

# SENATE BILL REPORT

## SB 6776

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As Reported By Senate Committee On:  
Environmental Quality & Water Resources, February 4, 2000  
Ways & Means, February 8, 2000

**Title:** An act relating to schedules for the adoption or amendment of shoreline master programs.

**Brief Description:** Providing schedules for the adoption or amendment of shoreline master programs.

**Sponsors:** Senators Eide, Morton, Jacobsen and Fraser.

**Brief History:**

**Committee Activity:** Environmental Quality & Water Resources: 2/1/2000, 2/4/2000 [DPS-WM].

Ways & Means: 2/8/2000 [DPS(EQWR), DNPS].

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### SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

**Majority Report:** That Substitute Senate Bill No. 6776 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

**Staff:** Genevieve Pisarski (786-7488)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 6776 as recommended by Committee on Environmental Quality & Water Resources be substituted therefor, and the substitute bill do pass.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Fraser, Honeyford, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Winsley, Wojahn and Zarelli.

**Minority Report:** Do not pass substitute.

Signed by Senators Fairley, Kline and Kohl-Welles.

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

**Background:** The state Shoreline Management Act of 1971 requires local governments to adopt local shoreline master programs for regulating uses of the shorelines of the state, based on guidelines adopted by the Department of Ecology. Guidelines were adopted in 1972. In connection with initiating integration of the state's environmental and land use laws, the Regulatory Reform Act of 1995 directed the department to revise and update Shoreline Management Act guidelines at least once every five years and directed local governments to amend their local shoreline master programs accordingly, within 24 months thereafter. The

department is seeking to adopt revised guidelines by July 2000. The department and local governments have estimated that revision and amendment of local shoreline master programs can be accomplished in five years, at a cost of approximately \$18.8 million. The Governor's supplemental budget request for 2000 for this purpose is \$3.8 million.

**Summary of Substitute Bill:** The requirement that all local governments amend shoreline master programs within 24 months of the adoption of revised guidelines is removed. All local governments amend shoreline master programs within 36 months of receiving full funding. Consistent with the state salmon recovery plan, King, Snohomish, Pierce, Clark, and Kitsap counties and their cities and towns amend shoreline master programs within 36 months of the adoption of revised guidelines, provided that the Legislature appropriates funds for this purpose. Ten percent of any funds appropriated is set aside for other local governments who wish to amend shoreline master programs at the same time.

**Substitute Bill Compared to Original Bill:** The requirement that all local governments will amend shoreline master programs within 36 months of receiving full funding is added.

**Appropriation:** None.

**Fiscal Note:** Requested on January 31, 2000.

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

**Testimony For (Environmental Quality & Water Resources):** Updating local shoreline master programs must move forward, with funding, at least for those who are willing and able and whose shorelines are experiencing the most pressure from growth and are most vulnerable to ESA enforcement. An unfunded and impracticable mandate will be removed and replaced with a funded and feasible schedule. All of the named local governments are ready to proceed. Others who are also ready to proceed will have funds set aside for them. Funding should be provided, regardless of what schedule is required.

**Testimony Against (Environmental Quality & Water Resources):** The 24-month schedule should be retained. The named local governments are authorized to delay by an additional year, and all the others might never have to update their shoreline master programs. The phased approach proposed last year should be used, so that all local governments would have a schedule, which would be three, four, or five years. It is still unknown, whether the current draft guidelines will assure ESA compliance. The standard for what will assure ESA compliance should be set by the guidelines, for the whole state, and not by some local governments, who are negotiating compliance separately. Ten percent of any funding is too little for other local governments who are faced with immediate compliance. There are other reasons besides ESA compliance to update shoreline master programs, such as health and safety, integration of environmental and land use laws, and protection of public resources. The National Marine Fisheries Service has said that the guidelines are an appropriate vehicle for ESA compliance and that agreement on needed changes is likely, but that the Shoreline Management Act is only one of the laws that will have to be used to achieve ESA compliance.

**Testified (Environmental Quality & Water Resources):** Peter Skowlund, Dept. of Ecology (con ); Regina LaBelle, King County (pro); Scott Hazlegrove, AWB (con); Dave

Williams, AWC (pro); Paul Parker, WSAC (pro); Bruce Wishart, People for Puget Sound (con); Ron Shultz, Audubon (con); Bill Clarke, AWR (con); Karla Kay Fullerton, WCA (concerns).

**Testimony For (Ways & Means):** This bill is a good compromise. It allows the Department of Ecology to move forward with adopting new guidelines, but relaxes the deadline for local government plan revisions. The five counties named in the bill are ready to move forward.

**Testimony Against (Ways & Means):** This bill would eliminate the requirement that local governments update their shoreline plans, unless the Legislature fully funds the updates. This shifts the responsibility to the state, and some local governments may then choose not to update their plans.

**Testified (Ways & Means):** PRO: Dave Williams, Association of Washington Cities; Paul Parker, Washington State Association of Counties; CON: Bruce Wishart, People for Puget Sound; Ron Shultz, National Audubon Society; Josh Baldi, Washington Environmental Council.