
SENATE BILL 5885

State of Washington

67th Legislature

2022 Regular Session

By Senators Salomon, Stanford, Hasegawa, Keiser, Lovelett, Nobles,
and Rolfes

Read first time 01/18/22. Referred to Committee on Environment,
Energy & Technology.

1 AN ACT Relating to marine shoreline habitat; amending RCW
2 77.55.231; and adding a new section to chapter 90.58 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.58
5 RCW to read as follows:

6 (1) By January 1, 2023, the department must conduct a baseline
7 survey of Puget Sound marine shorelines that renews oblique shoreline
8 aerial imagery and incorporates the use of new technology to create a
9 360 degree on-the-water comprehensive view of the shoreline. The
10 marine shoreline survey must be updated on a regular two-year cycle.
11 The survey must document and map existing shoreline conditions,
12 structures, and structure conditions, including structures in
13 disrepair and structures that are derelict, and must be available to
14 the public and incorporated into state geographic information system
15 mapping.

16 (2) Upon completion of regular surveys, state and local
17 permitting agencies must compare permit data with survey results to
18 identify unpermitted development subject to potential enforcement
19 action. This information must be incorporated into publicly available
20 mapping resources.

1 **Sec. 2.** RCW 77.55.231 and 2021 c 279 s 2 are each amended to
2 read as follows:

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

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

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

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

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

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

27 (v) Remove the hard structure and construct upland retaining
28 walls;

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

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

34 (c) For the purposes of this subsection, "feasible" means
35 available and capable of being done after taking into consideration
36 cost, existing technology, and logistics in light of overall project
37 purposes.

38 (d) In the event that any person desires to replace a marine
39 structure in the waters of Puget Sound, the marine replacement

1 structure must meet the same design and technical standards as a new
2 structure.

3 (2) The permit must contain provisions allowing for minor
4 modifications to the plans and specifications without requiring
5 reissuance of the permit.

6 (3) The permit must contain provisions that allow for minor
7 modifications to the required work timing without requiring the
8 reissuance of the permit. "Minor modifications to the required work
9 timing" means a minor deviation from the timing window set forth in
10 the permit when there are no spawning or incubating fish present
11 within the vicinity of the project.

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