

**SSB 5273** - H AMD TO RDAN COMM AMD (H-1281.1/21) **454**  
By Representative Fitzgibbon

**ADOPTED 03/28/2021**

1 Beginning on page 1, line 3, after "**Sec.1.**" strike all material  
2 through "project." on page 2, line 32 and insert "The legislature  
3 finds that the state of Washington will continue to be negatively  
4 impacted by the effects of climate change, including reduced winter  
5 snowpack, drought, increased frequencies of forest fires, and  
6 acidifying oceans that disrupt marine ecosystem viability. In the  
7 nearshore environment, climate change contributes to the rise in  
8 average sea-surface temperatures and rising sea levels. Hardened  
9 shoreline structures are not always well-suited for their intended  
10 purpose and may have unintended consequences in the nearshore  
11 environment. Soft shorelines or natural shorelines may protect and  
12 restore shoreline ecosystems through the use of natural plants and  
13 materials, and the legislature finds that landowners must consider  
14 alternatives to hardening shorelines to restore ecosystem function  
15 and recover threatened and endangered species to help address the  
16 impacts of climate change in the nearshore environment.

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

19 (1) (a) Conditions imposed upon a permit must be reasonably  
20 related to the project. The permit conditions must ensure that the  
21 project provides proper protection for fish life, but the department  
22 may not impose conditions that attempt to optimize conditions for  
23 fish life that are out of proportion to the impact of the proposed  
24 project.

25 (b) In the event that any person desires to replace residential  
26 marine shoreline stabilization or armoring, a person must use the  
27 least impacting technically feasible bank protection alternative for  
28 the protection of fish life. Unless the department provides an  
29 exemption depending on the scale and nature of the project, a person  
30 that desires to replace residential marine shoreline stabilization or  
31 armoring must conduct a site assessment to consider the least  
32 impactful alternatives. A person should propose a hard armor

1 technique only after considering site characteristics such as the  
2 threat to major improvements, wave energy, and other factors in an  
3 analysis of alternatives. The common alternatives identified in  
4 (b)(i) through (vii) of this subsection are in order from most  
5 preferred to least preferred:

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

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

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

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

11 (v) Remove the hard structure and construct upland retaining  
12 walls;

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

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

18 (c) For the purposes of this subsection, "feasible" means  
19 available and capable of being done after taking into consideration  
20 cost, existing technology, and logistics in light of overall project  
21 purposes.

22 (2) The permit must contain provisions allowing for minor  
23 modifications to the plans and specifications without requiring  
24 reissuance of the permit.

25 (3) The permit must contain provisions that allow for minor  
26 modifications to the required work timing without requiring the  
27 reissuance of the permit. "Minor modifications to the required work  
28 timing" means a minor deviation from the timing window set forth in  
29 the permit when there are no spawning or incubating fish present  
30 within the vicinity of the project."

EFFECT: Requires a person wishing to replace residential marine shoreline stabilization or armoring to use the least impacting, technically feasible bank protection alternative for the protection of fish life.

Requires a person to conduct a site assessment before replacing marine residential shoreline stabilization or armoring, unless granted an exemption by the Department of Fish and Wildlife.

Requires a person to consider certain site characteristics before proposing a hard armor technique.

Establishes a hierarchy of marine residential shoreline stabilization techniques.

Defines "feasible," with regard to the replacement of residential marine shoreline stabilization or armoring, to mean available and

capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

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