

The Shoreline Management Act, Shoreline Guidelines and Shoreline Master Program Updates

**Pasco Planning Commission
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Presentation Outline

- Shoreline Management Act
- Shoreline Guidelines
- Key Issues, New Requirements
- Ecology and Pasco, roles and responsibilities

Washington has 28,000 miles of coastal, inland marine, lake and stream shorelines that make our state a special place to live.

- Our sense of place
- Where we play
- Our economy
- Our history



The Shoreline Management Act of 1971

- Chapter 90.58 RCW -

- In effect now for 40 years...
- Response to an initiative, Legislature adopted an alternative proposal that took effect June 1971.
- Designed as a cooperative state/local partnership

Legislative Findings

- Shorelines are among the most valuable and fragile of the state's natural resources.
- Unrestricted construction on shorelines is not in the public interest.
- Coordinated planning is necessary.
- Recognize and protect private property rights consistent with the public interest.

(RCW 90.58.020)

SMA Policies

- Prioritizes uses that require a shoreline location
- Protects natural shoreline resources
- Promotes public access & enjoyment



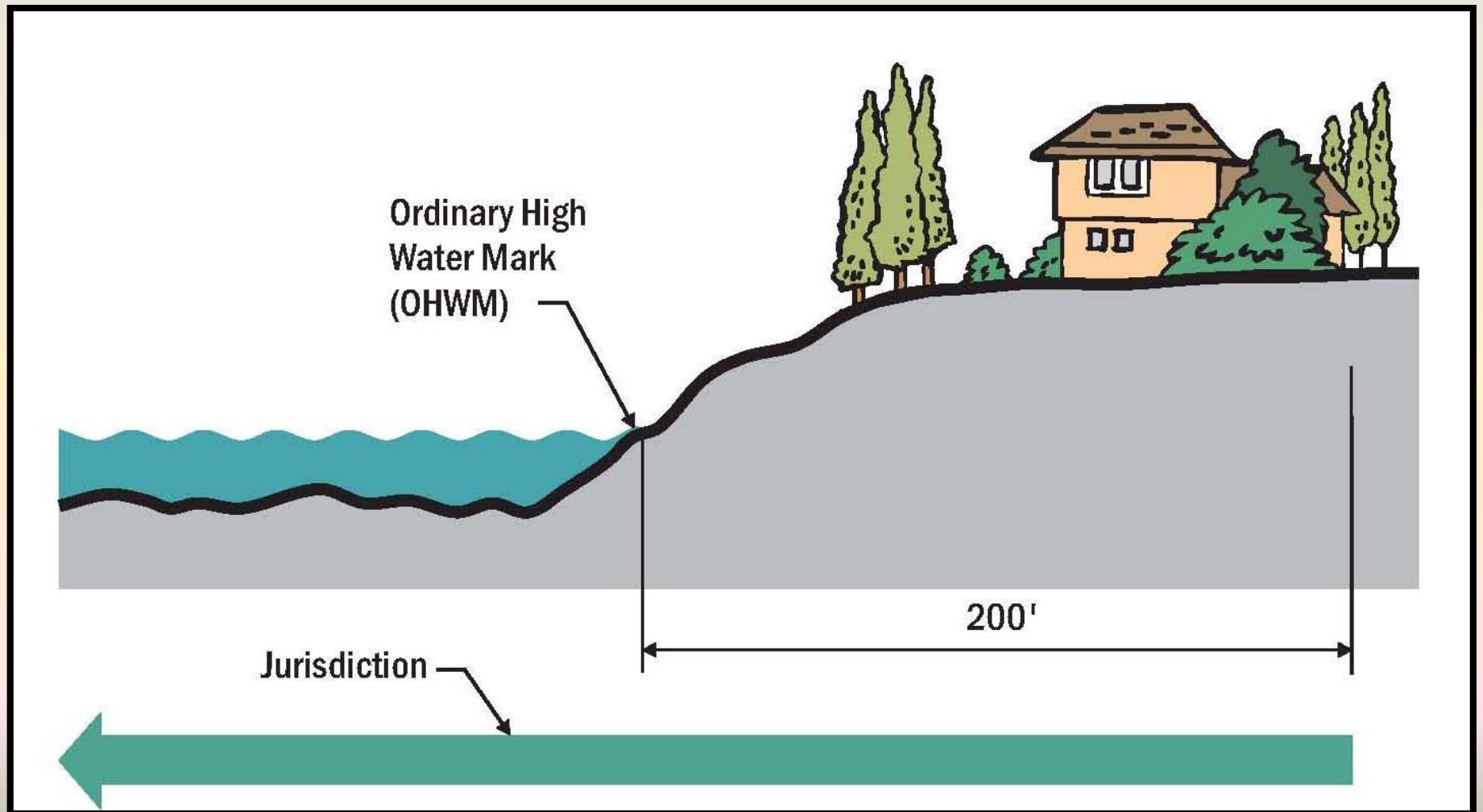
Where does the Act (SMA) apply?

All 39 counties and more than 200 cities across the state:



- Marine waters of the 15 coastal counties
- Streams with > 20 cfs mean annual flow;
- Lakes > 20 acres;
- Upland areas within 200 feet landward of such waters;
- Associated wetlands
- Optional areas for inclusion:
 - floodplain
 - buffers necessary to protect critical areas

SMA Jurisdiction



SMP Update Deadlines:

(established by the Legislature in 2003)

- **December 1, 2009** - King county and the cities within King county greater than ten thousand in population;
- **2011** - Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;
- **2012** - Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;
- **2013** - Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and
- **2014** - Adams, Asotin, Columbia, Ferry, **Franklin**, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties **and the cities within those counties.**

(RCW 90.58.080)

Note: Local governments are allowed to add an additional year beyond these deadlines to complete their SMP

Shoreline Guidelines

WAC 173-26 (Part III) - Sets requirements for Shoreline Master Program updates:

- Prescriptive in some cases
 - e.g. shoreline stabilization standards
- “Show your work” in other cases
 - e.g. buffer size
 - must meet “*no-net-loss*” standard
- Requires extensive community involvement
- Requires coordination with local, state, federal, and tribal governments

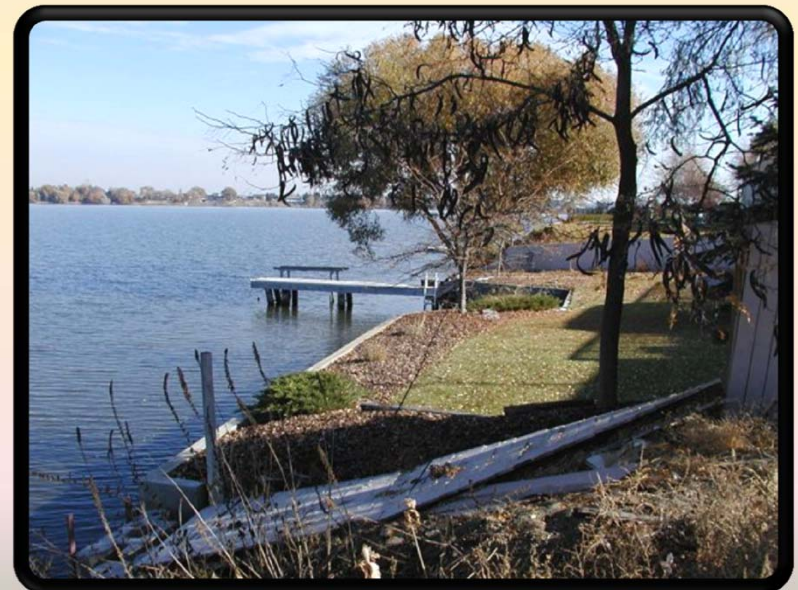
No-Net-Loss of Shoreline Ecological Functions

“No-net-loss of shoreline ecological functions” is the environmental protection standard updated SMPs must achieve.

- Avoid new impacts to ecological functions
- Maintain/improve existing shoreline functions over time

Key Standards in Shoreline Guidelines

- Shoreline modifications (piers & docks, bulkheads, riprap, fill e.g.)
- Vegetation management, buffers/setbacks
- Critical area protections
- Public access



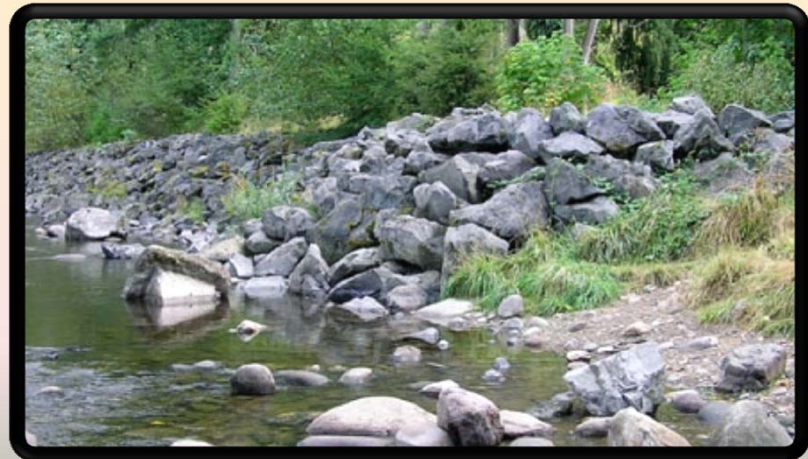
Shoreline Modifications

Goal is to limit future modifications in number and extent and reduce adverse impacts.



Shoreline Stabilization

- Allow only to protect legally existing structures or uses.
- Preference for “soft” stabilization measures over new “hard” structures; mitigate impacts.
- Locate new development to avoid need for stabilization.



Shoreline Vegetation



- Benefits public safety, property protection, habitat, & water quality.
- Buffers & setbacks conserve existing shoreline vegetation to sustain functions.
- “No-net-loss of ecological functions” drives how standard is applied locally.

Critical Areas in Shorelines

Protections for shoreline “critical areas” (as defined under the Growth Management Act) “transfer” to the SMP after Ecology approval.

Local governments have the option to manage critical area buffers under the SMP when a portion of the critical area is within 200 feet of the OHWM.



Public Access

- Public access includes both visual and physical access to the water
- Protect existing access
- Promote improved access



Cumulative Impacts

“Reasonably foreseeable” impacts to ecological functions from new development allowed by SMP, must be:

- Evaluated and avoided where possible.
- Unavoidable impacts must be minimized and mitigated to satisfy the “no net loss” standard.

Restoration Planning

Considering unique local circumstances, local governments must:

- Identify shoreline areas with impaired or degraded functions.
- Identify existing projects, programs & funding sources that accomplish restoration.
- Prepare “strategy” (goals, timelines, benchmarks) that ensures restoration objectives are met “over time”.

Restoration can offset impacts from new development.

SMA Partnership

“A cooperative program of shoreline management between local government and the state.”

Pasco

- Develop Shoreline Master Program (SMP) tailored to local conditions
- Administer the regulatory program (permits/compliance)

Ecology

- Write guidelines for local SMPs (*state rules*)
- Formal approval of SMPs
- Final action on certain Shoreline permits (*conditional use, variance*)
- Technical assistance and grants.

Local Shoreline Master Program

- Principle vehicle for managing shorelines
- The SMP consists of:
 - Shoreline environment designations
 - Goals, Policies, and Development Regulations
 - Maps
 - Permitting & Compliance
- Must be consistent with the Shoreline Act and the Guidelines

SMP Development Process

FIGURE 1: SHORELINE MASTER PROGRAM PLANNING PROCESS

7/13/09

SMP UPDATE PROCESS	SPECIFIC PLANNING TASKS	PRODUCTS
Phase 1: Preliminary Shoreline Jurisdiction and Public Participation Plan	Task 1.1: Identify preliminary shoreline jurisdiction - shorelines & shorelands Task 1.2: Develop public participation plan (citizen, technical, Ecology, other stakeholders) Task 1.3: Demonstrate how Phase 1 complies with Guidelines	Product 1.1: Preliminary map of local shorelines & shorelands subject to the SMP Product 1.2: Public participation plan Product 1.3: Documentation in SMP submittal checklist
Phase 2: Shoreline Inventory & Shoreline Analysis & Characterization	Task 2.1: Complete shoreline inventory Task 2.2: Conduct shoreline analysis Task 2.2.1: Characterize ecosystem-wide processes Task 2.2.2: Characterize shoreline functions Task 2.2.3: Conduct shoreline use analysis, analyze public access opportunities Task 2.3: Prepare shoreline inventory and characterization report Task 2.4: Demonstrate how Phase 2 complies with Guidelines	Product 2.1: Draft list of inventory data sources, digital maps of inventory information Product 2.3: Shoreline inventory and characterization report with map portfolio & GIS data, including: <ul style="list-style-type: none"> Characterization of ecosystem-wide processes Characterization of shoreline functions Identification of potential protection and restoration areas Shoreline use & public access analyses Shoreline management recommendations Product 2.4: Documentation in SMP submittal checklist
Phase 3: Shoreline Environment Designation, Policy & Regulation Development; Cumulative Impacts Analysis	Task 3.1: Conduct community visioning process Task 3.2: Develop general goals, policies & regulations Task 3.3: Develop environment designations Task 3.4: Develop shoreline use & modifications policies, regulations & standards Task 3.5: Develop administrative provisions Task 3.6: Prepare preliminary cumulative impacts analysis Task 3.7: Demonstrate how Phase 3 complies with the Guidelines	Product 3.1: Shoreline management strategy Product 3.2-3.5: Complete Draft SMP, including: <ul style="list-style-type: none"> Draft general goals, policies & regulations Draft environment designations Draft shoreline use & modifications policies, regulations & standards Draft administrative provisions Product 3.6: Preliminary cumulative impacts analysis Product 3.7: Documentation in SMP submittal checklist
Phase 4: Restoration Plan; Revisiting Phase 3 Products as Necessary	Task 4.1: Prepare restoration plan Task 4.2: Revisit environment designations, policies and regulations; finalize jurisdiction maps Task 4.3: Demonstrate how NHL is achieved Task 4.4: Demonstrate how Phase 4 complies with Guidelines	Product 4.1: Restoration plan Product 4.2: Revised SMP, cumulative impacts analysis & jurisdiction maps Product 4.3: No net loss report Product 4.4: Documentation in SMP submittal checklist
Phase 5: Local Approval	Task 5.1: Assemble complete draft SMP and submit to Ecology for informal review Task 5.2: Complete SEPA review, documentation Task 5.3: Provide GMA 60-day notice of intent to adopt Task 5.4: Hold public hearing Task 5.5: Prepare responsiveness summary and respond to public comments Task 5.6: Adopt SMP and submit to Ecology Task 5.7: Demonstrate how Phase 5 complies with Guidelines	Product 5.1: Final draft SMP Product 5.2: SEPA products (checklist, MDNS/EIS; SEPA notice) Product 5.3: Evidence of compliance with GMA notice requirements Product 5.4: Public hearing record Product 5.5: Responsiveness summary Product 5.6: Complete SMP submittal package Product 5.7: Documentation in SMP submittal checklist
Phase 6: State Approval	Task 6.1: Provide public notice & opportunity for comment; respond to comments received Task 6.2: Prepare decision packet including findings & conclusions, transmittal letter, conditions of approval (if any), & responsiveness summary Task 6.3: Work with local government to finalize local adoption	Product 6.1: Responsiveness summary Product 6.2: Decision package submitted to local government Product 6.3: Final SMP adoption incorporating any Ecology conditions of approval; SMP takes effect

Schedule & Funding

Pending Legislative approval,
approximately \$100,000 will be available
July 1, 2013 – June 30, 2015, with an
additional \$25,000 available the following
biennium.

For more information:

Visit Ecology's SEA Program web site at:

<http://www.ecy.wa.gov/programs/sea/shorelines/index.html>

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