
**Rural Development, Agriculture &
Natural Resources Committee**

SSB 5273

Brief Description: Concerning the replacement of shoreline armoring.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Salomon, Rolfes, Pedersen, Das, Lovelett and Nobles).

Brief Summary of Substitute Bill

- Requires a person wishing to replace residential marine shoreline stabilization or armoring to use the least impacting, technically feasible bank protection alternative for the protection of fish life.
- Requires a person to conduct a site assessment before replacing marine residential shoreline stabilization or armoring, unless granted an exemption by the Department of Fish and Wildlife.
- Requires a person to consider certain site characteristics before proposing a hard armor technique.
- Establishes a hierarchy of marine residential shoreline stabilization techniques.

Hearing Date: 3/12/21

Staff: Robert Hatfield (786-7117).

Background:

A person must obtain a hydraulic project approval (HPA) prior to commencing any construction project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh

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waters of the state. Hydraulic project approvals are issued by the Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life. To receive an HPA, the applicant must provide certain information to the WDFW. This information includes general plans for the overall project and complete plans for the proper protection of fish life. The WDFW may impose proportionate conditions on a permit.

Other permitting requirements may also apply to certain projects located along waterways, including, for example, the requirement to obtain a shoreline substantial development permit issued under the Shoreline Management Act.

Summary of Substitute Bill:

If a person wishes to replace residential marine shoreline stabilization or armoring, that person must use the least impacting, technically feasible bank protection alternative for the protection of fish life. Unless the Department of Fish and Wildlife (WDFW) provides an exemption depending on the scale and nature of the project, a person that wishes to replace residential marine shoreline stabilization or armoring must conduct a site assessment to consider the least impactful alternatives.

A person should propose a hard armor technique only after considering site characteristics such as the threat to major improvements, wave energy, and other factors in an analysis of alternatives.

A hierarchy of stabilization techniques is created, in descending order of preference:

- remove the structure and restore the beach;
- remove the structure and install native vegetation;
- remove the structure and control upland drainage;
- remove the structure and replace it with a soft structure constructed of natural materials, including bioengineering;
- remove the hard structure and construct upland retaining walls;
- remove the hard structure and replace it with a hard structure located landward of the existing structure, preferably at or above the ordinary high water line; or
- remove the hard structure and replace it with hard shoreline structure in the same footprint as the existing structure.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 2, 2021.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.