

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF OLYMPIA
SHORELINE MASTER PROGRAM**

SMP Submittal accepted April 25, 2014 - Resolution No. M1797
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Use of This Document:

The Department of Ecology's (Ecology) *Findings and Conclusions* (**attachment A**), including reference to *Required Changes* (**attachment B**) and *Recommended Changes* (**attachment C**), provide the factual basis for Ecology's decision on the City of Olympia's (City) updated Shoreline Master Program (SMP). This document is divided into four sections: introductory information in section 1, findings related to the City's development of the updated SMP in section 2, Ecology's review of the updated SMP in section 3, and conclusions related to this decision in section 4.

Description of Proposed Amendment:

The City submitted to Ecology for review and approval a comprehensive update to its local Shoreline Master Program to comply with the Shoreline Management Act (SMA) and the SMP Guidelines (Guidelines) at WAC 173-26 (Part Three). The updated master program contains locally tailored shoreline management policies, regulations, environment designations, a designation map and administrative provisions to manage shoreline development throughout the City's shoreline jurisdiction. The City's SMP also includes critical area provisions from the Olympia Municipal Code (OMC) Titles 18.32 and 16.70, which will be adopted by reference as part of the SMP. The West Bay Drive Regulations in OMC 18.06.100 A.2.C -- West Bay Drive Building Height and View Blockage Limits (Ordinance 6646 passed on July 14, 2009) are also being adopted by reference as an element of the City's updated SMP. Additional reports, and supporting information and analyses as noted below were considered by Ecology during review of the City's submittal.

This comprehensive update is intended to entirely replace the City's existing SMP. The public notice, permit processing and administrative review procedures, policies, and regulations in OMC Titles 14, 16, 17 and 18, as they may be modified in the SMP, are identified as elements of the City's updated SMP. These provisions will be loosely referenced in the SMP but are not being adopted by reference.

The City of Olympia is located in Thurston County, at the southern tip of Budd Inlet on the Puget Sound. The City's shoreline jurisdiction is bordered by unincorporated Thurston County to the north and west, the City of Tumwater to the southwest, and the City of Lacey to the east. Approximately 30 miles¹ of shoreline within the City of Olympia and its Urban Growth Area (UGA) are classified as "Shorelines of the State" pursuant to RCW 90.58.030 (ESA Adolfson, 2008). Aquatic areas and adjacent upland areas generally within 200 feet of the shoreline edge in these locations are subject to compliance with the Shoreline Management Act (RCW 90.58) (also referred to "SMA jurisdiction" or "shoreline jurisdiction").

Need for Amendment:

¹ Corrected for revisions to shoreline jurisdiction and mapping clarifications made after 2008.

The proposed amendment is needed to comply with a state statutory deadline requiring a comprehensive update to local SMPs pursuant to RCW 90.58.080. The SMP update is also intended to reflect current shoreline conditions, as it is recognized that conditions can change over time (WAC 173-26-090). Changing local circumstances, new information, and improved data may refer to both physical/biological conditions as well as how shorelines and shorelands are currently being used. The update also provides the opportunity to ensure consistency between the updated SMP and other environmental protection and land use management policies and practices outlined in the City's Critical Areas Ordinances and Comprehensive Plan.

Section 1.3 of the City's SMP provides the following purpose statement:

The purpose of Olympia's Shoreline Master Program is:

- A. To guide the future development of shorelines in the City of Olympia in a positive, effective and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (Act) as amended (RCW90.58);*
- B. To promote the public health, safety and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of Olympia's shorelines; and*
- C. To ensure, at a minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the policy contained in RCW 90.58.020, Legislative Findings for shorelines of the State.*

FINDINGS OF FACT

The record submitted by the City to Ecology, including Resolution No. M1797, reports, analyses and local approval materials, describe the underlying need for the proposed SMP amendment. The City currently manages shorelines under its most recent local update to the regional Shoreline Master Program, adopted in 1994. The current SMP establishes goals and policies for management of shorelines, establishes shoreline regulations and includes special area management plans for the Percival Creek Corridor and Urban Waterfront.

The updated SMP will apply to all shorelines of the state within the City of Olympia, including: riverine shorelines along Percival Creek and the Black Lake Drainage Ditch, lake shorelines including Capitol Lake, Chambers Lake, Grass Lake, Ken Lake and Ward Lake, and marine shorelines along Budd Inlet within the City limits. The City chose not to pre-designate shoreline areas within its adopted UGA under WAC 173-26-150. Puget Sound waters seaward from the line of extreme low tide in Olympia are further characterized as "Shorelines of Statewide Significance" pursuant to RCW 90.58.030 (2)(f)(iii).

Current Conditions Documented:

Documentation of current shoreline conditions is vital to achieving the no net loss of shoreline ecological functions goal of the state SMP Guidelines (WAC 173-26-186 and Ecology, 2010b). Pursuant to this requirement, Thurston Regional Planning Council (TRPC), on behalf of the cities of Lacey, Olympia and Tumwater, produced a final *Shoreline Inventory* dated June 2009. ESA Adolfson, on behalf of TRPC, produced a *Shoreline Analysis and Characterization Report* dated December 2008.

These reports describe existing shoreline conditions within the City and its UGA and serve as a basis for and were intended to inform development of the City's SMP, including environment designations, policies and use regulations.

The City's *Shoreline Inventory* was created by reviewing available and existing data and reports relevant to the regional study area. The *Shoreline Analysis and Characterization Report* builds on the *Shoreline Inventory*; it provides a regional, ecosystem-wide profile as well as reach-level analyses characterizing existing shoreline conditions, evaluating existing shoreline functions and values, and exploring opportunities for conservation and restoration of ecological functions.

Chambers Creek within the City's UGA was originally identified as a Shoreline of the State in the *Shoreline Inventory* and *Shoreline Analysis and Characterization Report*. Upon request Ecology evaluated 14 years of stream discharge data from a continuous gage maintained by Thurston County located approximately 1.4 miles down stream of the suggested 20 cubic feet per second (cfs) point. The data indicated that even during wet years, the mean annual flow at the gage location did not exceed 20 cfs. Mean annual discharge ranged from 1.9 cfs in 2002 to 16.3 in 1999, and averaged approximately 7 cfs. This confirmed that Chambers Creek, at least upstream of Rich Road, was not a Shoreline of the State under the SMA.

With regard to the portion of the stream between Rich Road and its confluence with the Deschutes River, the creek is channelized in a ravine between Rich Road and the Deschutes floodplain below the ravine. Data, ground conditions and local knowledge indicate that if the 20cfs point is met at all in Chambers Creek, it is likely to be where the creek enters the floodplain of the Deschutes River (due to the extensive floodplain and wetlands in this area). The Flood Insurance Study and Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) for Thurston County (October 2012) identify areas of special flood hazard, including the 100-year floodplain. The 100-year floodplain for the Deschutes River at its confluence with Chambers Creek is narrower than the width of minimum shoreline jurisdiction in this vicinity, meaning this area will be regulated under the SMP regardless of the 20 cfs point on Chambers Creek. Based on available information, Ecology determined that Chambers Creek is not a Shoreline of the State for purposes of the SMP update.

Current shoreline conditions within the City are documented in the reports referenced above, and can be summarized as follows:

Existing Shoreline Uses: According to the City's *Shoreline Inventory* and *Shoreline Analysis and Characterization Report*, current land uses on lakes within the City limits are primarily a mix of residential, governmental and institutional, open space and transportation facility uses. Capitol Lake is a 270-acre lake located on the State Capitol Campus that was created in 1951 when a dam was constructed at the mouth of the Deschutes River. The north, most of the middle, and about half of the south basin are within the City of Olympia. Uses surrounding the lake include parks, roads, and railroads. The east side of the middle basin houses the Capitol Campus Powerhouse/Steam Plant, and is otherwise low density residential above open space (wooded, steep slopes). The west side of the middle basin includes Percival Cove. Interstate 5 (I-5) passes between the middle and south basin, and the portion of the south basin in Olympia consists of low density residential uses above steep, wooded slopes.

Chambers Lake is an approximately 150 acre lake divided into two basins by a former railroad right of way, now the Chehalis Western Trail. Uses in Olympia include low density residential and open space. Grass Lake is part of a large wetland and pond system created by peat mining in the 1950's. The lake is approximately 64 acres with 12 acres of open water, and is encompassed by the Grass Lake Refuge. Open space accounts for more than half of the shoreline area. Areas of low and moderate density residential development are located north and south of the lake, and a small area of commercial development is located to the southeast. Ken Lake is approximately 26 acres of open water and lacustrine open water wetland. Existing land use is nearly all low and moderate density residential development, with limited open space areas in the form of neighborhood parks. Ward Lake is a deep, kettle lake measuring approximately 66 acres. Land use around Ward Lake is predominantly low and moderate density residential uses with smaller areas of parks and open space and vacant lands.

The Black Lake Drainage Ditch was constructed in 1922 to drain Black Lake to the north into Capitol Lake. Before construction of the ditch, Black Lake drained to the south into the Black River. The segment within Olympia is characterized by open space and a City-maintained regional stormwater facility. Percival Creek in the City of Olympia is located within a deep canyon with steep walls. The canyon is generally undeveloped open space; beyond its walls the remainder of shoreline jurisdiction consists of vacant land with small areas of commercial and higher density residential uses. Cooper Point Road and Highway 101 cross the creek on bridges and the Tacoma Rail railroad runs parallel to the creek along its northern edge within the canyon.

Budd Inlet in Olympia is generally comprised of two bays (West Bay and East Bay). The peninsula separating the bays is man-made, created by fill that has been placed since the early 1800's (referred to as the Port Peninsula). Budd Inlet was formerly the estuary of the Deschutes River, which was altered with placement of the Capitol Lake dam. The Budd Inlet shoreline planning area is characterized by a diverse land use pattern.

Land use in the northwestern-most reach along Budd Inlet within the City is low-density residential. Moving south along the West Bay shoreline, land uses include roughly equivalent amounts of commercial/industrial, a marina, parks and open space, some residential uses and vacant lands, and roads. The west side and tip of the Port Peninsula include port-related industrial uses and urban-downtown mixed uses, marinas, and park/institutional and open space uses, including the City's Percival Landing. The Cascade Pole site is located at the northeast tip of the Port Peninsula, where soil and groundwater had been contaminated as a result of wood-treatment operations and facilities previously existing on site. Partial clean up of the site has taken place; contaminated soils were removed and have been capped with pavement. Testing continues in the vicinity of the site to ensure the containment system is working ("Cascade Pole Inc. McFarland", n.d.).

Most of the west shoreline of East Bay (the east shoreline of the Port Peninsula) is managed by the Port of Olympia, which is primarily in marina and boat storage/repair related use. The south end of East Bay includes roads, trails and sidewalks, and small portions of adjacent parcels are in commercial and public use. The east shoreline of East Bay includes a sidewalk and the road, which are backed by high-density residential uses. Further north along this shoreline, the use pattern is a mix of low to high density residential. The most northeasterly shoreline reach of Budd Inlet in Olympia is Priest Point Park.

There are numerous water oriented uses in Budd Inlet, including water dependent uses such as log booming, marinas, boathouses and other boating-related uses and facilities, and the Port of Olympia marine terminal. Water related uses include such things as boat and motor sales, service and storage. Water oriented uses include such things as trails and viewpoints, parks, boardwalks and restaurants. Budd Inlet also contains Harbor Areas as established under Article XV of the Washington State Constitution. Harbor areas are to be reserved for landings, wharves, streets, and other conveniences of navigation and commerce (“Harbor Areas in Washington State”, n.d.).

Ecological Conditions, Ecosystem Processes and Shoreline Ecological Functions: The Olympia, Lacey and Tumwater region (study area) encompasses one of the most rapidly urbanizing portions of Puget Sound. The population of Thurston County in general has exceeded the statewide growth rate since the 1960s. Around 67 percent of the population resides in cities or the UGAs. As a result of urbanization, land cover has rapidly converted from primarily agricultural uses to urban and suburban land cover. Within the Deschutes River watershed, roughly 1,700 acres changed from rural to urban land cover between 1985 and 2000, a 19 percent increase (ESA Adolfson, 2008).

Within an SMP context, ecosystem processes and ecological functions generally include shoreline hydrology, water quality, the movement of sediment, and habitat conditions (Ecology, 2010a and Ecology, 2010b). Methods used to prepare the City’s *Shoreline Inventory* and *Shoreline Analysis and Characterization Report* are described in detail within the reports. Key ecological functions related to the SMP update were identified and are summarized in the tables below, along with the overall level of historical alteration. Shorelines in Olympia have generally been characterized as moderately to highly altered. The first table summarizes the level of alteration to various ecological functions and the related ecosystem-wide processes for the Capitol Lake system, which includes the Black Lake Drainage Ditch and Percival Creek:

Process	Function	Level of Alteration
<i>Habitat</i>	Shoreline Habitat for Wildlife	Moderate
	Source and Delivery of LWD ²	High
<i>Hydrology</i>	Hydroperiod	High
	Flood Flow Retention	Low ³
<i>Sediment Generation and Transport</i>	Sediment Retention	Moderate to High
<i>Water Quality</i>	Wetland Removal of Pollutants	High
	Delivery, Movement, and Loss or Removal of Nutrients, Pathogens and Toxicants	High

The second table summarizes the level of alteration to various ecological functions and the related ecosystem-wide processes for other freshwater lakes (Chambers, Grass, Ken and Ward):

² LWD - large woody debris

³ The City’s position at the lowest part of the watershed limits the potential to provide significant flood storage.

Process	Function	Level of Alteration
<i>Habitat</i>	Lake Riparian Vegetation	Moderate to High
<i>Hydrology</i>	Groundwater Recharge	Low
	Flood Flow Retention	Low
<i>Sediment Generation and Transport</i>	Upland Sediment Generation	Moderate to High
<i>Water Quality</i>	Trophic Status/Overall Water Quality	High

The third table summarizes the level of alteration to various ecological functions and the related ecosystem-wide processes for the nearshore/marine environment:

Process	Function	Level of Alteration
<i>Habitat</i>	Estuarine Habitat	High to Moderate
	Shoreline Habitat for Wildlife	Moderate
	Source and Delivery of LWD	High
<i>Hydrology</i>	Attenuation of Wave Energy	High
<i>Sediment Generation and Transport</i>	Sediment Delivery from Coastal Bluffs and Streams	Moderate
<i>Water Quality</i>	Wetland Removal of Pollutants	Moderate
	Delivery, Movement, and Loss or Removal of Nutrients, Pathogens and Toxicants	High

Collectively, the *Shoreline Inventory* and *Shoreline Analysis and Characterization Report* and the technical resources relied upon within them provided necessary information to characterize shoreline ecosystem processes and ecological functions consistent with SMP-Guideline requirements. The inventory of shoreline features and description of current ecological conditions also allowed for identification of key management issues and restoration opportunities in the study area.

Specific to marine nearshore reaches within Olympia, ESA Adolfson (2008) also established a baseline summary of important areas and alterations. Using a generalized scoring approach, they developed a first order, simplified evaluation of the overall condition of each reach relative to the following parameters⁴:

- Freshwater inputs to salt water;
- Structural hydro-modifications (e.g., the Capitol Lake Dam);
- Known areas with water quality degradation (e.g., Category 5 303(d) listings, Washington Department of Health Shellfish closures);
- Sources and sinks of sediment (e.g., feeder bluffs);

⁴ Because importance and alteration were combined in this method to provide one measure, the results do not directly suggest areas where restoration would be most effective. For a complete explanation of the assessment including the numerical results, see Table 3-3 in the *Shoreline Analysis and Characterization Report*.

- Substrate type and composition;
- Presence of artificial structures along the shoreline (e.g., seawalls, bulkheads);
- Presence of important habitat types (e.g., eelgrass beds, pocket estuaries, forage fish spawning areas, tidal marsh); and
- Presence of a forested marine riparian area.

The result of this evaluation is a qualitative assessment of the overall condition (high, medium and low) of the nearshore marine environment within Olympia. The findings for each reach are as follows:

Reach Name ⁵	Condition	Notes
Budd-2	Medium	Alterations low, with the exception of the overall hydromodification of Capitol Lake Dam. Few sediment or habitat important areas.
Budd-3	Low	High level of alteration due to fill and marina; no key habitats.
Budd-4	Low	High level of alteration due to Capitol Lake dam; no key habitats.
Budd-5	Low	High level of alteration due to fill and industrial land use; no key habitats.
Budd-6	Low	High level of alteration due to fill; no key habitats.
Budd-7	Low	High level of alteration due to residential development; only forage fish spawning habitat.
Budd- 8	High	Low level of alteration (part of Priest Point Park).

Because South Puget Sound is shallower and has slower flushing times than other parts of the Puget Sound, nearshore areas are relatively more susceptible to pollutant loading from man-made sources. Conditions in Budd Inlet have been studied since the 1980s and concern over eutrophication of marine waters resulted in upgrades to the Lacey, Olympia, Tumwater, Thurston County (LOTT) wastewater treatment plant in the early 1990’s. Due to degraded water quality in Budd Inlet and shellfish closures, the plant was required to remove nitrogen from its effluent. This upgrade significantly reduced nitrogen inputs to Budd Inlet. Budd Inlet was listed as an impaired water body on the State’s 303(d) list in 2012 for dissolved oxygen and bacteria (“Current EPA Approved”, 2012).

Section 303(d) of the federal Clean Water act requires states to develop total maximum daily loads (TMDLs) for water bodies not meeting designated uses due to pollution levels. The Department of Ecology included Budd Inlet, Capitol Lake and the Deschutes River in a TMDL study that began in 2003. The TMDL project is intended to identify pollution sources and recommend remedies for correction. However in 2014 Ecology revised the TMDL completion schedule and is continuing the study as a phased approach. Ecology will first move forward with the freshwater section, which will include the Deschutes River above Tumwater Falls, Percival Creek and its tributaries, and other freshwater tributaries flowing into Capitol Lake and Budd Inlet. After further modeling has been completed, Ecology will address Capitol Lake and Budd Inlet in the marine section of the study.

Because of past and current industrial activities along Budd Inlet, there are numerous known and suspected sites with hazardous or toxic materials. Known sites are located along West Bay Drive and

⁵ Note these reaches coincide with the reaches originally delineated by the Thurston Regional Planning Council (TRPC) in 2009 and may not align with the reach names and/or reach start and end points in the City’s locally adopted SMP.

on the Port Peninsula. Budd Inlet sediments continue to be studied as part of the Puget Sound Initiative (PSI). Ecology's Toxics Cleanup Program has identified contaminated sites within one-half mile of Puget Sound and in response to the PSI and increased funding, Ecology has accelerated its efforts to clean and restore contaminated sites within identified priority bays (“Puget Sound Initiative Budd Inlet Sediment Investigation”, n.d.).

Within Budd Inlet in the City of Olympia, the sale for human consumption of commercial shellfish is currently prohibited by the State Department of Health due the presence of wastewater treatment outfalls and marina/boating uses. Recreational shellfish harvest along the shoreline of Priest Point Park is closed (“Shellfish Growing Area Program Interactive Map Based Viewer”, n.d.).

Ecology finds that the City’s Shoreline Inventory (2009) and Shoreline Analysis and Characterization Report (2008) provide a sufficient assessment of existing shoreline conditions to satisfy SMP Guidelines requirements in WAC 173-26-201 (3)(c) and (d) and to adequately inform the SMP update process. This report also provides the basis for future protection and identifies opportunities for future restoration within the City’s shoreline jurisdiction to achieve no net loss of shoreline ecological functions.

Shoreline Jurisdiction and Shorelines of Statewide Significance:

The City proposes to use the minimum jurisdiction allowed, including the water areas of all shoreline waterbodies, shorelands located within 200 feet of the Ordinary High Water Mark (OHWM), the designated floodway plus 200 feet of the contiguous floodplain on streams, and all associated wetlands and river deltas. Ecology has recommended one change to the updated SMP to clarify that the City is not proposing to regulate ‘optional’ shorelands under the SMP as described in RCW 90.58.030 (2)(d)(i) and (ii).

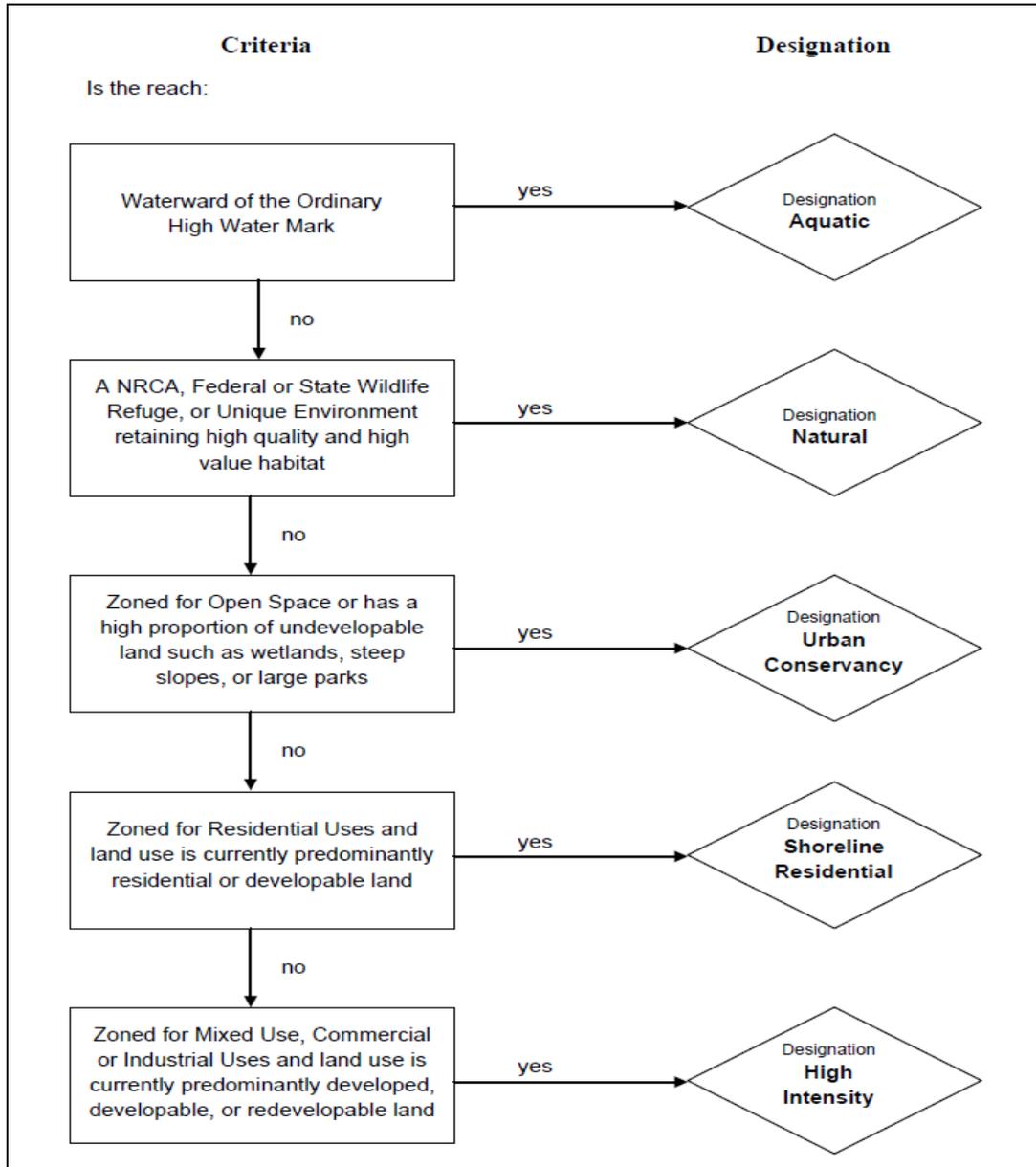
RCW 90.58.020 specifically calls out Shorelines of Statewide Significance (SSWS) for special consideration, declaring the “the interest of all of the people shall be paramount in the management” of these shorelines. In Olympia, waters of the Puget Sound lying seaward of the line of extreme low tide are designated SSWS.

Ecology finds that the Olympia SMP appropriately defines shoreline jurisdiction consistent with the Act. Ecology finds that the SMP has appropriately identified SSWS within the City’s jurisdiction and has included principles for use and management of these areas (section 2.1 (A)). The policies and principles in the SMP are consistent with RCW 90.58.020 and WAC 173-26-251.

Shoreline Environment Designations:

Assignment of Shoreline Environment Designations (SEDs) is a fundamental aspect of the SMP update. Shoreline environment designations are the principal tool for applying and tailoring the SMA’s general policies to local shorelines. Classifying shorelines into specific SEDs provides the means of adapting broad policies to shoreline reaches with distinctively different conditions and resources (Ecology, 2011a). The Shoreline Environment Designation criteria provided in WAC 173-26-211 serve as the primary determinant of how shoreline environment designation assignments are made, along with reference to zoning and other regulatory overlays.

As part of the initial work done for the City’s Comprehensive SMP update, TRPC produced a document titled *Shoreline Environmental Designations for the Cities of Lacey, Olympia and Tumwater and their Urban Growth Areas* in June 2009. TRPC primarily utilized a flowchart containing specific criteria to propose SEDs for individual reaches in the study area. The flowchart is inserted below.



As the City began the process of refining the materials prepared by TRPC in 2009, feedback received from the public, various stakeholders, citizen committees and elected officials indicated the scheme of proposed environment designations was not sufficient. Generally the input received reflected concern that the Guidelines-recommended SEDs were not robust enough to address the variety of uses and conditions occurring on shorelines throughout Olympia. Between January 2010 and approximately

October 2012, the City Planning Commission and City Council directed city staff to revise various reach start- and end-points, combine/eliminate reaches, and establish alternative environment designations as allowed under WAC 173-26-211(4)(c) in an effort to address these concerns.

Olympia’s comprehensively updated SMP utilizes a total of eight designations, four of which are recommended environment designations from the SMP Guidelines. The Guidelines-recommended environment designations the City is using include Natural, Urban Conservancy, Shoreline Residential, and Aquatic. Olympia has chosen to use a variation of a fifth Guidelines-recommended environment designation, High Intensity. The City is calling this designation “Urban” Intensity and has modified the designation criteria to be consistent with and applicable to conditions along shoreline reaches in the City. In addition to the designation criteria outlined in Table 1 below, the City’s SMP states that the Urban Intensity (UI) designation is intended to capture areas characterized by a wide variety of urban uses and activities, including commercial, industrial, marine, residential, and recreational uses. As described in the updated SMP, “Together, these uses and activities create a vibrant shoreline that is a key component of Olympia’s character and quality of life. These types of uses should be allowed within the *Urban Intensity* environment, with preference given to Water-Dependent and Water-Enjoyment uses.”

The three remaining SEDs in the City’s updated SMP are alternative designations, which were developed for reaches with existing or future desired conditions (as expressed in the City’s Comprehensive Plan) that did not clearly align with Guidelines-recommended designations. These designations are Port Marine Industrial (PMI), Marine Recreation (MR) and Waterfront Recreation (WR).

Table 1: City of Olympia Shoreline Environment Designations (Figure 4-1, Res. M1797)

Designation	Designation Criteria	Reaches/Areas Assigned
Natural	Ecologically intact and currently performing an important, irreplaceable function or process that would be damaged by human activity.	Reach Budd-8 (Priest Point Park)
Urban Conservancy	Areas appropriate and planned for development that is compatible with maintaining or restoring ecological functions and that are not generally suitable for water dependent uses.	<ul style="list-style-type: none"> • Grass Lake, Chambers Lake within the city, and around Capitol Lake: <ul style="list-style-type: none"> ○ West side of the north basin ○ Along the south basin within the City ○ Both sides of the middle basin within the City, except the Capitol Campus Powerhouse/Steam Plant • Percival Cove, Percival Creek and the Black Lake Drainage Ditch • Reach Budd-2 (north tip of West Bay) • Reaches Budd-6A and 6B⁶, between the OHWM and 100 feet from the OHWM
Shoreline Residential	Areas characterized by single-family or multi-family residential development or that are planned and platted for residential development.	<ul style="list-style-type: none"> • Ken Lake, and Ward Lake within the city • Reach Budd-7 (east shoreline of East Bay) • Reach Budd-6B from a point 100 feet back from the

⁶ Reaches Budd-6A and 6B have been assigned “parallel environments” as described in WAC 173-26-211 (4)(c)(ii).

Designation	Designation Criteria	Reaches/Areas Assigned
		OHWM, east to the extent of shoreline jurisdiction
Waterfront Recreation	Areas that are or are planned to be used for recreation, or where the most appropriate use is for recreation open space or habitat conservation.	<ul style="list-style-type: none"> Reach Budd 3-B (West Bay Drive south of the fills, except west of the east right of way edge of West Bay Road) Reach Cap-6 (Heritage Park) Marathon Park portion of Reach Cap-7
Marine Recreation	Portion of the Port Peninsula used or planned to be used for boating facilities, water-oriented recreation and commercial uses.	Reach Budd-5C
Urban Intensity	Areas that currently support high intensity uses related to commerce, industry, transportation or navigation, and high-density housing; or are suitable and planned for high-intensity water-oriented uses.	<ul style="list-style-type: none"> Reach Cap-3B (Capitol Campus Powerhouse/Steam Plant) Reach 3-A (west shoreline of West Bay north of the fills) Reaches Budd-4 and Budd-5A Portions of reach Budd 3-B west of the east right of way edge of West Bay Road Reach Budd-6A from a point 100 feet back from the OHWM, to the extent of shoreline jurisdiction
Port Marine Industrial	Portion of the Port of Olympia that supports uses related to water-oriented commerce, transportation or navigation or are planned for such uses, with an emphasis on water-dependent and water-related industrial uses. ⁷	Reach Budd-5B
Aquatic	All areas waterward of the OHWM.	All areas waterward of the OHWM

Ecology’s required change to the SMP relating to environment designations clarifies the boundaries between parallel designations in reaches Budd-6A, Budd-6B, and portions of Budd-3B. These boundaries as identified in the SMP record were not clearly illustrated on the map, and did not align with the default boundary interpretation conventions in section 3.17 of the SMP. Ecology’s recommended change relating to environment designations involves deletion of a reference in the SMP to a coordinate system that defines SED boundaries. TRPC (2009b) compiled start and end point GPS coordinates for reaches in Olympia as part of the *Shoreline Environmental Designations for the Cities of Lacey, Olympia and Tumwater and their Urban Growth Areas*. However, as reaches were combined and the start/end points moved during the City’s refinement process, these coordinates were not updated. Therefore, the 2009 coordinates are out of date and in many cases, inaccurate.

One comment received during Ecology’s state public comment period questioned why the Olympia Yacht Club (OYC) in reach Budd-4 was designated Urban Intensity. The commenter stated it should be designated Urban Recreation. Because there is no Urban Recreation designation associated with the City’s updated SMP, Ecology presumes the commenter is suggesting the OYC be designated either MR or WR. The City responded in the Responsiveness Summary (**attachment D**) that the UI

⁷ Marine Terminal District as identified in the Port of Olympia Comprehensive Scheme of Harbor Improvements, November 2014

designation at the OYC is consistent with the inventory and characterization, neighboring shoreline uses, and providing for new uses of the site. Ecology further acknowledges that the OYC site is not consistent with the designation criteria for MR (“areas on the Port Peninsula”) in section 2.9 A of the updated SMP, or with the designation criteria for WR (“shorelines areas that are or are planned to be used for recreation or where the most appropriate use is for recreation open space or habitat conservation”) in section 2.8 A of the updated SMP.

Ecology finds that TRPC, the City, and the SMP record have documented the basis for assigning Shoreline Environment Designations. In delineating designations the City endeavored to assure existing shoreline ecological functions are protected with the proposed pattern and intensity of development allowed in each shoreline environment. The designations appear consistent with policies for restoration of degraded shorelines in the SMP. Furthermore, designations in the SMP appear to be appropriately assigned and address all known shoreline areas in the City.

In the SMP, each environment designation includes a purpose statement, designation criteria, and management policies as required by WAC 173-26-211 (4)(a). The City has chosen to establish and apply alternative systems as outlined in WAC 173-26-211(4)(c). Ecology finds that the City’s decisions regarding formulation and application of the chosen environment designations are sufficiently rationalized and supported by analysis and discussion in the record. As conditionally approved, the environment designations meet the requirements in WAC 173-26-211(2)(a) and (b).

Shoreline Use Conflicts and Preferred Uses:

As part of the City’s *Shoreline Inventory, Shoreline Analysis and Characterization* and *Cumulative Impacts Assessment* reports, data was collected and presented that addresses the Guidelines requirement to characterize projected shoreline development trends and identify potential use conflicts. This is intended to ensure preference is given to uses that are unique to or dependent upon a shoreline location (“water oriented” uses). Potential conflicts in this context are focused on competing planning priorities inherent in the overall SMA policy intent, such as the preference for water-dependent uses and for ecological protection. This may also encompass conflicts between SMA policy objectives and other interests or regulatory requirements, like zoning or site design requirements, affecting shoreline resources. Data on existing water oriented shoreline uses as well as future anticipated shoreline uses along with zoning and information on ecological conditions were used to evaluate the future demand for shoreline space and potential use conflicts.

Along Ken Lake and Ward Lake, current shoreline use patterns are primarily developed residential with interspersed open space and park/recreation uses. Development patterns around Chambers Lake and Grass Lake are similar, however at much lower densities/intensities. Low intensity recreational facilities are anticipated within the Grass Lake Refuge, and residential development may occur in surrounding upland areas. A City park may develop adjacent to Chambers Lake and the density of residential development is expected to increase. A park at the southeast end of Ward Lake may be developed and development associated with an urban village (Briggs Village) is occurring in upland areas to the west. Based on the current zoning and development patterns in these areas, new moderate density residential development or residential repairs and remodels are the type of development that could occur. No significant change from the current development patterns on these four lakes within Olympia is expected in shoreline jurisdiction. Water oriented uses related to the lakes include boat launches, parks, and trails. Specific to Chambers and Grass Lakes, most development would occur

outside of shoreline jurisdiction and associated critical areas; therefore, the potential for use conflicts is anticipated to be low.

Along Capitol Lake within Olympia, shorelines are considered fully developed. Because of the significance of the developed facilities at the local, regional and state level and the presence of steep slopes and important riparian areas, the potential for development is largely limited to redevelopment and the addition of uses or facilities within existing parks. The State continues to study alternatives for the future of Capitol Lake. The anticipated future land use pattern in the Capitol Lake shoreline planning area follows the existing land use pattern very closely; major changes in land use patterns are not expected. Potential use conflicts along Capitol Lake within Olympia are not anticipated. No water dependent or water related uses exist in the Capitol Lake shoreline planning area. Water enjoyment uses include trails, parks and viewpoints.

The Black Lake Drainage Ditch within Olympia is not associated with any formal water oriented uses, although people use trails in the vicinity for passive recreational activities. The area is developed and unlikely to change, and no use conflicts are anticipated. Along Percival Creek, there are no water oriented uses within the City of Olympia. This area is also developed; the only potential future land use change would involve development of the proposed Percival Canyon Trail. The trail would likely be developed along the railroad right-of-way if it is abandoned. No significant land use changes are expected along these two shorelines and no use conflicts are anticipated.

As stated earlier, there are a number of water oriented uses occurring along Budd Inlet in Olympia. Water dependent uses and activities include log booming, marinas, harbor tug and barge services, the Olympia Yacht Club, boat charter services and the Port of Olympia terminal. Water related uses and activities include boat and boat related repair, sales and storage as well as boat rentals. Water enjoyment uses include uses and activities such as restaurants, parks and trails, boardwalks, and viewpoints.

As also was described earlier, the land use pattern around Budd Inlet is diverse and includes a mix of uses. Roadways also comprise a large portion of the Budd Inlet shoreline planning area (33 percent). Changes in land use anticipated around Budd Inlet include redevelopment from industrial uses to office, commercial, residential or mixed uses along West Bay Drive, and completion of the second phase of West Bay Park along West Bay Drive (formerly in industrial use). In addition to mixed use or park development, other planned improvements along West Bay include waterfront trails and public access points and road improvements such as repaving and the addition of sidewalks and bike trails.

Depending on decisions made regarding the future of Capitol Lake, there could be significant changes to the current berm/tide gate (dam) at the south end of West Bay, although such changes may not happen in the foreseeable future. Potential redevelopment activities along the isthmus could include mixed uses and/or park/open space-type uses. Along the Port Peninsula, potential redevelopment activities could result in office or retail uses, residential or industrial uses, or mixed uses. Repair and reconstruction of portions of Percival Landing may also occur. The Port has indicated plans to expand and redevelop in the vicinity of Swantown Marina, adding additional mooring facilities as well as other water-related uses. Development or redevelopment of vacant commercial lots at the edge of shoreline jurisdiction at the south end of East Bay has recently occurred and is anticipated to continue, resulting in office and retail uses as well as public open space uses. Along the east shoreline of East Bay, development is expected to be limited to residential repairs and remodels.

Overall, only 1.5% of the shoreline area along Budd Inlet is vacant and approximately 10% can be considered “underdeveloped” (ESA, 2013). While limited development, redevelopment, remodels, repairs and maintenance of existing uses and activities are all expected, the overall use pattern is not expected to change significantly. The most relevant wholesale land use change projected to occur within shoreline jurisdiction along Budd Inlet is conversion of former industrial sites along West Bay Drive and on the east side of the Port Peninsula to offices and retail space, residential uses, mixed use structures, and waterfront trails, parks and public access points.

Potential use conflicts that surfaced during the SMP update included conflicts between water-oriented Port activities and public access, private development and public access, and to a lesser degree conflicts between ecological protection and shoreline utilization. With regard to Port activities, the City worked closely with the Port and the public to ensure areas for water dependent and associated water related uses on the Port Peninsula were reserved in the SMP. The SMP recognizes areas where public access would be unsafe or conflict with Port security or operational needs (reach Budd-5B). In addition to complying with requirements related to consideration of public access from the SMP Guidelines, the updated SMP also includes incentives for provision of physical access and trails specific to areas where less intense, water-related Port uses are anticipated to occur with redevelopment (Budd-5C).

The focus on conflicts between public access and private development are primarily related to redevelopment of former industrial sites along the West Bay shoreline. An expressed and documented desire of the public is for a trail along West Bay, specifically along the waterfront. The City owns the portion of the desired trail corridor between the 5th Avenue bridge and the northern end of West Bay Park (City of Olympia, 2010). From that point north, realization of a waterfront trail will depend on partnerships with the owners and/or developers of privately owned properties.

When considering development standards for the West Bay portion of the Urban Waterfront zone in 2009, the City established building height and view blockage limits intended to retain public views (public views are one type of public access⁸) to Budd Inlet from the street level along West Bay Drive. In the West Bay Drive building height and view blockage provisions in the Olympia Municipal Code (OMC 18.06.100 A.2.c), alternate standards for building heights and view blockage may be utilized by developments that provide waterfront access in the form of specific amenities. These amenities include waterfront trails, expanded waterfront trail corridor facilities (or small waterfront park), or both. In addition to complying with requirements related to consideration of public access from the SMP Guidelines, the updated SMP specifically references the West Bay Drive building height and view blockage provisions in the OMC. Referencing these provisions in the SMP is an effort to address the potential for conflict between public access and private development along the West Bay shoreline. Utilization of these provisions in the SMP maintains the incentives and opportunities for partnerships that support the public’s goal for a continuous West Bay trail.

With regard to potential conflicts between utilization and ecological preservation, the *Shoreline Inventory, Shoreline Analysis and Characterization* and *Cumulative Impacts Assessment* reports recognize that areas where future, broad scale land use changes may occur have been significantly

⁸ WAC 173-26-221(4)(a): “Public access includes the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on waters of the state, and to view the water and the shoreline from adjacent locations.”

altered from natural conditions; typically these areas consist of fill and exhibit few if any characteristics of ‘natural’ shorelines. They are generally devoid of native vegetation and are not currently characterized by high quality or significant nearshore habitats. Areas appropriate to reserve for protecting ecological functions have been recognized through application of the most protective shoreline environment designations, and shoreline use and development will be subject to applicable policies and regulations in the SMP. Where single family and non-water oriented uses may be appropriate, they must be developed without impacts to shoreline ecological functions and contribute to the objectives of the Shoreline Management Act. Through these means, the updated SMP endeavors to balance the competing planning priorities in the SMA and minimize the potential for utilization of shoreline areas to conflict with protection of shoreline ecological functions.

One of Ecology’s required changes to the locally adopted SMP clarifies that the City has the authority to place conditions on proposed shoreline uses or development to avoid blocking a substantial number of private residential views or public views explicitly protected in the SMP. While this may have been implied in other sections or provisions of the SMP, this change plainly recognizes the City’s authority to address use conflicts through permit conditions. Ecology has also required the addition of language to the SMP that specifies the limited conditions under which docks, piers and floats can intrude into or over critical saltwater habitat. This change further prevents conflicts between utilization of shoreline areas and the maintenance of shoreline ecological functions. In Budd Inlet, lands and waters seaward of the extreme low tide line are also SSWS. Recognizing and protecting critical saltwater habitat in SSWS is consistent with the statewide interest in ensuring long-term protection of ecological resources of statewide importance as outlined in WAC 173-26-251 (3)(d)(i).

Ecology finds that contingent upon acceptance of required changes as outlined in attachment B, the City has adequately considered SMA preferred uses and the potential for use conflicts consistent with WAC 173-26-201 (2)(d) and WAC 173-26-201 (3)(d)(ii).

Shoreline Modifications:

WAC 173-26-231 defines shoreline modifications as “...generally related to construction of physical elements such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal.” WAC 173-26-231 (2)(b) states, as a general principle, that Master Programs shall “reduce the adverse effects of shoreline modifications, and, as much as possible, limit shoreline modifications in number and extent.” These principles are reinforced through associated mitigation sequencing [WAC 173-26-201(2)(e)] and no net loss (WAC 173-26-186) requirements of the SMP Guidelines.

The City’s *Shoreline Inventory* and *Shoreline Analysis and Characterization* reports document the presence of various shoreline modifications in and along the City’s SMA water bodies. Common shoreline modifications within the City’s shoreline areas vary; in marine shoreline areas, modifications such as bulkheads, fill, and vegetative modifications related to urban development are most prevalent. On freshwater shorelines, modifications like piers and docks and vegetative modifications are most prevalent. Modifications like breakwaters and weirs are less common. Dredging and dredge material disposal occur in Olympia within Budd Inlet and Capitol Lake.

To satisfy Guideline requirements related to shoreline modifications in WAC 173-26-231, the City developed a number of provisions related to the following types of shoreline modifications:

- The updated SMP prohibits hard shoreline stabilization unless a geotechnical analysis demonstrates a structure or use will be damaged within three years as a result of shoreline erosion, and that soft stabilization measures are not feasible. When hard shoreline armoring is justified, it requires a shoreline Conditional Use Permit. Key requirements include a prohibition on hard structural stabilization in the Natural SED, requiring demonstration of need for new or enlarged structural stabilization measures, criteria that must be met for replacement structures, and a prohibition on creating new residential lots or placing new development where they will require structural shoreline stabilization in the future.
- With regard to overwater structures, key requirements in the updated SMP include a prohibition on new covered moorage, limitations on dock and pier sizes, lengths, and requirements for light transmission, limitations on single-user docks and piers, and a prohibition on non-water dependent and residential development over water.

The City's *Cumulative Impacts Assessment* or *CIA* (ESA, 2013) provides a general conclusion, stating that cumulative actions taken over time in accordance with the City's SMP are not likely to result in a net loss of shoreline ecological functions from existing baseline conditions. Specific to shoreline stabilization, the *CIA* states that along with mitigation requirements, provisions in the SMP will help achieve no net loss of ecological functions.

Alterations to the shoreline from development and loss of shoreline vegetation were also noted as key management issues in the *Shoreline Analysis and Characterization* report. The updated SMP establishes a system of vegetation conservation areas (VCAs), which are areas intended to "protect and restore vegetation along or near shorelines that minimize habitat loss and the impact of invasive plants, erosion and flooding, and contribute to ecological functions of shoreline areas." In general, new development must be located outside of required VCAs. A few defined uses are allowed within VCAs, but the extent is limited and the activity must follow the mitigation sequence. Speculative clearing, grading and vegetation removal in VCAs is prohibited. Applicants for new development, expansion, or redevelopment are required to protect and preserve native vegetation within the VCA. The City can require restoration in or creation of a VCA when consistent with the mitigation sequence, or when a project includes an authorized encroachment into the VCA. The *CIA* states that provisions relating to setbacks and vegetation conservation areas will help maintain and restore habitat, provide a source of large woody debris, preserve views of the shoreline and water and, in many cases, accommodate public access (ESA, 2013).

When allowed, modifications such as breakwaters, jetties, groins and weirs require Conditional Use Permits. Stair towers are prohibited. Dredging and fill are prohibited in and adjacent to the Natural designation. All shoreline modification activities must be consistent with mitigation sequencing requirements and no net loss policies in the SMP. The City also has committed to coordinating with other local, state and federal regulatory agencies, tribes and non-governmental organizations to ensure mitigation actions are likely to be successful and achieve beneficial ecological outcomes.

While the City's updated SMP addresses each type of shoreline modification listed above, some changes to the SMP language were required so it would conform to the SMP Guidelines. Required changes include recognition that a shoreline berm would be considered a structural flood hazard reduction measure in addition to being considered a shoreline modification, and therefore is subject to the flood hazard reduction provisions of the SMP and SMP Guidelines. Required changes also clarify

conditions under which fill can be authorized waterward of the ordinary high water mark, outline when docks, piers and floats may be authorized in or over critical saltwater habitat, and clarify under what circumstances restoration/enhancement projects can include shoreline modifications. Additionally, clarification of standards relating to shoreline stabilization for new development were needed to separate them from standards relating to new shoreline stabilization for existing development.

Contingent on the City accepting the required changes listed in Attachment B, Ecology finds that the City’s Shoreline Modification standards are consistent with mitigation sequencing principles provided for in WAC 173-26-201 (2)(e) and requirements in WAC 173-26-231. Furthermore, the City’s Cumulative Impacts Assessment identified and analyzed the updated development standards and regulations relating to shoreline modifications authorized through the updated SMP. Ecology finds that with the incorporation of the changes in attachment B, provisions related to shoreline modifications in the SMP are consistent with the no net loss policy goal of the SMP Guidelines.

Cumulative Impact Analysis:

Upon local adoption of the SMP in October 2013, ESA updated the *Cumulative Impacts Assessment*⁹ intended to consider cumulative impacts of reasonably foreseeable future shoreline development under the provisions in the updated SMP. As summarized above, the shoreline environment in Olympia is predominantly moderately to highly altered urban areas with pockets of moderately functioning and less altered areas. Due to the relatively built-out nature of the City, nearly all future development is likely to be redevelopment (ESA, 2013).

Reasonably foreseeable shoreline development was assessed using several data sources. The first was the 2009 TRPC *CIA*, which was augmented with more specific and recent information and adapted to include only data relevant to Olympia. The second source included evaluation of Thurston County Assessor’s data to identify vacant properties and properties that are underdeveloped with respect to current zoning standards. The third source was City staff information on current development proposals and trends. The results are organized by shoreline reach (reach numbering was updated to match the City’s locally adopted SMP) in the tables below:

Foreseeable Development for Marine Shorelines

Shoreline Reach	Reasonably Foreseeable Development
BUDD-3A	Redevelopment from industrial to office, residential or mixed-use. Possible development: <ul style="list-style-type: none"> • Condominiums • Offices and retail space • Marinas • Waterfront trail and Public access points • Road improvements (sidewalks, bike lanes, repaving)
BUDD-3B	Redevelopment from industrial to public recreation/public access. Possible development: <ul style="list-style-type: none"> • Public buildings in park • Parking

⁹ As part of the initial work done for the City’s comprehensive SMP update, TRPC produced a Cumulative Impacts Analysis in June 2009 that assessed reasonably foreseeable development under the provisions in the “shell” proposed draft SMP, also dated June 2009.

Shoreline Reach	Reasonably Foreseeable Development
	<ul style="list-style-type: none"> • Recreation • Waterfront trail and Public access points • Road improvements (sidewalks, bike lanes, repaving) • Planned and proposed West Bay Trail
BUDD-4	<p>As part of the Capitol Lake Adaptive Management Plan (CLAMP), the state is considering several restoration approaches for Capitol Lake, including significant changes to the current berm/tide gates.</p> <p>Potential redevelopment along the isthmus (4th and 5th Avenues) includes:</p> <ul style="list-style-type: none"> • Condominiums • Offices and Retail • Park (City is considering acquiring the uplands along Budd 4 between 4th and 5th for a park)
BUDD-5A, 5B, 5C	<p>Potential future redevelopment includes:</p> <ul style="list-style-type: none"> • Condominiums • Offices and Retail • Industrial • Mixed-use • Repairs and rebuilding of Percival Landing Boardwalk
BUDD-6A	<p>Potential redevelopment along Marine Drive includes;</p> <ul style="list-style-type: none"> • Offices and Retail • Public buildings • Public plaza • Recreation
BUDD-6B	<p>Bulkhead repairs and replacements. Residential repairs and remodels.</p>
BUDD-7	<p>Bulkhead repairs and replacements. Residential repairs and remodels.</p>
BUDD-8	<p>Recreation (trails and public access). Expansion of parking lot.</p>

Foreseeable Development for Lake Shorelines

Shoreline Reach	Reasonably Foreseeable Development
CAP-1	Potential extension of Woodland Trail; could include bridge crossing into Tumwater.
CAP-3A	None anticipated.
CAP-3B	Steam plant repairs/reconstruction.
CAP-4	Recreation/park-related activities.
CAP-5	None anticipated.
CAP-6	Potential plans for Heritage Park development.
CAP-7	<p>Recreation/park related activities.</p> <p>Potential dredge and temporary dredge stockpiling.</p>
CHAM-2	Residential development, recreation/park development including trails, trailheads, parking.
GRASS-1	<p>Residential development, redevelopment, repairs and remodels.</p> <p>Commercial development and repairs.</p> <p>Roads and utilities maintenance.</p> <p>Park improvements.</p>
KEN-1	Residential repairs and remodels.
WARD-1	Residential repairs and remodels.

Foreseeable Development for Stream and Creek Shorelines

Shoreline Reach	Reasonably Foreseeable Development
BLDD-1	None anticipated.
PERC-1B	Proposed Percival Canyon Trail (likely along railroad right-of-way if it is abandoned).

In addition to reviewing the TRPC *CIA*, ESA conducted an analysis of undeveloped and underdeveloped properties in shoreline jurisdiction using Thurston County Assessor's records. Parcels classified as “undeveloped” and located partially or wholly within shoreline jurisdiction were identified¹⁰. The potential for redevelopment was assessed using the ‘improvement to land value ratio’ (ILR), which assumes that a property is underdeveloped or likely to redevelop if current improvements are valued at less than half the value of the land¹¹. Parcels waterward of the OHWM were excluded. Park, open space, and publicly owned parcels were also excluded. The table on the following page summarizes the results by water body.

As stated previously, Olympia’s shorelines are largely developed. Less than 7 percent of the City’s SMP jurisdiction is vacant, excluding the area around Grass Lake. At Grass Lake, 17 percent of the parcels are vacant (7 total). Future development on these parcels would be constrained by the presence of wetlands. There are a limited number of underdeveloped and/or redevelopable parcels adjacent to the City shorelines. For most water bodies, fewer than 7 percent of the parcels are considered to be underdeveloped. There are two exceptions: Thirty percent (13 parcels) of the parcels associated with the Black Lake Drainage Ditch were identified as underdeveloped. Under the City-adopted SMP, these parcels are designated as Urban Conservancy. Future development is limited by the presence of wetlands. Roughly 10 percent of the parcels along Budd Inlet were identified as underdeveloped. The proposed shoreline designation for these parcels is Urban Industrial or Waterfront Recreation on the west side of the Inlet and Shoreline Residential on the east side.

¹⁰ Some parcels or portions of parcels may not be developable because of open space restrictions, steep slopes, wetlands, other development restrictions or public ownership. ‘Undeveloped’ generally indicated no structural improvements have been made or assessed for taxes on the property.

¹¹ There are notable limitations to using the ILR for predicting redevelopment. The method is based on sales of comparable properties to assess value. While this is relatively effective for residential and common commercial uses, it is less effective for large commercial properties or industrial uses. Industrial properties and uses in and around the Port are often unique in their configuration and use, which makes assessing value difficult. ILR is just one predictor of development potential and should be considered along with accompanying data and information (ESA, 2013).

Waterbody	Number of Parcels	Acreage	Lineal Feet Abutting Shoreline	Percentage of Shoreline Area
<i>Budd Inlet</i>				
Properties within Shoreline Area	350	284	43,852	100%
Vacant	34	4	444	1.5%
Underdeveloped	82	29	4,733	10.2%
<i>Capitol Lake</i>				
Properties within Shoreline Area	194	137	31,167	100%
Vacant	42	8	2,839	5.8%
Underdeveloped	5	1	1,118	0.7%
<i>Chambers Lake</i>				
Properties within Shoreline Area	39	121	18,344	100%
Vacant	10	5	141	4.4%
Underdeveloped	4	4	680	3.5%
<i>Grass Lake</i>				
Properties within Shoreline Area	54	102	8,768	100%
Vacant	7	17	0	17.0%
Underdeveloped	1	1	0	1.0%
<i>Ken Lake</i>				
Properties within Shoreline Area	125	25	6,625	100%
Vacant	0	0	0	0%
Underdeveloped	1	0.3	0	1.2%
<i>Ward Lake</i>				
Properties within Shoreline Area	98	87	8,894	100%
Vacant	9	5	2,446	6.3%
Underdeveloped	16	5	1,006	6.2%
<i>Percival Creek</i>				
Properties within Shoreline Area	60	52	15,538	100%
Vacant	3	2	0	1.9%
Underdeveloped	1	2	0	4.2%
<i>Black Lake DD</i>				
Properties within Shoreline Area	31	37	4,785	100%
Vacant	0	0	0	0%
Underdeveloped	13	11	0	30%

Information obtained from staff (third data source) was used to clarify the results from the first two data sources. Staff’s information was presented as callouts on Maps 1 through 4 in Appendix A to the 2013 CIA.

In Appendix C of the 2013 CIA, ESA analyzed anticipated uses in shoreline jurisdiction as identified through the three data sources outlined above together with the regulations from the SMP that would

apply. Their findings indicate that “in most cases there would be no loss of ecological functions compared to the level of ecological functions documented in the Shoreline Inventory prepared by Thurston Regional Planning Council (TRPC, 2008) and the Shoreline Analysis and Characterization Report prepared by ESA Adolfson (2008) for TRPC. The cumulative actions taken over time in accordance with the City’s SMP are not likely to result in a net loss of shoreline ecological functions from existing baseline conditions.”

Conclusions on the future performance of key shoreline functions are summarized below:

Hydrology: Loss in hydrological function from baseline is not expected and there is the potential for improvement. In most areas shoreline modifications have resulted in alterations to natural hydrological functions. In marine waters, new policies and regulations that prefer soft shore over hard shore stabilization have the potential to reconnect coastal bluffs and upland shorelands to the water and partially restore natural processes.

Water Quality: Generally, no loss in water quality is expected. Regulations limit additional impacts to wetlands, and impacts must be mitigated. SMP policies and regulations encourage use of low impact development best management practices addressing non-point source pollution. New policies and regulations prohibit septic systems, treated wood, and discourage the use of harmful pesticides, herbicides, and fertilizers. New controls on docks, piers and other overwater structures also have the potential to improve hydrologic conditions.

The lack of a vegetation conservation area or building setback in the Port Marine Industrial designation and portions of the Urban Intensity designation within West Bay (two of three reaches¹²) may allow industrial, commercial and continued high intensity recreational uses to develop (or continue) at the water’s edge. Current and future uses may represent a potential for water quality impacts. Shoreline functions are currently severely altered in the Port Marine Industrial designation. Required mitigation, stormwater management practices, and the prohibition of uses that pose a risk of contamination to ground or surface waters may achieve no net loss of shoreline functions, but would have to be evaluated at the project level.

Habitat: Habitat elements such as riparian vegetation, large woody debris and organic contributions have been altered in many of the City’s shorelines. Vegetation conservation areas will help to maintain existing vegetation and may lead to improvement of some poorly vegetated areas in the future. New setbacks would also allow for shoreline vegetation conservation and revegetation as future development occurs. New regulations on the size and materials used for overwater structures would also improve nearshore habitat over time. Lastly, the preference for soft shore stabilization has the potential to improve marine riparian and nearshore habitat over time.

Listed as a Governing Principle within the SMP Guidelines, WAC 173-26-186 (8)(b) states “Local master programs shall include policies and regulations designed to achieve no net loss of...ecological functions.”

¹² Ecology notes that while there is no VCA in reaches Budd-4 and 5A, there is a 30 foot setback. This setback can only be reduced for water dependent uses.

Given the required changes listed in attachment B, Ecology finds that the City’s Cumulative Impacts Assessment provides an accurate examination of anticipated development and potential effects to shoreline ecological functions. This finding is based on review and analysis of existing shoreline characteristics, reasonably foreseeable future development, redevelopment, and use, new shoreline environment designations and regulations, development standards such as setback and vegetation conservation provisions, and shoreline stabilization standards, which have been demonstrated within the Cumulative Impacts Assessment to satisfy the no net loss of shoreline ecological function requirement as provided by the SMP Guidelines.

Restoration Plan:

Pursuant to WAC 173-26-201 (2)(c), “Master programs shall also include policies that promote restoration of ecological functions, as provided in WAC 173-26-201 (2)(f), where such functions are found to have been impaired based on an Inventory and Characterization as described in WAC 173-26-201 (3)(d)(i)”.

It is intended that local government, through the master program, along with other regulatory and non-regulatory programs, contribute to restoration by planning for and fostering restoration (RCW 90.58.020). Restoration efforts can be supported through a combination of public and private programs and actions. Therefore, local governments should identify restoration opportunities as a component of the SMP update process, as well as establish implementation goals that coordinate and facilitate appropriate publicly and privately initiated restoration projects within the jurisdiction (Ecology, 2010b). The restoration component of the SMP update is intended to include planning elements that, when implemented, serve to improve the overall condition of habitat and resources within the shoreline area (Ecology, 2012).

The City conducted restoration planning efforts consistent with the requirements of the SMP Guidelines and produced a *Draft Restoration Plan* (City of Olympia, 2012). The plan builds on information gathered through the shoreline inventory, characterization and analysis process. The plan consolidates relevant restoration goals and projects from the City’s Comprehensive Plan and other local sources, the Squaxin Island Tribe’s *Budd Inlet Restoration and Conservation Planning* report (2010), the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP), and the City’s Capital Facilities Plan. The report contains a summary of restoration opportunities at the shoreline water body scale, includes restoration goals, objectives and priorities, identifies existing and ongoing restoration projects and programs, and identifies additional projects and programs that may be useful towards achieving local restoration goals.

Note that the City has also addressed shoreline restoration and enhancement in sections 2.34, 3.69 and 3.70 of the updated SMP. This language highlights that the stand alone *Restoration Plan* is not intended to limit other restoration projects and that restoration and enhancement is allowed on all shorelines.

Ecology finds that the City’s Restoration Plan is based on appropriate technical information available during the SMP update. The Restoration Plan will serve as an effective tool for the City, other agencies and organizations, and the public to guide individual or collective improvements to shoreline conditions over time consistent with the SMP Guidelines (WAC 173-26-186).

Local Amendment History and Process:

Thurston Regional Planning Council (TRPC) initiated the comprehensive SMP update on behalf of the cities of Lacey, Olympia and Tumwater consistent with the scope of work described in *SMA Grant No. GO800096*. At the end of June 2009, TRPC provided the cities with a final draft “shell” SMP, a final draft public access plan, restoration plan, and cumulative impacts assessment, and a final Shoreline Inventory and Inventory Appendix, Shoreline Analysis and Characterization Report, Summary of Public Involvement, and Environment Designations Report. The City of Olympia used the period between approximately January 2010 and October 2013 to refine TRPC’s final draft documents.

The record shows that the City held four public meetings in January and February 2010 to share results of the work TRPC had done and the City’s plans for refining the document. The Planning Commission was briefed about the SMP update in January 2010 and formed a shoreline subcommittee, which began work related to refining the SMP in March 2010. The subcommittee was tasked with overall development of revisions to the shell SMP, with the idea that broad or particularly contentious issues would be brought back to the full Commission for discussion. At its meeting on April 15, 2010, the Olympia Climate Action (now Transition Olympia-Climate Action) dedicated part of its agenda to a public forum about climate change, and the Shoreline Master Program update was one of the topics. Planning Commission and subcommittee meetings open to the public were held numerous times between March 2010 and September 2010. On October 20, 2010 the City hosted an open house to introduce a revised draft SMP. The Planning Commission held a public hearing on the revised draft on November 15, 2010. The public hearing was continued to and comments were accepted through January 10, 2011.

After the public hearing, the Planning Commission reconvened to consider comments received during the public hearing and public comment period. The shoreline subcommittee also continued to meet, the two groups continuing discussions and deliberations at approximately 36 open public meetings through 2011. During this time the City Council’s Land Use and Environment Committee (LUEC) was also briefed on the status of the SMP update three times. The Planning Commission and shoreline subcommittee met another 13 times in 2012 before concluding deliberations on March 28, 2012. The result was a recommendation to the City Council in the form of a Planning Commission Draft SMP dated June 2012.

The City Council initiated formal review of the Planning Commission Draft SMP by way of a joint meeting with the Planning Commission on June 19, 2012 and a public SMP workshop held on July 28, 2012. Council also held special study sessions relating to the SMP on September 25, 2012 (with non-governmental agencies and organizations) and October 2, 2012 (with government agencies). The Council considered the SMP during another 5 meetings in 2012, and issued a first revised draft SMP in January 2013. A public hearing on the new draft SMP was held on January 22, 2013 and the public comment period was held open until February 5, 2013. Council continued deliberations on the SMP between February and June 2013, and called for another public hearing on July 9, 2013. Council met two final times after the public hearing to discuss input received, and locally adopted the resulting version of the SMP on October 1, 2013.

Affidavits of publication provided by the City indicate notice of the January 2013 City Council hearing and notice of extension of the related comment period were published in *The Olympian* on January 10, 2013 and January 18, 2013, respectively. Comments from persons, groups, agencies and tribes having

an interest or responsibilities relating to shorelines were solicited throughout the process; potentially interested parties were notified directly via mail and email. As the record shows, consultation and communication with Ecology also occurred throughout the City's update process. The City issued a SEPA determination (Determination of Nonsignificance, or DNS) on January 4, 2013. With the passage of Resolution No. M1797 on October 1, 2013, the City Council directed staff to forward the proposed amendments to Ecology for approval.

Ecology finds that TRPC and the City engaged the public and interested parties in the SMP update process in accordance with the participation requirements outlined in WAC 173-26-201 (3)(b), and in accordance with WAC 173-26-100 and 110.

DEPARTMENT OF ECOLOGY REVIEW

The proposed SMP amendment was received by Ecology for state review, and accepted as complete on April 25, 2014. The acceptance of the submittal as complete initiated formal state review of the proposed SMP. Notice of the state comment period and state open house/public hearing was distributed to 3 tribal governments and 425 state task force members and local interested parties identified by the City on July 9, 2014, in compliance with the requirements of WAC 173-26-120. The state comment period began on July 23, 2014 and continued through September 8, 2014. Ecology conducted a combined open house and public hearing at the Olympia Center in downtown Olympia on July 31, 2014. Notice of the July 31, 2014 public open house and public hearing were published in *The Olympian* on July 18, 2014.

Issues Raised during Ecology's Public Review Process:

At the state public hearing, comments from those that testified were mostly concentrated on the 30 foot setback assigned to some of the marine shoreline reaches within Olympia (Budd-3A, Budd-4 and Budd-5A). About half of the speakers felt that 30 feet is insufficient to support quality public access to the waterfront, and to address flooding (sea level rise) and the potential for soil liquefaction resulting from earthquakes. The other half supported the 30 foot setback, stating they felt it represents a good compromise between various interests.

Another common topic at the public hearing was the nonconforming provisions in the updated SMP. Those that spoke about this topic were generally in support of the approach the City has established in the SMP. Speakers also addressed mixed uses, stating they supported the concept that non-water oriented uses be allowed as part of mixed use developments that include water-oriented uses, provide public access, and shoreline enhancement/restoration; however, they acknowledged concern with a requirement for public access in every circumstance. Representatives of the Olympia Yacht Club expressed concern with the prohibition of new overwater covered moorage.

In addition to the topics above, written comments received during the state comment period related to subjects such as building heights and views; concern about City Council member attitudes and the perceived resultant affect on credibility of the SMP; a lack of consideration of marine flooding (sea level rise); concern with the 30 foot setback on reach Cap-6; suggestions that public access should be required with every new development or redevelopment not just when demand is created; seeking clarification of allowed industrial uses in shoreline jurisdiction; concern with the extent of allowed activities in vegetation conservation areas; seeking clarity related to moorage and boat storage

provisions; and concern with setback dimensions in general. Comments received from other parties during the state comment period expressed support for the City's approach to some of the same issues, including setbacks and vegetation conservation areas and preservation of previous planning efforts related to West Bay Drive.

In total, 10 individuals/organizations testified at the state public hearing, and Ecology received written comments from 17 parties during the state comment period. Comments received by Ecology were forwarded to the City on September 23, 2014. On November 6, 2014, the City provided to Ecology its written responses pursuant to WAC 173-26-120 (6). The complete record of Ecology's comment summary and the City's response are provided in the *Responsiveness Summary* (**attachment D**), which summary also includes Ecology's responses to issues raised during the comment period. The Responsiveness Summary (**attachment D**), Ecology's findings and conclusions (this document, **attachment A**), required changes (**attachment B**) and recommended changes (**attachment C**) address most of the comments that referenced specific sections or provisions in the updated SMP.

Summary of Issues Identified by Ecology as Relevant To Its Decision:

Ecology identified various topics or issues of concern throughout the City's SMP update process. These topics ranged from minor internal consistencies and unaddressed Guidelines requirements to substantive policy issues. In addition to attending the vast majority of Planning Commission, shoreline subcommittee and City Council meetings at which the SMP was discussed, Ecology also provided the City feedback in the form of informal communications, formal comment letters, SMP checklist responses, and contribution to collective responses to Council member questions. **Attachment B** outlines remaining changes Ecology has identified as required for the SMP to be consistent with the Shoreline Management Act and/or the Shoreline Master Program Guidelines. A number of points at which Ecology has required changes are referred to in the discussions above. However, there are a few areas that have not been addressed in any detail.

Two changes Ecology has required to the updated SMP are in recognition of provisions in the Act that label certain floating homes and floating on-water residences as conforming. The City's SMP was silent on treatment of these existing uses, and they would have been considered nonconforming by default. Additionally, Ecology is requiring the City correct the definition of floating home and add a definition of floating on-water residence in the SMP so they are consistent with definitions in the Act.

With regard to critical areas, the record shows that Ecology provided comments to the City on a number of occasions about using the critical area provisions in OMC 18.32 to address the Guidelines requirements for critical areas and flood hazard reduction in WAC 173-26-221 (2) and 173-26-221 (3). In addition to being consistent with specific provisions related to critical areas, the Guidelines require that SMPs provide for management of critical areas in shoreline jurisdiction by providing them a level of protection that assures no net loss of shoreline ecological functions.

The Guidelines reference RCW 36.70A.030 to define critical areas, which definition includes frequently flooded areas. OMC 18.32 refers the user to OMC 16.70 for development regulations for frequently flooded areas. Therefore, one of Ecology's required changes to the updated SMP expands the City's reference to sections of the OMC being incorporated into the SMP to address critical areas to include OMC 16.70. The remaining changes Ecology is requiring in regard to critical areas can be summarized as relating to wetlands and buffer reductions.

With regard to wetlands, the Guidelines direct local governments to consult Ecology’s technical guidance. The wetland delineation manual referenced in the City’s critical areas ordinance and specified provisions relating to wetland buffer management are not consistent with Ecology’s published technical guidance. Ecology has required changes to address these shortcomings. With regard to buffer reductions, Ecology’s required changes are to provisions that have been identified as open-ended (buffer reductions for example) in the City’s critical areas ordinance, leaving it unclear as to when a shoreline variance would be triggered. Furthermore, open-ended buffer reductions and use allowances may result in a net loss of shoreline ecological functions. Absent documentation to the contrary, Ecology must assume that all administrative reduction and averaging requests will be granted. The potential for these types of reductions and the potential for associated cumulative effects were not addressed in the Cumulative Impacts Assessment for the City’s adopted Master Program. Absent any discussion of this topic in the record, Ecology has required these changes to comply with the no net loss standard in the SMP Guidelines.

Ecology has also required changes to some of the incentives for setback reductions referenced in Table 6.3, which are available for use in reach Budd-5C. Changes to the first provision are required to avoid confusion between mitigation and restoration. The second sentence of the provision states that the incentives apply to voluntary proposals or projects and not to compensatory mitigation, yet the provision goes on to talk about the mitigation sequence. OMC 18.34.410 (section 3.21 of the SMP) requires that the mitigation sequence applies to all uses and development in shoreline jurisdiction; additional references to the mitigation sequence here are redundant and confusing. Changes to the second provision are required on similar grounds; the language could be interpreted as offering a setback reduction for mitigation required as a result of impacts from a specific project. It must be clear that compensatory mitigation, which is a required element of compliance with the mitigation sequence, is separate from and distinct from voluntary restoration. Mitigating for project-related impacts is required and doing so cannot qualify a proposal for a setback reduction.

Consistency with Chapter 90.58 RCW and Chapter 36.70A.480 RCW: The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The amendment was also reviewed for consistency with RCW 36.70A.480 as required by RCW 90.58.610. The record also contains evidence of compliance with SMA procedural requirements for amending SMPs contained in RCW 90.58.090(1) and (2).

Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251) as well as the definitions in 173-26-020. This included review of an SMP Submittal Checklist, which was completed by the City.

As described in attachment B (Required Changes), a number of revisions are required to ensure the City’s SMP is consistent with the Act and with the SMP Guidelines. These revisions are generally focused on consistency with “Master Program Content” (WAC 173-26-191), “General Master Program Provisions” (WAC 173-26-221), “Shoreline Modifications” (WAC 173-26-231), and “Shoreline Uses” (WAC 173-26-241).

*Ecology finds that the proposed SMP as approved by the City under Resolution No. M1797 is consistent with all applicable SMP Guideline requirements **provided** the City accepts all “required*

changes” as specifically identified within attachment B. Ecology also finds the proposed SMP would be further improved through adoption of recommended changes as identified in attachment C.

Consistency with SEPA Requirements: The City submitted evidence of SEPA compliance in the form of a SEPA checklist, Determination of Non-Significance (DNS), and notice for the proposed SMP amendments as outlined above. Ecology did not comment on the DNS.

Other Studies or Analyses supporting the SMP update: Ecology reviewed the following reports, studies, map portfolios and data prepared for or by the City in support of the SMP amendment:

These supporting documents include:

- *Final Public Involvement, Communication and Coordination Report for the Cities of Lacey, Olympia and Tumwater and their Urban Growth Areas*, prepared by TRPC and dated June 2009
- *Final Shoreline Inventory for the Cities of Lacey, Olympia and Tumwater and their Urban Growth Areas*, prepared by TRPC and dated June 2009
- *Final Shoreline Inventory Appendix A*, prepared by TRPC and dated June 2009
- *Lacey, Olympia and Tumwater Shoreline Analysis and Characterization Report*, prepared by ESA Adolfson and dated December 2008
- *Final Proposed Shoreline Environmental Designations for the Cities of Lacey, Olympia and Tumwater and their Urban Growth Areas*, prepared by TRPC and dated June 2009
- *Cumulative Impacts Assessment*, prepared by ESA and dated December 2013
- *Draft Restoration Plan*, dated June 2012, and
- *Final SMP Checklist*, dated September 2, 2013.

Ecology received and reviewed Chapter 18.06.100 A.2.c of the Olympia Municipal Code, West Bay Drive Building Height and View Blockage Limits.

Ecology also received and reviewed Chapter 18.32 of the Olympia Municipal Code (Critical Areas), and reviewed Chapter 16.70 of the Olympia Municipal Code, Flood Damage Prevention. These two chapters constitute the City’s critical areas protection ordinances and are being incorporated into the SMP by reference, with exceptions.

Contingent on the City accepting the required changes listed in attachment B, Ecology finds that the City’s critical areas and flood damage prevention ordinances, which are incorporated by reference into the SMP with the appropriate exceptions and revisions, implements the principles and adheres to the provisions in the Guidelines relating to critical areas (WAC 173-26-221 [2]). Therefore, the critical areas segment of the Master Program provides a level of protection that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources (WAC 173-26-221 [2][a][ii]).

CONCLUSIONS OF LAW

After review of the complete record submitted and all comments received, Ecology concludes that the City’s SMP proposal, subject to and including Ecology’s required changes (itemized in **attachment B**), is consistent with the policy and standards of RCW 90.58.020, RCW 90.58.090, RCW 36.70A.480

and the applicable SMP guidelines (WAC 173-26-171 through 251) as well as the definitions in WAC 173-26-020.

Ecology concludes that the proposed SMP amendment, subject to the required changes in **attachment B**, meet the intent of the provision for no net loss of shoreline ecological functions provided in WAC 173-26-201(2)(c).

Ecology concludes that recommended changes identified in **attachment C** will be consistent with SMA policy and the Guidelines and be beneficial to SMP implementation. These changes are not required, but if accepted by the City can be included in Ecology's approved SMP amendment.

As stipulated in RCW 90.58.610, RCW 36.70A.480 governs the relationship between shoreline master programs and development regulations to protect critical areas that are adopted under chapter 36.70A RCW. Consistent with RCW 36.70A.480(4), Ecology concludes that that the proposed SMP amendment, subject to the required changes in **attachment B**, meets the intent of the provision for providing a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

Ecology concludes that the City has chosen not to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffers for critical areas located within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction the buffer shall continue to be regulated by the City's critical areas regulations.

Ecology concludes that subject to and including Ecology's required changes, those SMP segments relating to shorelines of statewide significance provide for optimum implementation of Shoreline Management Act policy - RCW 90.58.090(5).

Ecology concludes that the City complied with the purpose and intent of the local amendment requirements contained in WAC 173-26-100, including conducting public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies, and Ecology.

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update process.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's comprehensive SMP update submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring an SMP Submittal Checklist.

Ecology concludes that the procedural requirements for state review and approval of shoreline master program amendments have been followed, as set forth in WAC 173-26-120.

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the SMP will be consistent with the policy of the Shoreline Management Act, the applicable Guidelines and implementing rules, once required changes set forth in **attachment B** are accepted by the City.

As provided in RCW 90.58.090 (2)(e)(ii), the City may choose to submit an alternative to all or part of the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action.

As provided in RCW 90.58.090(7), Ecology's final approval of the proposed amendment will become effective 14 days from the date of Ecology's written notice of final action.

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