

# HOUSE BILL REPORT

## SSB 5155

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### As Reported By House Committee On: Government Operations

**Title:** An act relating to hydraulic permit exemptions from the shoreline management act.

**Brief Description:** Exempting from the shoreline management act certain projects that have been granted hydraulic permits.

**Sponsors:** Senate Committee on Ecology & Parks (originally sponsored by Senators Hargrove, Owen, Snyder, Hochstatter, A. Anderson and Rasmussen).

**Brief History:**

**Committee Activity:**

Government Operations: 3/29/95 [DPA].

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### HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass as amended. Signed by 9 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

**Minority Report:** Do not pass. Signed by 6 members: Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

**Staff:** Bill Lynch (786-7092).

**Background:** The Shoreline Management Act requires cities, towns, and counties with state shorelines to prepare master programs (comprehensive plans together with use regulations, maps, and other materials) applicable to uses of these shorelines.

The local shoreline master programs provide for use designations of the shorelines consistent with state guidelines. Generally, a permit from the city, town, or county is required for "substantial" developments within shorelines, which are those with a value exceeding \$2,500 or those that materially interfere with normal public use of the water or shoreline.

The Hydraulic Project Act requires any person or government agency desiring to construct a project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the state's waters to obtain approval from the Department of Fish and Wildlife as to the adequacy of the project's protection of fish life. The application must contain general plans for the overall project and complete plans and specifications for work within the high water line. The protection of fish life is the only ground for approval or denial of the permit application.

**Summary of Amended Bill:** A public or private project that is designed to improve fish or wildlife habitat or fish passage is exempt from the permit requirements of the Shoreline Management Act when certain conditions are met. These conditions are: (1) the project is approved by the Department of Fish and Wildlife; (2) the project has received a hydraulic permit; and (3) the local government has determined that the project is substantially consistent with the local shoreline master program, and provides a letter to that effect to the project proponent.

The Department of Fish and Wildlife must delegate the authority to approve hydraulic projects located within harbor areas to cities, towns, and counties when: (1) the project is not exempt from the requirement to obtain a substantial development permit under the Shoreline Management Act; and (2) the project is located in a jurisdiction where an approved shoreline master program exists for the area; and (3) the city, town, or county has made a written request for this authority to be delegated.

**Amended Bill Compared to Substitute Bill:** The amendment adds the requirement that the authority to approve hydraulic projects be delegated to cities, towns, and counties under certain conditions.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** None.

**Testimony Against: (Striking amendment):** Delegating hydraulic project approval for harbor areas to local governments may adversely affect fish life. There are no minimum standards that must be followed specified.

**Testified:** Chris Schmitt, Department of Fish and Wildlife.