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SENATE BILL 6126

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State of Washington

55th Legislature

1998 Regular Session

By Senators B. Sheldon, Wood, Snyder, T. Sheldon and Haugen

Read first time 01/12/98. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to construction projects in state waters; and  
2 amending RCW 75.20.160.

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

4 **Sec. 1.** RCW 75.20.160 and 1991 c 279 s 1 are each amended to read  
5 as follows:

6 (1) In order to protect the property of marine waterfront shoreline  
7 owners it is necessary to facilitate issuance of hydraulic permits for  
8 bulkheads or rockwalls under certain conditions.

9 (2) The department shall issue a hydraulic permit with or without  
10 conditions within forty-five days of receipt of ~~((a complete and~~  
11 ~~accurate))~~ an application which authorizes commencement of  
12 construction, replacement, or repair of a marine beach front protective  
13 bulkhead or rockwall for single-family type residences or property  
14 under the following conditions:

15 (a) The waterward face of a new bulkhead or rockwall shall be  
16 located only as far waterward as is necessary to excavate for footings  
17 or place base rock for the structure and under no conditions shall be  
18 located more than six feet waterward of the ordinary high water line;

1 (b) Any bulkhead or rockwall to replace or repair an existing  
2 bulkhead or rockwall shall be placed along the same alignment as the  
3 bulkhead or rockwall it is replacing; however, the replaced or repaired  
4 bulkhead or rockwall may be placed waterward of and directly abutting  
5 the existing structure only in cases where removal of the existing  
6 bulkhead or rockwall would result in environmental degradation or  
7 removal problems related to geological, engineering, or safety  
8 considerations;

9 (c) Construction of a new bulkhead or rockwall, or replacement or  
10 repair of an existing bulkhead or rockwall waterward of the existing  
11 structure shall not result in the permanent loss of critical food fish  
12 or shellfish habitats; and

13 (d) Timing constraints shall be applied on a case-by-case basis for  
14 the protection of critical habitats, including but not limited to  
15 migration corridors, rearing and feeding areas, and spawning habitats,  
16 for the proper protection of fish life.

17 (3) Any bulkhead or rockwall construction, replacement, or repair  
18 not meeting the conditions in this section shall be processed under  
19 this chapter in the same manner as any other application.

20 (4) If an application for a hydraulic permit is conditioned,  
21 modified, or denied, the department shall issue a written explanation  
22 of the reasons why, the rationale behind the decision, and any  
23 suggested curative actions that the marine waterfront shoreline owner  
24 could take to obtain the hydraulic permit. The written explanation  
25 shall be issued within forty-five days of receipt of an application.

26 (5) Any person aggrieved by the approval, denial, conditioning, or  
27 modification of a hydraulic permit approval under this section may  
28 formally appeal the decision to the hydraulic appeals board pursuant to  
29 this chapter.

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