
Local Government Committee

HB 2046

Brief Description: Adding a definition of streams to the shoreline management act.

Sponsors: Representatives Dent, Takko, Griffey and Tharinger.

Brief Summary of Bill

- Establishes a definition of "streams" in the Shoreline Management Act to mean naturally occurring bodies of periodic or continuously flowing water contained within a channel.
- Excludes certain water features from the definition of "streams," including artificially constructed waterbodies, hydroelectric canals, and natural channels or swales that would normally be dry, but for the presence of irrigation and irrigation return water.

Hearing Date: 2/12/15

Staff: Ethan Moreno (786-7386).

Background:

Shoreline Management Act.

The Shoreline Management Act of 1971 (SMA) governs uses of state shorelines and involves a cooperative regulatory approach between local governments and the state. At the local level, the SMA regulations are developed in mandatory city and county shoreline master programs (SMPs) that regulate land use activities in shoreline areas of the state. At the state level, the Department of Ecology (DOE) is charged with reviewing the locally-adopted SMPs and approving those that comply with statutory provisions and agency guidelines governing their adoption. The goals and policies of an approved SMP are an element of the county or city's comprehensive plan adopted under the GMA.

The SMA includes numerous definitions and concepts that guide the state and local governments in implementing its provisions, including definitions that exempt certain water features from the jurisdiction of the SMA. For example, "wetlands" is defined in the SMA to mean, in part, areas

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that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The definition of "wetlands" also specifies that the term does not generally include artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities.

Summary of Bill:

A definition of "streams" in the SMA is established to mean naturally occurring bodies of periodic or continuously flowing water contained within a channel. Streams do not include:

- artificially constructed waterbodies, including irrigation, return flow, and stock watering channels;
- hydroelectric canals;
- drainage ditches; or
- natural channels or swales that would normally be dry, but for the presence of irrigation and irrigation return water.

Appropriation: None.

Fiscal Note: Requested on February 9, 2015.

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