

# SENATE BILL REPORT

## SB 5075

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As Reported By Senate Committee On:  
Agriculture & Environment, February 5, 1997

**Title:** An act relating to shoreline management.

**Brief Description:** Regulating use activities.

**Sponsors:** Senators Swecker and Rasmussen.

**Brief History:**

**Committee Activity:** Agriculture & Environment: 1/21/97, 2/5/97 [DPS, DNP].

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### SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**Majority Report:** That Substitute Senate Bill No. 5075 be substituted therefor, and the substitute bill do pass.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Rasmussen, Newhouse and Oke.

**Minority Report:** Do not pass.

Signed by Senators Fraser and McAuliffe.

**Staff:** Kari Guy (786-7437)

**Background:** The Shoreline Management Act establishes a cooperative program of shoreline management between local government and the state. Under the act, local governments are required to develop comprehensive shoreline master programs and development regulations. The Department of Ecology has adopted rules defining the methods for preparation and adoption of the local shoreline master programs, and providing guidance for local regulation of various use activities.

One use activity addressed in the rules is aquaculture. Aquaculture is defined as a preferred, water-dependent use when it is consistent with the control of pollution and prevention of damage to the environment.

It has been suggested that some local governments are restricting aquacultural uses, contrary the guidance specified in the Department of Ecology rules.

**Summary of Substitute Bill:** Findings are made regarding the role of aquaculture in a shoreline environment.

No local government may prohibit aquacultural uses, or condition aquacultural uses to the extent that the use can not be feasibly located. If a local government does limit an aquacultural use in a designated area, a suitable area of equal size must be designated where the aquacultural use is permitted.

Local governments may update the local shoreline master program to comply with this act during the next normally scheduled revision of the master program.

**Substitute Bill Compared to Original Bill:** The bill is narrowed to address only aquacultural uses, and findings are added. Language is added to specify that if a local government does limit an aquacultural use, an area where the use is allowed must be designated. Local governments are not required to update the local shoreline master program until the next normally scheduled revision. The emergency clause is deleted.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Aquaculture is dependent on use of the shoreline, but is being banned by local governments without any environmental justification. Aquaculture facilities are dependent on clean water for their business and have a good environmental record. Salmon aquaculture production is going down in this state due to the problems with siting new facilities.

**Testimony Against:** The criteria in the bill are too broad, and it is unclear whether uses other than aquaculture would be covered under the bill. This will limit local communities' ability to protect their shorelines. The bill appears to mandate revision of all local master programs, but does not include a deadline for revision or funding.

**Testified:** Jim Zimmerman, Troutlodge, Inc. (pro); Bruce Wishart, People For Puget Sound (con); John Woodring, WA Fish. Assn. (pro); Scott McKnight, Global Aqua (pro); Bob Mack, Assn. of WA Cities (concerns); Paul Parker, WA State Assn. of Counties; John Lindbergh (pro).