
SENATE BILL 5104

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

Prefiled 12/28/22. Read first time 01/09/23. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

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

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

5 NEW SECTION. **Sec. 1.** The legislature finds that marine
6 nearshore habitat in Puget Sound is important for the recovery of
7 threatened and endangered species of salmon, orcas, and marine birds.
8 Critical nearshore components include forage fish spawning habitat,
9 submerged aquatic vegetation, benthic substrate, adjacent upland
10 vegetation, and the geomorphic processes that support a healthy
11 ecosystem and food web. Establishing and regularly updating a
12 publicly available baseline survey and map of general shoreline
13 conditions, including the presence, location, and condition of
14 nearshore development, is a critical tool for regulatory planning and
15 restoration and mitigation opportunity identification by state
16 agencies, local jurisdictions, tribal governments, and
17 nongovernmental organizations.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A
19 RCW to read as follows:

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

15 (2) The initial marine oblique aerial and on-the-water imagery
16 must be completed and publicly available by December 31, 2024, and
17 updated on a regular two-year cycle thereafter. The survey to
18 document and map existing shoreline conditions, structures, and
19 structure conditions must be completed and publicly available by June
20 30, 2025, and updated on a regular two-year cycle thereafter.

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

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21A
26 RCW to read as follows:

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

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.300
32 RCW to read as follows:

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

1 NEW SECTION. **Sec. 5.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2023, in the omnibus appropriations act, this
4 act is null and void.

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