

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

ITEM	SMP PROVISION	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	ECOLOGY DISCUSSION/RATIONALE
1	1.5 Adoption of Critical Areas Protection Regulations by Reference	1.5.1 Chapter 18.06 of the Grays Harbor County Code (GHCC), Critical Areas Protection Ordinance #448 #393 , <u>adopted 9/3/2019</u> , is integral and applicable to this Master Program and is hereby adopted by reference; provided, however, that the following exceptions shall apply:	<p>The County recently updated their Critical Areas Protection Ordinance (CAPO). Consistent with the requirement to utilize the most current, accurate, and complete scientific or technical information available in WAC 173-26-201(2)(a)), the SMP should reference the updated code in the SMP. This is also consistent with the County’s response to comments received during the state comment period, indicating the County’s intention to incorporate the updated CAPO into the SMP.</p> <p>It is often difficult to coordinate significant planning processes and the County and Ecology determined that the SMP could move forward for public comment and state review, recognizing that the County’s update to critical area regulations was still not complete. It took longer for the County to complete its adoption of an updated CAO than anticipated.</p>
2	1.5 Adoption of Critical Areas Protection Regulations by Reference	<p>1.5.1</p> <p>A. Developments and uses within shoreline jurisdiction requiring a <u>reasonable use exception or variance</u> to locate within any critical area buffer shall be subject to the variance provisions under Section 7 of this Master Program and not the provisions in GHCC Chapter 18.06-040.</p> <p><u>D. Section 13 Exemptions. Exemptions are limited to those consistent with the master program, as set forth in Section 7.2, and are only exempt from the requirement for a permit and not from the standards set forth in the regulations.</u></p> <p><u>E. Section 15 Allowed Activities. Shoreline permits or exemptions may be required. Any vegetation removal activities must be consistent with SMP Section 3.3. Any pruning for views should be limited and must be consistent with the standards in SMP Section 3.3.3.</u></p> <p><u>F. Grays Harbor County participates in the Voluntary Stewardship Program (VSP). As long as the County participates in VSP, critical area provisions shall not apply to agricultural activities. However, new agricultural uses or activities on land not currently in agricultural use, development on agricultural land that does not meet the definition of agricultural activities, and the conversion of agricultural land to nonagricultural uses, are regulated by this master program including all applicable critical area regulations.</u></p>	<p>A is revised, and D is added, for consistency with the procedural requirements for permitting in the Shoreline Management Act and Chapter 173-27 WAC, when implementing critical area regulations within shoreline jurisdiction.</p> <p>Revisions also ensure consistency with RCW 90.58.610 and RCW 36.70A.480(3)(d), which establish the authority to regulate critical areas within shoreline jurisdiction solely under the SMA. The SMP includes allowances for reasonable use of property but under the SMA those considerations are addressed through the shoreline variance process.</p> <p>E is added to ensure no net loss of ecological functions consistent with WAC 173-26-201(2)(c) and WAC 173-26-221(2)(a)(ii).</p> <p>F is added for clarity in implementation and for consistency with WAC 173-26-241(2)(a).</p> <p>[Update all citations when the CAPO is codified.]</p>
3	2.7 Aquatic Environment	2.7.2 Designation Criteria: The Aquatic Environment consists of all freshwater and estuarine shorelines of the state waterward of the ordinary high water mark and east of the mouth of the Grays Harbor	For internal consistency and clarity and for consistency with WAC 173-26-211(2)(b) to ensure clear definition between the Pacific Ocean environment and the Aquatic environment designations.

		estuary. <u>“Mouth of the Grays Harbor estuary” is defined here as a line drawn between the western most exposed tips of the North and South jetties.</u>	
4	2.8 Pacific Ocean Environment (PO)	2.8.2 Designation Criteria: The Pacific Ocean Environment consists of eastern <u>coastal</u> marine waters: A. West of <u>the mouth of the Grays Harbor estuary, defined as a line drawn between the western most exposed tips of the North and South Jetties, extending waterward for three nautical miles from the ordinary high water mark along the shoreline of the Pacific Ocean;</u> excluding however, those areas that lie within the Master Program jurisdiction of the cities of Ocean Shores and Westport;	Revisions are needed for internal consistency and clarity and to ensure the boundary description between the Aquatic and Pacific Ocean environment designations are clear consistent with WAC 173-26-211(2)(b). Deletion of the word “however” is recommended. The SMP contains a definition for coastal waters which includes the Pacific Ocean from mean high tide seaward two hundred miles. The definition for coastal waters is consistent with the definition in RCW 43.143 Ocean Resources Management Act but is not equivalent to the area proposed for the Pacific Ocean Environment designation which extends from the Ordinary High Water Mark (OHWM) waterward three nautical miles.
5	2.9 Natural Environment (N)	2.9.3 Management Policies E. <u>Prohibit new development or significant vegetation removal that would reduce the ability of vegetation to perform normal ecological functions including shading shorelines, providing food sources for fish and wildlife, providing structure to shorelines, reducing erosion, or providing habitat.</u> F. <u>Do not allow the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. Each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.</u>	In response to comment (Line C-2, Attachment D), the County proposes to add two new policies under the Natural environment to address vegetation. Ecology concurs with the suggested change, and finds it necessary for consistency with WAC 173-26-211(5)(a)(ii).
6	2.10 Shoreline Use and Modification Tables	Table 1: Forest practices in the Natural designation: <u>C</u> P ⁴	For consistency with WAC 173-26-211(5)(a)(ii)(D) which allows commercial forestry as a conditional use.
7	3.2 Archeology, Historic, and Scientific Resources	3.2.3 H. Whenever a property owner inadvertently discovers archeological, historic, or scientific sites or artifacts in the process of development on shorelines, work on that portion of the development site shall stop immediately and the property owner shall report the finding as soon as possible to the Administrator, or DAHP, and affected tribes.	Edits are required for consistency with WAC 173-26-221(1)(c)(i).
8	3.3 Protection of Shoreline Ecological Functions	3.3.3 Regulations I. Removal of vegetation within the shoreline buffer shall be avoided except under the following conditions: ... v. A single-family residence may locate within a required shoreline buffer a private dock and/or pier, a six-foot pedestrian pathway leading to the shoreline, and a cleared recreation area that does not exceed 15% of the total area of the shoreline buffer. <u>A private dock or pier; a six-foot pedestrian pathway leading to the shoreline; and a cleared recreation area may be permitted as accessory to a single-family residence provided that</u>	County proposed language in response to comment (Line D-3, Att. D). Ecology concurs with the county’s suggested changes, and is requiring it with additional revisions to ensure consistency with WAC 173-26-201(2)(c).

		<u>impacts are fully mitigated. Cleared recreation areas may not be located in a landslide hazard area and may not exceed 15% of the total area of the shoreline buffer. If there is a category 4 wetland between the water body and the uplands, a path may be constructed through the wetland if there is no alternative route and the impacts are fully mitigated.</u>	
9	3.3 Protection of Shoreline Ecological Functions	3.3.3 Regulations K. Development <u>proposed</u> on existing parcels created before the effective date of <u>the comprehensive update of this Master Program and is unable to meet requirements for a shoreline buffer may be authorized accommodate development</u> without a shoreline variance in accordance with the following provisions: ...	Revisions are required for clarity and to ensure consistency with WAC 173-26-191(2)(a)(ii) which requires regulations be sufficient in scope and detail to ensure implementation.
10	3.6 Setbacks, heights, and building site provisions	3.6.3 Regulations C. Maximum lot coverage shall not exceed 30%. <u>In the Rural Development environment, impervious surfaces shall not exceed ten percent.</u>	County proposed language in response to comment. (Line D-6, Att. D) Ecology concurs and has determined this change is required for consistency with WAC 173-26-211(5)(b)(ii)(D).
11	New section 5.10 In and Overwater Structures	New section: 5.10 In and Overwater Structures <u>A. Except as otherwise provided in this shoreline master program, in-water and overwater structures shall not be approved unless the following requirements are met:</u> <u>i. The structure is necessary to achieve the policy of RCW 90.58.020;</u> <u>ii. The structure will not interfere with the public trust doctrine;</u> <u>iii. All impacts on critical saltwater and freshwater habitats are capable of being mitigated and are mitigated according to the sequence in 3.3.3(C); and</u> <u>iv. There will not be any adverse water quality impacts after the mitigation measures are applied.</u>	County proposed this new section in response to comment (Line F-2, Att. D). Ecology concurs with the change and is requiring it for consistency with WAC 173-26-221(2)(c)(iii) for protection of critical saltwater habitats.
12	6.3 Ocean Management Jurisdiction	6.3.2 <u>The ocean management provisions jurisdiction of this Master Program in the Pacific Ocean Environment shall be applied consistent with WAC 173-26-360, limited to reviewing an action that is located exclusively in the county, or that the environmental impacts of the action are confined solely to the county.</u>	Edits are necessary for consistency with WAC 173-26-360(2).
13	6.5 Criteria for Permitting Ocean Resources Development	6.5.1 <u>D. All reasonable steps are taken to avoid and minimize adverse environmental impacts, consistent with Section 3.3.3 C, with special protection provided for the marine life and resources of Grays Harbor estuary and Olympic National Park.</u>	Revision is necessary for consistency with WAC 173-26-360(6)(d).
14	6.5 Criteria for Permitting Ocean Resources Development	6.5.1 <u>E. All reasonable steps are taken to avoid and minimize adverse social and economic impacts are mitigated consistent with Section 3.3.3.C, to uses such as, but not limited to, aquaculture, recreation, tourism, navigation, air and water quality, coastal erosion, treaty rights, and recreational, commercial, and tribal fishing;</u>	Revision is necessary for consistency with WAC 173-26-360(6)(e).
15	9 Definitions	"Master program" or "shoreline master program" shall mean the comprehensive use plan for a described area ...	Revision is need for consistency with WAC 173-26-020 (26)(c). This definition was revised during Ecology's 2017 rule revision and the term " limited " master program amendment no longer exists.

		<p>i. "Comprehensive master program update" means a master program that fully achieves the procedural and substantive requirements of the department's shoreline master program guidelines effective January 17, 2004, as now or hereafter amended;</p> <p>ii. "Limited-Master program amendment" means a master program amendment that addresses specific procedural and/or substantive topics and which is not intended to meet the complete requirements of a comprehensive master program update. <u>Master program amendments include locally initiated amendments to address specific procedural and/or substantive topics as well as amendments adopted to meet the periodic review requirements of RCW 90.58.080(2).</u></p>	
16	<p>Appendix A: Shoreline Environment Designation (SED) Maps</p>	<p>Delete the following names from the map: Campbell Slough Cranberry Creek Grass Creek Milbourn Creek</p> <p>See additional mapping corrections noted in Exhibit 1 to Attachment B – Required Changes</p>	<p>Mapping corrections are required for consistency with WAC 173-26-211(2)(b) which requires an up-to-date and accurate map.</p> <ul style="list-style-type: none"> • Campbell Slough is not a shoreline waterbody but is in shoreline jurisdiction. It is likely within the OHWM of Grays Harbor and includes associated wetlands. • Cranberry Creek is not a shoreline waterbody but is likely bounded by associated wetlands, continuous and contiguous with Connor Creek. Also, the 20 cfs point for Connor Creek begins at the confluence with Cranberry Creek. The extension of shoreline jurisdiction upstream is due to the presence of associated wetlands. • Grass Creek is not a shoreline waterbody but appears to be bounded by associated wetlands. • Milbourn Creek is not a listed shoreline waterbody (unless it is one of the listed "unnamed tributaries"). Remove the label and SED coloring from Map 3. <p>Maps are for planning purposes only. Confirmation of the lateral extent of shoreline jurisdiction and the presence of associated wetlands will be required if a development proposal is received in any of these areas.</p>
17	<p>Appendix B: List of Rivers, Streams, and Lakes Constituting Shorelines of the State in Grays Harbor County per WAC 173-18-180</p>	<p>Appendix B: List of Rivers, Streams, and Lakes Constituting Shorelines of the State in Grays Harbor County per WAC 173-18-180</p> <p>Please see Exhibit 1 to Attachment B – Required Changes.</p>	<p>For consistency, with WAC 173-18-044 and WAC 173-20-044, each master program must include a list of streams and lakes constituting shorelines of the state within the jurisdiction of the SMP. This becomes the official list and will supersede the lists in the state rules once the SMP has been approved by Ecology and is in effect. The list in Appendix B is incomplete and must be revised as shown on the attachment.</p> <p>Additionally, shoreline jurisdiction in the County is complicated by the presence of tribal reservations, tribal trust lands, Olympic National Park and listed shoreline waterbodies that flow in and out of these areas. The language contained in Section 1.4.7 is added to the top of Appendix B notifying users</p>

			about the limits of the applicability of the SMP in certain locations. Confirmation of the extent of shoreline jurisdiction will be required if a development proposal is received in proximity to the boundary of any of these areas.
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