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CC: Kell Rowen, Planning Manager, Mason County; Jackie Chandler, Shoreline Administrator, Dept. of Ecology
FROM: Kim Van Zwalenburg, Senior Shoreline Planner, WA Department of Ecology
Date: August 13, 2021
Subject: SMP Periodic Review - **Initial Determination of Consistency**
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Use of this Document

Ecology's *Determination of Initial Concurrence* provides Ecology's review of the proposed amendment to the Mason County (County) Shoreline Master Program (SMP). This document is divided into two sections: **Findings of Fact**, which provides findings related to the County's proposed amendment, amendment history, and the review process and **Initial Determination** of the proposed amendment with next steps.

Brief Description of Proposed Amendment

Mason County has submitted a draft SMP amendment, as part of their periodic review of their SMP to Ecology for an initial determination of concurrence as required by the joint review process and consistent with WAC 173-26-104(3). The County is undergoing a statutorily required periodic review of their Shoreline Master Program.

FINDINGS OF FACT

Need for amendment

Mason County comprehensively updated their master program in October 2017. The proposed periodic review amendment is needed to comply with the statutory deadline for a periodic review of the SMP pursuant to RCW 90.58.080(4). The amendment will bring the SMP into compliance with requirements of the Shoreline Management Act or state rules that have been added or changed, ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate revisions deemed necessary to reflect changed circumstances, new information, or improved data. The County prepared a checklist and an analysis documenting the proposed amendment.

SMP provisions to be changed by the amendment as proposed

Mason County's SMP is codified in Chapter 17.50 Shoreline Master Program of the Mason County Code (MCC). The SMP contains policies and regulations with the policies considered an element of the County's Comprehensive Plan. The SMP regulations set development standards within shoreline jurisdiction and are part of the County's development regulations. The Shoreline Environmental Designations Map is part of the SMP. The County's critical area regulations are adopted by reference and codified in MCC Chapter 8.52, Resource Ordinance.

In addition to general edits to correct and update syntax, formatting and citation corrections, the following amendments to the SMP are proposed:

Shoreline Master Program (MCC 17.50)

A. 17.50.020 Definitions.

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1. Definitions for the following terms are added: functionally isolated buffer areas; legally established or constructed structure, use, and/or lot.
 2. The following definitions are revised: development, floating home, floating on water residence, footprint.
 3. The following definitions are deleted: grandfathered structures; grandfathered uses; legal nonconforming lot.
- B. 17.50.060 Jurisdiction and Application of Regulations
1. Table 17.50.060-B: Mason County Shorelines of the State – Streams. Remove Winter Creek from the table. The map was updated but deleting this stream from the list was overlooked during the Comprehensive SMP Update.
- C. 17.50.110 Ecological Protection, Critical Areas, No Net Loss
1. 2. Critical Areas
 - a. Applicability. A revision removes the specific ordinance number and adoption date of the Mason County Resource Ordinance (MCC 8.52), and incorporates it into the SMP as amended. [2.a.i]
 - b. Buffers and Setbacks. Revisions allow for buffer reductions when areas are functionally isolated from the critical area, including areas upland of public roads. The functional isolation must be demonstrated in a report from a qualified professional. [2.b.ii]
- D. 17.50.120 Existing Structures, Uses and Lots
1. Revisions are made throughout the section replacing the term “grandfathered” with “legal non-conforming”.
 2. Clarification is added that decks on the waterward side of a residence are not included in the footprint of the structure when proposing an expansion. [1.d]
 3. Clarification is added that a Common Line Mitigation Plan may be submitted when allowed by the SMP. [1.f.ii]
 4. A new provision is added requiring a Common Line Mitigation Plan when the existing footprint is shifted landward. [1.f.iv]
- E. 17.50.255 Residential
1. Revisions clarify that both floating homes and floating on water residences, as well as overwater homes, are allowed to make improvements related to life safety and property rights provided any expansion is the minimum necessary. [B.1]
- F. 17.50.320 Docks, Floats, Buoys, Lifts, Etc.
1. Repair and replacement of overwater structures is revised, replacing the term “grandfathered” with “legal non-conforming” and clarifying this applies to docks, boat houses and other overwater structures. Replacement structures are restricted to the original footprint and size dimensions unless the reconfiguration meets current bulk dimensional standards and does not exceed the existing overwater coverage. [B.1.j.i]
 2. Revisions are made to clarify that any addition or “area of enlargement” to existing overwater structures must meet the standards for new construction. [B.1.j.ii]

3. A proposed revision alters the standards within a semi-enclosed water (i.e. bay, cove or stream channel) by allowing for a dock or unattached float to extend to the lesser of the allowed dock length or fifteen percent of the fetch. [B.2.e]
 4. Provisions for Piers, Ramps and Floats are relocated forward in the section and revised. [B.2.f.v-vii]
 - a. A requirement for piers to be at least 6' above the substrate is added, and a note about functional grating is rewritten for clarity. [B.2.f.v(b)]
 - b. Language is added clarifying the requirement for float stops on floats may be waived if approved by WDFW in a Hydraulic Approval. [B.2.f.vii(b)]
 - c. Provisions are rewritten to clarify allowances for attachments to the mainstem of a dock. [B.2.f.viii(a) and (b)]
- G. 17.50.340 Shoreline Stabilization
1. 'Capping', or raising the height of an existing bulkhead, is allowed as repair when consistent with certain criteria including height, provided the bulkhead is not widened. The allowed additional height is revised from one foot to two feet. [B.5.i.i]
- H. 17.50.400 Permits, Exemptions, and Appeals
1. A. General Requirements for all Uses and Development. Revisions are made to clarify the requirements for a meeting (with County staff) when a proposal requires shoreline permits or certain exemptions. [A.4]
 2. B. Development Exempt from the Substantial Development Requirements. Updates to the monetary thresholds are made for freshwater docks [B.1.h]. Projects with certification from the governor under RCW 80.50 is addressed in MCC 17.50.060.F and is deleted from the list of exemptions. [B.1.l].
 3. C. Shoreline Permits. A provision is added clarifying Substantial Development permits do not require a hearing but do require a notice of application. [C.2.a.iii]

Resource Ordinance (MCC Chapter 8.52)

- A. 8.52.070 – Inholding Lands. A minor edit removes unnecessary language. [(B)(3)]
- B. 8.52.110 – Wetlands. A new provision addresses how areas are documented as functionally isolated from the critical area. Buffer reductions are allowed if this is adequately demonstrated in a report by a qualified professional. [(2)(a)(iv)]
- C. Tables 8.52.110(D) and (E) are revised, updating low and moderate habitat point score ranges to reflect Ecology's 2018 revision to the 2014 Wetlands rating system. The low range of 3-4 is revised to 3-5 and the moderate range of 5-7 is revised to 6-7.
- D. 8.52.170 – Fish and Wildlife Habitat Conservation Areas.
 1. The allowed height for guard rails on decks within a setback is revised from 36" to the minimum required by building code. [8.52.170(E)(1)(b)]
 2. Minor revisions for clarity are made, deleting the term 'pond' [(E)(2)], replacing the term 'habitat biologist' with 'fish and wildlife professional' [(E)(3)(b)(iii)(b)], and revising 'shoreline beach access' to 'within shoreline jurisdiction' [(E)(4)(d)].
 3. A new provision is added to clarify that a Common Line Mitigation Plan is required when the footprint of certain existing developments is modified within the FWHCA or its buffer. [(E)(4)(j)(iii)]

4. Revisions clarify the need for a Common Line Mitigation Plan when the structural footprint is moved or the shape changes [(E)(4)(j)(iv)(c)(II) and (IV)]
 5. Clarification is added that a structure's footprint does not include decks on the waterward side of a residence. [(E)(4)(j)(iv)(d)]
 6. A correction is made clarifying upland stairs are located landward of the OHWM. [(E)(4)(k)]
 7. Revisions remove unnecessary language and clarify the need for a Habitat Management Plan if vegetation in the buffer will be removed. [(E)(4)(m)]
 8. The term habitat biologist is replaced with Fish and Wildlife professional. [(H)(3)(b)]
 9. The title is revised adding "and buffers" reflecting the intent of the subsection which addresses required mitigation for impacts to FWHCAs and buffers. [I]
- E. Appendix B to the Resource Ordinance – Mitigation Manual for Common Line Setbacks. A number of non-substantive revisions are made throughout the document for consistency with proposed revisions in the Resource Ordinance. Other revisions update terms, update referenced documents or are made for improved clarity.

Changes to the following two sections of the Resource Ordinance are noted here. However, neither section is part of the SMP.

- A. 8.52.210– Nonconforming Use. Revisions are made for clarity including addition of a provision that this section does not apply in shoreline jurisdiction¹.
- B. 8.52.220– Variances from Standards. Review standards are revised. This section does not apply in shoreline jurisdiction².

Related amendment

The County is also amending Title 15 MCC Development Code to establish a requirement for a shoreline meeting for any proposed development within shoreline jurisdiction³. The shoreline meeting process is informal and distinguished from a pre-application meeting. An unrelated and minor revision is made to the requirements for filing an appeal with the County.

Amendment History, Review Process

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. An important element of the public participation plan is the County's SMP Periodic Review project [website](#)⁴. The Planning Advisory Commission held three workshops in June, July and October 2020 to discuss the proposed SMP Periodic Review and the involvement of the public in the project. Due to the Covid-19 Pandemic, all meetings were held in a virtual format using Zoom.

¹ See 17.50.110.B.2.a.v(e) which notes section 8.52.210 does not apply in shoreline jurisdiction and is replaced with the provisions of the SMP in MCC 17.50.120.

² See 17.50.110.B.2.a.v(d). In shoreline jurisdiction, a Resource Ordinance variance is processed as a Shoreline Variance.

³ The need for a shoreline meeting is included in the SMP in 17.50.400.A.4. The amendment to Title 15 defines the term and establishes this in the County permit process.

⁴ <https://www.co.mason.wa.us/community-services/smp-update/index.php>

The County used Ecology's Periodic Review 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 County also 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 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 January, February, April and May 2021.

Somewhat late in the process, a request to revise the Shoreline Environment Designation (SED) from Conservancy to Rural along the shoreline of two large parcels was received by the County. This request added an additional month and an additional PAC workshop to the County process.

The record indicates the County completed a SEPA checklist and issued a Determination of Non-Significance (DNS) on May 13, 2021 for the proposed SMP amendment. Notice of the DNS was published May 13, 2021.

The County provided notice to local parties, including a statement that the hearing was intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii). The County's record indicates notice of the hearing was published on June 11, 2021 in *The Shelton-Mason County Journal*. Ecology distributed notice of the joint comment period to state interested parties on May 6, 2021. Separate notice, and an invitation to consult, was sent on May 6, 2021 to the Squaxin Island Tribe, Skokomish Indian Tribe, and the Port Gamble S' Klallam 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 May 13, 2021 and continued through June 14, 2021⁵. A joint public hearing before the Planning Commission was held virtually via Zoom on June 21, 2021 and extended to July 19, 2021. Ecology staff attended both meetings.

The County record includes all comments received over the course of the local process, including comments submitted before and during the 30-day public comment period as well as oral comments received at the hearing. Comments were received from nine organizations/individuals including the Washington Department of Fish and Wildlife (WDFW) and the Skokomish Indian Tribe. The comments address a number of topics including pier and dock standards, data gaps in the 2012 Shoreline Inventory and Characterization Report, the voluntary stewardship program, and required qualifications to prepare a Habitat Management Plan. Other concerns focused on the permitting of geoduck aquaculture, shoreline buffers, sea level rise and climate change, and the impacts of shoreline development.

⁵ The draft proposal released for public comment included a property-owner request to revise the SED from Conservancy to Rural for two large parcels along the eastern shoreline of Hammersley Inlet. The request to revise the SED was withdrawn by the proponents on June 15, 2021.

Revisions⁶ proposed by the County in response to comments include:

1. Functional isolation: A definition for “functionally isolated buffer areas” [17.50.020], and new language, requiring that the functional isolation be demonstrated, through a report from a qualified professional [17.50.110.B] are added.
2. Overwater structures/piers and docks: Clarification that installation and use of overwater structures must also comply with applicable regulations of other agencies, including WDFW, is added [17.50.320.B.1]. New standards are added for piers and docks addressing height above the substrate, pier orientation, and an allowance for the exclusion of float stops if approved by WDFW through a Hydraulic Approval [17.50.320.B.2.F].
3. Shoreline Stabilization – The proposed inclusion of docks as a primary structure, which could allow for new shoreline structural stabilization measures is removed. [17.50.340.B.2.a.iii]

Revisions made to MCC 8.52 Resource Ordinance include:

1. Voluntary Stewardship Program (VSP) – The omission of references to the VSP in the Resource Ordinance is corrected. [8.52.020, 8.52.030, 8.52.050.E, 8.52.170.F.9]
2. The term “qualified habitat biologist” is replaced with “qualified fish and wildlife professional” consistent with the definition already in the Resource Ordinance.
3. Appendix B – Mitigation Manual for Common Line Setbacks: Updates are made throughout, referencing current source documents and correcting errors.

These changes are included in the draft SMP amendment and Resource Ordinance submitted to Ecology for this Initial Determination.

The proposed SMP amendments were received by Ecology on July 14, 2021 for initial state review. Supplemental materials were received July 22, 2021. The submittal was verified as complete on July 28, 2021. This began Ecology’s review and initial determination.

Ecology consideration of comments

Ecology reviewed all the comments received during the joint review process along with the County’s responses.

Finding. 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 amendments are warranted at this time based upon the significance of this information and the existing SMP provisions⁷.

Additional discussion is provided on a number of the issues raised:

Geoduck aquaculture: Concerns around geoduck aquaculture and the SMP permit requirements, particularly the conversion of existing non-geoduck aquaculture sites to geoduck aquaculture were

⁶ Non-substantive changes, such as updates to departmental or organization names, and updates to specific document references are not explicitly identified here.

⁷ WAC 173-26-090(3)(b)(iii)

raised. Commenters asked for that these conversions require a Shoreline Conditional Use Permit consistent with the SMPs of nearby communities. In addition, commenters requested the County require subsequent cycles of planting and harvest be consistent with the requirements for a shoreline permit revision. No changes to the SMP are proposed.

Finding. Ecology finds the County has considered the comments related to geoduck aquaculture and concluded no changes are necessary. The County indicates aquaculture was the subject of much discussion during the Comprehensive SMP Update and deliberate choices were made about permitting geoduck aquaculture. Additionally, the County identified where the SMP addresses shoreline permit revisions. Ecology also finds that WAC 173-26-241(3)(b) requires a shoreline conditional use permit for new commercial geoduck aquaculture while leaving the permitting requirements, for conversion of existing non-geoduck aquaculture to geoduck aquaculture as well as replanting of aquaculture sites, to local government discretion.

Functional disconnection, shoreline buffers: Concerns were expressed about proposed language allowing for an automatic conclusion that vegetated areas on the upland side of public roads are functionally isolated. It was suggested that in areas where roadways are located within the 50-150 ft. saltwater shoreline buffers, the vegetation upland of the road may be even more important as a wildlife corridor and should be protected. A proposed change would clarify the need for a qualified professional to document the functional disconnection.

Finding: Ecology finds the County considered these comments and proposed revisions in the SMP which adequately address this concern.

Sea level rise and climate change: Commenters suggest it is time to more clearly address sea level rise and climate change in the SMP. Concerns were raised about the impacts of sea level rise on onsite septic systems, the potential for these systems to fail and the potential effects on public health and the shellfish industry. It was suggested sea level rise projections be considered when locating onsite systems. Other comments raised broader concerns related to climate change and sea level rise and impacts to the landscapes of the County as a whole. No changes to the SMP are proposed.

Finding. Ecology finds the County has considered the comments related to climate change and sea level rise and has declined to make any changes at this time. The County's response acknowledges concerns around this topic and anticipates addressing these issues pending additional guidance from Ecology.

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)].⁸

⁸ See SMP Handbook Appendix A <https://apps.ecology.wa.gov/publications/parts/1106010part19.pdf>

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.

Impacts of shoreline development: A broad set of comments were provided by the Skokomish Tribe raising concerns around the cumulative effects of continued development along shorelines, and within the watershed, which increase impervious surface coverage, affect water quantity, water quality and contribute to habitat loss including loss of shoreline buffers and vegetation. The proliferation of development leads to a proliferation of structures both upland and in water. Comments suggest this will lead to a permanent and unmitigated loss of habitat. Additionally, the cumulative effects of in/over water structures, including those related to aquaculture and mariculture can limit physical access of tribal members to Usual and Accustomed areas for tribal social and cultural activities, including shellfish harvesting and fin fish/salmon harvesting. Finally, the letter suggests the administrative and regulatory mechanisms (permits and exemptions) allow for permanent development with impacts which are not effectively mitigated. No changes to the SMP are proposed.

Finding. Ecology finds the County considered the comments and declined to make any changes to the SMP at this time. The County response noted that the Comprehensive SMP Update included the requirement to complete a cumulative impacts and no net loss analysis of the SMP which was approved by Ecology. The County also noted the requirement in the SMP to notify tribes during the permitting process.

Ecology staff reached out to staff from the Skokomish Tribe to discuss their comment letter. Ecology acknowledges the concerns expressed by the Skokomish Tribe, and recognizes a number of the issues exceed the limits of regulation by the Shoreline Master Program and the Shoreline Management Act in both geography and regulatory authority. As noted above, Ecology is actively engaged in work on climate change and sea level rise. In addition, 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.

Ecology also finds the County was required to show how their comprehensively updated shoreline master program will result in no net loss of ecological function when implemented over its planning horizon⁹. The County concluded, and Ecology agreed in its approval, that the 2017 County SMP met this standard.

Ecology also finds RCW 90.58.140(3) provides that local governments shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of shoreline permits. As currently established under the SMA, Mason County has no discretion to eliminate the issuance of shoreline exemptions, substantial development, conditional use and variance permits.

⁹ Mason County Cumulative Impacts Analysis (2017). This report assessed the cumulative impacts on shoreline ecological functions from “reasonably foreseeable future development” allowed by the SMP.

Ecology could not identify specific changes to the Shoreline Master Program to address these concerns but agrees that continued work is needed across a broad set of topics to address the issues.

Summary of Issues Identified by Ecology as Relevant to Its Decision

Ecology is required to review all SMPs to ensure consistency with the Shoreline Management Act (SMA) and implementing rules including WAC 173-26, State Master Program Approval/Amendment Procedures and Master Program Guidelines. WAC 173-26-186(11) specifies that Ecology “shall insure that the state’s interest in shorelines is protected, including compliance with the policy and provisions of RCW 90.58.020.”

Based on review of the proposed amendments to the SMP for consistency with applicable SMP Guidelines requirements and the Shoreline Management Act, and consideration of supporting materials in the record submitted by the County, the following issue remains relevant to Ecology’s decision on the proposed amendment to the County’s SMP.

Integration of Critical areas regulations

Ecology has identified one required change related to the inclusion of critical area regulations into the SMP by reference. As proposed, the SMP would adopt the Resource Ordinance, codified in MCC 8.52, as amended, into the SMP. Including other documents or regulations by reference requires identification of a specific, dated edition to ensure consistency with WAC 173-26-191(2)(b). The rule goes on to clarify: “If the development regulation is amended, the edition referenced within the master program will still be the operative regulation in the master program. Changing the referenced regulations in the master program to the new edition will require a master program amendment.”¹⁰

The following changes, in red, are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26):

- A. 17.50.110 Ecological Protection, Critical Areas, No Net Loss.
 - 2. Critical Areas
 - a. Applicability
 - i. Subject to exceptions listed below, the critical area provisions of the Mason County Resource Ordinance (MCC 8.52) adopted on August 3rd 1993 as Ordinance Number 77-93 and ~~last as amended thereafter~~ on M/DD/YYYY as Ordinance Number XX-XX are adopted by reference and shall apply within shoreline jurisdiction.

Finding. Ecology finds the County’s proposed SMP Amendment would remove the reference to a specific Ordinance and date, and adopt the Resource Ordinance as amended. WAC 173-26-191(2)(b) allows a jurisdiction to include other documents in an SMP by reference but requires identification of a specific, dated edition. If referenced regulations are amended, updating the referenced ordinance requires an SMP amendment. Ecology is required to review the referenced development regulations as part of the master program. For consistency with this requirement, a specific ordinance number and adoption date must be identified in the SMP. Because the County is concurrently revising the Resource Ordinance in the periodic review process, a placeholder inserted. Ecology finds the SMP is consistent

¹⁰ WAC 173-26-191(2)(b).

with WAC 173-26-221(2) Critical Areas and WAC 173-26-191(2)(b), subject to the required change identified above.

Other Studies or Analyses supporting the SMP amendment

Ecology also reviewed supporting documents prepared by the County in support of the SMP amendment. These documents include a public participation plan, a periodic review checklist incorporated into the County's Consistency Review Report, and County staff reports.

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).

Consistency with applicable guidelines (Chapter 173-26 WAC, Part III)

The proposed amendments 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).

Finding. Ecology finds the SMP is consistent with the policy of RCW 90.58.020, the approval criteria of RCW 90.58.090(3), (4) and (5) and the requirements of the applicable Shoreline Master Program Guidelines, WAC 173-26-171 through 251, and 173-26-020, subject to the required change identified above.

Ecology also finds the proposed revisions are consistent with the policies of the Shoreline Management Act and the SMP Guidelines, including WAC 173-26-241 Shoreline Uses. The SMP has established a system of use regulations, ensuring SMP provisions concerning development of property protect the public's health, safety and welfare, as well as the land and its vegetation and wildlife (WAC 173-26-241(2)(a)(ii)), giving preference to water-dependent uses and water-related uses, and defining uses and development that require shoreline conditional use permits. Ecology also finds the SMP Guidelines allow for discretion by local government when establishing the permit requirements for certain uses such as conversion of geoduck aquaculture (WAC 173-26-241(3)(b)(iv)).

Consistency with applicable shoreline permit administration provisions

The proposed amendments have been reviewed for compliance with the requirements of RCW 90.58.140 and WAC 173-27.

Finding. Ecology finds the proposed amendment is consistent with the policies of the Shoreline Management Act and the SMP Guidelines, including WAC 173-26-191(2)(a)(iii) Administrative provisions and WAC 173-27 Shoreline Management permit and enforcement procedures.

INITIAL DETERMINATION

The following constitutes Ecology's written statement of initial concurrence, consistent with WAC 173-26-104(3)(b)(ii):

After review by Ecology of the complete record submitted, Ecology has determined that the County's proposed periodic review amendment, subject to and including Ecology's required change (shown above), 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).

Next Steps

- Consider the change identified by Ecology in the Initial Determination. Please let me know if you would like to discuss alternative language or a different approach for this issue.
- If this issue is resolved prior to local adoption, we anticipate being able to approve your SMP Periodic Review amendment after formal submittal is provided consistent with WAC 173-26-110.

INITIAL DETERMINATION