

SENATE BILL REPORT

HB 2046

As of March 27, 2015

Title: An act relating to adding a definition of streams to the shoreline management act.

Brief Description: Adding a definition of streams to the shoreline management act.

Sponsors: Representatives Dent, Takko, Griffey and Tharinger.

Brief History: Passed House: 3/11/15, 98-0.

Committee Activity: Agriculture, Water & Rural Economic Development: 3/17/15.

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

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.

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.

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.

Summary of Bill: A definition of streams under SMA is established to mean naturally occurring bodies of periodic or continuously flowing water contained within a channel. Streams do not include the following:

- artificially constructed waterbodies, including irrigation, return flow, and stock watering channels;
- hydroelectric canals;
- drainage ditches; or
- natural channels or swales that would normally be dry, but for the presence of irrigation and irrigation return water.

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: PRO: This bill removes manmade ditches from SMA. These ditches require maintenance, and requiring permission from SMA makes that hard to do. This is a useful addition to SMA. Ecology has already addressed this in rule and has faced this issue for years. Local shoreline master plans already do case-by-case analysis and the additional clarification of the distinction between artificial and natural streams will be helpful. The threshold for inclusion in the SMA was part of the language of the original initiative: 20 feet per second mean annual flow.

OTHER: There are fisheries that are dependent on irrigation return water in the Yakima basin. These waters provide habitat that would otherwise not exist, such as vegetation, wildlife, and aquatic life. This bill could create unintended and destructive consequences. The definition of stream is not technically correct for purposes other than SMA.

Persons Testifying: PRO: Representative Dent, prime sponsor; Tom Clingman, Ecology; Mike Schwisow, WA State Water Resources Assn.; Jim Halstrom, WA Assn. of Tree Fruit Growers; Ed Moats, Snohomish County Farm Bureau; Evan Sheffels, WA Farm Bureau.

OTHER: Rone Brewer, Self-Employed Environmental Consultant; Dawn Vyvyan, Yakama Nation, Puyallup Tribe of Indians.

Persons Signed in to Testify But Not Testifying: No one.