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**Fisheries, Ecology & Parks  
Committee**

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**HB 1719**

**Brief Description:** Making injunctive relief available to private parties under the shoreline management act.

**Sponsors:** Representatives Upthegrove, Hunt, Dunshee, Romero, Hudgins and Darneille.

**Brief Summary of Bill**

- Authorizes private persons to bring suit for injunctive relief under the Shorelines Management Act.

**Hearing Date:** 2/27/03

**Staff:** Jeff Olsen (786-7157).

**Background:**

The Shoreline Management Act (SMA) governs all shorelines of the state. The SMA requires counties and cities with shorelines of the state to adopt local shoreline master programs regulating land use activities and to enforce those programs within their jurisdictions. The SMA's basic regulatory device is the prohibition of any development on the shorelines of the state not consistent with the SMA's policy and applicable Shoreline Management Master Program. The mechanism for enforcing the law is a permit system, which requires permits issued by local governments for most activities in the shoreline zone.

The SMA provides that any person who is regulated under the act and who violates the act is liable for any resulting damage to public or private property, including restoration of the damaged area. The Attorney General or local government attorney is authorized to sue for damages on behalf of the state or local government. Private persons are authorized to sue for damages on their own behalf or on behalf of others similarly situated. The SMA also provides that the Attorney General or local government attorney shall bring injunctive, declaratory, or other actions, as necessary, to enforce the act. Most environmental statutes authorize both the assessment of a civil penalty for violations and injunctive relief to bring the violator back into compliance. An injunction is a court order prohibiting someone from doing some specified act or commanding someone to undo some wrong or injury.

**Summary of Bill:**

The bill authorizes private persons to bring suit for injunctive relief under the SMA.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.