

**ESSB 6147** - H COMM AMD

By Committee on Rural Development, Agriculture, & Natural Resources

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 77.55.231 and 2012 1st sp.s. c 1 s 106 are each  
4 amended to read as follows:

5 (1) (a) Conditions imposed upon a permit must be reasonably  
6 related to the project. The permit conditions must ensure that the  
7 project provides proper protection for fish life, but the department  
8 may not impose conditions that attempt to optimize conditions for  
9 fish life that are out of proportion to the impact of the proposed  
10 project.

11 (b) Projects for the replacement of marine shoreline  
12 stabilization or armoring, bulkheads, or other measures to protect  
13 residential structures from marine shoreline erosion must consider  
14 the least impactful alternative for the protection of fish life in  
15 the following order of preference:

16 (i) Remove the structure and restore the beach;

17 (ii) Remove the structure and install native vegetation;

18 (iii) Remove the structure and control upland drainage;

19 (iv) Remove the structure and replace it with a soft structure  
20 constructed of natural materials, including bioengineering;

21 (v) Remove the hard structure and construct upland retaining  
22 walls;

23 (vi) Remove the hard structure and replace it with a hard  
24 structure located landward of the existing structure, preferably at  
25 or above the ordinary high water line; or

26 (vii) Remove the hard structure and replace it with hard  
27 shoreline structure in the same footprint as the existing structure.

28 (c) The department shall adjust the order of preference if the  
29 project proponent can demonstrate by clear and convincing evidence  
30 that the preferred alternative is cost prohibitive or practically  
31 infeasible.

1 (2) The permit must contain provisions allowing for minor  
2 modifications to the plans and specifications without requiring  
3 reissuance of the permit.

4 (3) The permit must contain provisions that allow for minor  
5 modifications to the required work timing without requiring the  
6 reissuance of the permit. "Minor modifications to the required work  
7 timing" means a minor deviation from the timing window set forth in  
8 the permit when there are no spawning or incubating fish present  
9 within the vicinity of the project."

10 Correct the title.

EFFECT: Requires the Department of Fish and Wildlife to adjust the order of preference for residential marine shoreline replacement projects if the project proponent can demonstrate that the preferred alternative is cost prohibitive or practically infeasible.

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