

HOUSE BILL REPORT

HB 1387

*As Reported By House Committee on:
Fisheries & Wildlife*

Title: An act relating to siting fin fish rearing facilities.

Brief Description: Combining federal and state permit appeal processes.

Sponsor(s): Representatives R. King, Fuhrman, Basich, Padden, Morris, Hochstatter, Orr, Edmondson, Chandler, Bowman, Paris and Ballard.

Brief History:

Reported by House Committee on:
Fisheries & Wildlife, February 12, 1991, DPA.

**HOUSE COMMITTEE ON
FISHERIES & WILDLIFE**

Majority Report: *Do pass as amended.* Signed by 8 members: Representatives R. King, Chair; Morris, Vice Chair; Fuhrman, Assistant Ranking Minority Member; Basich; Cole; Hochstatter; Orr; and Padden.

Minority Report: *Do not pass.* Signed by 3 members: Representatives Wilson, Ranking Minority Member; Haugen; and Spanel.

Staff: Keitlyn Watson (786-7310).

Background: Siting of a freshwater or marine aquaculture project may require a variety of permits. Net pen projects for finned fish in the marine environment will almost always require both a Shoreline Management Substantial Development permit and a National Pollution Discharge Elimination System (NPDES) permit. The Shoreline Management Act ensures that suitable sites are used for projects that affect shorelines. The NPDES permit is a federal permit required by the Environmental Protection Agency pursuant to the Clean Water Act.

Currently, under the Shoreline Management Act of 1971, appeals of a Shoreline Management Substantial Development permit denial, condition or issuance are heard by the Shoreline Hearings Board. Appeals of NPDES permits are heard by the Pollution Control Hearings Board. Both of

these boards are located within the Environmental Hearings Office. Hearings on appeals to boards under the Environmental Hearings Office may be consolidated.

Summary of Amended Bill: For fin fish rearing facilities, hearings on appeals to the Pollution Control Hearings Board of state or federal discharge permits and on appeals to the Shoreline Hearings Board of Shoreline Management Substantial Development permits shall be combined if the appeals are filed within 30 days of one another.

Amended Bill Compared to Original Bill: The amended bill requires consolidation of the hearings on the appeals when the appeals are filed within 30 days of one another. The original bill allowed consolidation of the hearings at the sole discretion of the permit applicant.

Fiscal Note: Not requested.

Effective Date of Amended Bill: July 28, 1991.

Testimony For: It would create more efficiency in government and would reduce costs to project proponents.

Testimony Against: The bill may not create the efficiency desired, since these hearings are already consolidated to the extent possible.

Witnesses: John Woodring, Washington Fish Growers Association (in favor); Hal Zimmerman, Environmental Hearings Office (in favor of the idea of more efficiency in government, but believes that efficiencies need to be created at local/state permit level to make this truly efficient); and Susan Markey, Department of Fisheries (neutral).