AN ACT Relating to the replacement of shoreline armoring; 1
amending RCW 77.55.231; and creating a new section.2

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:3

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

Sec. 2. RCW 77.55.231 and 2012 1st sp.s. c 1 s 106 are each
amended to read as follows:
(1)(a) Conditions imposed upon a permit must be reasonably related to the project. The permit conditions must ensure that the project provides proper protection for fish life, but the department may not impose conditions that attempt to optimize conditions for fish life that are out of proportion to the impact of the proposed project.

(b) In the event that any person desires to replace residential marine shoreline stabilization or armoring, a person must use the least impacting technically feasible bank protection alternative for the protection of fish life. Unless the department provides an exemption depending on the scale and nature of the project, a person that desires to replace residential marine shoreline stabilization or armoring must conduct a site assessment to consider the least impactful alternatives. A person should propose a hard armor technique only after considering site characteristics such as the threat to major improvements, wave energy, and other factors in an alternative's analysis. The common alternatives identified in (b)(i) through (vii) of this subsection are in order from most preferred to least preferred:

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

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

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

--- END ---