

HOUSE BILL REPORT

HB 1195

As Reported By House Committee On:
Transportation

Title: An act relating to the exclusion of site exploration as a substantial shoreline development.

Brief Description: Excluding site exploration as a substantial shoreline development.

Sponsors: Representatives Buck, R. Fisher, K. Schmidt, Benton, Mitchell, Elliot, Stevens, Mulliken and Hickel; by request of Department of Transportation.

Brief History:

Committee Activity:

Transportation: 1/24/95, 1/25/95 [DPS].

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives K. Schmidt, Chair; Mitchell, Vice Chair; Skinner, Vice Chair; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Staff: Robin Rettew (786-7306).

Background: The Shorelines Management Act (SMA) requires a permit from local government before any substantial development can be undertaken within the shorelines of the state. The SMA defines "substantial development" as a project that interferes with the public's normal use of the water or a project with a total cost exceeding \$2,500.

The Department of Transportation (DOT) typically conducts a number of site exploration and investigation activities prior to building a road or bridge. Some local jurisdictions require the department to obtain a substantial development permit to perform these activities while others do not.

When permits are required, the DOT indicates it takes an average of nine months to obtain them.

The department indicates that approximately \$1.7 million in costs could be avoided if the delays caused by obtaining shoreline permits for these investigative activities were eliminated.

Summary of Substitute Bill: Site exploration and investigation activities are exempt from substantial development permits if the following conditions are met:

1. The activity does not interfere with the normal public use of the water;
2. The activity has no adverse environmental impacts;
3. The activity does not involve installation of a structure;
4. Any disturbance to land or vegetation caused by the exploration or investigation is restored to pre-existing conditions;
5. The activity does not involve oil or natural gas exploration in marine waters of the state; and
6. Private developers post required performance bonds.

Substitute Bill Compared to Original Bill: The word "substantial" is changed to "significant" to be consistent with the state Environmental Protection Act. The reference to fish and wildlife habitat is clarified. Private developers are required to post a performance bond in case unintended adverse environmental impacts result from geotechnical drilling activities.

Appropriation: None.

Fiscal Note: Requested on January 23, 1995.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Consistent treatment is provided across all jurisdictions and the transportation project process is expedited.

Testimony Against: None.

Testified: David Stevens, Department of Transportation (pro); and Cyreis Schmitt, Department of Fish and Wildlife (pro with amendments).