
SENATE BILL 5273

State of Washington

67th Legislature

2021 Regular Session

By Senators Salomon, Rolfes, Pedersen, Das, Lovelett, and Nobles

Read first time 01/19/21. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to the replacement of shoreline armoring;
2 amending RCW 77.55.231; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the state of
5 Washington will continue to be negatively impacted by the effects of
6 climate change, including reduced winter snowpack, drought, increased
7 frequencies of forest fires, and acidifying oceans that disrupt
8 marine ecosystem viability. In the nearshore environment, climate
9 change contributes to the rise in average sea-surface temperatures
10 and rising sea levels. Hardened shoreline structures are not always
11 well-suited for their intended purpose and may have unintended
12 consequences in the nearshore environment. Soft shorelines or natural
13 shorelines may protect and restore shoreline ecosystems through the
14 use of natural plants and materials, and the legislature finds that
15 landowners must consider alternatives to hardening shorelines to
16 restore ecosystem function and recover threatened and endangered
17 species to help address the impacts of climate change in the
18 nearshore environment.

19 **Sec. 2.** RCW 77.55.231 and 2012 1st sp.s. c 1 s 106 are each
20 amended to read as follows:

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

7 (b) In the event that any person desires to replace marine
8 shoreline stabilization or armoring, a person must use the least
9 impacting technically feasible bank protection alternative for the
10 protection of fish life. Unless the department provides an exemption
11 depending on the scale and nature of the project, a person that
12 desires to replace marine shoreline stabilization or armoring must
13 conduct a site assessment to consider the least impactful
14 alternatives. A person should propose a hard armor technique only
15 after considering site characteristics such as the threat to major
16 improvements, wave energy, and other factors in an alternative's
17 analysis. The common alternatives identified in (b) (i) through (vii)
18 of this subsection are in order from most preferred to least
19 preferred:

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

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

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

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

25 (v) Remove the hard structure and construct upland retaining
26 walls;

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

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

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

35 (3) The permit must contain provisions that allow for minor
36 modifications to the required work timing without requiring the
37 reissuance of the permit. "Minor modifications to the required work
38 timing" means a minor deviation from the timing window set forth in

1 the permit when there are no spawning or incubating fish present
2 within the vicinity of the project.

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