

SENATE BILL REPORT

ESSB 5671

AS PASSED SENATE, MARCH 17, 1993

Brief Description: Modifying the definition of a substantial development for the purposes of the shoreline management act.

SPONSORS: Senate Committee on Natural Resources (originally sponsored by Senators Owen, Sutherland, Amondson, Erwin, Hargrove, Oke, L. Smith and Fraser)

SENATE COMMITTEE ON NATURAL RESOURCES

Majority Report: That Substitute Senate Bill No. 5671 be substituted therefor, and the substitute bill do pass.

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

Staff: Erika Lim (786-7488)

Hearing Dates: February 17, 1993; February 24, 1993

BACKGROUND:

The Shoreline Management Act was passed in 1971. It requires that a development permit be obtained for projects which are substantial developments along the shorelines of the state. In 1971 a "substantial development" was defined as having total cost or fair market value exceeding \$1000. This amount was changed to \$2500 in 1986.

SUMMARY:

The value of a "substantial development" which requires a development permit under the Shoreline Management Act is raised to \$8500. The Department of Ecology will periodically review this amount for possible adjustments for inflation.

The conditions under which a hydraulic permit must be obtained are changed. If a project received a hydraulic permit between January 1, 1989, and the effective date of this act, the permit holder may contact the Department of Fisheries or the Department of Wildlife to determine if the conditions of the original permit are adequate to do maintenance work on the project.

If the original conditions are adequate, the department will issue a permit within 15 days. If the original conditions are not adequate, the permit holder may submit a "maintenance plan" for review by the department. If either the Department of Fisheries or Wildlife denies approval of a maintenance plan, a written explanation must be given.

Maintenance plans may be approved for five years and may be renewed. After the effective date of this act, an applicant may simultaneously apply for a hydraulic permit and a five-year maintenance plan.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The current \$2500 exemption is too low. For small dollar amount projects, more time is spent seeking a permit than working on the project itself.

TESTIMONY AGAINST:

Environmental impacts of a project cannot be accurately gauged solely using a dollar amount. There can be expensive projects with little environmental effect or there can be inexpensive projects with profound environmental effect.

The cumulative impacts of small, exempt projects can be significant. The permitting process allows neighboring property owners and affected agencies to comment and to suggest mitigating measures. This is not possible for exempt projects.

TESTIFIED: Hugh Middleton; Robert N. Boehm; Eric Berger, County Road Administration Board; Rod Mack, Dept. of Ecology; Bernie Chaplin, Dept. of Transportation; Jeff Parsons, National Audubon Society