

Attachment B: ISLAND COUNTY SHORELINE MASTER PROGRAM UPDATE

Ecology Required Changes (alternative language) December 2, 2015

The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	DRAFT SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT ORIGINAL CHANGES (underline = additions; strikethrough = deletions)	RATIONALE	Final Local Government and Ecology Accepted Alternative Change
37.	17.05A.110 A.3.	New structural shoreline stabilization	<p>3. New or Expanded Structural Shoreline Stabilization</p> <p>a) Structural shoreline stabilization shall be prohibited in or adjacent to lakes.</p> <p>b) Structural shoreline stabilization shall not be permitted on spits, hooks, bars, barrier beaches, or similar accretion terminals or accretion shoreforms; except when demonstrated that construction of the above shore defense devices are absolutely necessary for the protection of existing primary structures and appurtenances and mitigation consistent with ICC 17.05A.090.C.7 has been accomplished.</p> <p>c) New structural shoreline stabilization may be permitted and existing structural shoreline stabilization may be expanded only when at least one of the following apply:</p> <p>(vi) On a lot developed with a single family residence <u>in designated canal communities</u>, where the adjacent lots on both sides have a legally established bulkhead, structural shoreline stabilization may be permitted, provided:</p> <p>(1) The horizontal distance between existing bulkheads does not exceed one-hundred twenty (120) feet;</p> <p>(2) The proposed stabilization structure would be located landward of the OHWM;</p>	<p>The additional language makes SMP section 17.05A.110 A.3 3 c) (v) more consistent with 17.05A.110 A.3 e) (ii).</p> <p>17.05A.110 A.3 3.c) (v) requires that a principal structure be threatened within three years in order to authorize new shoreline stabilization.</p> <p>17.05A.110 A.3 e) (ii) contains the same requirement but also</p>	<p>17.05A.110 A.3. c) (v) Where there is conclusive evidence documented by a geotechnical or coastal engineering analysis that erosion from waves or currents is expected to cause damage to a primary structure or appurtenance within three years based on a trend analysis of prior rates of erosion if the shoreline stabilization is not constructed; <u>or where waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions; or</u></p>

			<p>(3) The proposed shoreline stabilization would link with the adjacent bulkheads; and</p> <p>(4) The proposed shoreline stabilization would not adversely affect known forage fish habitat.</p> <p>d) In addition to meeting the provisions of ICC 17.05A.110.A.1, proposals for new or expanded structural shoreline stabilization allowed under ICC 17.05A.110.A.3.e shall demonstrate all of the following before a permit can be issued:</p> <p>e) The Shoreline Administrator shall require applicants for new or expanded structural shoreline stabilization to provide credible evidence, through preparation of a geotechnical analysis by a qualified professional that the primary structure or appurtenance is in danger of damage from shoreline erosion caused by tidal action, currents, or waves.</p> <p>g) Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure or appurtenance shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. In order for structural shoreline stabilization to be authorized, the geotechnical report must conclude that that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or that waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions. All geotechnical reports shall also identify any potential impacts to downstream or downdrift structures.</p>	<p>includes the modifying statement “or where waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions”</p> <p>This change also allows more flexibility for use of nonstructural alternatives listed in 17.05A.110 A.1 b).</p> <p>The additional change also improves consistency with the “demonstration of need” threshold outlined in the WAC 173-26-231(3) (a) (iii) (B). Providing additional flexibility for non-structural alternatives also more consistent with the intent of WAC 173-26-231(2) (general principles applicable to all shoreline modifications.</p>	
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