

# SENATE BILL REPORT

## SB 5273

---

---

As of January 25, 2021

**Title:** An act relating to the replacement of shoreline armoring.

**Brief Description:** Concerning the replacement of shoreline armoring.

**Sponsors:** Senators Salomon, Rolfes, Pedersen, Das, Lovelett and Nobles.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 1/26/21.

**Brief Summary of Bill**

- Requires a person replacing a marine bulkhead to use the least impacting technically feasible bank protection alternative for the protection of fish life.

---

### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Jeff Olsen (786-7428)

**Background:** Construction activities related to bulkheads or bank protection structures are subject to various state environmental regulations and may require environmental permits such as shoreline substantial development permits issued under the Shoreline Management Act and Hydraulic Project Approvals (HPA) issued by the Washington Department of Fish and Wildlife (WDFW). An HPA is required for any project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. HPAs are issued by WDFW to ensure the proper protection of fish life.

Hydraulic projects may not be unreasonably conditioned and the conditions imposed upon obtaining a HPA must reasonably relate to the project. WDFW may not impose conditions that attempt to optimize fish life that are out of proportion to the impact of the proposed

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

project.

**Summary of Bill:** When replacing marine shoreline stabilization or armoring, a person must use the least impacting technically feasible bank protection alternative for the protection of fish life. A hard armor technique should only be proposed after considering site characteristics including the threat to major improvements, wave energy, and other factors in an alternative's analysis. The common alternatives in order of preference include:

- 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; or
- remove the hard structure and replace it with hard shoreline structure in the same footprint as the existing structure.

**Appropriation:** None.

**Fiscal Note:** Requested on January 20, 2021.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.