

# HOUSE BILL REPORT

## SB 5104

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### As Passed House - Amended:

April 11, 2023

**Title:** An act relating to surveying Puget Sound marine shoreline habitat.

**Brief Description:** Surveying Puget Sound marine shoreline habitat.

**Sponsors:** Senators Salomon, Rolfes, Liias, Nobles, Pedersen and Stanford.

### Brief History:

#### Committee Activity:

Environment & Energy: 3/20/23, 3/23/23 [DPA];

Appropriations: 3/30/23, 3/31/23 [DPA(APP w/o ENVI)].

#### Floor Activity:

Passed House: 4/11/23, 97-0.

### Brief Summary of Bill (As Amended by House)

- Directs the Department of Ecology (Ecology) to conduct a baseline survey of Puget Sound marine shorelines, including creating a comprehensive on-the-water view of the shoreline, by December 31, 2024, and a survey to document and map existing shoreline conditions by June 30, 2025.
- Requires Ecology to update marine surveys of Puget Sound shorelines on a regular two-year cycle.

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### HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

**Majority Report:** Do pass as amended. Signed by 9 members: Representatives Doglio, Chair; Mena, Vice Chair; Berry, Duerr, Fey, Lekanoff, Ramel, Slatter and Street.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Abbarno, Barnard,

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*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.*

Couture and Goehner.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member.

**Staff:** Robert Hatfield (786-7117).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Appropriations and without amendment by Committee on Environment & Energy. Signed by 27 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg, Chandler, Chopp, Connors, Davis, Dye, Fitzgibbon, Hansen, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Senn, Simmons, Slatter, Steele, Stonier and Tharinger.

**Minority Report:** Without recommendation. Signed by 3 members: Representatives Couture, Sandlin and Schmick.

**Staff:** Dan Jones (786-7118).

### **Background:**

The Department of Ecology (Ecology) manages and maintains the Washington Coastal Atlas that contains shoreline images of the Washington coast and Puget Sound. The data presented in the Washington Coastal Atlas is available through the cooperation and partnership of federal and state agencies including the National Oceanic and Atmospheric Administration Coastal Services Center, the Department of Natural Resources, and the Department of Fish and Wildlife. The purpose of the Washington Coastal Atlas is to make relevant information easily available for use in coastal and shoreline resource planning and management.

### **Summary of Amended Bill:**

The Department of Ecology (Ecology) must conduct and maintain a baseline survey of Puget Sound marine shorelines that utilizes new technology to capture georeferenced oblique aerial and 360 degree on-the-water imagery. The software used for the imagery must have the capacity for change analysis review. The survey must document and map existing general shoreline conditions, structures, and structure conditions. The information from the surveys must be available to the public and incorporated into state geographic information system mapping with visual personally identifiable information removed from on-the-water imagery prior to posting.

The initial marine oblique aerial and on-the-water imagery must be completed and publicly available by December 31, 2024, and updated on a regular two-year cycle thereafter.

The survey to document and map existing shoreline conditions, structures, and structure conditions must be completed by June 30, 2025, and updated on a regular two-year cycle thereafter.

The Department of Ecology and the Department of Fish and Wildlife (WDFW) must each maintain a record of all civil or criminal investigations or enforcement actions in which Ecology or the WDFW, respectively, is a participant that utilize georeferenced imagery or surveys produced pursuant to the act.

The survey must include Puget Sound shorelines and related inland marine waters including the Strait of Juan de Fuca, Hood Canal and the San Juan Islands.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on April 7, 2023.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony (Environment & Energy):**

(In support) Shorelines are critical to the health of the overall Puget Sound ecosystem. The interface between land and sea is especially valuable for food production. Many bird species use this area, including puffins. There is no comprehensive database of conditions along Puget Sound shorelines. The state has bits and pieces of that information, but no overall picture. This imagery would allow the state to track the recovery of the Puget Sound. The bill will improve understanding of the Puget Sound nearshore environment.

The nearshore environment is especially critical to the survival of juvenile salmon after they enter saltwater. Information gaps are limiting the effectiveness of public and private actions to recover nearshore habitat. The state needs this information to prioritize restoration actions.

(Opposed) None.

(Other) There is support for the intent of the bill to require ongoing monitoring of Puget Sound shorelines. Having good imaging of shorelines is the best way to inform programs related to shorelines. Long-term monitoring is currently not financially supported. Many organizations and agencies use the information that is currently available and would use the data collected by the program, including local governments and tribes. The imagery would be useful to educate the public about different shore forms, to track results of shoreline

restoration projects, to identify derelict structures, and to assess coastal changes over time.

The survey would provide invaluable information. The on-water imagery would be conducted from a boat and would be publicly available. The oblique imagery would allow for viewing beneath tree canopies. Because the imaging would be georeferenced, it would have the accuracy of a map. The bill would provide a regular funding model to maintain a resource that many around the state take advantage of. It would be good to have until the end of the biennium to gather all the images.

**Staff Summary of Public Testimony (Appropriations):**

(In support) Information gaps on Puget Sound shorelines are limiting the effectiveness of public and private efforts to recover marine life. The state needs an accurate, up-to-date shoreline survey of Puget Sound in order to know how to prioritize restoration projects. Without this information, planners are operating in the dark. The state spends many millions of dollars on Puget Sound restoration, and this bill ensures that the state has quality data to prioritize those dollars.

(Opposed) None.

**Persons Testifying (Environment & Energy):** (In support) Senator Jesse Salomon, prime sponsor; Scott Andrews, Audubon Washington; and Staci McMahon, Seattle Aquarium.

(Other) Tim Gates, Department of Ecology Shorelands Program; and Don Gourlie, Puget Sound Partnership.

**Persons Testifying (Appropriations):** Bruce Wishart, Sound Action and Puget Soundkeeper.

**Persons Signed In To Testify But Not Testifying (Environment & Energy):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.