

SENATE BILL REPORT

SHB 2365

AS OF FEBRUARY 15, 1994

Brief Description: Reducing disturbances to fish, wildlife, and their habitats.

SPONSORS: House Committee on Fisheries & Wildlife (originally sponsored by Representatives Foreman, King, Rust and Quall)

HOUSE COMMITTEE ON FISHERIES & WILDLIFE

SENATE COMMITTEE ON NATURAL RESOURCES

Staff: Ross Antipa (786-7413)

Hearing Dates: February 22, 1994

BACKGROUND:

The scientific literature indicates that in some cases there is an effect of motorized vehicles or boats on wildlife, and there is concern that certain motorized vessels can negatively affect fish habitat.

Under current law, local governments, rather than any state agency, are authorized to designate certain waters as closed to boating, although the State Parks and Recreation Commission has adopted a model boating ordinance for use by local governments that would preclude boating at speeds greater than seven nautical miles per hour within 100 feet of shore.

SUMMARY:

The Department of Fish and Wildlife is authorized to restrict vessel use of freshwaters of the state if:

- (1) The department identifies that there are spawning grounds of state or federally listed endangered, threatened, or sensitive species of fish, or stocks of fish in depressed or critical condition, within the area of potential restriction;
- (2) The department allows vessels to operate at speeds no greater than those sufficient to maintain steerage to reach their destinations in the open area, unless, in the department's judgment, operation within the restricted area at times or speeds prescribed by the department does not harm the fish or spawning grounds;
- (3) The department has coordinated with relevant federal agencies to ensure compliance with federal laws; and

- (4) The state has formally indicated a concern with impacts to the spawning grounds within the area of potential restriction, by having requested review by the relevant growth planning hearings board of local critical area designations or development regulations to protect critical areas.

Restrictions established by the department preclude local government regulations that are in conflict, unless such regulations are more restrictive. Operation of a vessel in restricted areas in violation of the restrictions constitutes a misdemeanor. A minimum penalty of \$500 for the first offense and \$1,000 for each subsequent offense is established.

Appropriation: none

Revenue: none

Fiscal Note: available

Effective Date: July 1, 1994