

SENATE BILL REPORT

SB 5278

AS REPORTED BY COMMITTEE ON NATURAL RESOURCES, FEBRUARY 19, 1993

Brief Description: Exempting from the shoreline management act certain projects that have been granted hydraulic permits.

SPONSORS: Senators Hargrove and Owen

SENATE COMMITTEE ON NATURAL RESOURCES

Majority Report: That Substitute Senate Bill No. 5278 be substituted therefor, and the substitute bill do pass.

Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Erwin, Franklin, Haugen, Oke, Sellar, Snyder, and Spanel.

Staff: Erika Lim (786-7488)

Hearing Dates: February 10, 1993; February 19, 1993

BACKGROUND:

A hydraulic permit is required for projects which will use, divert, obstruct, or change the natural flow or bed of any state salt or fresh waters. The Department of Fisheries or the Department of Wildlife may issue a permit after examining the adequacy of the projects's protection of fish life.

A development permit is required by the Shoreline Management Act for projects which are substantial developments along the shorelines of the state. The local government of the area sought to be developed may issue a development permit after examining the applicant's compliance with the provisions of the Shoreline Management Act.

Some projects require both a hydraulic permit and a development permit.

SUMMARY:

A public or private project that is designed to improve fish passage, fish habitat, or wildlife habitat and which has been given a hydraulic permit by the appropriate agency is exempt from the requirements of the Shoreline Management Act.

EFFECT OF PROPOSED SUBSTITUTE:

It is clarified that projects to which this bill applies are those primarily designed to improve habitat or passage. Language is added that these projects are exempt from the permitting requirements of the Shoreline Management Act (SMA) after local government determines that the project does not substantially affect concerns of the SMA. A letter of

exemption which is already used by local governments for other types of projects exempt under the SMA must be obtained.

Appropriation: none

Revenue: none

Fiscal Note: requested February 4, 1993

TESTIMONY FOR:

Overlapping agency authority is reduced while maintaining appropriate checks. Landowners who would like to undertake small fish enhancement projects will be able to do so more quickly and easily.

TESTIMONY AGAINST (original bill):

A hydraulic permit application examines only a project's effect on fish. It does not consider effects on wildlife or on any other concerns addressed by the Shoreline Management Act (SMA). Hydraulic permits are granted by the state, whereas SMA is administered by local governments and the Department of Ecology. Also, SMA contains public notice requirements which is the only way some members of the public find out about proposed projects.

TESTIFIED: Cyreis Schmitt, Duane Phinney, Department of Fisheries; Gordon Zillges, Department of Wildlife; Rod Mack, Department of Ecology; Dawn Vyvyan, Yakima Indian Nation; Toimi Maki, Grays Harbor Gillnetters Association