



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 10-075

RELATING TO HYDRAULIC PROJECT APPROVALS, DELEGATING AUTHORITY TO
THE DIRECTOR OF PUBLIC WORKS TO DECLARE STATES OF EMERGENCY
OR IMMINENT DANGER TO FACILITATE STATE HYDRAULIC PROJECT
APPROVALS UNDER RCW 77.55.021 FOR COUNTY PROJECTS, AND ADDING A
NEW SECTION TO CHAPTER 2.68 SCC

WHEREAS, the Washington Department of Fish and Wildlife (WDFW) administers a regulatory system under Chapter 77.55 RCW that requires issuance of a hydraulic project approval (HPA) permit prior to commencing work on a hydraulic project; and

WHEREAS, a hydraulic project is defined by RCW 77.55.011 as the construction or performance of work that will use, divert, obstruct or change the natural flow or bed of any salt or freshwaters of the state; and

WHEREAS, RCW 77.55.021 authorizes the Governor, WDFW, and county legislative authorities to expedite issuance of HPA permits by declaring an emergency, which is defined as an immediate threat to life, the public, property, or of environmental degradation ; and

WHEREAS, RCW 77.55.021 also authorizes WDFW and county legislative authorities to expedite issuance of HPA permits by declaring the existence of an imminent danger, which is defined as a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for an HPA permit; and

WHEREAS, expedited HPA permits are exempt from the requirements of the State Environmental Policy Act (SEPA); and

WHEREAS, WDFW has informed the Snohomish County Council that it will accept declarations of emergency or imminent danger from any person to whom authority to make such declarations is delegated, and has provided a form to be returned to WDFW for that purpose; and

WHEREAS, the County Executive and Department of Public Works have recommended that authority to declare an emergency or imminent danger for this purpose for County projects be delegated to the Director of Public Works; and

WHEREAS, the County endeavors to respond quickly in emergent circumstances for the benefit of the health, safety, and welfare of the general public; and

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1
2 WHEREAS, examples of hydraulic projects that typically require immediate
3 corrective action and necessitate an expedited HPA permit are erosion undermining a
4 road and sloughing into a creek, a slide over a culvert end, or a failed culvert; and
5

6 WHEREAS, the County Council finds that it would be in the best interest of the
7 County and the public to delegate its authority as provided herein;
8

9 NOW, THEREFORE, BE IT ORDAINED:
10

11 Section 1. A new section is added to Chapter 2.68 of the Snohomish County
12 Code to read:
13

14 **2.68.037 Delegation of authority to determine emergencies and**
15 **imminent dangers related to hydraulic project approvals.**

16 (1.) The director of public works is authorized to declare an
17 emergency pursuant to RCW 77.55.021(8) and to determine imminent
18 danger exists pursuant to RCW 77.55.021(10) for the limited purpose of
19 facilitating appropriate action by the department of fish and wildlife on
20 applications for hydraulic project approval permits for projects to be
21 undertaken by the county.

22 (2.) As used in this section, the terms "emergency" and "imminent
23 danger" shall have the meanings set forth in RCW 77.55.011.
24

25 Section 2. The Council Chairperson is authorized and directed to complete and
26 return the form attached to the December 28, 2009 letter to the Council from Peter
27 Birch, Deputy Assistant Director of WDFW, as provided herein.
28

29 PASSED this 29th day of September, 2010.
30

31 SNOHOMISH COUNTY COUNCIL
32 Snohomish County, Washington

33 Dave Garrett
34 Chairperson
35
36

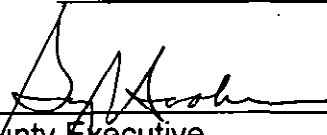
37 ATTEST:

38 Barbara Sitorist
39 Clerk of the Council, ASST.
40
41
42

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- 1 APPROVED
- 2
- 3 EMERGENCY
- 4
- 5 VETOED
- 6

DATE: 10-1-10



for: County Executive
GARY HAAKENSON
Deputy County Executive

12 ATTEST:

13
14 

16 Approved as to form only:

17 
18 _____ 7/13/10
19 Deputy Prosecuting Attorney

20

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**Authorization to Declare or Continue an Emergency
Under RCW 77.55.021(8)(a)
And
Declare an Imminent Danger
Under RCW 77.55.021(10)**

The following people are authorized to declare or continue an emergency under RCW 77.55.021(8)(a) or declare an imminent danger under RCW 77.55.021(10) in

Snohomish County:

Name	Title	Phone	Address
Steve Thomsen, P.E.	Director, Public Works	425.388.6652	3000 Rockefeller Ave, 5 th Floor Admin West M/S 607, Everett, WA 98201
Owen Carter, P.E.	County Engineer	425.388.6460	3000 Rockefeller Ave, 5 th Floor Admin West M/S 607, Everett, WA 98201

Name: DAVE GOSSETT
 Title: Snohomish County Council Chairman
 Signature: *Dave Gossett*
 Date: September 29, 2010

Please return form to the appropriate WDFW Regional Habitat Program Manager (listed on back of form)