
SUBSTITUTE HOUSE BILL 1641

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Fisheries & Wildlife (originally sponsored by Representatives R. King, Schmidt, Basich, Padden, Zellinsky, Fuhrman, Wilson, Orr, Hochstatter and Day).

Read first time March 5, 1991.

1 AN ACT Relating to the protection of the food fish resource; and
2 adding a new section to chapter 75.20 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 75.20 RCW
5 to read as follows:

6 (1) In order to protect the property of marine waterfront shoreline
7 owners it is necessary to facilitate issuance of hydraulic permits for
8 bulkheads or rockwalls under certain conditions.

9 (2) The department shall issue a hydraulic permit with or without
10 conditions within forty-five days of receipt of a complete and accurate
11 application which authorizes commencement of construction, replacement,
12 or repair of a marine beach front protective bulkhead or rockwall for
13 single-family type residences or property under the following
14 conditions:

1 (a) The waterward face of a new bulkhead or rockwall shall be
2 located only as far waterward as is necessary to excavate for footings
3 or place base rock for the structure and under no conditions shall be
4 located more than six feet waterward of the ordinary high water line;

5 (b) Any bulkhead or rockwall to replace or repair an existing
6 bulkhead or rockwall shall be placed along the same alignment as the
7 bulkhead or rockwall it is replacing; however, the replaced or repaired
8 bulkhead or rockwall may be placed waterward of and directly abutting
9 the existing structure only in cases where removal of the existing
10 bulkhead or rockwall would result in environmental degradation or
11 removal problems related to geological, engineering, or safety
12 considerations;

13 (c) Construction of a new bulkhead or rockwall, or replacement or
14 repair of an existing bulkhead or rockwall waterward of the existing
15 structure shall not result in the permanent loss of critical food fish
16 or shellfish habitats; and

17 (d) Timing constraints shall be applied on a case-by-case basis for
18 the protection of critical habitats, including but not limited to
19 migration corridors, rearing and feeding areas, and spawning habitats,
20 for the proper protection of fish life.

21 (3) Any bulkhead or rockwall construction, replacement, or repair
22 not meeting the conditions in this section shall be processed under
23 this chapter in the same manner as any other application.

24 (4) Any person aggrieved by the approval, denial, conditioning, or
25 modification of a hydraulic permit approval under this section may
26 formally appeal the decision to the hydraulic appeals board pursuant to
27 this chapter.