



Focus on Shoreline Master Program Extension

from Ecology's Shorelands and Environmental Assistance Program



What would this bill do?

The proposed bill would amend language in the Shoreline Management Act. The bill would allow the Department of Ecology (Ecology) to give local governments a one-year extension to complete their Shoreline Master Program updates. If an extension is given, cities and counties could spend state grant money over a three-year period of time instead of the existing two-year timeline. There would be no increase in overall funding.

Why is it important to the environment?

Shoreline Master Programs are the main tool for protecting state shorelines. It is crucial to give cities and counties adequate time to put the best environmental protection measures in place.

What are the problems with the current law?

Ecology and local governments are finding that more time is needed to complete Shoreline Master Program updates. The department already has been allowing local governments three years instead of two to complete their work. Granting this one-year extension is one of the provisions of the 2002 settlement agreement by business, environmentalists, Ecology and local governments that resolved the lawsuits filed against Ecology's Shoreline Master Program Guidelines. The state Shoreline Management Act, however, does not include this important provision. The bill would formalize this provision of the settlement agreement into statute.

How does this bill solve these problems?

The bill would align the Shoreline Management Act with the 2002 settlement agreement by giving Ecology the ability to issue one-year extensions. Local jurisdictions will get the necessary time and resources they need to ensure that their Shoreline Master Programs adequately protect state shorelines.

What happens without this bill?

The existing state statute will continue to reflect an unrealistic two-year timeframe for Shoreline Master Program updates. The conflict between state law and the settlement agreement will remain unresolved. This could result in Shoreline Master Programs that do not comply with state statute or Ecology guidelines.

For more information: Tom Clingman, 360-407-7448 tcli461@ecy.wa.gov or Ted Sturdevant, 360-407-7003 tstu461@ecy.wa.gov.

Background regarding settlement agreement

Ecology's Shoreline Master Program Guidelines are used by local governments to bring their master programs into state compliance with the Shoreline Management Act. The department's first set of guidelines was adopted in 1972. Acting on a mandate by state lawmakers in 1995, Ecology prepared a second set of guidelines in 1999, eventually adopting a revised draft in 2000.

In December 2000, the Association of Washington Business (representing a coalition of business organizations, cities, and counties) and the Washington Aggregates & Concrete Association appealed the new guidelines to the Shoreline Hearings Board.

In a split decision, the Board ruled in 2001 that Ecology had not properly conducted its public review process when the department adopted its 2000 Shoreline Master Program Guidelines. The ruling invalidated the new guidelines but did not repeal the 1972 guidelines. The decision effectively left the state with no master program guidelines.

In 2002, Gov. Gary Locke and former Attorney General Chris Gregoire co-sponsored a yearlong mediation effort aimed at reaching a legal settlement. The state and the plaintiffs entered into a formal settlement agreement that established a statewide schedule for local governments to update their Shoreline Master Programs, and allows Ecology to give local governments a one-year extension to complete their updates. This extension, however, is not currently in statute. This bill would bring the statute and the settlement agreement into accord.

Proposed bill language

The proposed bill would revise RCW 90.58.080 as follows:

(8) Local governments may be provided an additional year beyond the deadlines in this section to complete their master program or amendment. The department shall grant the request if it determines that the local government is likely to adopt or amend its master program within the additional year