

ATTACHMENT A: FINDINGS AND CONCLUSIONS FOR PROPOSED AMENDMENT TO THE CLARK COUNTY SHORELINE MASTER PROGRAM

SMP Submittal accepted December 28, 2020, Ordinance No. 2020-12-01
Prepared by Department of Ecology on March 1, 2021

Brief Description of Proposed Amendment

Clark County (County) has submitted Shoreline Master Program (SMP) amendments to the Department of Ecology (Ecology) for approval to comply with periodic review requirements. The County is undergoing a statutorily required periodic review of their Shoreline Master Program. The County chose to utilize the joint review process set forth in WAC 173-26-104. As part of this process on September 17, 2020, per WAC 173-26-104(3)(b), Ecology provided the County with an initial determination of consistency with applicable laws and rules. The County's final adopted ordinance incorporated all of recommended changes Ecology's provided as part of the initial determination.

FINDINGS OF FACT

Need for amendment

The County's comprehensive update to their SMP went into effect in 2012 and applies to approximately 283 miles of shoreline along numerous lakes and streams. There have been four locally initiated amendments since 2012.

The proposed SMP amendment is needed to comply with the statutory deadline for a periodic review of the Clark County Shoreline Master Program pursuant to RCW 90.58.080(4). The proposed amendment includes provisions to address changed local circumstances, new information and improved data and will incorporate the County's most recent Critical Areas Ordinance (CAO) revisions into the SMP.

SMP provisions to be changed by the amendment as proposed

The County SMP policies are located in the shoreline element of the County's Comprehensive Plan (Chapter 13). SMP regulations and shoreline permitting procedures are codified into Chapter 40.460 of the Clark County Code (CCC). Definitions are located in CCC 40.460.800 and 40.100.070. Critical areas regulations from the County's Critical Areas Ordinance (Chapters 40.410 through 40.450 with varying ordinance dates) are incorporated into the SMP by reference.

Shoreline Master Program - The following sections are proposed to be amended:

- 40.460.210 Applicability. Revisions update the location of the Shoreline Map adding it to the County's Comprehensive Growth Management Plan. Related changes are made to: 40.460.430(B)(3), (C)(3), (D)(3), (E)(3), (F)(3), (G)(3), (H)(3) and 40.460.440(B).
- 40.460.220 Shoreline Substantial Development Permit Required. Edits link the relief for an SDP requirement, on land brought under shoreline jurisdiction as a result of a restoration project which shifts the OHWM, to the procedural requirements in WAC 173-27-215.

- 40.460.230 Exemptions from a Shoreline Substantial Development Permit. Updates the dock monetary thresholds.
- 40.460.250(B) Nonconforming Uses. Text edits clarify that on-water residences, subject to certain standards in 40.460.630(K), are conforming uses. Related changes are made to 40.460.630(K).
- 40.460.510(K) Shift in OHWM due to restoration. Edits clarify the process for granting relief from use and development regulations on property brought into shoreline jurisdiction in Urban Growth Areas.
- 40.460.530(B) and (C) CAO adoption. Revisions update the Critical Areas Ordinance reference dates, removing the list of ordinances and including only the most recent ordinance and date.
- 40.460.530(F) Priority Habitats and Species. Text amendments improve clarity and update best available science references. Related changes are made in the CAO 40.440.010 noted below.
- 40.460.530(G)(1) Exceptions to wetland buffer standards. Text is added clarifying exceptions to the CAO wetland buffer width standards and wetland buffer reductions when in shoreline jurisdiction. Text is also added to clarify the application of the mitigation sequence to wetland buffers.
- 40.460.530(G)(3) Wetland buffer standards. Edits correct the habitat score for wetlands with low habitat function from 5 to 6, and clarify that stormwater facilities should be located in the outer 25% of the buffer with additional criteria. Additional revisions clarify that the allowance for separate ratings of wetlands within each HGM classification do not apply for purposes of the SMP, clarifies wetland mitigation reductions and reduction limitations, and clarifies the applicability of the mitigation in-lieu-fee program.
- 40.460.630 (B)(13) Aquaculture. Amend text to exclude marine net pen aquaculture for nonnative finfish species unless under a lease of State Owned Aquatic Land consistent with RCW 77.125.050.
- 40.460.630 (J)(5) Recreational Uses. Clarify the allowance of water dependent structures, such as boat ramps, within the floodway.
- 40.460.630(K) Floating homes and on-water residences. Text is added prohibiting the relocation of these from outside Washington State. New marinas or moorages are also prohibited. Language is added requiring floating homes or on-water residences be moored at an authorized marina or moorage facility and clarifies that a residence may relocate to an existing authorized residential slip.
- 40.460.710(A)(2) and (A)(5) Shoreline Management Review Committee: Text revisions improve flexibility in committee membership should department reorganizations occur. An added provision would allow the SMRC authority to be ceded to the Hearing Examiner for Type III permits.
- 40.460.710(E) Ecology Review. Text amendments clarify permit filing is done by return receipt mail.

Shoreline Map - The following revisions are proposed:

- Carty Lake. Inadvertently left out of the 2012 SMP, the lake was added to the SMP list of shorelines in 2016. This change revises the map consistent with the 2016 amendment.

- Incorporate revised FEMA Insurance Rate Maps for the Washougal River area¹ (in effect January 2018) which delineate the extent of the 100 year floodplain.
- Correct a map error near Lacamas Lake to include a missing portion of the 100-year floodplain.
- Remove wetlands near Shanghai Creek determined, through project-related site investigations, to not be associated with a shoreline of the state.
- Update the map near the confluence of the Lewis and Columbia rivers based on new site-specific data collected as part of a proposed conservation and wetland mitigation bank (Plas Newydd).
- Incorporate the current DNR water feature layer on the SMP map.

Critical Area Regulations - The following sections are proposed to be amended:

- 40.440.010(C) Priority habitats and species. Text revisions update references to Dept. of Fish and Wildlife PHS information to ensure use of most current information.
- 40.450.030(D) Wetland Delineation. Text revisions clarify information requirements.
- 40.450.030(E) Wetland Buffers. Edits for consistency with current wetland guidelines on data used to establish wetland buffer widths.
- 40.450.040(C) Wetland buffer standards. Text edits correct a habitat function rating score required to meet habitat corridor standards, and adds a code reference to the list of activities not allowed in the buffer.
- 40.450.040(D) Wetland Buffers Required for Mitigation. Text edits add a standard reducing mitigation credit when required buffers are not or cannot be provided.

Related changes, outside Ecology's purview, are made to the County's Comprehensive Growth Management Plan 2015-2035.

Amendment History, Review Process

The proposed amendment originated in a local planning process that began in August, 2019. The County prepared a public participation program in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines. Clark County Council adopted the Public Participation Plan by Resolution No. 2019-09-10. An important element of the public participation plan is the County's SMP Periodic Review project [website](#)². In addition, the County held four open houses – two each in September and November 2019. County staff briefed and/or held workshops with County Council, Planning Commission and other Advisory Boards and provided numerous other opportunities for public comment.³

The County used Ecology's Periodic Review checklist of legislative and rule amendments, to review amendments to chapter 90.58 RCW and department rules that have occurred since the master program was last amended, and determine if local amendments were needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i). The County also reviewed changes to the comprehensive plan

¹ Washougal River, Little Washougal River and tributary, and the Columbia River from the City of Washougal to the Skamania County line.

² <https://clark.wa.gov/community-planning/2020-periodic-review>

³ The public process is more fully summarized in the County's Staff Report dated September 9, 2020, included as part of the submittal to Ecology.

and development regulations to determine if the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii). The County considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii). The County consulted with Ecology and solicited comments throughout the review process including opportunities to comment on draft materials in November 2019 and January 2020.

The County issued a SEPA Determination of Non-Significance and checklist on January 21, 2020. Notice of the proposed amendment was submitted to Department of Commerce on January 21, 2020.

The County provided notice to local parties by email on January 28, 2020, including a statement that the hearing was intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii). Affidavits of publication provided by the County indicate notice of the hearing was published in *The Columbian* on January 28, 2020 and in *The Reflector* on January 29, 2020. Ecology distributed notice of the joint comment period to state interested parties on January 24, 2020, including separate notice to the Confederated Tribes of Grande Ronde, Yakama Nation and Cowlitz Indian Tribe.

The County and Ecology held a joint local/state comment period on the proposed amendments following procedures outlined in WAC 173-26-104. The comment period began on January 28, 2020 and continued through February 27, 2020. A joint public hearing before the Planning Commission, and attended by Ecology staff, was held virtually via WebEx on August 20, 2020⁴.

The County accepted public comments on the proposed SMP amendments during the 30-day public comment period. Comments continued to be received and accepted by the County through the August 20, 2020 joint hearing where one person gave oral testimony. No comments were received from any tribal governments. A total of 20 written comments from individuals or organizations were received on the proposed amendments. The County prepared a Comment Summary and documented consideration of all comments. The County's comment matrix summarized these 20 comment letters into approximately 100 topic specific comments. Revisions were made in response to twenty-two topic specific comments and incorporated into the SMP amendment. Comments related to changes in policy were forwarded to County Council for their consideration. None of these policy issues resulted in changes to the proposed SMP amendment by the County Council but may be addressed by the County during future planning work. The County's Public Comment Summary with County response and rationale was included in the initial submittal of draft amendment and final submittal of the locally adopted SMP.

Concerns were raised about a wide-range of subjects, including stormwater runoff, re-development, shoreline buffers, and Environment Designations. Additional comments focused on the need to address climate change, wildfire risk, increasing riparian buffers, fish blocking culverts, and sea level rise. Interest was also expressed by commenters in ensuring effective mitigation, improved enforcement, and incorporating the concept of net ecological gain as a policy of the SMP.

Additional discussion is provided below on a subset of topics raised during the joint review:

⁴ The joint hearing, originally scheduled for March 19, 2020, was rescheduled to April 16, 2020 to allow staff time to respond to comments. Subsequent delays resulted from COVID-19 pandemic restrictions.

Wetland Provisions

Ecology comments were included in the comment summary. Most comments focused on the County's critical areas wetland regulations, with several recommendations for amendments to wetland provisions based on the most current, accurate, and complete scientific and technical information available as set forth in Ecology wetland guidance. Many of Ecology's comments focused on wetland buffer standards including: (1) ensuring buffer width modification provisions do not include the option of reducing buffers from moderate intensity to low intensity, nor reductions in exchange for reductions in water quality impacts (2) limiting buffer modifications to no more than 25% of the prescribed buffer widths; (3) removing vertical separation as a de facto criterion for identifying functionally isolated buffer areas; (4) providing for additional wetland mitigation when full buffers can't be provided; (5) limiting buffer width reductions to 25% without a shoreline variance; (5) applying the mitigation sequence to wetland buffers; (6) limiting activities within buffers; (7) identifying exceptions to buffer standards when in shoreline jurisdiction; and (8) improving clarity around required wetland delineation information. To address concerns related to ensuring no net loss of shoreline ecological functions, Ecology identified priority changes needed for this SMP amendment. The County incorporated necessary changes prior to local adoption.

Ecology's wetland comments have been addressed or resolved. Ecology finds the County has proposed amended text in the SMP and/or the CAO⁵ in response to most of Ecology's suggested changes and has provided well-reasoned responses to the remainder.

Steep slopes – Geo Hazards

Commenters express concerns with the County's geologically hazardous area provisions asserting that the current provisions are not adequate for protecting people and property adjacent to steep slopes and landslide hazard areas. In particular, it's suggested that limiting consideration of, and compliance with geologically hazardous area provisions to properties located within 100 feet of a geologic hazard area is inadequate⁶. In addition, it's recommended that buffers be based on a site-specific critical area report prepared by a qualified professional.

No changes to the SMP are proposed. County staff have identified these concerns as a countywide topic, not limited to shoreline jurisdiction, and expressed interest in receiving higher quality data and additional state guidance in this topic area. Ecology finds the County considered these comments and forwarded them on for consideration by County Council. Ecology does agree there are known areas of existing homes, some at the top of very high and steep slopes, that are at risk⁷. Avoiding these circumstances for

⁵ Some changes are proposed in the CAO wetland section while others are included in the SMP and will apply in shoreline jurisdiction. County staff indicate an intention to revisit and update the Critical Areas Ordinance on a countywide basis in 2021, and will further consider Ecology comments at that time. Staff have confirmed this update effort has already begun.

⁶ The SMP provision is consistent with the CAO's requirements in CCC 40.430.010 B.1. Applicability. This chapter applies to all construction, development, earth movement, clearing, or other site disturbance which requires a permit, approval or authorization from the county in or within one hundred (100) feet of a geologic hazard area except for exempt activities listed in Section [40.430.010\(B\)\(3\)](#). Regulated geologic hazards include steep slope hazard areas, landslide hazard areas, seismic hazard areas, and volcanic hazard areas.

⁷ Any revisions to this code will not alter this circumstance because the SMP only applies to new uses and development. In addition, on some of the highest banks, the parcels at risk may be outside shoreline jurisdiction.

future development is in the best interests of all. Ecology finds that this can be accomplished with the County's existing SMP and will support future County efforts to further improve these provisions on a countywide basis. Additionally, Ecology finds that the SMP Section 40.460.530.E.3 allows the Shoreline Administrator to modify buffers and setbacks based on site-specific geotechnical analysis or to increase these buffers or setbacks where necessary to meet requirements of the building code. Ecology finds the County's geologically hazardous areas standards are consistent with WAC 173-26-231 (3)(c) and with the requirements of the County's current CAO.

Riparian buffer widths and mitigation ratios

Comments suggest the County's provisions on riparian buffers should be updated consistent with the recent information published by Washington Department of Fish and Wildlife (WDFW) on management recommendations for riparian ecosystems⁸. The comments recommend 235-foot riparian buffers based on the 200-year Site Potential Tree Height (SPTH). It's further recommended that the buffer be measured from the edge of the channel, channel migration zone or active floodplain, whichever is wider, and that new development, except for water-dependent uses, not be allowed in this area. It's also suggested that mitigation ratios for riparian vegetation removal be increased.

Ecology finds the County considered these comments and forwarded them on for consideration by County Council. No additional changes were proposed.

The current riparian buffer provisions of the SMP were adopted during the County's Comprehensive SMP Update after extensive public review and comment, supported by technical reviews and the Shoreline Inventory and Characterization Report. The SMP identifies the greater of those areas on each side of the waterbody from the OHWM to the edge of the 100-year floodplain, or 250 feet from the OHWM, as riparian priority habitat areas and requires habitat review of all proposals within these locations. In addition, existing vegetation is to be retained within 150 feet of the OHWM. Vegetation removal is to be mitigated at a minimum of 1:1, and "shall result in no net loss of shoreline ecological functions."⁹ The SMP was found to be consistent with the requirements of the SMP Guidelines in ensuring protection of shoreline ecological resources and ensuring no net loss of ecological functions while also fostering appropriate water-oriented uses and protecting private property rights¹⁰. WDFW provides its recommendation through the lens of its agency mandate. For the purpose of utilizing published WDFW Riparian Management Recommendations within SMPs, local governments must weigh many considerations in balancing the policy of the SMA. To that end, the County's SMP includes appropriate use allowances and restrictions, stream buffers, vegetation management standards, and the requirement for projects to demonstrate mitigation sequencing. As a package the SMP provides for ecological protection and requires appropriate mitigation to achieve no net loss of shoreline ecological functions, while prioritizing water-oriented uses and increasing public access in the public interest.

⁸ These referenced documents include two volumes focused on riparian ecosystems science and management. [Volume 1](#) synthesizes the science and management implications, and [Volume 2](#) provides Management Recommendations.

⁹ 40.460.570

¹⁰ The SMP Guidelines require the SMP to address environmental protection, accommodate preferred shoreline uses, and "protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest" (RCW 90.59.020).

Ecology finds that the County's approach to protecting riparian buffers continues to achieve no net loss of shoreline ecological function consistent with the SMA and Guidelines.

Impact Avoidance and Minimization and Mitigation Effectiveness

Commenters expressed a desire for stronger language addressing impact avoidance and minimization and point to language in the CAO which isn't consistent with mitigation sequencing. Comments also identified concerns about mitigation effectiveness including the need for increased mitigation ratios for riparian impacts, and adequate monitoring of mitigation actions.

As noted in the County's comment response, SMP Section 40.460.530(A)(10) provides the avoidance and mitigation sequence which must be demonstrated for any proposal within critical areas in shoreline jurisdiction. This mitigation sequence is consistent with current avoidance and minimization standards in Ecology's wetland guidance. Additionally, per SMP 40.460.170(D), "the provisions that provide the most protection to shoreline ecological processes and functions shall prevail."

Ecology finds no further revisions are necessary and the SMP remains consistent with SMP Guidelines. While acknowledging the concerns expressed, Ecology suggests additional regulatory language is unnecessary for ensuring avoidance and minimization. This is more properly addressed during County implementation of the SMP and the CAO, ensuring applicants clearly document how impacts will be avoided and minimized, identifying appropriate permit conditions, and following through to ensure the proposed project is built consistent with the issued permits.

State agencies, including Ecology and the Department of Commerce, are working with local governments to identify how to assess effectiveness in the project review and permitting process, as well as in the on-the-ground results, including mitigation monitoring. The County has a shoreline monitoring and adaptive management program that includes permit and mitigation compliance¹¹. Ecology finds that the County's effectiveness monitoring efforts are consistent with the requirements of WAC 173-26-191(2)(iii)(D).

Net Ecological Gain

Commenters suggest the County be a leader in addressing the concept of net ecological gain in land use planning.

Ecology finds County staff considered these comments and forwarded this policy consideration on to County Council. No revisions were proposed in response to these comments. The SMP Guidelines specifically require SMPs to ensure no net loss of shoreline ecological functions¹². Neither the Shoreline Management Act nor the SMP Guidelines require the County to regulate development for an outcome of net ecological gain.

Climate Change

A number of comments focus on the issue of climate change including related concerns around sea level rise and wildfire risks. Commenters request the County address the risks to the environment, property and human health and safety, by adding regulations, such as increased buffers and setbacks. County staff forwarded these policy decisions to County Council for their consideration and direction. The Council provided no additional revisions to the SMP.

¹¹ [https://clark.wa.gov/sites/default/files/dept/files/community-planning/Final%20Monitoring%20Plan\(1\).pdf](https://clark.wa.gov/sites/default/files/dept/files/community-planning/Final%20Monitoring%20Plan(1).pdf)

¹² WAC 173-26-201(2)(c)

A related comment suggests the County have a mechanism to update mapping to reflect shifts in the extent of the 100-year floodplain as a result of climate change. The County response notes the role the federal government has in mapping the floodplain for communities, and the application of regulations under the National Flood Insurance Program.

Ecology finds the County has considered the comments related to climate change, sea level rise and wildfire risk and has chosen not to include additional policies and regulations at this time. The County's response indicates staff would be open to further work on these issues should there be direction from County Council.

Ecology also finds the Clark County SMP¹³ relies on the effective FEMA maps to identify the extent of the 100-year floodplain and the floodway. At such time as these maps change, there may be a need to revise the SMP mapping.

Ecology agrees climate change and related effects are important topics. The agency is actively engaged at the statewide level in work being done on climate change and sea level rise. The Shoreline Management Act (SMA) and the Shoreline Master Program (SMP) Guidelines contain no requirements for SMPs to address climate change or sea level rise. However, they require local jurisdictions to take into account scientific and technical information pertinent to shoreline management issues. The Guidelines require local governments use "the most current, accurate and complete scientific and technical information available" [WAC 173-26-201(2)(a)]. The Guidelines also encourage local governments to consult Ecology's guidance for applicable new information on emerging topics such as sea level rise [WAC 173-26-090(1)].¹⁴

Ecology finds addressing these topics within the community, and more specifically in a local SMP, is currently left to the discretion of each city and county. Nonetheless, Ecology is seeing increased interest in discussing these issues. Some communities have chosen to address these issues through other regulatory mechanisms including their zoning code. In most cases, the addition of sea level rise policies and regulations to a master program are a result of a community-wide effort, considering the entire geography of the place, and not limited to the comparatively narrow shoreline jurisdictional area. This comprehensive approach has led to more fully integrated responses to these risks within and outside of shoreline jurisdiction in those communities.

The County has considered the issues of climate change, sea level rise, and wildfire risk raised and determined that work around developing policies and regulations to address these emerging issues will require direction from Council and a much longer timeline. The County has also indicated that Legislative direction and funding may be necessary.

Ecology has reviewed all the comments received during the joint review process along with the County's responses. Ecology finds the County's responses are consistent with the statutory obligations for conducting periodic reviews. Ecology finds the County considered whether to incorporate any amendments to reflect changed circumstances, new information, or improved data, as provided or raised during the comment period. The County determined, and Ecology concurs, that no additional

¹³ Clark County Code 40.46.800 Definitions. See "floodway", "floodplain" and "special flood hazard area".

¹⁴ See SMP Handbook Appendix A <https://apps.ecology.wa.gov/publications/parts/1106010part19.pdf>

amendments are warranted at this time based upon the significance of this information and the existing SMP provisions¹⁵.

Initial Determination of Consistency and Final Submittal

The proposed SMP amendments were received by Ecology on September 9, 2020 for initial state review. The submittal was supplemented on September 10, 2020 and verified as complete on September 10, 2020. This began Ecology's review and initial determination.

A written statement of initial concurrence was sent to the County on September 17, 2020. Ecology considered the comments received, and the County's responses to these comments, and concluded the proposal was consistent with applicable laws and rules. Three changes were recommended. Two changes would correct the ordinance and date citations incorporating critical area regulations addressing habitat conservation areas and wetlands. The third recommendation suggests updating the shoreline map removing shoreline areas annexed into cities since 2012. The County's locally adopted SMP incorporates these changes.

With passage of Ordinance 2020-12-01, on December 1, 2020, the County Council authorized staff to forward the proposed amendment to Ecology for formal review. The County's final submittal of the SMP amendment was received by Ecology on December 18 and December 21, 2020 and determined complete on December 28, 2020.

Consistency Review

Consistency with Chapter 90.58 RCW

The proposed amendments have 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 County has also provided evidence of its compliance with SMA procedural requirements for amending their SMP 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 and 173-26-020 definitions). This included review for compliance with the SMP amendment criteria found in WAC 173-26-201(1)(c) and review of the SMP Periodic Review Checklist, which was completed by the County.

Consistency with SEPA Requirements

The County submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments. Notice of the DNS was published January 28, 2020 in *The Columbian*. Ecology did not comment on the DNS.

Other Studies or Analyses supporting the SMP amendments

Ecology reviewed supporting documents prepared by or for the County in support of the SMP amendment. These documents include the public participation plan, the periodic review checklist, the public comment summary and response, supporting documents for the Columbia River/Lewis River Confluence map revisions including Plas Newydd Farm memo and associated wetland delineation and Ordinary High Water Mark reports; supporting documents for Shanghai Creek wetland map revisions

¹⁵ WAC 173-26-090(3)(b)(iii)

including memo with attachments, the Planning Commission recommendation memo, and the Clark County Staff Report Memo on the SMP Periodic Review amendments, among others.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, we conclude that the County's proposed amendment is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions).

Ecology concludes that the proposed amendment satisfies the criteria for approval of SMP amendments found in WAC 173-26-201(1)(c). This includes the conclusion that approval of the SMP amendment will not foster uncoordinated and piecemeal development of the state's shorelines (WAC 173-26-201(2)(c)(i) and will assure no net loss of shoreline ecological functions will result from implementation of the amended master program (WAC 173-26-201(2)(c)(iv) and WAC 173-26-186(8)).

Ecology concludes that those SMP segments relating to shorelines of statewide significance continue to provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

Ecology concludes that the County has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the County has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 and WAC 173-26-104 regarding public and agency involvement in the SMP review and amendment process, including conducting open houses and public hearings, providing notice, consulting with parties of interest and soliciting comments from tribes, government agencies, and Ecology.

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

Ecology concludes that the County's SMP submittal to Ecology was complete pursuant to the requirements of WAC 173-26-090, WAC 173-26-104, and WAC 173-26-110.

Ecology concludes that Ecology has complied with the procedural requirements for review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-104, WAC 173-26-110, and WAC 173-26-120.

Ecology concludes that with this action the County has completed the required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26).

DECISION AND EFFECTIVE DATE

After review by Ecology of the complete record submitted and all comments received, Ecology has determined that the County's proposed amendments are consistent with the Shoreline Management Act policy and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions) and implementing rules. With this approval, Ecology affirms the County has completed the requirement for a periodic review under RCW 90.58.080(4). Ecology approval of the proposed amendment is effective 14 days from Ecology's final action approving the amendment.