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**SUBSTITUTE SENATE BILL 5273**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Salomon, Rolfes, Pedersen, Das, Lovelett, and Nobles)

READ FIRST TIME 02/05/21.

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

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

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

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

1       (1) (a) Conditions imposed upon a permit must be reasonably  
2 related to the project. The permit conditions must ensure that the  
3 project provides proper protection for fish life, but the department  
4 may not impose conditions that attempt to optimize conditions for  
5 fish life that are out of proportion to the impact of the proposed  
6 project.

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

20       (i) Remove the structure and restore the beach;

21       (ii) Remove the structure and install native vegetation;

22       (iii) Remove the structure and control upland drainage;

23       (iv) Remove the structure and replace it with a soft structure  
24 constructed of natural materials, including bioengineering;

25       (v) Remove the hard structure and construct upland retaining  
26 walls;

27       (vi) Remove the hard structure and replace it with a hard  
28 structure located landward of the existing structure, preferably at  
29 or above the ordinary high water line; or

30       (vii) Remove the hard structure and replace it with hard  
31 shoreline structure in the same footprint as the existing structure.

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

35       (3) The permit must contain provisions that allow for minor  
36 modifications to the required work timing without requiring the  
37 reissuance of the permit. "Minor modifications to the required work  
38 timing" means a minor deviation from the timing window set forth in

1 the permit when there are no spawning or incubating fish present  
2 within the vicinity of the project.

--- **END** ---