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SENATE BILL 5103

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State of Washington

56th Legislature

1999 Regular Session

By Senators Haugen, Swecker, Jacobsen, Fraser, Spanel, Morton and Rasmussen

Read first time 01/13/1999. Referred to Committee on Environmental Quality & Water Resources.

1 AN ACT Relating to Washington's coastal zone program; adding new  
2 sections to chapter 43.21A RCW; creating new sections; and providing an  
3 expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that it is in the best  
6 interests of its citizens to take advantage of federal laws requiring  
7 that federal agencies take account of state and local government  
8 policies regarding the management of land and water resources when  
9 federal agencies are conducting activities directly or approving other  
10 activities through the issuance of federal permits or licenses. The  
11 legislature finds that one such federal law, the coastal zone  
12 management act of 1972, requires federal agencies to determine that  
13 their activities, or the activities of others seeking federal permits  
14 or licenses, are consistent with state coastal zone management programs  
15 approved under the provisions of that act. The legislature further  
16 finds that while Washington state has such an approved program, being  
17 the first state to obtain such status, in 1976, the approved program  
18 does not contain many existing state and local government policies and  
19 programs that, if included, would be the basis for exerting far greater

1 influence upon the permitting activities and direct undertakings of  
2 federal agencies in areas within or affecting the state's expansive  
3 coastal zone.

4 For these reasons it is the intent of this act to direct a review  
5 of the state's existing program and the submission of additional state  
6 and local government policies to the national oceanic and atmospheric  
7 administration for inclusion in such program, and to direct that  
8 maximum state efforts be directed toward implementing the state's role  
9 in federal consistency determinations to ensure that state and local  
10 policies influence federal agency actions affecting the state's coastal  
11 zone.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A RCW  
13 to read as follows:

14 The department is designated as the principal state agency for  
15 administering the provisions of the federal coastal zone management act  
16 (16 U.S.C. Sec. 1451 et seq.), as it exists on January 1, 1999, and is  
17 authorized to receive and administer federal grants to implement the  
18 act. The department, in the implementation of the network of state and  
19 local policies and programs comprising the state coastal zone  
20 management program, shall enter into agreements of administration with  
21 such other state agencies and local governments as appropriate to fully  
22 and effectively implement all elements of the state's federally  
23 approved coastal zone management program.

24 NEW SECTION. **Sec. 3.** (1) The department of ecology shall review  
25 the state and local policies included in the state's approved coastal  
26 zone program, and other state and local policies not included in the  
27 program, which if included would further the purposes of protecting the  
28 state's coastal zone and influencing federal actions affecting the  
29 state's coastal zone as expressed in section 1 of this act. This  
30 review shall be conducted in consultation with other state agencies and  
31 local governments administering the policies and programs under review,  
32 and, at a minimum, shall include the departments of natural resources,  
33 fish and wildlife, and community, trade, and economic development, and  
34 the governing bodies of the counties included within the state's  
35 coastal zone.

36 (2) The review shall include, but not be limited to, the policies  
37 in the following acts applicable to land and water uses within the

1 state's coastal zone, including the implementing programs of state  
2 agencies and local governments acting under the authorities provided in  
3 such acts:

4 (a) Shoreline management, chapter 90.58 RCW;

5 (b) Financial responsibility for oil transported by vessels,  
6 chapter 88.40 RCW;

7 (c) Vessel oil spill prevention and response, chapter 88.46 RCW;

8 (d) Water pollution control, chapter 90.48 RCW;

9 (e) Oil and hazardous substance spill prevention and response,  
10 chapter 90.56 RCW;

11 (f) Ocean resources management, chapter 43.143 RCW;

12 (g) Growth management, chapter 36.70A RCW;

13 (h) Air pollution control, chapter 70.94 RCW;

14 (i) Forest practices, chapter 76.09 RCW;

15 (j) Surface mining, chapter 78.44 RCW;

16 (k) Aquatic lands management, chapters 79.90, 79.91, 79.92, 79.93,  
17 79.94, 79.95, and 79.96 RCW;

18 (l) Hydraulics projects approval, chapter 75.20 RCW; and

19 (m) Water resources management, chapters 90.03, 90.44, and 90.54  
20 RCW.

21 (3) The department shall conclude its review no later than July 1,  
22 2000. The department shall expeditiously thereafter apply to the  
23 appropriate federal agency to have those state and local policies  
24 included in the federally approved state coastal management program  
25 that would strengthen the program consistent with the purposes of this  
26 act. The application shall identify the state agencies and local  
27 governments responsible for administering those policies.

28 (4) This section expires December 31, 2000.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.21A RCW  
30 to read as follows:

31 (1) The department shall compile the elements of the federally  
32 approved state coastal management program into a single document to  
33 facilitate administration of the program by the various state agencies  
34 and local governments responsible for individual elements, and to  
35 facilitate public review and participation in federal consistency  
36 reviews and other coastal management program activities.

37 (2) The department shall provide public notice of applications for  
38 state concurrence in federal consistency determinations, and provide a

1 meaningful opportunity for public review and comment upon such  
2 applications.

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