural resources provided notice to the chief clerk of the house of representatives and the secretary of the senate of the completion of the "Forest Practices Hydraulic Project" rule making and guidance incorporating the fish protection standards of the hydraulic code into the forest practices rules. The rules became effective December 30, 2013. Therefore, sections 202 and 205 of this act took effect December 30, 2013.

Finding—Intent—Limitation—Jurisdiction/authority of Indian tribe under act—2012 1st sp.s. c 1: See notes following RCW 77.55.011.

Authority of department of fish and wildlife under act—2012 1st sp.s. c 1: See note following RCW 76.09.040.