

FINAL BILL REPORT

ESHB 1758

C 305 L 23
Synopsis as Enacted

Brief Description: Concerning permitting for certain hatchery maintenance activities.

Sponsors: House Committee on Environment & Energy (originally sponsored by Representatives Mena, Fitzgibbon, Chapman, Morgan and Reed).

House Committee on Environment & Energy
Senate Committee on Local Government, Land Use & Tribal Affairs

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. Projects that require a substantial development permit include developments exceeding a cost of \$8,504 as adjusted for inflation by the Office of Financial Management in July 2022, 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.

Certain projects and activities, such as maintenance, repair, or replacement activities within the roadway prism of state highways, or the lease or ownership area of state ferry terminals and transit facilities, are exempted from requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local government review conducted to implement the SMA.

Summary:

The following activities undertaken by the Department of Fish and Wildlife, a federally

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recognized Indian tribe, a public utility district, or a municipal utility to maintain the operation of fish hatcheries do not require a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by a local government pursuant to the Shoreline Management Act (SMA):

- maintenance, repair, or replacement of equipment and components that support the larger hatchery facility and occur within the existing footprint of fish hatchery facilities;
- construction or installation of safety structures and equipment;
- maintenance occurring within existing water intake and outflow sites during times when fish presence is minimized; or
- construction undertaken in response to unforeseen, extraordinary circumstances that is necessary to prevent a decline, lapse, or cessation of operation of a state fish hatchery facility.

The proponent of a fish hatchery maintenance project must ensure compliance with the substantive requirements of the SMA for fish hatchery maintenance projects described above. Fish hatchery maintenance projects must not adversely affect public access or shoreline ecological functions.

Prior to beginning a maintenance or repair project, the proponent of the project must provide written notification of projects authorized under the act to the local government with jurisdiction over the location in which the project takes place, and to the Department of Ecology.

Votes on Final Passage:

House	97	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 23, 2023