
SENATE BILL 6273

State of Washington

66th Legislature

2020 Regular Session

By Senators Van De Wege, Warnick, Takko, and Mullet

1 AN ACT Relating to creating an exemption from shorelines
2 substantial development permit requirements for single-family
3 residential protective marine bulkheads; adding a new section to
4 chapter 90.58 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that chapter
7 290, Laws of 2019 (Second Substitute House Bill No. 1579) repealed
8 RCW 77.55.141, requiring that all single-family residential
9 protective marine bulkhead projects be required to apply for a
10 hydraulic project approval permit from the department of fish and
11 wildlife. The legislature further finds that the passage of chapter
12 290, Laws of 2019 also relieved the department of fish and wildlife
13 of the mandate to approve the permit, allowing agency review of the
14 application with no guarantee of approval.

15 (2) The legislature further finds that counties and cities also
16 have the authority granted by chapter 90.58 RCW, the shoreline
17 management act of 1971, to regulate single-family residential
18 protective marine bulkhead projects as substantial shoreline
19 developments and require permitting. Most counties and cities have
20 significantly updated their shorelines regulations in recent years to
21 require more robust environmental review and permitting requirements

1 for single-family residential protective marine bulkheads. Local
2 regulations often include elements such as avoidance requirements by
3 siting of homes to ensure a protective marine bulkhead will not be
4 required during the life of the structure. If a bulkhead is needed,
5 then an alternatives analysis is often conducted to determine the
6 least impactful armoring technique that may be utilized. A full
7 engineering analysis, fish and marine biology impacts analysis, and
8 mitigation requirements are also often included.

9 (3) Through the repeal of RCW 77.55.141, applicants must now
10 apply for and receive at least two separate permits prior to the
11 construction of a single-family residential protective marine
12 bulkhead. The analysis conducted by the county or city local
13 permitting authority is similar to the analysis conducted by the
14 department of fish and wildlife. The analysis is costly and time-
15 consuming, there is no requirement for coordinated or concurrent
16 review by the agencies, and there is risk that one agency may grant a
17 permit while the other denies the application.

18 (4) While it was the intent of chapter 290, Laws of 2019 to
19 address the need identified by the southern resident killer whale
20 task force to increase chinook abundance, it was not the intent of
21 the legislature to create duplicative review processes that
22 effectively increase costs for state and local governments by
23 decreasing efficient and effective utilization of funds.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.58
25 RCW to read as follows:

26 If a single-family residential protective marine bulkhead project
27 requires a hydraulic project approval by the department of fish and
28 wildlife under chapter 77.55 RCW, the project is exempt from the
29 substantial shorelines permit requirements of this chapter upon
30 adoption of such an exemption as an amendment to the guidelines under
31 this chapter by the local governmental entity having administrative
32 jurisdiction.

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