

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5104**

Chapter 465, Laws of 2023

68th Legislature  
2023 Regular Session

PUGET SOUND MARINE SHORELINE SURVEYS

EFFECTIVE DATE: July 23, 2023

Passed by the Senate April 14, 2023  
Yeas 45 Nays 1

DENNY HECK

**President of the Senate**

Passed by the House April 11, 2023  
Yeas 97 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Approved May 15, 2023 3:12 PM

JAY INSLEE

**Governor of the State of Washington**

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.

SARAH BANNISTER

**Secretary**

FILED

May 16, 2023

**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, Lias, 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.

Passed by the Senate April 14, 2023.

Passed by the House April 11, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

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