

SENATE BILL REPORT

ESSB 6147

As Passed Senate, February 17, 2020

Title: An act relating to the replacement of shoreline armoring.

Brief Description: Concerning the replacement of shoreline armoring.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Salomon, Lovelett, Wilson, C., Rolfes, Billig and Keiser).

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/14/20, 1/23/20 [DPS, DNP].

Floor Activity:

Passed Senate: 2/17/20, 32-16.

Brief Summary of Engrossed First Substitute Bill

- Adds conditions to marine residential shoreline armoring replacement projects that require considering the least impactful alternative for protecting fish life.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 6147 be substituted therefor, and the substitute bill do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; McCoy and Rolfes.

Minority Report: Do not pass.

Signed by Senators Warnick, Ranking Member; Honeyford and Short.

Staff: Jeff Olsen (786-7428)

Background: Construction activities related to bulkheads or bank protection structures are subject to various state environmental regulations and may require environmental permits such as shoreline substantial development permits issued under the Shoreline Management Act and Hydraulic Project Approvals (HPA) issued by the Washington Department of Fish

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

and Wildlife (WDFW). An HPA is required for any project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. HPAs are issued by WDFW to ensure the proper protection of fish life.

Hydraulic projects may not be unreasonably conditioned and the conditions imposed upon obtaining a HPA must reasonably relate to the project. WDFW may not impose conditions that attempt to optimize fish life that are out of proportion to the impact of the proposed project.

Summary of Engrossed First Substitute Bill: Residential projects for replacing marine shoreline armoring or other measures to protect structures from marine shoreline erosion must consider the least impactful alternative for protecting fish life, in the following order of preference:

- remove the structure and restore the beach;
- remove the structure and install native vegetation;
- remove the structure and control upland drainage;
- remove the structure and replace it with a soft structure constructed of natural materials, including bioengineering;
- remove the hard structure and replace it with a hard structure located landward of the existing structure; or
- remove the hard structure and replace it with hard shoreline structure in the same footprint as the existing structure.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: The nearshore is very important for salmon recovery. Hard armoring disrupts beach habitat, cutting off feeder bluffs, impacting forage fish and the entire nearshore habitat. There are alternatives to hard armoring that should be considered before replacing an existing bulkhead. In many marine shoreline areas, bulkheads are not needed to protect structures, and soft armoring or management of upland runoff may be cheaper and more effective. Approximately 29 percent of Puget Sound is armored, and removing residential structures may be our greatest opportunity to restore nearshore habitat. Permits to replace bulkheads since 2005 have exceeded permits to install new bulkheads.

OTHER: Ports have made significant investments to restore salmon habitat. In certain areas, ports need more protection, and options may be limited. The Washington State Department of Transportation supports nature-based solutions, however, there are areas where armoring is needed to protect state highways.

Persons Testifying: PRO: Senator Jesse Salomon, Prime Sponsor; Bruce Wishart, Puget Soundkeeper; Jeff Parsons, Puget Sound Partnership; Tom McBride, WDFW; Randi Thurston, WDFW.

OTHER: Sean Eagan, The Northwest Seaport Alliance; Carol Lee Roalkvam, Washington State Department of Transportation.

Persons Signed In To Testify But Not Testifying: No one.