

## Knowing Shoreline Regulations

*Presented by*  
Nicole Faghin, LEED AP  
Washington Sea Grant

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Before we had Washington Shoreline Management Act ...



Blocking access

Source: WA Coastal Atlas

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Before we had Washington Shoreline Management Act ...



Filling Intertidal habitat

Source: WA Coastal Atlas

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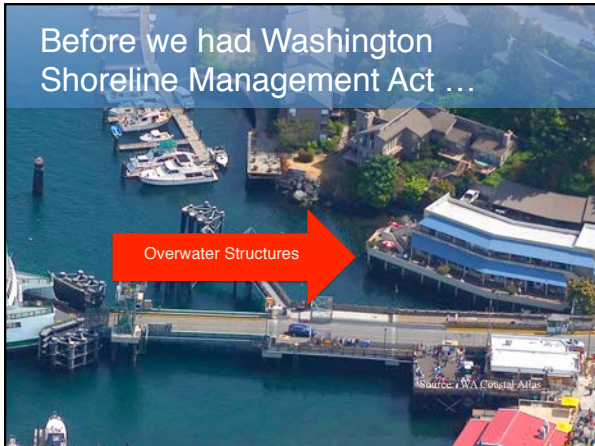
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The Shoreline Management Act and its regulations covers a broad range of waterfront uses.

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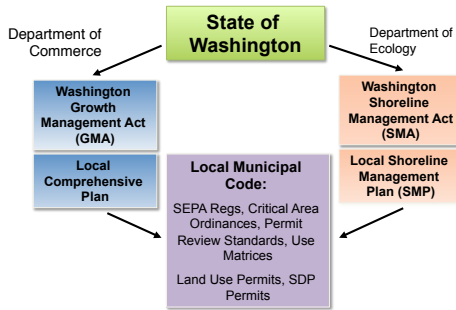
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## How do permits relate?




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Shoreline Management Act  
RCW 90.58

SMP Guidelines  
WAC 173-26

Local Shoreline Master Program  
Local Ordinance

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## Where does the Shoreline Management Act apply?

- Marine waters below OHW (ordinary high water)
- Land above OHW
- Lakes greater than 20 A.
- Associated wetlands or 100 year floodplain




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## SJC has existing shoreline and critical area regulations.

### Shoreline Master Program

- SJCC Chapter 18.50

### Critical area regulations

- SJCC Chapter 18.35
  - Wetlands
  - Fish and Wildlife Habitat Conservation Areas
  - Geologically Hazardous Areas, and
  - Frequently flooded areas (Most projects in these areas require a biological assessment)

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## SJC is currently updating its SMP.

- **1998:** SJ County's last major update
- **2003:** New State SMP rules
- **State requirements:** All local governments must update their SMP to:
  - Protect shoreline ecological functions (no net loss),
  - Promote public access, and
  - Accommodate all appropriate shoreline uses, and
  - Balance public and private interests.



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## Important new aspect of the SMP Update:

### No Net Loss Standard

- Taken literally would require restoration of impaired ecological functions
- However, restoration not required by law
- So, meeting standard means regulations **avoid**, **minimize** and, where necessary, **mitigate** adverse impacts of development.



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Included in the SMP Update are the following elements:

- Goals and policies;
- Shoreline designation maps;
- Regulations; and a
- Restoration Plan



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The updated regulations WILL apply...

- To future development, structures, and uses,
- Incorporate existing critical area regulations, and
- Allow greater flexibility when possible



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The updated regulations WILL NOT apply...

- Retroactively to past actions, or
- Require modifications to existing development



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## SJC SMP Update Schedule

Date	Action
Oct. 21, 28 & 29	County Council provides staff direction
Nov. 10/11	Public hearing advertisement is published SMP update documents are posted on web
Nov. 30/Dec. 2	Public Hearings
Dec. 3/4	County Council deliberates
Dec. 15	County Council final action
Jan 2016	Staff sends to Ecology for review

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## CONTACT INFORMATION:

Colin Maycock, Project Manager  
 San Juan County  
 (360) 370-7573  
[colinm@sanjuanco.com](mailto:colinm@sanjuanco.com)

See SMP Update products at:  
<http://www.sanjuanco.com/smp/smpdocs.aspx>




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## Besides the SMP there are state permits from WA Department of Fish & Wildlife

Hydraulic Project Approval (HPA)

### Regulated activities include:

- Bank protection, dredging, fish passage corrections, flow control structures, overwater structures and pilings, habitat and shoreline modifications, and other activities that affect waters of the state.



Source: WA Coastal Atlas

### Applicability:

- All work waterward, under and over the ordinary high water (OHW) line.

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## And Federal Permits from the US Army Corps of Engineers..

- Section 10 Permits:
  - Applies to construction of docks, piers, floats, wharves, bulkheads, dolphins, marinas, ramps
- Section 404 Permits
  - Applies to discharge dredged or fill material into the waters of the United States, including special aquatic sites such as tidelands.



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## There is also local and federal review of project in floodplains

- Comply with FEMA
- SJC issues permits that are reviewed and approved by FEMA



Source: ECV Flood Maps

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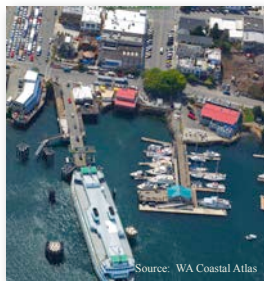
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## Shoreline Permitting

### Key Issues for Uplands

- Critical Areas*
- Bulkheads*
- Height Limits – 35 feet*
- Buffers and Setbacks*
- Water Dependency*
- Public Access*
- Land Uses*
- Setbacks*
- Steep Slopes*
- Stormwater Management*
- Consistency with Local SMP*



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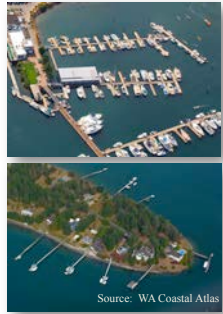
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## Shoreline Permitting

### Key Issues In Water

Water depths  
Nearshore Habitat  
Vegetation – eelgrass & surf smelt  
Dredging – process  
Overwater Coverage  
Fish Windows & Closures  
Cultural Resources are both upland & in-water.  
More scrutiny on this issue these days.



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## Where you can get help understanding permits

Office of Regulatory Innovation and Assistance (ORIA)

- Information Center
- Regional Leads
- On-line Resources

[www.oria.wa.gov](http://www.oria.wa.gov)  
1-800-917-0043



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## Final advice for your clients...

- Avoid confusion about what you can do on your property.
- BEFORE starting any shoreline project schedule a pre-application meeting with SJC Department of Community Development.

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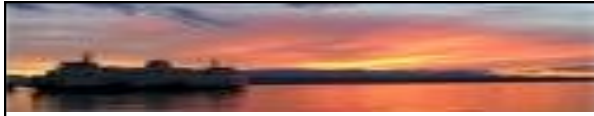
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## **Knowing Shoreline Regulations**

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