

SECTION 1 – GENERAL RESOURCE REFERENCES

5. LAWS

Many environmental laws may impact conservation planning and implementation activities. The following reference list was developed to assist the conservation planner and landowner to understand what laws may apply to their proposed activity. The list is limited to "commonly required environmental permits for Washington State" and is not inclusive. Other laws or ordinances may apply and it is the conservation planner and landowner's responsibility to determine what laws apply to their situation.

Environmental laws do change rapidly, making it impossible to maintain a single reference that is up to date. The following website addresses should be accessed to obtain the most current information:

Federal: <http://thomas.loc.gov/home/legbranch/legbranch.html>

State: <http://www.ecy.wa.gov/laws-rules/index.html>

County: Use your appropriate county website:
<http://www.mrsc.org/byndmrsc/counties.aspx>

Tribal: <http://www.kstrom.net/isk/maps/wa/wamap.html#Top>

ENVIRONMENTAL LAWS

Prior to applying for an environmental "approval" or "permit", the planner needs to evaluate the potential impacts before permits can be issued. In Washington State, the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) are the two processes used for this type of an evaluation.

The following list contains typical environmental laws that conservation planners and landowners use as part of the planning process. Again, the list is not inclusive.

Trigger/Activity	Permit Name	Contact Agency Links
Air Quality:		
Open burning (includes field burning)	Air Quality Permit	Local air authority or Dept. of Ecology http://www.ecy.wa.gov/programs/air/airhome.html
Forest slash burning	Burning Permit	Dept. of Natural Resources http://www.dnr.wa.gov/htdocs/rp/regburn.htm http://apps.leg.wa.gov/rcw/default.aspx?cite=76.09
Aquatic Resources:		
Conducting projects authorized by COE	Coastal Zone Mgt. Certification	Dept of Ecology http://www.ecy.wa.gov/pubs/0006006.pdf
Work that uses, diverts, obstructs, or changes the natural flow or bed of state waters	Hydraulic Project Approval	Dept of Fish and Wildlife http://wdfw.wa.gov/hab/hpapage.htm
Archaeology and Historic Preservation:		
Excavation that alters or removes archaeological resources or Native Indian grave sites	Archaeological Excavation Permit	Community Development Office of Archaeology and Historic Preservation http://www.dahp.wa.gov/pages/Archaeology/Laws.htm
Providing Financial Assistance	Section 106 Review	NRCS 420 General Manual part 401 http://policy.nrcs.usda.gov/
Land Resources:		
Forest practices including: harvesting, reforestation, road building, fertilizing, preventing and suppressing diseases and insects, salvaging trees, controlling brush and applying chemicals	Forest Practice Approval	Dept. of Natural Resources http://www.dnr.wa.gov/forestpractices/

Trigger/Activity	Permit Name	Contact Agency Links
Livestock:		
Conducting a concentrated animal feeding operation that discharges to state/federal waters	Animal Feeding Operations NPDES and Statewide Discharge Permits	Dept. of Ecology http://www.ecy.wa.gov/programs/swfa/npdespermit.html
Pesticides:		
Applying or supervising the agriculture use of a restricted-use pesticide on land rented or owned by the applicator or applicator's boss	Private Applicator License	Dept. of Agriculture http://agr.wa.gov/PestFert/LicensingEd/default.htm
Applying a pesticide as a government employee	Public pesticide Operator License	Dept. of Agriculture http://agr.wa.gov/PestFert/LicensingEd/default.htm
Water Quality:		
Using aquatic herbicides or pesticides to control aquatic plants	Temporary Modification of Water Quality Criteria	Dept. of Ecology http://www.ecy.wa.gov/programs/wq/pesticides/index.html
Water Resources:		
Constructing a barrier across a stream, channel, or water course, if the barrier will create a reservoir	Reservoir Permit	Dept. of Ecology http://www.ecy.wa.gov/programs/wr/dams/dss.html
Withdrawing surface or ground water	Permit to Withdraw or Divert Surface or Ground Water	Dept. of Ecology http://www.ecy.wa.gov/programs/wr/rights/water-right-home.html

Trigger/Activity	Permit Name	Contact Agency Links
Water Resources:		
Changing an existing water right, certificate, or claim	Application for Change of a Water Right	Dept. of Ecology http://www.ecy.wa.gov/programs/wr/rights/water-right-home.html
Wetlands:		
Working in wetlands	Several permits may apply	
Local Permits:		
Constructing permanent buildings or additions to existing facilities	Building Permit	Local city or county office http://www.mrsc.org/byndmrsc/counties.aspx
Dividing land for residential or other purposes	Subdivision Approvals	Local city or county office http://www.mrsc.org/byndmrsc/counties.aspx
Federal Permits:		
Locating a structure, excavating, or discharging dredged or fill material	Corps 404 Permit	US Army Corps of Engineers http://www.nww.usace.army.mil/html/welcome/npwlocat.htm https://www.nwp.usace.army.mil/ http://www.nws.usace.army.mil/index.cfm

PROTECTION OF PLANTS AND ANIMALS IN WASHINGTON STATE

Many plants and animals are recognized as being important and/or limited in sufficient numbers whereby the species may be in danger of extinction. Both the State and Federal Government have developed processes for agencies and landowners to develop conservation provisions that will aid in the recovery of the listed species.

WASHINGTON STATE:

Washington Department of Fish and Wildlife maintains two species lists. The *Priority Habitat and Species List* (PHS) provides information to planners, elected officials, and landowners and citizens with important information that will assist them with the incorporation of fish and wildlife needs during their everyday activities. The second list is the *Species of Concern* (SOC). All Federally listed species are included on this list and all SOC listed species, are included on the PHS list. Listings on the SOC are legally designated by Washington Administrative Code (WAC).

For the most current State listings of fish and wildlife species, view the following website:

<http://www.wa.gov/wdfw/wlm/diversty/soc/concern.htm>

FEDERAL GOVERNMENT:

Congress passed the Endangered Species Act (ESA) in 1973. The Act contains many sections designed to developing cooperative relationships between National Marine Fisheries Service (NMFS), US Fish and Wildlife Service (USFWS) and other federal and non-federal agencies and private citizens in the development of conservation plans that will aid in the recovery of listed species.

NRCS Technical Note – Biology 20, June 1998, describes the process of incorporating ESA into the NRCS planning process. Note that NMFS has jurisdiction over salmon/steelhead species and USFWS has jurisdiction over the remaining species. The first step with conservation planning and meeting ESA is to obtain the most current list of "listed species." These lists can be obtained by visiting the following websites:

National Marine Fisheries Service

<http://www.nwr.noaa.gov/Species-Lists.cfm>

US Fish and Wildlife Service

http://ecos.fws.gov/tess_public/StateListing.do?status=listed&state=WA