S-5205.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 6273**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 66th Legislature 2020 Regular Session**

**By** Senators Van De Wege, Warnick, Takko, and Mullet

AN ACT Relating to creating an exemption from shorelines substantial development permit requirements for single-family residential protective marine bulkheads; adding a new section to chapter 90.58 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds that chapter 290, Laws of 2019 (Second Substitute House Bill No. 1579) repealed RCW 77.55.141, requiring that all single-family residential protective marine bulkhead projects be required to apply for a hydraulic project approval permit from the department of fish and wildlife. The legislature further finds that the passage of chapter 290, Laws of 2019 also relieved the department of fish and wildlife of the mandate to approve the permit, allowing agency review of the application with no guarantee of approval.

(2) The legislature further finds that counties and cities also have the authority granted by chapter 90.58 RCW, the shoreline management act of 1971, to regulate single-family residential protective marine bulkhead projects as substantial shoreline developments and require permitting. Most counties and cities have significantly updated their shorelines regulations in recent years to require more robust environmental review and permitting requirements for single-family residential protective marine bulkheads. Local regulations often include elements such as avoidance requirements by siting of homes to ensure a protective marine bulkhead will not be required during the life of the structure. If a bulkhead is needed, then an alternatives analysis is often conducted to determine the least impactful armoring technique that may be utilized. A full engineering analysis, fish and marine biology impacts analysis, and mitigation requirements are also often included.

(3) Through the repeal of RCW 77.55.141, applicants must now apply for and receive at least two separate permits prior to the construction of a single-family residential protective marine bulkhead. The analysis conducted by the county or city local permitting authority is similar to the analysis conducted by the department of fish and wildlife. The analysis is costly and time-consuming, there is no requirement for coordinated or concurrent review by the agencies, and there is risk that one agency may grant a permit while the other denies the application.

(4) While it was the intent of chapter 290, Laws of 2019 to address the need identified by the southern resident killer whale task force to increase chinook abundance, it was not the intent of the legislature to create duplicative review processes that effectively increase costs for state and local governments by decreasing efficient and effective utilization of funds.

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

If a single-family residential protective marine bulkhead project requires a hydraulic project approval by the department of fish and wildlife under chapter 77.55 RCW, the project is exempt from the substantial shorelines permit requirements of this chapter upon adoption of such an exemption as an amendment to the guidelines under this chapter by the local governmental entity having administrative jurisdiction.

**--- END ---**