

SENATE BILL REPORT

SB 5232

As Reported By Senate Committee On:
Ecology & Parks, February 8, 1995

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: Senators Owen and Prince; by request of Department of Transportation.

Brief History:

Committee Activity: Ecology & Parks: 1/25/95, 2/8/95 [DPS].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 5232 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Staff: Cathy Baker (786-7708)

Background: In 1971, the Legislature passed the Shoreline Management Act (SMA). The SMA applies to: 1) lakes over 20 acres; 2) rivers with flows greater than 20 cubic feet per second; and 3) wetlands, floodways, and floodplains associated with regulated lakes and rivers. Each county, city, and town containing areas covered by the SMA is required to develop a shoreline master program consistent with state guidelines.

The SMA requires a permit from a local government before any substantial development can be undertaken within 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 SMA establishes a number of exemptions from substantial development permits.

Soil samples and other types of information are collected prior to constructing roads, bridges, or other structures. This information gathering, also known as site exploration and investigation activities, generally requires a substantial development permit because the cost of the activity exceeds \$2,500.

Summary of Substitute Bill: Site exploration and investigation activities are exempt from substantial development permits if the activity: does not interfere with the normal public use of the water; has no significant adverse environmental impact; does not involve installation of a structure; and does not involve oil or natural gas exploration in marine waters of the state. Any disturbance caused by the activity must be restored to pre-existing conditions. Private project proponents are required to post a bond or provide other evidence of financial

responsibility to the local government in order to ensure that the site is restored to pre-existing conditions.

Substitute Bill Compared to Original Bill: A bond requirement is added for private project proponents. Technical changes are also made.

Appropriation: None.

Fiscal Note: Requested on January 23, 1995.

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

Testimony For: The bill is needed to expedite the information gathering stage of projects. It will help DOT and private entities save money as well. It does not exempt the construction phase of a project from the substantial development permit, nor does it provide any exemption from other environmental laws.

Testimony Against: None.

Testified: David Stevens, WA Dept. of Transportation (pro); Cyreis Schmitt, Dept. of Fish and Wildlife; Tom Mark, Dept. of Ecology (pro); Mark Triplett, WA Aggregate & Concrete Assoc. (pro).