CERTIFICATION OF ENROLLMENT

**SENATE BILL 5104**

68th Legislature

2023 Regular Session

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| Passed by the Senate April 14, 2023  Yeas 45 Nays 1  **President of the Senate**  Passed by the House April 11, 2023  Yeas 97 Nays 0  **Speaker of the House of Representatives** | CERTIFICATE  I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5104** as passed by the Senate and the House of Representatives on the dates hereon set forth.  Secretary |
| Approved |  |
| **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SENATE BILL 5104**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Salomon, Rolfes, Liias, Nobles, Pedersen, and Stanford

AN ACT Relating to surveying Puget Sound marine shoreline habitat; adding new sections to chapter 43.21A RCW; adding a new section to chapter 43.300 RCW; and creating new sections.

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

NEW SECTION. **Sec.**  The legislature finds that marine nearshore habitat in Puget Sound is important for the recovery of threatened and endangered species of salmon, orcas, and marine birds. Critical nearshore components include forage fish spawning habitat, submerged aquatic vegetation, benthic substrate, adjacent upland vegetation, and the geomorphic processes that support a healthy ecosystem and food web. Establishing and regularly updating a publicly available baseline survey and map of general shoreline conditions, including the presence, location, and condition of nearshore development, is a critical tool for regulatory planning and restoration and mitigation opportunity identification by state agencies, local jurisdictions, tribal governments, and nongovernmental organizations.

NEW SECTION. **Sec.**  A new section is added to chapter 43.21A RCW to read as follows:

(1) The department must conduct and maintain a baseline survey of Puget Sound marine shorelines that utilizes new technology to capture georeferenced oblique aerial and 360 degree on-the-water imagery. Nothing in this section creates a requirement for the department to perform change analysis. However, the software used must have the capacity for change analysis review. These identified technologies are intended to be a minimum requirement and the department may utilize and incorporate additional tools and technologies as they become available. The survey must document and map existing general shoreline conditions, structures, and structure conditions. This information must be available to the public and incorporated into state geographic information system mapping with visual personally identifiable information removed from on-the-water imagery prior to posting.

(2) The initial marine oblique aerial and on-the-water imagery must be completed and publicly available by December 31, 2024, and updated on a regular two-year cycle thereafter. The survey to document and map existing shoreline conditions, structures, and structure conditions must be completed and publicly available by June 30, 2025, and updated on a regular two-year cycle thereafter.

(3) For the purposes of this section, "Puget Sound" means Puget Sound and related inland salt waters of the state of Washington inside the boundary line between Washington and British Columbia, the Strait of Juan de Fuca, Hood Canal, and the San Juan Islands.

NEW SECTION. **Sec.**  A new section is added to chapter 43.21A RCW to read as follows:

The department shall maintain a record of all civil or criminal investigations or enforcement actions in which the department is a participant that utilize georeferenced imagery or surveys produced pursuant to section 2 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 43.300 RCW to read as follows:

The department shall maintain a record of all civil or criminal investigations or enforcement actions in which the department is a participant that utilize georeferenced imagery or surveys produced pursuant to section 2 of this act.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

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