

# Shoreline Management Act Rules Update

**Shoreline Regional Planners  
Tukwila, Washington  
April 28, 2011**

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WA Dept. of Ecology**



# Rule Status

- Adopted – February 11, 2011
- Effective date – March 14, 2011
  - Geoduck provisions apply prospectively.
- Related work:
  - Shellfish Aquaculture Regulatory Committee (SARC) – Annual spring meetings to hear research results and other business.
  - Sea Grant research underway for 2011-13.
  - Handbook guidance underway.

# Housekeeping Amendments

## Ch 173-18, 20 & 22 Lists of Waterbodies

- Lists of streams and rivers, lakes, and wetlands will be periodically replaced by Ecology with a reference to your updated, approved SMP.

Completed: Douglas and Yakima counties



# Housekeeping Amendments

## Ch 173-22 Wetlands

- Wetlands delineation manual language updated to meet federal consistency:
  - WAC 173-22-080 repealed
  - WAC 173-22-035 refers to federal manual and supplements



# Housekeeping Amendments

## Ch 173-22 Wetlands

- Must you amend your CAO?
  - No, if your policies already reference the state manual “as amended” or references the procedure in [WAC 173-33-035](#).
  - Yes, next time you update your plans and regulations comprehensively as required by GMA (RCW 36.70A.130).

# Housekeeping Amendments

## Ch 173-22 Wetlands

- In the interim, what if an applicant must comply with both 'old' state and 'new' federal manuals?
  - Boundary delineation results should be the same. If not, consult with Corps or Ecology.

Questions?

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# Housekeeping Amendments

## Ch 173-26

- *Sec. 020*: Definitions of “comprehensive master programs” and “limited amendments” now match new language in Sec. 201.
- *Sec. 020*: “Floodway” definition now matches change in statute.



# Housekeeping Amendments

## Ch 173-26

- *Sec. 080*: List of cities and towns that fall under SMA jurisdiction is updated based on recent incorporations, streamflow data, etc.
- *Sec. 130*: Appeal process now matches change in statute.
- *Sec. 150*: Allows shoreline environment pre-designation outside city limits for non-GMA planning jurisdictions.

# Housekeeping Amendments

## Ch 173-26 Critical Areas

- *Sec. 221: Critical Areas*
  - Critical areas amended to conform to HB 1635 (2010). Adopts “no net loss” in place of “at least equal to CAO” test.



# Housekeeping Amendments

## Ch 173-26 Critical Areas

- *Sec. 221: Critical Areas*
  - SMA habitat protections must include all GMA designated critical areas, and may include other areas that “warrant special protection as necessary to ensure no net loss of ecological functions.”
  - Adds “lakes” to critical freshwater habitat.

# Housekeeping Amendments

## Ch 173-26 Limited Amendments

- *Sec. 201*: Provisions changed to be more workable and better accommodate often legitimate limited amendments.
  - Comprehensive updates are a “statewide priority over and above other amendments.”



# Housekeeping Amendments

## Ch 173-26 Limited Amendments

Limited amendments may be approved to:

- Comply with state and federal shoreline laws.
- Include a newly annexed area.
- Address results of periodic review (RCW 90.58.080(4)).
- Improve consistency with SMA goals, policies and rules.
- Correct errors or omissions.

# Housekeeping Amendments

## Ch 173-26 Limited Amendments

Provided the following is true:

- The amendment was started before a comprehensive update began or is vital to the public interest.
- Will not foster uncoordinated and piecemeal development.
- Public notice and consultation requirements are met.
- Where applicable, analytical requirements and substantive standards of the SMP Guidelines are satisfied.
- The amendment results in no net loss of ecological functions.

# Housekeeping Amendments

## Ch 173-26 Geoduck Aquaculture

- *Sec. 241:*
  - Substantial development permit (SDP) still required if considered “development” (*AG Opinion No. 1, 2007*).
  - DNR wild stock harvest exempt – not “aquaculture.”
  - Conditional use permit required for all new geoduck aquaculture projects “**only**.” No renewal.
- *Ch. 173-27-100:* Revision required if there are substantive changes to the design, terms or conditions of a project.



# Questions?

- Your Ecology regional planner
- Code Reviser's office
- Ecology website

[http://www.ecy.wa.gov/  
lawsrules/SMA2010/1007.html](http://www.ecy.wa.gov/lawsrules/SMA2010/1007.html)