

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED PERIODIC REVIEW OF TOWN OF HUNTS POINT
SHORELINE MASTER PROGRAM**

Findings of Adequacy Submittal accepted December 11, 2019, Resolution No. 19-259
Prepared by Department of Ecology on May 11, 2020

Brief Description of Proposed Action

The Town of Hunts Point (Town) has submitted to Ecology for approval Findings of Adequacy concluding that no Shoreline Master Program (SMP) amendment is needed to comply with periodic review requirements.

FINDINGS OF FACT

Need for action

The proposed formal action is needed to comply with the statutory deadline for a periodic review of the Town's Shoreline Master Program pursuant to RCW 90.58.080(4). Under WAC 173-26-090(3)(e)(i), Ecology must issue formal approval to conclude the periodic review process has occurred.

Amendment History, Review Process

The Town 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.

The Town used Ecology's checklist of legislative and rule amendments to review amendments to Chapter 90.58 RCW and department guidelines 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 Town reviewed changes to the comprehensive plan 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 Town 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 Town consulted with Ecology and solicited comments throughout the review process.

The Town opted to follow the standard adoption process in WAC 173-26-100. The record shows that the Town held a public hearing before the Planning Commission on April 29, 2019. Affidavits of publication provided by the Town indicate notice of the hearing was published on March 11, 2019 in the Seattle Times. No comments were received.

With the passage of Resolution #19-259 on June 3, 2019, the Town authorized staff to forward the proposed amendments to Ecology for approval.

Town of Hunts Point – 2019 SMP Periodic Review Findings and Conclusions

The proposed SMP amendments were received by Ecology for state review and verified as complete on December 11, 2019. Notice of the state comment period was distributed to state task force members and interested parties identified by the Town on January 14 and 15, 2019, in compliance with the requirements of WAC 173-26-120. The state comment period began on January 21, 2020 and continued through February 21, 2020.

No comments were received during the state comment period.

Consistency with Chapter 90.58 RCW

The proposed Findings of Adequacy 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 Town 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 Findings of Adequacy have 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 includes review for compliance with the SMP amendment criteria found in WAC 173-26-201(1)(c) along with review of the SMP Periodic Review Checklist completed by the Town.

Consistency with SEPA Requirements

The Town determined the Findings of Adequacy are exempt from State Environmental Policy Act review based on WAC 197-11-800(19), which covers resolutions or ordinances “relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment”, or “text amendments resulting in no substantive changes respecting use or modification of the environment.”

Summary of Issues Identified by Ecology as Relevant to Its Decision

Wetland Rating System

WAC 173-26-221(2)(c)(i)(B) requires SMPs to use the Washington state wetland rating system or develop their own. The Town’s SMP references the Washington state wetland rating system, but refers to the 2004 version, which is obsolete. Ecology has updated its wetlands critical area guidance, which includes a 2014 wetland ratings system (see periodic review checklist item #2016.b). The Town’s SMP in Appendix D.2.B states that “Wetlands shall be rated according to the Department of Ecology wetland rating system found in the *Washington State Wetland Rating System for Western Washington* (Ecology Publication #04-06-025) or as revised by Ecology.”

Finding. Ecology finds that the Town’s SMP can be considered to use the most recent, 2014 Ecology rating system by use of the phrase “or as revised by Ecology.” Therefore, Ecology finds that the Town’s wetland rating system is adequate and does not need to be amended. Ecology also finds that the SMP uses point totals from the 2004 Ecology wetland rating system to determine protective buffers for wetlands. Therefore, Ecology recommends that the Town administratively incorporate Ecology’s crosswalk for rating scores between the 2004 and 2014 system (**Attachment B**) to maintain consistency with Ecology’s most recent Wetland Rating System.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and comments received, Ecology concludes that the Town proposed Findings of Adequacy are consistent with the requirements of RCW 90.58.090(4) and the applicable SMP guidelines (including WAC 173-26-090).

Ecology concludes that the Town 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 process.

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

Ecology concludes that the procedural requirements have been satisfied, in regards to state 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 Town 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

Based on the preceding, Ecology approves the Town Findings of Adequacy. With this approval, Ecology affirms the Town has completed the requirement for a periodic review under RCW 90.58.080(4).