

HOUSE BILL REPORT

SSB 5103

As Reported By House Committee On:
Agriculture & Ecology

Title: An act relating to Washington's coastal zone program.

Brief Description: Changing provisions relating to the state's coastal zone program.

Sponsors: Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Haugen, Swecker, Jacobsen, Fraser, Spanel, Morton and Rasmussen).

Brief History:

Committee Activity:

Agriculture & Ecology: 3/30/99, 4/2/99 [DP].

<p>Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">· Changing provisions relating to the state's coastal zone program.
--

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Staff: Carole Richmond (786-7114).

Background:

Under the federal Coastal Zone Management Act (CZMA), federal agencies must determine whether their actions, or the actions of their permittees or licensees, are consistent with approved state coastal zone management programs. Washington has had a program since 1976. The state develops a coastal program document that advises federal agencies of all of the state's laws and regulations pertaining to shorelines.

The program currently consists of the Shoreline Management Act and the state master program, which includes local shoreline master programs, as well as the state and federal clean water acts and clean air acts, the State Environmental Policy Act, the Energy Facilities Siting Act, and the Transport of Petroleum Products Act. Other state and local government policies that could influence federal actions affecting the state's coastal zone are not currently included in the program.

Summary of Bill:

The Department of Ecology is designated the principal agency for administering the provisions of the federal CMZA and is authorized to receive and administer federal grants and enter into agreements with other government entities. By July 1, 2001, the department must review state and local laws that relate to the coastal zone to determine whether inclusion of these programs into the state's coastal zone management program would strengthen the state's ability to require federal consistency. In conducting its review, the department must consult with the relevant agencies and governments. It must then apply to have the programs recommended for inclusion to be included in the state's program. The department must also compile the program into a single document, and provide for public review and comment on applications for state concurrence in federal consistency determinations.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This is a state's rights issue. The Coastal Zone Management Act (CZMA) provides a tool for ensuring federal consistency. We should use it as broadly as possible. Many programs affecting the coastal zone are not included in the state's program, including the Growth Management Act and the Hydraulics Code. The coastal zone management program is a grant program. If states have a program that meets the goals of the CZMA, they are eligible for federal funds. Adding new state programs would not provide the National Oceanic and Atmospheric Administration with new authority to require Section 7 consultation under the federal Endangered Species Act.

Testimony Against: We're concerned that including more state laws in the state's coastal zone program will increase federal involvement in state programs and that these programs will trigger Section 7 consultation. Individual state actions could become federal actions and force consultation.

Testified: (In support) Senator Mary-Margaret Haugen, prime sponsor; Therese Swanson, Washington Department of Ecology; and Ron Shultz, National Audubon Society.

(With concerns) Karla Kay Fullerton, Washington Cattlemen's Association.

(Opposed) Scott Hazlegrove, Association of Washington Business.