

FINAL BILL REPORT

SSB 5155

C 333 L 95

Synopsis as Enacted

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).

Senate Committee on Ecology & Parks

House Committee on Government Operations

Background: The Shoreline Management Act (SMA) requires that local governments prepare comprehensive programs applicable to uses of the state's shorelines. The act covers all saltwater and freshwater areas of the state, except river segments with less than 20 cubic feet per second mean annual flow and lakes less than 20 acres. The jurisdiction of the act extends 200 feet landward from the ordinary high water mark of such water bodies. The Shoreline Act's stated policy is to provide for the management of shorelines by planning for and fostering all reasonable and appropriate uses. Preferred uses are declared to be those that prevent damage to the natural environment, control pollution, or are unique or dependent upon use of the state's shorelines.

The local shoreline master programs provide for use designations of the shorelines consistent with state guidelines. A permit from the county or city is required for "substantial" developments within shorelines, which are those with a value exceeding \$2500 or those that materially interfere with normal public use of the water or shorelines. Local permit decisions may be appealed to the Shorelines Hearings Board, which comprises the three members of the Pollution Control Hearings Board, two local government representatives, and the Public Lands Commissioner.

The Hydraulic Project Act (HPA) requires that 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 salt or fresh waters, obtain from the Department of Fish and Wildlife approval as to the adequacy of the project's protection of fish life. An application must include general plans for the overall project and complete plans and specifications for work within the high water line. Ordinarily a 45-day deadline is set for processing a complete permit application. The protection of fish life is the only ground upon which approval may be conditioned or denied. A permit is valid for a five-year period, and substantial progress on construction must occur within two years of permit issuance.

Summary: A public or private project designed to improve fish habitat, fish passage, or wildlife habitat is exempt from the permit requirements of the Shoreline Management Act when: (1) the project is approved by the Department of Fish and Wildlife; (2) the project is given a hydraulic permit; and (3) the local government determines that the project is

substantially consistent with the local shoreline master program, and provides a letter to that effect to the project proponent.

Votes on Final Passage:

Senate	49	0	
House	70	26	(House amended)
Senate			(Ruled beyond scope)
House			(House refused to recede)
Senate			(Senate refused to concur)
House	96	0	(House receded)

Effective: July 23, 1995