

SENATE BILL REPORT

ESSB 5378

As Passed Senate, May 3, 2001

Title: An act relating to amendments to shoreline master programs and critical areas.

Brief Description: Modifying the review timelines for shoreline master programs and other critical areas.

Sponsors: Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senators Jacobsen, Swecker and Spanel; by request of Governor Locke).

Brief History:

Committee Activity: Natural Resources, Parks & Shorelines: 2/14/01, 3/5/01 [DPS, DNP].
Passed Senate: 3/14/01, 28-21.

First Special Session: Passed Senate: 5/3/01, 25-23.

SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & SHORELINES

Majority Report: That Substitute Senate Bill No. 5378 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Morton, Oke, Snyder and Stevens.

Minority Report: Do not pass.

Signed by Senators Spanel and Vice Chair; Constantine.

Staff: Vic Moon (786-7469)

Background: The Shoreline Management Act of Washington was passed by the Legislature as an alternative to an initiative and was approved by the voters in November 1972. It took local governments approximately five years to develop the local government standards based on the shoreline guidelines adopted by the Department of Ecology.

In 1995, the Shoreline Management Act was substantially amended by the Regulatory Reform Act. The policy of the Legislature was to provide integration between the Shoreline Management Act, State Environmental Policy Act and the Growth Management Act and to require that the Department of Ecology improve oversight over the Shoreline Management Act. The Department of Ecology was required to update master program guidelines every five years. In addition, the appeals of master program revisions for those jurisdictions under the state's Growth Management Act were to go to the Growth Management Hearings Board, rather than the Shoreline Hearings Board.

In 1999, the Department of Ecology offered its first new master program guidelines. The department held nine hearings and elected to make substantial changes to the original draft. From 1999 to February 2000, the Department of Ecology sought review of the new draft rule.

The department held hearings throughout the state on the new guidelines and the director signed the new master program guidelines in November 2000. The guidelines went into effect December 2000.

Summary of Bill: The impact of providing habitat for salmon in their various life stages is substantial and parts of the shorelines management rules adopted recently by the Department of Ecology are intended to improve shoreline practices that impact salmon. It is recognized that there are numerous regulations requiring local governments to protect the environment and to protect salmon. Counties and cities with threatened or endangered salmon species must protect those species through their development practices and permitting activities. It is the intent of the act to coordinate the planning process of the Growth Management Act and the critical areas provisions of that act with the Shoreline Management Act.

New guidelines do not apply to counties or cities with both shoreline programs and comprehensive land use plans in place and where the county has 75 percent or more land base in preservation, natural resource use or open space. Counties with the shoreline program and comprehensive land use plan in place that have a 75 percent rural land base must either maintain their existing programs or may voluntarily amend under the new December 2000 guidelines of the Department of Ecology. Counties bordering on other states are not required to use the new guidelines.

The Department of Ecology must consult with local government and develop growth management implementation schedules consistent with salmon recovery strategy and the Office of Financial Management's growth data. The department must take into account local funding issues and review local government's capability to comply with the shoreline planning requirements. A 12-month extension may be granted at the request of local government to complete a plan. The planning processes of the Growth Management Act and the Shoreline Management Act are to be coordinated to provide that revisions of critical areas must be completed according to a specific schedule. The comprehensive plans must be adopted in conjunction with the shoreline planning process. The revision for comprehensive plans must be on a ten-year rotation cycle.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For Substitute Bill (which was SB 5458): The regulations of the Department of Ecology are too strict, will cost too much and are not needed in the rural counties which already have planning for shorelines and growth. Full funding is needed to help those local governments which must plan, or who want to plan, under the new shoreline guidelines of the Department of Ecology.

Testimony Against Substitute Bill (which was SB 5458): None.

Testified on Substitute Bill: PRO: Paul Parker, Washington Assn. of Counties; Anne Lohman, WA Farm Bureau; Dave Williams, Assn. of WA Cities.

Testified For the 2000 Shoreline Master Program Guidelines: Carol Jolly, Governor's Office; Gordon White, Department of Ecology; Tim Ceis, King County; Traci Goodwin, Port of Seattle; Graham Anderson, Port of Everett; Erik Johnson, WA Ports Assn.; Terese Van Assche, Friends of Hylebos; Barbara Wilson, National Wildlife Federation; Bruce Wishart, People for Puget Sound; Angie Dixon; Chris Brown; Sharon Nelson, Arthur Grunbaum; Shelly Bain; Dick Sheldon, Northern Oyster Company; Brady Engvall, Grays Harbor Oyster Company; Diane Cooper, Pacific Coast Shellfish Growers; Rick Abbett, Trout Unlimited; Phil Cochran, WA Trails Assn.; Ken Batker, Tacoma Audubon Society; Stephanie Hillman, PAWS; Josh Baldi, WA Environmental Council; Roger Cole, Sierra Club; Phyllis Mains; Denis, Frances Murphy, Bracklett's Landing Assn.; Terry Williams, Tulalip Tribes; Steve Robertson, Northwest Indian Fishery Commission; David Troutt, Nisqually Indian Tribe; Ron Shultz, Audubon Society; Paul Roberts, City of Everett; Harry Reinert, King County.

Testified Against the 2000 Shoreline Master Program Guidelines: Carol Mooney, City of Pateros; Doug, Bernice Lamenzind; Stephen Thornton; Dan Wood, Grays Harbor Commissioner; Steve Frank; Vivian Henderson; Merle Stout; Kristen Swain, Assn. of WA Business; Peggy Brotan; Willy O'Neil, Associated General Contractors; Jim Zimmerman, WA Cattlemen's Assn.; Steve Frank; Jody Slavik, BIAW; Bill Clark, Assn. of General Contractors; Heather Lund WA State Farm Bureau; Brian Harrison, Pacific County; Janie Rose, Robert Rose, Rose Ranch-Pacific County.