

SENATE BILL REPORT

SB 5554

As Reported by Senate Committee On:
Agriculture, Water & Rural Economic Development, February 12, 2015

Title: An act relating to clarifying that irrigation district facilities are not within the definition of shorelands.

Brief Description: Clarifying that irrigation district facilities are not within the definition of shorelands.

Sponsors: Senators Warnick, Hatfield and Honeyford.

Brief History:

Committee Activity: Agriculture, Water & Rural Economic Development: 2/03/15, 2/12/15 [DPS].

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5554 be substituted therefor, and the substitute bill do pass.

Signed by Senators Warnick, Chair; Danel, Vice Chair; Hatfield, Ranking Minority Member; Hobbs and Honeyford.

Staff: Diane Smith (786-7410)

Background: The Shoreline Management Act (SMA) governs all shorelines of the state, including both shorelines and shorelines of statewide significance. Shorelines include all water areas, including reservoirs, and their associated shorelands with some exceptions.

Shorelands also include all wetlands and river deltas associated with streams, lakes, and tidal waters subject to SMA.

SMA requires counties and cities with shorelines to adopt local shoreline master programs (SMP) regulating land use activities in shoreline areas of the state and to enforce those master programs within their jurisdictions.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

SMA also requires the Department of Ecology (Ecology) to adopt guidelines for local governments to use when developing these local SMPs. Ecology may also propose amendments to the guidelines.

Local governments must review, and update if required, their SMP at least every eight years. The purpose of this review is to assure that their SMP complies with applicable laws and guidelines and is consistent with the comprehensive plan, development regulations, and other local regulations. The first round of reviews and necessary revisions are due by June 30, 2019, for three Puget Sound counties and their cities; reviews and necessary revisions for other jurisdictions will be due June 30 the following three years. Ecology considers the adopted guidelines and SMA requirements when reviewing and approving local SMPs.

Summary of Bill (Recommended Substitute): A definition for streams is added to SMA, clarifying that irrigation districts, canals, drainage, or other return-flow conveyances, as well as drainage ditches and natural channels or swales that would otherwise be dry but for irrigation activities, are not considered streams.

EFFECT OF CHANGES MADE BY AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT COMMITTEE (Recommended Substitute): The bill applies not just to return flows but to irrigation conducted by private and public entities, without limitation as to ownership.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: From time to time statutes need to be updated to reflect discoveries about the adaptability of the older statutes to their application in current practice. Ravines in eastern Washington are products of the last ice age. Rainfall is generally 7 inches per year or less. Those ravines that currently sustain plant and animal life contain frequent irrigation runoff. They do not exemplify shorelines as envisioned by the SMA.

OTHER: The intent is appreciated. The drafting might be improved by using finesse and attention to detail in crafting a new definition, perhaps of streams, instead of the current approach.

Persons Testifying: PRO: Senator Warnick, prime sponsor; Mike Schwisow, WA State Water Resources Assn.

OTHER: Tom Clingman, Ecology.