

# FINAL BILL REPORT

## SSB 5273

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C 279 L 21  
Synopsis as Enacted

**Brief Description:** Concerning the replacement of shoreline armoring.

**Sponsors:** Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Salomon, Rolfes, Pedersen, Das, Lovelett and Nobles).

**Senate Committee on Agriculture, Water, Natural Resources & Parks**  
**House Committee on Rural Development, Agriculture & Natural Resources**

**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 (HPAs) issued by the Washington Department of Fish 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 an 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:** When replacing residential marine shoreline stabilization or armoring, a person must use the least impacting technically feasible bank protection alternative for the protection of fish life. A hard armor technique should only be proposed after considering site characteristics including the threat to major improvements, wave energy, and other factors in an alternative's analysis. The common alternatives in order of preference include:

- 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;

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- remove the hard structure and construct upland retaining walls;
- 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 a hard shoreline structure in the same footprint as the existing structure.

For the replacement of residential marine shoreline stabilization or armoring, "feasible" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

**Votes on Final Passage:**

Senate	28	21	
House	57	40	(House amended)
Senate	29	20	(Senate concurred)

**Effective:** July 25, 2021