

# FINAL BILL REPORT

## SHB 1193

---

---

C 299 L 21  
Synopsis as Enacted

**Brief Description:** Affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement.

**Sponsors:** House Committee on Environment & Energy (originally sponsored by Representative Hoff).

**House Committee on Environment & Energy**  
**Senate Committee on Environment, Energy & Technology**

### **Background:**

#### Shoreline Management Act Permits.

The Shoreline Management Act (SMA) of 1971 requires that most developments near state shorelines be consistent with shoreline master programs, which are plans developed by local governments for the uses of their shoreline areas. Certain projects require a substantial development permit that is reviewed by the local government and filed with the Department of Ecology (Ecology). Projects that require a substantial development permit include developments exceeding a cost of \$7,047 (as adjusted for inflation by the Office of Financial Management in September 2017), or any development that materially interferes with the normal public use of the water or shorelines of the state. In certain property-specific circumstances, variance permits or conditional use permits may be issued by a local government that allow for development that is not consistent with the local shoreline master program.

#### Dredged Material Disposal.

Materials dredged from harbors, rivers, and shipping lanes may be disposed of at certain state aquatic land disposal sites, which are approved through a cooperative process involving Ecology, the Department of Natural Resources (DNR), the United States Environmental Protection Agency (EPA), and the United States Army Corps of Engineers

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

(USACE). There are currently eight approved dredged material disposal sites in Puget Sound, two sites in Grays Harbor, and two sites in Willapa Bay. Before dredged material may be taken to a disposal site, a dredger must apply to the DNR's Dredged Material Management Program office for a site use authorization. The DNR only issues site use authorizations, which include terms and conditions imposed by any other federal, state, and local permits, after:

- all other applicable federal, state, and local permits have been acquired by the proponent; and
- Ecology and the EPA notify the DNR that the dredged materials are suitable for disposal under the federal Clean Water Act and do not appear to create a threat to human health, welfare, or the environment.

The disposal of dredged materials at a disposal site approved through the cooperative process involving Ecology, the DNR, the USACE, and the EPA does not require a permit under the SMA, provided that the proponent of the disposal obtains a valid site use authorization from the DNR.

The disposal of dredged materials associated with federal navigation channel activities undertaken by the USACE are subject to a dredged material management plan developed by the USACE. The plan is subject to review under the National Environmental Policy Act and the State Environmental Policy Act.

For some dredging activities, a state water quality certification authorized under section 401 of the federal Clean Water Act is also required and may result in the attachment of additional conditions to federal permits to ensure compliance with state water quality laws.

**Summary:**

Shoreline Management Act permits, variances, letters of exemption, or other local government review requirements do not apply to actions taken by the United States Army Corps of Engineers on the Columbia River to maintain and improve federal navigation channels in accordance with a federally mandated dredged material management and improvement project plan, if the plan has been reviewed under the National Environmental Policy Act and the State Environmental Policy Act, and has applied for a state water quality certification issued by the Department of Ecology under the federal Clean Water Act.

**Votes on Final Passage:**

House	97	0	
Senate	47	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** July 25, 2021