

HOUSE BILL REPORT

SHB 1275

As Amended by the Senate

Title: An act relating to the exclusion of site exploration as a substantial shoreline development.

Brief Description: Exempting site exploration from shorelines management regulation.

Sponsors: By House Committee on Environmental Affairs (originally sponsored by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Shin and Horn; by request of Department of Transportation.)

Brief History:

Reported by House Committee on:
Environmental Affairs, February 11, 1993, DPS;
Passed House, March 8, 1993, 97-0;
Amended by Senate.

HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; Roland; and Sheahan.

Staff: Rick Anderson (786-7114).

Background: In 1971, the Legislature passed the Shorelines Management Act (SMA). The SMA applies to: 1) lakes over 20 acres; 2) rivers with flows greater than 20 cubic feet per second; and 3) wetlands, floodways, and flood plains associated with regulated lakes and rivers. Each county, city and town containing areas covered by the SMA is required to develop a shoreline master program consistent with state guidelines.

The SMA requires a permit from a local government before any substantial development can be undertaken within the shorelines of the state. The SMA defines "substantial development" as a project that interferes with the public's normal use of the water or a project with a total cost exceeding \$2,500. The SMA establishes a number of exemptions from substantial development permits.

Soil samples and other information is typically collected prior to constructing roads, bridges, or other structures. This information gathering, also known as site exploration and investigation activities, generally requires a substantial development permit because the cost of the activity exceeds \$2,500.

Summary of Bill: Site exploration and investigation activities are exempt from substantial development permits if the activity: does not interfere with the normal public use of the water; has no significant adverse environmental impact; does not involve installation of a structure; and does not involve oil or natural gas exploration in marine waters of the state. In addition, any disturbance caused by the activity must be restored to pre-existing conditions.

The exemption must be given by the local government, in writing. A bond or other method of financial assurance is required to ensure that the site is restored to pre-existing conditions.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment deletes a requirement that a project proponent demonstrates financial responsibility to ensure that a site is restored to pre-existing conditions.

The Senate amendment exempts site exploration activities if the exploration activity does not involve a development activity with a fair market value exceeding \$8500.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill is needed to expedite the information gathering stage of projects. The bill does not provide exemptions from the construction phase of a project nor does it provide any exemption from other environmental laws.

Testimony Against: None.

Witnesses: Bernie Chaplin, Department of Transportation (pro); Michael Daniels, Washington State Association of County Engineers (pro); Rod Mack, Department of Ecology (pro); Jeff Parsons, National Audubon Society (with concerns); and Eric Berger, County Road Administration Board (pro).

VOTE ON FINAL PASSAGE:

Yeas 97; Excused 1

Excused: Representative Miller