
Environment & Energy Committee

E2SSB 5885

Brief Description: Concerning marine shoreline habitat.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Salomon, Stanford, Hasegawa, Keiser, Lovelett, Nobles and Rolfes).

Brief Summary of Engrossed Second Substitute Bill

- Directs the Department of Ecology to conduct a baseline survey of Puget Sound marine shorelines, including the creation of a comprehensive on-the-water view of the shoreline.
- Directs state and local permitting agencies to consider survey results when exercising or considering whether to exercise enforcement authority.
- Requires marine structure repairs or replacement projects in the Puget Sound to be assessed to consider the least impactful alternatives that upgrade the structures to the most recent code standards.

Hearing Date: 2/22/22

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 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

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impose proportionate conditions on a permit.

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 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.

Summary of Bill:

Baseline Survey of Puget Sound.

By June 30, 2023, the Department of Ecology must conduct a baseline survey of Puget Sound marine shorelines that renews oblique shoreline aerial imagery and incorporates the use of new technology to create a 360 degree on-the-water comprehensive view of the shoreline. The marine shoreline survey must be updated on a regular five-year cycle. The survey must document and map existing shoreline conditions, structures, and structure conditions, including structures in disrepair and structures and vessels that potentially are derelict, and must be available to the public and incorporated into state geographic information system mapping.

Puget Sound shorelines include Puget Sound and related inland marine waters, including all salt waters of the state of Washington inside the international boundary line between Washington and British Columbia, and lying east of the Strait of Juan de Fuca, including Hood Canal and the San Juan Islands.

Upon completion of regular surveys, state and local permitting agencies must consider survey results when exercising or considering to exercise enforcement authority. The initial marine survey must be complete by June 30, 2024, and be updated on a regular five-year cycle thereafter.

Hydraulic Project Approvals—Repair or Replacement of Marine Structures.

Puget Sound shorelines are unique for their role in supporting the Puget Sound marine ecosystem, including the food web that includes marine vegetation, forage fish, Washington's listed salmon, steelhead, and southern resident orcas.

Any repair or replacement of a marine structure in the waters of the Puget Sound must be assessed to consider the least impactful alternatives that upgrade the structures to the most recent code standards ensuring that the updates are technically feasible. The assessment must also consider the least impactful alternatives for marine shoreline stabilization projects.

Appropriation: None.

Fiscal Note: Requested on February 17, 2022.

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

passed.