

SSB 5273 - H COMM AMD

By Committee on Rural Development, Agriculture & Natural Resources

ADOPTED AS AMENDED 03/28/2021

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

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

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

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

26 (b) In the event that any person desires to replace residential
27 marine shoreline stabilization or armoring, a person must use the
28 least impacting technically feasible bank protection alternative for
29 the protection of fish life. Unless the department provides an
30 exemption depending on the scale and nature of the project, a person
31 that desires to replace residential marine shoreline stabilization or

1 armoring must conduct a site assessment to consider the least
2 impactful alternatives. A person should propose a hard armor
3 technique only after considering site characteristics such as the
4 threat to major improvements, wave energy, and other factors in an
5 analysis of alternatives. If an alternative other than the most
6 preferred alternative, as identified in (b)(i) through (vii) of this
7 subsection, is selected, the analysis must establish that more
8 preferred alternatives were cost-prohibitive, or not technically
9 feasible, or both. The common alternatives identified in (b)(i)
10 through (vii) of this subsection are in order from most preferred to
11 least preferred:

- 12 (i) Remove the structure and restore the beach;
13 (ii) Remove the structure and install native vegetation;
14 (iii) Remove the structure and control upland drainage;
15 (iv) Remove the structure and replace it with a soft structure
16 constructed of natural materials, including bioengineering;
17 (v) Remove the hard structure and construct upland retaining
18 walls;
19 (vi) Remove the hard structure and replace it with a hard
20 structure located landward of the existing structure, preferably at
21 or above the ordinary high water line; or
22 (vii) Remove the hard structure and replace it with hard
23 shoreline structure in the same footprint as the existing structure.

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

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

33 Correct the title.

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.

Requires that, in an analysis of marine shoreline stabilization alternatives, if any alternative other than the most preferred alternative is selected, the analysis must establish that more preferred alternatives were cost-prohibitive, or technically not feasible, or both.

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