

# SENATE BILL REPORT

## SB 5885

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As of January 25, 2022

**Title:** An act relating to marine shoreline habitat.

**Brief Description:** Concerning marine shoreline habitat.

**Sponsors:** Senators Salomon, Stanford, Hasegawa, Keiser, Lovelett, Nobles and Rolfes.

**Brief History:**

**Committee Activity:** Environment, Energy & Technology: 1/25/22 [w/oRec-AWNP].  
Agriculture, Water, Natural Resources & Parks: 1/27/22.

**Brief Summary of Bill**

- Directs the Department of Ecology to conduct a baseline survey of Puget Sound marine shorelines including creating a comprehensive on-the-water view of the shoreline by January 1, 2023.
- Requires state and local permitting agencies to compare permit data with survey results to identify unpermitted development subject to potential enforcement action.
- Requires marine structure replacement projects in Puget Sound to meet the same design and technical standards as a new structure.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Jeff Olsen (786-7428)

**Background:** Shoreline Management Program. The Shoreline Management Act (SMA) involves a cooperative regulatory approach between local governments and the state. The Department of Ecology (Ecology) and local governments are authorized to adopt necessary and appropriate rules for implementing the provisions of the SMA. At the local level, SMA

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regulations are developed in local shoreline master programs (master programs). All counties and cities with shorelines of the state are required to adopt master programs that regulate land-use activities in shoreline areas of the state.

Hydraulic Project Approval. A person must obtain a hydraulic project approval (HPA) prior to commencing any construction project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Hydraulic project approvals are issued by the Department of Fish and Wildlife (WDFW) to ensure the proper protection of fish life. To receive an HPA, the applicant must provide certain information to the WDFW. This information includes general plans for the overall project and complete plans for the proper protection of fish life. The WDFW may impose proportionate conditions on a permit.

**Summary of Bill:** By January 1, 2023, Ecology must conduct a baseline survey of Puget Sound marine shorelines that renews oblique shoreline aerial imagery and incorporates the use of new technology to create a 360 degree on-the-water comprehensive view of the shoreline. The marine shoreline survey must be updated on a regular two-year cycle. The survey must document and map existing shoreline conditions, structures, and structure conditions, including structures in disrepair and structures that are derelict, and must be available to the public and incorporated into state geographic information system mapping.

Upon completion of regular surveys, state and local permitting agencies must compare permit data with survey results to identify unpermitted development subject to potential enforcement action.

If any person desires to replace a marine structure in the waters of Puget Sound, the marine replacement structure must meet the same design and technical standards as a new structure.

**Appropriation:** None.

**Fiscal Note:** Requested on January 21, 2022.

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

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