

SB 5104 - H COMM AMD  
By Committee on Appropriations

ADOPTED AND ENGROSSED 04/11/2023

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that marine  
4 nearshore habitat in Puget Sound is important for the recovery of  
5 threatened and endangered species of salmon, orcas, and marine birds.  
6 Critical nearshore components include forage fish spawning habitat,  
7 submerged aquatic vegetation, benthic substrate, adjacent upland  
8 vegetation, and the geomorphic processes that support a healthy  
9 ecosystem and food web. Establishing and regularly updating a  
10 publicly available baseline survey and map of general shoreline  
11 conditions, including the presence, location, and condition of  
12 nearshore development, is a critical tool for regulatory planning and  
13 restoration and mitigation opportunity identification by state  
14 agencies, local jurisdictions, tribal governments, and  
15 nongovernmental organizations.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A  
17 RCW to read as follows:

18 (1) The department must conduct and maintain a baseline survey of  
19 Puget Sound marine shorelines that utilizes new technology to capture  
20 georeferenced oblique aerial and 360 degree on-the-water imagery.  
21 Nothing in this section creates a requirement for the department to  
22 perform change analysis. However, the software used must have the  
23 capacity for change analysis review. These identified technologies  
24 are intended to be a minimum requirement and the department may  
25 utilize and incorporate additional tools and technologies as they  
26 become available. The survey must document and map existing general  
27 shoreline conditions, structures, and structure conditions. This  
28 information must be available to the public and incorporated into  
29 state geographic information system mapping with visual personally  
30 identifiable information removed from on-the-water imagery prior to  
31 posting.

1 (2) The initial marine oblique aerial and on-the-water imagery  
2 must be completed and publicly available by December 31, 2024, and  
3 updated on a regular two-year cycle thereafter. The survey to  
4 document and map existing shoreline conditions, structures, and  
5 structure conditions must be completed and publicly available by June  
6 30, 2025, and updated on a regular two-year cycle thereafter.

7 (3) For the purposes of this section, "Puget Sound" means Puget  
8 Sound and related inland salt waters of the state of Washington  
9 inside the boundary line between Washington and British Columbia, the  
10 Strait of Juan de Fuca, Hood Canal, and the San Juan Islands.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21A  
12 RCW to read as follows:

13 The department shall maintain a record of all civil or criminal  
14 investigations or enforcement actions in which the department is a  
15 participant that utilize georeferenced imagery or surveys produced  
16 pursuant to section 2 of this act.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.300  
18 RCW to read as follows:

19 The department shall maintain a record of all civil or criminal  
20 investigations or enforcement actions in which the department is a  
21 participant that utilize georeferenced imagery or surveys produced  
22 pursuant to section 2 of this act.

23 NEW SECTION. **Sec. 5.** If specific funding for the purposes of  
24 this act, referencing this act by bill or chapter number, is not  
25 provided by June 30, 2023, in the omnibus appropriations act, this  
26 act is null and void."

27 Correct the title.

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