

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5273

Chapter 279, Laws of 2021

67th Legislature
2021 Regular Session

SHORELINE ARMORING—REPLACEMENT—FISH LIFE IMPACT

EFFECTIVE DATE: July 25, 2021

Passed by the Senate April 21, 2021
Yeas 29 Nays 20

DENNY HECK

President of the Senate

Passed by the House March 28, 2021
Yeas 57 Nays 40

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved May 12, 2021 3:00 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5273** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 12, 2021

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5273

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

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 analysis of alternatives. The common alternatives identified in
18 (b)(i) through (vii) of this subsection are in order from most
19 preferred to 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 (c) For the purposes of this subsection, "feasible" means
33 available and capable of being done after taking into consideration
34 cost, existing technology, and logistics in light of overall project
35 purposes.

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

39 (3) The permit must contain provisions that allow for minor
40 modifications to the required work timing without requiring the

1 reissuance of the permit. "Minor modifications to the required work
2 timing" means a minor deviation from the timing window set forth in
3 the permit when there are no spawning or incubating fish present
4 within the vicinity of the project.

Passed by the Senate April 21, 2021.

Passed by the House March 28, 2021.

Approved by the Governor May 12, 2021.

Filed in Office of Secretary of State May 12, 2021.

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