

Shoreline Protection Policy Issues Discussion Agenda Item #02

Prepared by: Joe Ryan

Presented by: David Troutt

Proposed Action: Discussion

Summary:

During its September 10, 2010, meeting the ECB discussed two shoreline legislation proposals in general terms. Below are descriptions of the primary objectives of potential Hydraulic Project Approval legislation and potential Green Shorelines Legislation. Partnership staff and the ECB Shorelines Workgroup are supportive of the primary objectives of these two pieces of legislation; bearing in mind that additional stakeholder processes will be necessary to finalize actual legislative language.

Question for ECB: Do members support moving forward on legislation with the primary objectives below?

Primary Objectives of WDFW's Hydraulic Project Approval (HPA) Legislation:

1. **Increase program efficiencies to enhance permit compliance and effectiveness.**
Resources gained from implementing program efficiencies would allow increased focus on permit compliance and effectiveness monitoring. This objective contains two key elements:
 - a. **Create hydraulic project classifications based on level of potential risk of impact to fish life.** Creating a new class of HPAs for routine, low-risk activities that would require notification and compliance with corresponding rules would allow WDFW to focus individual permitting activities on projects with the highest risk to fish life, as well as on implementing compliance and effectiveness monitoring.
 - b. **Enhance civil enforcement authority.** Current civil enforcement authority would be enhanced to allow WDFW to issue a notice to comply or stop work order when an applicant violates a permit condition or fails to comply with statutory or rule requirements, as well as the ability to levy increased civil penalties.
2. **Clarify existing HPA jurisdiction.** Clarifying WDFW's existing HPA authority would reduce or eliminate uncertainties associated with project types that require an HPA, providing increased certainty for applicants and WDFW staff.
3. **Reduce program reliance on state General Funds.** Developing a fee schedule that would recover about half the cost of administering the HPA program would reduce the

program's current reliance on diminishing state General Funds, distributing the cost of the program between taxpayers and users. Fee revenues would be deposited into a dedicated HPA account and would be used solely for operation of the program, as well as critical compliance and effectiveness monitoring and enforcement activities.

Primary Objectives of Green Shorelines Legislation:

1. **Incentivize softer, greener shoreline replacement projects.**
2. **Create streamlined permitting pilot program for qualifying "green" shoreline replacement projects.** Projects must have specified characteristics to qualify.
3. Pilot program is limited for projects on Lake Washington and Lake Sammamish in King County; and hopefully a pilot area on Puget Sound marine shorelines.
4. A Hydraulic Project Approval (HPA) remains a requirement for qualifying projects. Other local and state environmental permits (e.g., SMA, SEPA and GMA) are not required.
5. The relevant local government and Ecology are provided a 21-day comment period.
6. The streamlined permit procedure will not be used if concerns are identified that cannot be mitigated through an HPA.
7. Ecology and WDFW are directed to work with State Parks and Recreation in assessing green shoreline pilot opportunities on priority Puget Sound parklands.
8. WDFW, PSP and Ecology are to develop recommendations on whether to continue the green shorelines pilot project; and on recommended incentives to support green shoreline projects on other lakes and on marine shorelines.
9. Pilot program will end on September 2013 unless extended by action of the Legislature.