

2012 mid-session WA legislative update – Bills related to Shorelines 1/25/11

From Tom Clingman, Shorelands Program Legislative Lead

SMA-related bills introduced so far in session:

HB 2162 Opportunity to relax stay on construction during SHB appeal of a Shoreline permit. Provides criteria to allow work outside the shoreline area to proceed during SHB appeal. We see this as a rarely applicable but still useful bill as a safety valve to avoid unnecessarily delaying elements of a project.

HB 2282 Eliminate GMHB; send all SMP and GMA appeals to superior courts.

HB 2417 Dock construction: For freshwater docks, raise SDP threshold from \$10,000 to \$20,000. ECY has no big heartburn with this – key is updated SMPs with clear standards balancing recreational access, habitat and navigation.

HB 2469 Boatyard water quality improvements: Under a NPDES, boatyards need to improve stormwater quality. Objective: Avoid discretionary permit for improvements that ECY is requiring. Bill creates a new kind of special somewhat streamlined SDP. (See also SB 6170.)

HB 2552 Government must compensate for regulations that require actions to improve or protect habitat.

HB 2618/SB 6263 Marine spatial planning bill is updated.

HB 2671/ SB 6188 ECY request bill. Clarifies/corrects RCW 90.58.190 on SMP appeals. Current law is rife with unclear and wrong language.

SB 6006 Sediment removal by volunteers from lakes, streams and wetlands with small hydraulic dredges, regulated only by a pamphlet HPA.

SB 6016 Ecology must report to legislature on SMP update progress December 2012.

SB 6168 For small renewable energy facilities, EFSEC could supersede local land use codes.

SB 6169 Creates ocean policy council

SB 6170 Working waterfront projects that 1.) Improve habitat and 2.) Provide certain number of jobs are exempt from all permits/fees except for a new HPA-style permit from WDFW. Flawed approach re: upland development.

Also exempts boatyard stormwater improvements from Shoreline permits; must be consistent with SMP.

SB 6369 SMA revised to remove Ecology from any formal role (SMA becomes like GMA. Balanced out by a different bill that would make GMA like SMA...)

SEPA: Lots of bills. Very big issue. Seems likely something will pass; probably mandate SEPA rule update by ECY. Main bills are HB 2253 and SB 6406.