

HOUSE BILL REPORT

HB 2734

As Reported by House Committee On:
Local Government

Title: An act relating to encouraging the removal of artificial vertical shoreline bank structures by redefining for certain projects the point from where the two hundred feet of shoreline is calculated.

Brief Description: Encouraging the removal of artificial vertical shoreline bank structures.

Sponsors: Representatives Newhouse and Hudgins.

Brief History:

Committee Activity:

Local Government: 1/22/08, 2/1/08 [DP].

Brief Summary of Bill

- Specifies that if a qualifying restoration activity that restores a shoreline to a natural or more natural condition is completed, the jurisdiction of the Shoreline Management Act in the applicable shoreland area must be determined by the location of the shoreline before the restoration activity.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Simpson, Chair; Takko, Vice Chair; Warnick, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Eddy, Nelson and Schmick.

Staff: Ethan Moreno (786-7386).

Background:

The Shoreline Management Act (SMA or Act) governs uses of state shorelines. The SMA enunciates state policy to provide for shoreline management by planning for and fostering "all reasonable and appropriate uses." The SMA prioritizes public shoreline access and

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enjoyment and creates preference criteria listed in prioritized order that must be used by state and local governments in regulating shoreline uses.

The SMA involves a cooperative regulatory approach between local governments and the state. At the local level, SMA regulations are developed in local shoreline master programs (master programs). All counties and cities with shorelines of the state are required to adopt master programs that regulate land use activities in shoreline areas of the state. Counties and cities are also required to enforce their master programs within their jurisdictions. Master programs must be consistent with guidelines adopted by the Department of Ecology (DOE), and the programs, and segments of or amendments to, become effective when approved by the DOE.

The SMA includes numerous definitions and concepts that guide the state and local governments in implementing the Act. "Shorelines," with delineated exceptions, means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them. "Shorelands" or "shoreland areas" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters that are subject to the provisions of the SMA.

Summary of Bill:

The jurisdiction of the SMA in shorelands or shoreland areas is modified. If a restoration activity that restores a shoreline to a natural or more natural condition is completed by removing a bulkhead or other artificial vertical shoreline bank structure, the jurisdiction of the SMA in the applicable shoreland area must be determined by the location of the shoreline before the restoration activity.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is the result of a tour of the Duwamish River. A portion of the river bank is a prime area for habitat restoration. However, if you remove the bulkhead, the buffer requirements will shift. This shift can discourage restoration efforts and will impact the current or future use of the private property. Property owners are fighting restoration efforts because of concerns about being negatively affected by jurisdictional changes. This bill will

allow land owners to improve habitat without diminishing their property rights. This bill will promote harmony between land owners and the environment.

(Opposed) The Department of Ecology (DOE) wants to prevent regulations from discouraging restoration activities: the agency recognizes that, in some cases, this does occur. The DOE has not provided clear guidance to local governments about jurisdictional shifts resulting from restoration activities. The DOE, however, is concerned about the specific mechanisms of the bill: small and large areas could be affected. This bill is not an effective way to manage shorelines. The DOE does not believe the SMA needs to be amended.

Persons Testifying: (In support) Representative Newhouse, prime sponsor; and Representative Hudgins.

(Opposed) Tom Clingman, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.