

HOUSE BILL REPORT

HB 2176

As Reported By House Committee On:

Local Government

Title: An act relating to requiring the department of ecology to present updated shoreline management guidelines to the legislature.

Brief Description: Informing the legislature about the department of ecology's guideline adoption process.

Sponsors: Representatives G. Chandler, Scott, Mulliken, Mastin, Doumit, Cox and Sump.

Brief History:

Committee Activity:

Local Government: 2/25/99, 3/1/99 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Ecology to submit proposed shoreline master program guidelines to the Legislature at least one year before final adoption.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Staff: Caroleen Dineen (786-7156).

Background:

The Shoreline Management Act (SMA) requires counties and cities to adopt local shoreline master programs regulating land use activities in shoreline areas of the state and to enforce approved programs within their jurisdictions. The SMA also requires the Department of Ecology (DOE) to adopt guidelines for local governments to use when

developing local shoreline master programs. The DOE considers the adopted guidelines when reviewing and approving local shoreline master programs.

The DOE must provide an opportunity for local governments and others to comment and must hold public hearings on the proposed guidelines before they are adopted. The DOE may propose amendments to the guidelines no more than once per year and must review the guidelines at least once every five years.

Summary of Substitute Bill:

DOE is required to submit proposed shoreline master program guidelines and a report on DOE's guideline development process to the appropriate standing committees of the Legislature at least one year before final adoption. This requirement expires July 1, 2001.

Substitute Bill Compared to Original Bill: The substitute bill adds the requirement for the proposed guidelines to be submitted to the Legislature at least one year before final adoption and delays the expiration until 2001.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Original bill) The changes in the proposed shoreline master program guidelines will create major impacts on local governments and property owners. Eastern Washington was not well represented on the Shoreline Guidelines Commission, the group which developed the new proposed guidelines, and local governments and others have concerns about the proposed guidelines. These proposed guidelines include major shoreline policy changes, which are the authority of the Legislature and not the Department of Ecology. This bill will start the involvement of the Legislature in the process.

This bill should require the Department of Ecology to submit the proposed guidelines at least one year before final adoption so that the Legislature will have adequate time to review them.

The Department of Ecology made every effort to bring together interest groups in the Shoreline Guidelines Commission process, and diverse groups were at the table. Some

of the interest groups which boycotted that process are now objecting to the proposed guidelines.

The current guidelines have not been updated in more than 20 years and need review. The proposed guidelines will be subject to the rulemaking phase, with opportunities for public participation through workshops and public hearings. It has been five years since the Legislature required the Department of Ecology to update the current guidelines. While not opposing the requirement to submit the proposed guidelines to the Legislature before final adoption, the proposed guidelines should not be delayed another year.

(Neutral) The Department of Ecology supports submitting the guidelines to the Legislature before final adoption.

Testimony Against: None.

Testified: (In support) Representative Chandler, prime sponsor; Karla Kay Fullerton, Washington Cattlemen's Association; Linda Johnson, Washington State Farm Bureau; Jodi Walker, Building Industry Association of Washington; Bill Clarke, Washington Association of Realtors; Scott Hazelgrove, Association of Washington Business; and Bruce Wishert, People for Puget Sound.

(Neutral) Peter Skowlund, Department of Ecology.