

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

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; strike-through deletions]	ECOLOGY - DISCUSSION/RATIONALE	COUNTY RESPONSE
1	<p>Chapter 18S.10 – Procedural Guidance 18S.10.065 B</p>	<p>B. Title 18E PCC, Development Regulations – Critical Areas. Critical area regulations adopted in compliance with the State Growth Management Act are administered by <u>contained in</u> Title 18E PCC, Ordinance Nos. 2004-56s, 2004-57s, 2004-58s, 2006-103s, 2016-52, amended by Ordinance 2017-12s, effective date April 15, 2017 and incorporated by reference into the shoreline master program. <u>In the event Title 18E is amended, the referenced edition will still apply in shoreline jurisdiction until revised through an approved master program amendment.</u></p>	<p>The first sentence is revised for consistency with RCW 90.58.610 and RCW 36.70A.480, which establish the relationship of critical area regulations to the shoreline master program within shoreline jurisdiction, WAC 173-26-191(2)(b) which authorizes the incorporation of regulations by referencing a specific, dated edition, and for internal consistency with 18S.10.010. The location for this incorporation by reference was determined after consultation with county staff. The last sentence is added to clarify that any changes to the referenced regulations can only be incorporated into the SMP through an SMP amendment consistent with WAC 173-26-191(2)(b).</p>	<p>Accept Committee amendment 2, #1</p>
2	<p>Chapter 18S.10 – Procedural Guidance 18S.10.065 D</p>	<p>D. Conditional Uses. Certain uses are considered "conditional" by the Act and, therefore, conditional r Review is required for such uses per Table 18S.60.030-1. <u>Other uses which are not classified or set forth in in Table 18S-60.030-1 may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of WAC 173-27-160 and PCC 18S.60.060. However, uses which are specifically prohibited by the master program may not be authorized through a conditional use permit.</u> 1.2. <u>1.2.</u> A proposal may require both a substantial development permit and a Conditional Use Permit. Other proposals, that are not a "substantial development", may require only a Conditional Use Permit. 3. <u>3.</u> The issuance of a conditional use permit is based upon a determination that <u>the project will be consistent with the criteria listed in PCC 18S.60.060 and those listed in WAC 173-27-160.</u> 2.4. <u>2.4.</u> The Washington State Department of Ecology (Ecology) has the final approval <u>decision-making authority of</u> for conditional uses.</p>	<p>Modifications are for internal consistency with 18S.60.050 and 18S.60.060 and consistency with WAC 173-27-160 and WAC 173-27-200, as required by WAC 173-26-191(2)(a)(iii)(B).</p> <p>The SMA does not establish any specific uses as “conditional” (see RCW 90.58.100(5)). The SMP Guidelines do include requirements for CUPs for certain uses in WAC 173-26-241, and otherwise establish general considerations for determining which uses should require a CUP while developing an SMP. The majority of uses listed as conditional uses in Table 18S.60.030-1 are designated such by the County.</p> <p>The edit to new #4 improves consistency with WAC 173-27-200. Ecology is not limited to approval of a permit but may approve, approve with conditions or deny a shoreline conditional use permit.</p>	<p>Accept Committee amendment 2, #2</p>
3	<p>Chapter 18S.10 – Procedural Guidance 18S.10.065 E</p>	<p>E. Variance. When development is proposed that does not comply with the bulk and dimensional standards, such as a shoreline buffer, of the Master Program, then the development can only be authorized with approval of a variance. <u>The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.</u></p>	<p>Edits are for internal consistency with 18S.60.070 and for consistency with WAC 173-27-170 and WAC 173-27-200 as required by WAC 173-26-191(2)(a)(iii)(B).</p>	<p>Accept Committee amendment 2, #2</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; strikethrough -deletions]	ECOLOGY - DISCUSSION/RATIONALE	COUNTY RESPONSE
		1. The issuance of a variance is predicated upon a determination that the project will be consistent with the criteria listed in PCC 18S.60.070 and those listed in WAC 173-27-170. 2. Variances to the type of uses and development authorized by the Master Program are prohibited. 3. Ecology has final approval <u>decision-making authority of for</u> Shoreline Variances.	The edit to #3 improves consistency with WAC 173-27-200. Ecology is not limited to approval of a permit but may approve, approve with conditions or deny a shoreline variance permit.	
4	Chapter 18S.30 – Ecological Protection 18S.30.030 D	D. Regulations – Critical Areas. 3. The Reasonable Use provisions of PCC 18E.20.050 are not included as part of the Shoreline Master Program. The following provisions of PCC 18E do not apply within shoreline jurisdiction: <u>a) 18E.10.090 Reconsideration and Appeal Procedures</u> <u>b) 18E.20.050 Reasonable Use Exceptions</u> <u>c) 18E.20.060 Variances</u> ...	These clarifications ensure consistency with the procedural requirements for permitting and appeals in the Shoreline Management Act and Chapter 173-27 WAC when implementing critical area regulations within shoreline jurisdiction. The SMP still includes allowances for reasonable use of property but under the SMA those considerations are addressed through the shoreline variance process. Revision of this regulation consolidates the description of critical area provisions of the CAO that do not apply in shoreline jurisdiction.	Accept Committee amendment 2, #3
5	Chapter 18S.30 – Ecological Protection 18S.30.030 D	D. Regulations – Critical Areas. <u>7. Wetlands shall be rated using the Washington State Wetland Rating System for Western Washington (Hruby, 2014) (Ecology Publication #14-06-029).</u>	Incorporating the 2014 wetlands rating system into the SMP ensures ratings are done consistent with the “most current, accurate, and complete scientific or technical information available” (WAC 173-26-201(2)(a)). The 2014 rating system already applies for all wetlands projects that require federal permits, so this clarification helps minimize the potential for two sets of application requirements. Adopting the revised rating system will help the county address the periodic review requirement of RCW 90.58.080(4). See Attachment E, Periodic Review Checklist completed by county staff.	Accept Committee amendment 1, #1 Periodic review
6	Chapter 18S.30 – Excavation, Dredging, Filling, and Grading 18S.30.040 B	B. Policies. 1. Prohibit fill waterward of the ordinary high watermark (OHWM) except for restoration projects, <u>mitigation actions, beach nourishment or enhancement projects</u> or when necessary to support a water dependent use, public access, <u>cleanup of contaminated sediments</u> , or expansion or alteration of a transportation facility of statewide significance.	Revisions are for internal consistency with 18S.30.040 C.2 and consistency with WAC 173-26-231(3)(c) - Fill.	Accept Committee amendment 2, #4
7	Chapter 18S.30 – Excavation, Dredging, Filling, and Grading 18S.30.040 C	C. Regulations. 1. The Following activities are prohibited: a. Filling in locations that will cut off or isolate hydrologic features, except as allowed pursuant to PCC 18S.40.060, Flood Hazard Management;	The language in C.1 (d) would preclude use of the Anderson/Ketron open water dredge disposal site regulated by the state’s Dredged Material Management Program. The dredge disposal site is located on state-owned	Accept Committee amendment 2, #5

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline</u> -additions; strikethrough -deletions]	ECOLOGY - DISCUSSION/RATIONALE	COUNTY RESPONSE
		<p>b. Solid waste landfills; <u>and</u> c. Dredging for the purpose of obtaining fill material, except for projects associated with Model Toxics Control Act (MTCA) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) habitat restoration, or any other significant restoration effort project approved by a Conditional Use Permit; and d. Disposal of dredged material within the Nisqually Reach Aquatic Reserve.</p>	<p>aquatic lands within Shorelines of Statewide Significance which begin waterward of the line of extreme low tide [RCW 90.58.030(2)(f)(iii)].</p> <p>The prohibition is internally inconsistent with the SMP which allows “Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington State Department of Natural Resources (DNR).” [Pierce County SMP at 18S.30.040 C.2.d.] Ecology rules for Dredging and Dredge Material Disposal require that “master programs should provide for the implementation of adopted regional interagency dredge material management plans...”[WAC 173-26-231(3)(f)].</p> <p>A local prohibition on use of the site is inconsistent with the policy of the Shoreline Management Act, which grants a preference for uses that are unique to or dependent upon use of the state’s shorelines, and requires Ecology and local governments to recognize and protect the statewide interest [RCW 90.58.020]. The Legislature has declared aquatic land dredge material disposal sites, approved through a cooperative planning process by DNR, Ecology, the United States Army Corps of Engineers, and the United States Environmental Protection Agency, are “essential to the commerce and well-being of the citizens of the state of Washington [RCW 79.105.500].”</p> <p>Ecology rules for addressing Shorelines of Statewide Significance require consultation with relevant state agencies, tribes and other statewide interest groups to ensure the state interest is addressed [WAC 173-26-251]. The prohibition was adopted locally without consulting cooperating agencies under the Dredged Material Management Program that manage the site.</p> <p>The county’s rationale for the prohibition is that dredge disposal is inconsistent with the purpose of the Nisqually Reach Aquatic Reserve. The Anderson/Ketron disposal site was established in 1989 and the Aquatic Reserve was established 22 years later in 2011. The Washington Department of Natural Resources is the agency that manages use of state-owned aquatic lands and is responsible for designating and implementing Aquatic Reserve Plans. The Reserve plan acknowledges the existence of the Anderson/Ketron disposal site and allows its continued existence contingent on ongoing monitoring and management by the cooperating agencies under the Dredged Material Management Program.</p>	
8	<p>Chapter 18S.40 - Aquaculture – 18S.40.040 C</p>	<p>C. Regulations – General. 10. The operator of any aquaculture activity shall provide contact information to abutting waterfront property owners and shall, in a timely manner, respond to and rectify any complaint relating to materials, equipment, or operation activities <u>as necessary to comply with permit conditions.</u></p>	<p>The clarification is added for consistency with RCW 90.58.050, which establishes the authority of local government, and the statutory direction in RCW 90.58.140(3) that the administration of the permit system shall be performed exclusively by the local government. The County has a formal role under the law to receive and respond to complaints as needed including</p>	<p>Accept Committee amendment 2, #7</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; strikethrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE	COUNTY RESPONSE
			notifying and working with an operator or property owner to address concerns related to permit compliance.	
9	Chapter 18S.40 - Aquaculture – 18S.40.040 C	<p>C. Regulations – General.</p> <p>11. Predator control shall not involve deliberate killing or harassment of birds, invertebrates, or mammals. Approved controls include, but are not limited to plastic tubes or netting. Predator control equipment shall be removed as defined within the approved schedule in the permit, but no longer than two years after installation.</p>	<p>The revision is for internal consistency. As written, the regulation precludes individually tailored permits and conditions despite requirements in Appendix C (see A.1 and B.1) for applicants to describe equipment and structures that will be used, along with a proposed schedule for installation of these, and the phasing of the activities on the site. Any proposed schedule requires county approval as part of the permit decision.</p> <p>The requirement for a two year limit applied universally to all types of predator control equipment and for all forms of aquaculture, is inconsistent with WAC 173-26-241(3)(b)(iv)(L)(VII). The Guidelines require the removal of predator exclusion measures “as soon as they are no longer needed for predator exclusion.” Depending on the particular technique, retaining predator controls for longer than two years could be environmentally beneficial and help to reduce neighbor concerns.</p>	Accept Committee amendment 2, #7
10	Chapter 18S.40 - Aquaculture – 18S.40.040 C	<p>C. Regulations – General.</p> <p>14. Introduction of a new shellfish species, changing the shellfish species cultivated, expansion of the physical area cultivated or relocation of the aquaculture operation is considered a new use/development, and shall require <u>notification to the County. The County shall review the proposal consistent with permit revision criteria in 18S.60.080 B. Proposals that do not meet revision criteria shall require a new permit.</u></p>	<p>The revisions to this regulation ensure consistency with Ecology WAC 173-27-100 (Revisions to Permits), and internal consistency with 18S.60.080. These provisions of state rule and the Pierce County SMP allow permit applicants to seek revisions to their existing permits. When found to be “within the scope and intent” of the original permit a revision may be authorized. Any proposals that don’t meet the definition of “scope and intent” would trigger the requirement for a new permit.</p>	Accept Committee amendment 2, #8
11	Chapter 18S.40 - Aquaculture – 18S.40.040 C	<p>C. Regulations – General.</p> <p>16. Aquaculture activities allowed pursuant to an approved Shoreline Conditional Use Permit shall not be subject to review of a new Shoreline Conditional Use Permit for subsequent cycles of planting and harvest unless specified in the original Shoreline Conditional Use Permit approval. <u>Activities shall be subject to reviews in accordance with an approved monitoring plan, and the permit shall be rescinded per 18S.10.070.I, should reviews find that aquaculture activities are being exercised contrary to approval conditions.</u></p>	<p>Revisions are for consistency with WAC 173-26-241(3)(b)(iv)(B) which states: “All subsequent cycles of planting and harvest shall not require a new conditional use permit.” This provision of the state rule is specific to geoduck aquaculture, however the county is applying the state geoduck provisions universally to all forms of aquaculture.</p> <p>Consistent with RCW 90.58.140(8) and WAC 173-27-240, the SMP in 18S.10.070.I, identifies the county’s authority to rescind any shoreline permit if the activity is found to be out of compliance with conditions of the permit. The process to do so will require a hearing.</p> <p>In discussions with the county, staff provided alternative language which was considered and partially revised by Ecology to ensure internal consistency with the SMP, the Act, and state rules as well as consistency with Shoreline</p>	Accept Committee amendment 2, #9

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline</u> -additions; strike through -deletions]	ECOLOGY - DISCUSSION/RATIONALE	COUNTY RESPONSE
			<p>Hearings Board Case No. 03-012 states “When shoreline permits are conditioned, it insures the project is consistent with the SMP and the governing master program.”</p> <p>(See Required change 18 addressing 18S.60.060 C.2.b which is an identical regulation.)</p>	
12	<p>Chapter 18S.40 - Aquaculture – 18S.40.040 C</p>	<p>C. Regulations – General.</p> <p>17. With the exception of Olympia Oyster propagation which is a conditional use, new commercial shellfish aquaculture operations are prohibited within the Nisqually Reach Aquatic Reserve. Olympia Oyster propagation and other activities supporting the enhancement and/or recovery of native shellfish, finfish and aquatic plant species is allowed within the Nisqually Reach Aquatic Reserve.</p>	<p>Revisions to this regulation were developed in consultation with county staff. The revisions clarify that cultivation of Olympia Oysters as well as other activities supporting enhancement of native species is allowed within the Reserve. Revisions also improve internal consistency with the county’s policy preference for water-oriented uses with a priority for water-dependent uses (18S.30.090), consistency with WAC 173-26-241(3)(b), and consistency with the policy of RCW 90.58.020 which grants a preference for uses that are unique to or dependent upon use of the state’s shorelines. The revisions also ensure consistency with WAC 173-26-201(2)(a) which requires that master program provisions are adequately supported by the most current scientific and technical information available.</p> <p>The Nisqually Reach Aquatic Reserve was established in 2011 by Department of Natural Resources (DNR) as an environmental, scientific and educational reserve and encompasses approximately 14,000 acres of state-owned tidelands and bedlands. Private tidelands and upland properties are not part of the Reserve and encompass approximately 70% of the tidelands within the Reserve boundaries, per public comments from DNR (Attachment D, Line L35). Establishing an aquatic reserve is a lengthy process that includes scientific review and public input. The Nisqually Reach Aquatic Reserve plan was adopted after an extensive public process involving multiple stakeholders, including Pierce County. The Reserve Plan will be reviewed, and updated if necessary, every ten years.</p> <p>A significant portion of the Reserve is located within Shorelines of Statewide Significance (see RCW 90.58.030(2)(f)). Consistent with WAC 173-26-251(3)(a), local governments are to consult with applicable state agencies and affected Indian tribes and statewide interest groups to ensure the county recognizes and protects statewide interests on these lands. The revisions developed with county staff address comments received during the state public comment period from DNR and the Nisqually Indian Tribe.</p>	<p>Accept Committee amendment 2, #9</p>
13	<p>Chapter 18S.40 - Aquaculture – 18S.40.040 C</p>	<p>C. Regulations – General.</p> <p>18. Aquaculture is prohibited in Estuaries within 300 feet of the mouth of freshwater streams (as measured at extreme low tide).</p>	<p>Under WAC 173-26-241(3)(b) aquaculture is considered a water dependent preferred use. Prohibitions on preferred uses demand close attention during Ecology review.</p>	<p>Accept Committee amendment 2, #9</p>

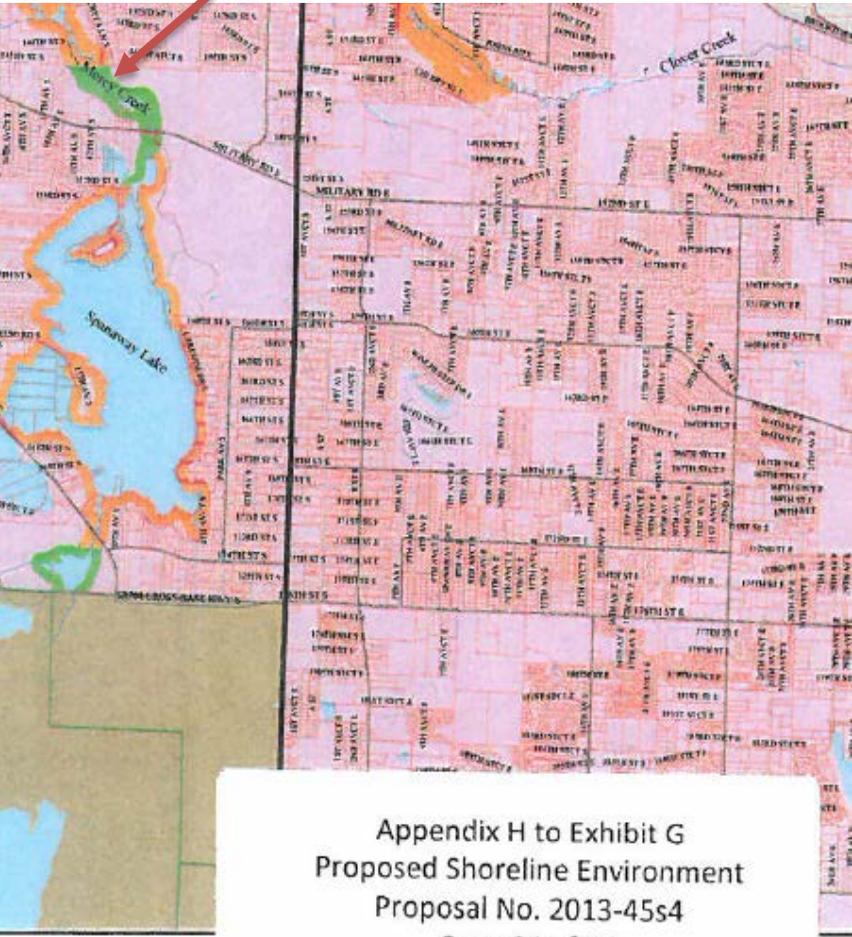
ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline</u> -additions; strike through -deletions]	ECOLOGY - DISCUSSION/RATIONALE	COUNTY RESPONSE
			<p>The SMP lacks detail on how this prohibition would be implemented, such as how the location of the mouth of a freshwater stream at extreme low tide would be determined. WAC 173-26-191(2)(a)(ii)(A) requires that master program regulations be “...sufficient in scope and detail...” to insure appropriate implementation of the SMA and supporting policies. In response to questions about how this might be implemented the county suggested the 300’ would be measured from “the point in an estuary where extreme low tide intersects with the stream channel – if present.” (see L38, Attachment D)</p> <p>During Ecology’s review, county staff tried to further address the question about the scope of the term estuary by suggesting the prohibition be limited to mapped estuaries of streams that support species identified in 18E.40.020 C: Coho salmon, Chinook salmon, bull trout, pink salmon, chum salmon, sockeye salmon, cutthroat trout, native/wild rainbow trout/steelhead, and provided a map of numerous estuaries. Some of these estuaries have existing and ongoing aquaculture, and many have other allowed water dependent uses and activities that could potentially have impacts on the species. Ecology recommends the county address site-specific concerns around compatibility of aquaculture operations with stream conditions during the conditional use permit review process.</p>	
14	<p>Chapter 18S.40 - Aquaculture – 18S.40.040 C</p>	<p>C. Regulations – General.</p> <p>19. Aquaculture is prohibited adjacent to residential neighborhoods in Horsehead Bay, Wollochet Bay, Lay Inlet and adjacent to Raft Island due to water quality and visual impacts.</p>	<p>As described above in Row 13, prohibitions on a water dependent preferred use require careful review.</p> <p>The prohibition on aquaculture in certain named areas is not sufficient in scope and detail to implement consistently, as required by WAC 173-26-191(2)(a)(ii)(A). For example, it is not clear how county administrators would know the limits of areas that are “adjacent to residential neighborhoods” as no end points for these named geographic areas were identified. It is not clear whether this means aquaculture is prohibited if there is one home along the shoreline or if the prohibition applies in the Shoreline Residential designation.</p> <p>The county’s SMP record did not include scientific and technical information specific to these areas to supports an aquaculture prohibition [WAC 173-26-201(2)(a), WAC 173-26-241(3)(b)]. Neither the Inventory & Characterization nor the Cumulative Impacts Analysis identified these areas as unsuitable for shellfish aquaculture. The state Department of Natural Resources maps indicate Lay Inlet is encumbered by Bush Act Lands which were sold by the state specifically for the purposes of oyster planting (RCW 79.135). Other than the upper end of Wollochet Bay which is closed to harvest due to pollution (per Washington Department of Health (WDOH)), most of these areas are</p>	<p>Accept Committee amendment 2, #9</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline</u> -additions; strike through -deletions]	ECOLOGY - DISCUSSION/RATIONALE	COUNTY RESPONSE
			<p>currently unclassified for shellfish harvest, which means health standards have not been evaluated. See WDOH interactive mapping: https://www.doh.wa.gov/CommunityandEnvironment/Shellfish/GrowingAreas</p> <p>As noted in the Council Findings, there are significant concerns around use conflicts with aquaculture in the county. However, these conflicts are not the same in all locations and potential water quality and visual impacts could be different for different types of aquaculture operations depending on the species cultivated and site-specific conditions. During Ecology’s review, county staff attempted to identify what is unique about these named areas but there is no documentation in the record demonstrating and supporting how these shorelines are any different from other areas in the county with similar development and activity patterns. Ecology recommends the compatibility of uses and possible conflicts with uses should be addressed as required during the conditional use permit review.</p>	
15	<p>Chapter 18S.40 - Aquaculture – 18S.40.040 C</p>	<p>C. Regulations – General.</p> <p>20. <u>Aquaculture applications shall be reviewed for consistency with the mitigation sequence in 18S.30.030.</u> Aquaculture proposals that could will result in significant adverse environmental impacts as demonstrated through a scientific analysis that cannot be mitigated shall be prohibited.</p>	<p>Revisions improve internal consistency and consistency with WAC 173-26-201(2)(c), (d) and (e) which require SMPs to include provisions addressing the impacts of specific common shoreline uses, to give preference to uses that are unique to or dependent upon a shoreline location, and to include provisions that require the analysis of environmental impacts and measures to mitigate these impacts. As written, this regulation would be inconsistent with the permit process set forth in the SMP because it prohibits proposals that could result in adverse impacts even before considering mitigation for impacts that would ensure there is no net loss of ecological functions.</p> <p>The SMP requires all aquaculture applicants to submit applications describing their proposal including any potential impacts resulting from the development. Applications will be reviewed for consistency with the requirements of the SMP including the requirement for meeting the mitigation sequence (18S.30.030) and ensuring no net loss of ecological function by first avoiding and minimizing impacts, and mitigating for any remaining unavoidable impacts. In some cases, during review of a project application, it may be determined that a proposal must be denied because it will result in significant adverse impacts that can’t be mitigated and is therefore inconsistent with the SMP.</p>	<p>Accept Committee amendment 2, #9</p>
16	<p>18S.60.030-1 Shoreline Permit Table</p>	<p>Notes: (2) Aquaculture is prohibited in <u>the Aquatic SEDs abutting the Natural SEDs on marine waters (see 18S.40.040 B and C).</u></p> <p>18S.40.040 B. Policies</p>	<p>Ecology acknowledges the county’s intent is to prohibit aquaculture abutting the Natural SED to address preferred uses consistent with WAC 173-26-201(2)(d)(i), which provides direction to local governments to “reserve</p>	<p>Accept Committee amendment 2, #6,9 and 10</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; strikethrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE	COUNTY RESPONSE
		<p>NEW Policy: <u>12. Pierce County shall adopt a prohibition on new commercial marine aquaculture operations in the Aquatic Environment adjacent to areas designated Natural. Pierce County will revisit this prohibition as part of the 2027 periodic review required under RCW 90.58.080(4)(b)(ii).</u> <u>The prohibition is intended to provide time for the county to implement the comprehensively updated shoreline master program and evaluate the impacts of aquaculture projects resulting from monitoring reports. The prohibition will also allow the county to review other scientific and technical information specific to Natural areas. The prohibition shall not apply to farms with existing aquaculture permits or to designated Bush Act Lands.</u></p> <p>185.40.040 C. Regulations – General. NEW Regulation: <u>New aquaculture is prohibited in the Aquatic SED abutting the Natural SED on marine waters. Existing or permitted aquaculture operations in areas subject to the prohibition shall be considered conforming uses. Designated Bush Act Lands (RCW 79.135) abutting the Natural SED are not included in this prohibition.</u></p>	<p>appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health. In reserving areas, local governments should consider areas that are ecologically intact from the uplands through the aquatic zone of the area, aquatic areas that adjoin permanently protected uplands, and tidelands in public ownership.”</p> <p>However, Ecology is concerned that the county’s SMP record did not include scientific and technical information specific to these areas that supports a prohibition on water dependent preferred uses [WAC 173-26-201(2)(a), WAC 173-26-241(3)(b)].</p> <p>Ecology proposes the county adopt an alternative that recognizes local choice while remaining consistent with the state interest in planning for and fostering water-dependent uses [RCW 90.58.020]. The suggested alternative will allow Ecology to approve the county’s SMP, recognizing the county’s interest in protecting marine areas abutting the Natural SED while also providing time for the county and Ecology to implement the SMP and develop a more robust base of scientific and technical information to determine if and where prohibitions are appropriate.</p> <p>Ecology distinguishes this prohibition from other prohibitions on aquaculture (Rows 13 and 14), because this prohibition is specific enough to implement consistently.</p> <p>The proposed revisions to Note (2) would amend the prohibition on aquaculture in the Aquatic SED abutting the Natural SED by referencing a proposed new policy and regulation that addresses local and state concerns as follows:</p> <ul style="list-style-type: none"> • Applying the regulation to new aquaculture proposals ensures the SMP will not convert existing water-dependent preferred aquaculture operations into nonconforming uses. Ecology is concerned a prohibition in Natural did not include an assessment of potential impacts to existing aquaculture facilities in these areas. Ecology’s proposed revisions would declare existing aquaculture uses in the area are not subject to the prohibition. • Removing Bush Act Lands from the prohibition ensures consistency with RCW 79.135. • Stipulating the prohibition only applies in marine waters was suggested by county staff as a clarification of intent based on the public comments the county was trying to address with the prohibition. 	<p>Revised note - #10</p> <p>New policy - #6</p> <p>New regulation - #9</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; strikethrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE	COUNTY RESPONSE
			Clarifying that the prohibition will be revisited during the 2027 periodic review will provide time for the county to implement the SMP and gather more scientific and technical information to inform where there is adequate information to support a prohibition.	
17	18S.60.060 B Shoreline Conditional Use Permits	B. Applicability. This Section applies to uses allowed in Table 18S.60.030-1, Shoreline Permit Table, subject to approval of a Shoreline Conditional Use Permit (C). <u>Other uses which are not classified or set forth in the master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements for conditional uses contained in this section.</u> Uses specifically prohibited by Title 18S PCC shall not be authorized pursuant to this Section.	Additional clarifying language is needed for consistency with WAC 173-27-160(3), as required by WAC 173-26-191(2)(a)(iii)(B).	Accept Committee amendment 2, #11
18	18S.60.060 C Shoreline Conditional Use Permits	C. Review Process. 2. Aquaculture. a. A single Shoreline Conditional Use Permit application may be submitted for multiple aquaculture activity sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and are located within the County. b. Aquaculture activities allowed pursuant to an approved Shoreline Conditional Use Permit shall not be subject to review of a new Shoreline Conditional Use Permit for subsequent cycles of planting and harvest unless specified in the original Shoreline Conditional Use Permit approval. <u>Activities shall be subject to reviews in accordance with an approved monitoring plan, and the permit shall be rescinded per 18S.10.070.I, should reviews find that aquaculture activities are being exercised contrary to approval conditions.</u>	Revision for consistency with WAC 173-26-241(3)(b)(iv)(B) which states: "All subsequent cycles of planting and harvest shall not require a new conditional use permit." This provision of the state rule is specific to geoduck aquaculture, however the county is applying the state geoduck provisions universally to all forms of aquaculture. Absent species-specific regulations, the provision needs to be consistent with those in the SMP Guidelines. Consistent with RCW 90.58.140(8) and WAC 173-27-240, the SMP in 18S.10.070.I, identifies the county's authority to rescind any shoreline permit if the activity is found to be out of compliance with conditions of the permit. The process to do so will require a hearing. In discussions with the county, staff provided alternative language which was considered and partially revised by Ecology to ensure internal consistency with the SMP, the Act, and state rules as well as consistency with Shoreline Hearings Board Case No. 03-012 states "When shoreline permits are conditioned, it insures the project is consistent with the SMP and the governing master program." (See also Required change 11 addressing 18S.40.040 C.16 which is identical to this regulation.)	Accept Committee amendment 2, #12
19	18S.60.080 B Revision to Shoreline Permit.	B. Review Process. 1. A formal revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of an already approved shoreline permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit or approval, Shoreline Management Act (Act), and Title 18S PCC. <u>2. The applicant shall provide detailed plans and text describing the proposed changes.</u> 3. 2. If the County determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the Act and Title 18S	Language has been added or modified for consistency with WAC 173-27-100 Revisions to Permits, as required by WAC 173-26-191(2)(a)(iii)(B).	Accept Committee amendment 2, #13 and 14

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions; strikethrough-deletions</u>]	ECOLOGY - DISCUSSION/RATIONALE	COUNTY RESPONSE
		<p>PCC, the County may administratively approve a revision without a public hearing, even if the original permit required a public hearing and approval by the Hearing Examiner. "Within the scope and intent of the original permit" means all of the following:</p> <ul style="list-style-type: none"> a. No additional development <u>overwater construction</u> in an Aquatic SED, except that pier, dock, or float construction may be increased by 500 square feet, or 10 percent from the provisions of the original permit, whichever is less, when necessary to meet state and federal permit requirements; b. Ground area coverage and height may be increased a maximum of 10 percent from the provisions of the original permit; c. The revised permit does not authorize development to exceed height, lot coverage, buffer, or any other requirements of Title 18S PCC except as authorized under a Shoreline Variance granted as the original permit or a part thereof; d. Additional or revised landscaping is consistent with any conditions attached to the original permit and with Title 18S PCC; e. The development <u>use</u> authorized pursuant to the original permit is not changed; and f. No adverse environmental impact will be caused by the project action <u>revision</u>. <p><u>4. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW, this regulation and the master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.</u></p> <p><u>5.3.</u> If the sum of the revision and any previously approved revisions violate the decision criteria of this Section, the County shall require that the applicant apply for a new permit.</p>		
20	18S.70 Appendix E Shoreline Jurisdiction Descriptions. WRIA 15 Lakes	<p>9. <u>Crescent Lake</u></p> <ul style="list-style-type: none"> a. <u>Entire lake located on Gig Harbor Peninsula</u> 	For internal consistency and consistency with WAC 173-20-044 which requires each master program to include a list of lakes constituting shorelines of the state within the jurisdiction of the master program. This lake is properly shown on the SED maps in Appendix F and Appendix H but was omitted from the SMP list of shoreline waterbodies.	Accept Committee amendment 2, #15

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; strikethrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE	COUNTY RESPONSE
	<p>18S.70 Appendix H 21 Shoreline Environment Township Atlas Maps.</p>	<p>On T19N – R03E (page 34 of 57): Morey Spanaway Creek</p> 	<p>For internal consistency with 18S.70 Appendix E, WRIA 12 #3, and for consistency with WAC 173-26-211(2)(b). Correct the creek name (see arrow on screen clip below) on page 34 of 57 (T19N – R03E). The creek which flows out of Spanaway Lake is Spanaway Creek, as listed in Appendix E, WRIA 12 and described as “East and south of Clover Creek (RM 4.1) until Spanaway Lake at approximately rivermile 2.5.”</p>	<p>Accept Committee amendment 2, #16</p>