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## Environment & Energy Committee

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### HB 1193

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

**Sponsors:** Representative Hoff.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Exempts federal navigation channel maintenance and improvement projects and activities from Shoreline Management Act permits, variances, and local government reviews.</li></ul>
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**Hearing Date:** 2/2/21

**Staff:** Jacob Lipson (786-7196).

**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.

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*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.*

Certain projects and activities of the Washington State Department of Transportation 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, including 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.

#### 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. 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 Army Corps of Engineers, 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.

#### **Summary of Bill:**

A permit under the Shoreline Management Act (SMA) is not required to dispose of dredged materials at a site used for federal navigation channel maintenance and improvement projects and activities. Federal navigation channel maintenance and improvement projects and activities are also exempt from permits, variances, letters of exemptions, or other reviews conducted by local governments to implement the SMA. Department of Transportation maintenance, repair, or replacement of federal navigation channel maintenance and improvement projects and activities, including the Dredged Material Management Plan, are also exempt from SMA permits, variances, letters of exemption, or other SMA local government reviews.

**Appropriation:** None.

**Fiscal Note:** Available.

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