WSR 26-18-088
PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Order 24-03—Filed September 2, 2026, 7:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-11-003.

Title of Rule and Other Identifying Information: Chapter 173-18 WAC, Shoreline Management Act—Streams and rivers constituting shorelines of the state; chapter 173-20 WAC, Shoreline Management Act—Lakes constituting shorelines of the state; chapter 173-22 WAC, Adoption of designations of shorelands and wetlands associated with shorelines of the state; chapter 173-26 WAC, State master program approval/amendment procedures and master program guidelines; and chapter 173-27 WAC, Shoreline management permit and enforcement procedures.

For more information on this rule making, visit https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-26-27-shoreline-management-act.

Hearing Location(s): On October 15, 2026, at 5:00 p.m., at Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98503. Open house starts at 5:00 p.m. Presentation starts at 6:00 p.m., followed by the hearing;

On October 19, 2026, at 5:00 p.m., at Anacortes Public Library, Community Meeting Room, 1220 10th Street, Anacortes, WA 98221. Open house starts at 5:00 p.m. Presentation starts at 6:00 p.m., followed by the hearing;

On October 22, 2026, at 5:00 p.m., via Zoom, register online and see instructions at https://waecy-wa-gov.zoom.us/meeting/register/1FtoygESouVMiZGq961Lw; or US Toll number 1-669-444-9171, Meeting ID 858 2687 7595, Passcode 688664. Or, to receive a free call back, provide your phone number when you join the event;

On October 28, 2026, at 5:00 p.m., at Yakima Valley College Kaminski Conference Center, 1704 West Nob Hill Boulevard, Building 38, Yakima, WA 98902. Open house starts at 5:00 p.m. Presentation starts at 6:00 p.m., followed by the hearing;

On October 29, 2026, at 5:00 p.m., at Spokane Shadle Park Library, Events Meeting Room, 2111 West Wellesley Avenue, Spokane, WA 99205. Open house starts at 5:00 p.m. Presentation starts at 6:00 p.m., followed by the hearing; and

On November 3, 2026, at 5:00 p.m., at Highline College, Building 8, Mt. Constance/Olympus Rooms, 2400 South 240th Street, Des Moines, WA 98198. Open house starts at 5:00 p.m. Presentation starts at 6:00 p.m., followed by the hearing.

Date of Intended Adoption: March 1, 2027.

Submit Written Comments to: Rebecca Rothwell, Department of Ecology (Ecology), Shorelands and Environmental Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600; or parcel delivery to Department of Ecology, Shorelands and Environmental Assistance Program, 300 Desmond Drive S.E., Lacey, WA 98503, email shorelinerulemaking@ecy.wa.gov, web https://ecology.commentinput.com/?id=4e3Etx2WUb, beginning September 2, 2026, 12:00 a.m., by November 17, 2026, 11:59 p.m.

Assistance for Persons with Disabilities: Contact Rebecca Rothwell, phone 360-810-0025, TTY 877-833-6341, Washington relay service 711, email rebecca.rothwell@ecy.wa.gov, by October 6, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Ecology is proposing amendments to the

rules that implement the provisions of the Shoreline Management Act (SMA). The proposed amendments address the following key issues:

- Revised requirements for protecting shoreline areas that frequently flood, are at risk from erosion, and provide important habitat for fish and wildlife.
- Revised requirements for shoreline stabilization emphasizing nature-based approaches instead of hard armor structures such as bulkheads.
- Clarification of requirements for shoreline permitting, compliance processes, and enforcement authorities.
- New requirements cities and counties must follow when they periodically update their shoreline master programs (SMP).
- Revised vegetation conservation standards and other requirements to protect shoreline ecosystems.
- New requirement for local governments to address the impact of sea level rise and increased storm severity in their SMPs.

New provisions establishing the state and public interest in the optimal management of specific shorelines as required by SMA and requirement for documentation.

Reasons Supporting Proposal: RCW 90.58.060 requires ecology to periodically review and adopt guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100 for: (a) Development of master programs for regulation of the uses of shorelines; and (b) development of master programs for regulation of the uses of shorelines of statewide significance.

RCW 90.58.630 requires ecology to update its SMP guidelines to require SMPs to address the impact of sea level rise and increased storm severity on people, property, shoreline natural resources, and the environment.

Statutory Authority for Adoption: RCW 90.58.060 Review and adoption of guidelines—Public hearings, notice of—Amendments.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Ecology will conduct an environmental justice assessment in accordance with RCW 70A.02.060 as a part of this rule making.

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Misty Blair, Shoreline, Washington, 425-765-4691; Implementation and Enforcement: Rebecca Rothwell, Lacey, Washington, 360-810-0025.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Rebecca Rothwell, Department of Ecology, Shorelands and Environmental Assistance Program, P.O. Box 57600, Olympia, WA 98504-7600, phone 360-870-9951, TTY 711, web Ecology.wa.gov/ADA for more accessibility information, email rebecca.rothwell@ecy.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to vio-

lation by a nongovernment party; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute.

Scope of exemption for rule proposal:

Is partially exempt:

Explanation of partial exemptions: The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Ecology baselines are typically complex, consisting of multiple requirements fully or partially specified by existing rules, statutes, or federal laws. Where the proposed rule differs from this baseline of existing requirements, it is typically subject to (i.e., not exempt from) analysis required under the Regulatory Fairness Act (RFA; chapter 19.85 RCW) based on meeting criteria referenced in RCW 19.85.025(3) as defined by the Administrative Procedure Act in RCW 34.05.310. The small business economic impact statement (SBEIS) below includes a summary of the baseline for this rule making, and whether or how the proposed rule differs from the baseline.

The proposed rule does impose more-than-minor costs on businesses.

SBEIS

This SBEIS presents the:

- Compliance requirements of the proposed rule.
- Results of the analysis of relative compliance cost burden.
- Consideration of lost sales or revenue.
- Cost-mitigating action taken by ecology, if required.
- Small business and local government consultation.
- Industries likely impacted by the proposed rule.
- Expected net impact on jobs statewide.

A small business is defined by RFA as having 50 or fewer employees. Estimated costs are determined as compared to the existing regulatory environment; the regulations in the absence of the rule. The SBEIS only considers costs to "businesses in an industry" in Washington state. **This means that impacts, for this document, are not evaluated for government agencies.**

The existing regulatory environment is called the "baseline" in this document. It includes only existing laws and rules at federal and state levels.

This information is excerpted from ecology's complete set of regulatory analyses for this rule making. For complete discussion of the likely costs, benefits, minimum compliance burden, and relative burden on small businesses, see the associated regulatory analyses document (ecology publication no. XX-XX-XXX, August 2026).

COMPLIANCE REQUIREMENTS OF THE PROPOSED RULE, INCLUDING PROFESSIONAL SERVICES:

2.2 Baseline: The baseline for our analysis generally consists of existing laws and rules. This is what allows us to make a consistent comparison between the state of the world with and without the proposed rule amendments. We summarize these rules and laws by chapter below, then compare and contrast sections and subsections in greater detail relevant to rule amendments in Section 2.3.

It is frequently the case that proposed amendments to WAC are made to make it consistent with passed legislation. Changes of this type are considered to be dictated by statute and are not subject to a cost-benefit analysis of ecology's actions.

For this rule making, the baseline includes:

- Chapter 90.58 RCW, Shoreline Management Act of 1971;
- Chapter 36.70A RCW, Growth management—Planning by selected counties and cities;
- Chapter 173-18 WAC, Streams and rivers constituting shorelines of the state;
- Chapter 173-20 WAC, Lakes constituting shorelines of the state;
- Chapter 173-22 WAC, Adoption of designations of shorelands and wetlands associated with shorelines of the state;
- Chapter 173-26 WAC, State master program approval/amendment procedures and master program guidelines; and
- Chapter 173-27 WAC, Shoreline management permit and enforcement procedures.

2.2.1 Shoreline Management Act of 1971: In RCW 90.58.020, the legislature finds that Washington's shorelines are valuable, fragile, and under increasing pressure from additional and sometimes competing uses. Because much shoreline property is privately owned, and unrestricted construction is not in the public interest, the statute emphasizes the need for coordinated planning by federal, state, and local governments. Coordination is essential to prevent harm in an "uncoordinated and piecemeal development" of the state's shorelines. The statute further requires ecology and local governments to give preference to uses in the following order:

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long-term over short-term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shorelines;
6. Increase recreational opportunities for the public in the shoreline; and
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary (master program contents).

The goals of the act, taken together, ensure that shoreline development decisions work toward long-term public benefit, ecological protection, and public access, while avoiding fragmented, piecemeal development that could contribute to shoreline degradation. RCW 90.58.030 (2)(d) allows local governments to include lands necessary for buffer for critical areas that occur within shoreline of the state. In other words, an SMP can extend shoreline jurisdiction to include additional area beyond the minimum 200 feet from the ordinary high-water mark as needed to protect critical areas and the shoreline ecological functions they provide.

To administer and meet the goals of the act, local governments must develop and periodically amend their master programs for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines (rules) adopted by ecology. Under SMA, there is a periodic review required for all SMPs every 10 years.

2.3 Proposed rule amendments: The proposed rule amendments would:

- Establish requirements for addressing the impact of sea level rise and increased storm severity, as required by RCW 90.58.630.

- Require that critical area protections within shorelines of the state be developed under SMA rules. Incorporating protections from other planning documents by reference would no longer be permitted.
- Differentiate between shoreline modifications to address erosion versus flooding and establish new requirements for stabilization, emphasizing nature-based solutions.
- Make revisions adding and clarifying requirements for better overall compliance with SMA and local SMPs.
- Consolidate, clarify, and amend principles and standards that were previously found throughout WAC to meet objectives of SMA, including no net loss of shoreline function and public access.
- Establish a new requirement that local governments review and evaluate SMP implementation and document how SMP continues to optimize the policies of SMA for shorelines of statewide significance, considering the state and public interest, at each periodic review.
- Clarify the process, scope, and minimum requirements for periodic reviews and locally initiated amendments to SMPs.
- Clarify statutory options for extending shorelands, in addition to updating the lists of shoreline waterbodies.

2.3.1 Establish requirements for addressing the impact of sea level rise and increased storm severity, as required by RCW 90.58.630.

Baseline: RCW 90.58.630 reads in its entirety: "The department [of ecology] shall update its shoreline master program guidelines to require shoreline master programs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment." This addition is within and part of the broader goals of SMA, and should be taken together as maintaining and ensuring that the goals of the act are met (see Section 2.2.1) in the face of sea level rise and increased storm severity.

During SMP development or the amendment process, local governments must to the extent feasible use natural and social sciences, consult with expert agencies, conduct further research, and employ modern scientific and computer methods for data analysis (RCW 90.58.100). Although SMA does not specifically mention shifts in shoreline jurisdiction due to sea level rise, it does identify that the OHWM is located "as it may naturally change" (RCW 90.58.030 (2)(c)).

The state's master program guidelines (chapter 173-26 WAC) do not call out sea level rise in detail. However, the rule has long guided shoreline regulation dynamically by requiring the use of scientific and technical information in conjunction with 100-year floodplains, floodways, and future erosion. For example:

- WAC 173-26-201 (2)(a) states that local governments shall identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern, and base master program provisions on an analysis of science and technical information.
- WAC 173-26-221 (3)(b) states that over the long term, the most effective means of flood hazard reduction is to prevent or remove development in flood-prone areas, and further that "Development in flood plains should not significantly or cumulatively increase flood hazard" (WAC 173-26-221 (3)(c)(i)). Flood plain is synonymous with a 100-year flood plain (WAC 173-26-020(19)).

- WAC 173-26-231 (2)(iii)(A) reads: "New development should be located and designed to avoid the need for future shoreline stabilization to the extent feasible. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas should not be allowed."

Citing existing law and rule, ecology's Handbook Appendix A, "Addressing Sea Level Rise in Shoreline Master Programs," states that local governments may respond to new sea level rise projections or local data by updating shoreline jurisdiction maps. In some cases, this may call for adjustments to environment designations, policies, or regulations. Some local governments have already incorporated sea level rise considerations into their SMPs.

Proposed: The proposed amendments, predominantly contained within proposed new WAC 173-26-246, include the explicit inclusion of sea level rise regulations intended to meet the recent legislative directive. To meet minimum requirements of the proposed chapter, ecology, under WAC 173-26-246(6), will provide spatially explicit information about four hazards, to the extent that information is reasonably available:

1. Tidal inundation;
2. Coastal storm flooding;
3. Groundwater and saltwater intrusion; and
4. Coastal erosion.

Under three sea level rise scenarios:

1. Current conditions without projected sea level rise;
2. The intermediate amount of relative sea level rise approximately 30 years in the future; and
3. The intermediate amount of relative sea level rise approximately 70 years or more in the future.

Ecology will also provide an inventory of available information describing shoreline features and assets exposed to hazard scenarios including, but not limited to, land uses and zoning, critical areas, habitat, facilities related to water quality and treatment, public access, water-dependent uses, transportation infrastructure, and cultural sites.

The local government is required to produce conclusions from these data about where new development and redevelopment should be located and regulated to avoid losses to ecological function and meet other goals of the act (WAC 173-26-246(7)). The rule proposes minimum master program requirements for this purpose under WAC 173-26-246 (9)(c). Here, focusing on key restrictions or new requirements, the master program will:

- Prohibit new primary structures in areas projected to transition to aquatic environment conditions under the long-term sea level rise scenario (except for water-dependent, recreation, or public access use).
- Prohibit redevelopment, replacement, or expansion of existing primary structures in areas projected to transition to aquatic environment conditions under the long-term sea level rise scenario (except for water-dependent, recreation, or public access use).

- Exclude developable area from plats and subdivisions that overlap areas exposed to sea level rise hazards and ensure services and access can be provided for the life of the development that would occur when subdivision is proposed.
- Prohibit most new development and redevelopment that would require new or expanded on-site sewage systems in areas projected to be exposed to sea level rise hazards (except for water dependent or public access use).
- Prohibit new development for storage, processing, and handling of materials that could adversely affect soil or water quality in areas projected to be exposed to sea level rise hazards, or require containment and protection to prevent releases.
- Specify additional submittal requirements for projects proposed in areas exposed to sea level rise hazards.

Expected Impact: Sixty-five local government jurisdictions would be subject to the sea level rise requirements. As discussed in Section 2.2.4, the legislature intends to cover the costs to local governments associated with developing and amending shoreline master programs under the baseline (RCW 90.58.250 and 90.58.080). Because of this assumption, we do not consider in this analysis increased costs to local governments for SMP updates to address sea level rise that result from this rule making.

Because some jurisdictions have already adopted sea level rise regulations and planning into their SMPs based on existing rules and guidance, our expectation is that some adaptation to sea level rise would continue in the absence of the rule, albeit selective and piecemeal. This would not assure the goals and objectives of the statute. In this way, a core impact, and benefit of these amendments, is to ensure SMA is upheld, including the avoidance of piecemeal development of the shoreline.

Predicting the full extent of impacts (cost and benefits) of the proposed rule is not possible because of data limitations and local discretion when implementing the rule. As of this writing, ecology's technical assistance and geospatial data infrastructure is still in development to estimate areas projected to transition to aquatic environment or subject to sea level rise hazards. It is also not possible to know for certain the locations and rates of future development that would occur with and without the proposed rule.

What follows is a qualitative discussion of potential incremental impacts of the rule based on general economic theory and literature. In Section 3 and 4 of the regulatory analysis, we apply historical permitting data, secondary data from Climate Central and Zillow on risk and infrastructure, and various wiliness to pay studies on shoreline functioning to estimate possible ranges of values.

Discussion of costs: Because the minimum requirements of the rule apply specifically to future development, it does not generate any direct costs to existing property, infrastructure, transportation, utilities etc. Any sea level rise adaptation actions undertaken for existing property, structures, or infrastructure would be at the discretion of property owners and would be subject to updated SMP requirements. In other words, the new rule does not apply retroactively to existing development and does not require adaptation actions to be undertaken unless additional development is proposed.

When development is proposed under updated SMPs adopted pursuant to the new rules, there will be several requirements and restrictions

that could reasonably translate to a private cost to individuals and firms.

At the project level, these may include:

- **Alternative project siting and/or land acquisition costs.** When all or part of a parcel or subdivision is projected to transition to an aquatic environment, the allowed locations for development or redevelopment would shift landward, or to an alternative parcel. Alternative locations could be more costly to prepare for development relative to a site under baseline, as would any new property acquisition.
- **Design and construction cost.** In developable but newly designated as sea level rise exposed areas, new cost to future development might include higher foundations and first floors, the use of flood resistant materials, and utility relocation. There may also be new costs from on-site sewage system (septic) location and design studies, alternative systems, off-site and higher-elevation siting, or new land acquisition when siting is not feasible.
- **New permit costs** related to hazard exposure documentation, adaptive design details, and other professional service costs associated with compliance demonstrations in a sea level rise exposed area.

Because the rule applies only to future development and redevelopment, there would be no immediate or direct costs to existing uses. That is, existing development would not be required to move or augment structures, construct flood hazard reduction or stabilization, or resubmit permit applications or fees for their continued use. However, indirectly, market values for existing property and supporting structures in the shoreline jurisdiction may be impacted. Shifts in value related to shoreline risk and land use regulation would likely occur heterogeneously over space, and in potentially opposing directions; the net effect of which is unknown in the context of the proposed rule amendment.

For example, values may decrease in areas exposed to sea level rise hazards to reflect new limits on development and the present values of future costs of redevelopment. Others may be unaffected if risk was locally known and already incorporated into siting and design elements.

Reducing uncertainty around risk could increase value for some. Ecology data and local government analysis required by the rule would provide new information about existing development and developable land that is projected to be unimpacted by sea level rise hazards during its lifetime. Simultaneously, restricting the supply of developable waterfront could also lead to existing and allowed new development to become more valuable. Finally, there is evidence that cohesive shoreline policies can increase the value for both directly impacted waterfront properties, and properties in nearby neighborhoods or "behind" affected shoreline property by providing assurance that alterations in the face of sea level rise will be appropriate and uniform.

2.3.2 Require that critical area protections within shorelines of the state be developed under SMA rules. Incorporating protections from other planning documents by reference would no longer be permitted.

Baseline: Critical areas (by statute) "… include the following areas and ecosystems: (a) Wetlands; (b) Areas with a critical recharging effect on aquifers used for potable water; (c) Fish and wildlife habitat conservation areas; (d) Frequently flooded areas; and (e) Geologically hazardous areas."

Regarding shoreline critical areas, current statute specifies the primacy of the SMA over other comprehensive planning statutes like the Growth Management Act. Added in 2010, RCW 90.58.610, referencing the Growth Management Act, reads in its entirety:

"RCW 36.70A.480 governs the relationship between shoreline master programs and development regulations to protect critical areas that are adopted under chapter 36.70A RCW."

In turn, RCW 36.70A.480 says: "… The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this [general growth management] chapter for the adoption of a comprehensive plan or development regulations."

Chapter 36.70A RCW is entitled: "Growth management—Planning by selected counties and cities."

Current WAC 173-26-191 Master program contents, reads in part: "For the purposes of completeness and consistency, local governments may include other locally adopted policies and regulations within their master programs … Shoreline master programs may include other policies and regulations by referencing a specific, dated edition."

Proposed: The proposed amendments would ensure the statute referenced above is followed by not allowing critical areas protections from other land-use management plans to be adopted into SMPs by reference. As noted above, current WAC 173-26-191 (2)(b) explicitly allows other policies and regulations to be adopted by reference, including those pertaining to critical areas.

Additionally, frequently flooded area regulations aimed at adhering to national flood insurance program standards could no longer be adopted by reference.

The proposed amendments would also incorporate and expound upon statutory language regarding critical areas, revising standards to better address both hazard reduction and ecological protection. Subsections describing critical area types that were missing from rule would be added, specifically: Frequently flooded areas, fish and wildlife habitat conservation areas, and critical aquifer recharge areas. Also, language updating the wetland and geologically hazardous areas sections would be added. Also proposed is a subsection describing establishment of optional compound critical area designations for channel migration zones and sea level rise zones, where several hazards and ecological considerations are present.

Expected Impact: We estimate neither costs nor benefits to the regulated community from this change due to this proposed change.

2.3.3 Differentiate between shoreline modifications to address erosion versus flooding and establish new requirements for stabilization, emphasizing nature-based solutions.

Baseline: WAC 173-26-231 (3)(a)(ii) details that shoreline hardening leads to adverse impacts to shoreline ecological functions, and distinguishes "hard" structural stabilization as those with solid, hard surfaces, such as concrete bulkheads. The existing rule describes "soft" stabilization as measures that rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement. Hard to soft stabilization options are presented as a range under the current rule, with soft being required when possible.

Generally, under WAC 173-26-231 (4)(c)(iv)(D), hard armoring solutions should not be authorized except when a geotechnical report confirms that there is a significant possibility a primary structure will be damaged within three years as a result of shoreline erosion. Where

the need is not as immediate, the report may still be used to justify soft measures. Shoreline modifications should not result in a net loss of ecological functions (WAC 173-26-231(2)).

Flood hazard reduction projects are authorized if it is determined (through a geotechnical analysis) that no other alternative to reduce flood hazard to existing development is feasible. New structural flood hazard reduction measures shall be placed landward of the associated wetlands (WAC 173-26-221 (3)(c)(iii)).

Proposed: The proposed amendments to WAC 173-26-231 effectively remove the use of "soft" when referring to stabilization options and instead emphasizes "nature-based" solutions. While many soft stabilization options listed in the baseline rule could qualify as a nature-based solution, that determination in the proposed rule would be location- and context-specific. This is because nature-based solutions, defined in WAC 173-26-231 (4)(a)(iii), are intended to function dynamically with natural shoreline processes to reduce erosion, accommodate sediment transport, and allow controlled shoreline movement, rather than fixing the shoreline in a static position. In this way, and as opposed to a range from soft to hard in the baseline rule, static elements, like riprap rock, concrete, steel, or other hard stabilization, shall not be considered nature-based stabilization, even if vegetation or other natural elements are incorporated as secondary features.

As with soft stabilization in the baseline rule, nature-based solutions should be prioritized over other types of interventions. However, where nature-based solutions are an option, projects must demonstrate how they are aligned with local shoreline processes in their geotechnical reports along with other demonstrations that any new, expanded, or replacement stabilization will not result in net loss of shoreline ecological functioning (WAC 173-26-231 (2)(d) and (g)).

The proposed rule amendments make explicit that stabilization is not an appropriate solution to mitigate the impacts of flooding (WAC 173-26-231 (4)(b)(ix)), and adds that in coastal areas, flood hazard reduction measures should be placed as far landward from the shoreline as feasible to avoid interference with shoreline ecological functions and processes (WAC 173-26-231 (5)(ii)(v)).

Expected Impact: Science and understanding of shoreline dynamics, stabilization, and flood control measures has evolved in ways that require new definitions, like nature-based stabilization, and clarity on how to effectively apply them. While a geotechnical report is required under the baseline for both shoreline stabilization and new structural flood hazard reduction measures, properly evaluating whether and which nature-based solutions will address erosion or flooding is expected to require a more detailed analysis. This would likely increase the average unit cost of the analysis and would apply to all applicants ranging from private landowners to local governments and utilities.

The proposed requirements may also result in a different method of stabilization or flood control than would have been implemented under the current rule. It remains unclear, however, whether alternatives under the rule, if different from baseline equivalents, would come at a consistently higher or lower cost. Note, however, that any nature-based stabilization, selected and constructed in lieu of hard alternatives because of the rule, could help avoid mitigation costs required to achieve no net loss.

We would not expect that placing flood reduction measures "as far landward as practical" to [would] consistently impose new costs on individuals or hamper risk reduction. The amendment could impact the

perceived aesthetic qualities of some properties compared to baseline or limit some personal access to the shoreline.

2.3.4 Make revisions adding and clarifying requirements for better overall compliance with SMA and SMPs.

See the preliminary regulatory analysis for the baseline and proposed rule descriptions for this section.

Expected Impact: Currently, along with submission of data regarding permit issuances, some data regarding exemptions is submitted to ecology. That data does not always indicate the reason for the exemption and, depending on the local jurisdiction, may include exemption letters not required due to a federal permit being needed.

The proposed rule will require local jurisdictions to transmit exemption letters to ecology for all exemptions. This will constitute an ongoing cost increase for local jurisdictions. We expect the benefit of improved knowledge on ongoing shoreline development, allowing better adherence to the broad and diverse goals of SMA.

The cost of more detailed vegetation information on site plans along with descriptions of planned mitigation efforts will likewise add some cost for applicants and reviewers.

2.3.5 Consolidate, clarify, and amend principles and standards that were previously found throughout WAC to meet objectives of SMA, including no net loss of shoreline function and public access.

See the preliminary regulatory analysis for the baseline and proposed rule descriptions for this section.

Expected Impact: We first note that there is no direct impact from the proposed WAC 173-26-206, as its contents are taken from existing language in various other sections of the existing rule without material change.

Several amendments determined to impose new planning requirements are expected to generate minimal to no costs for the purposes of this analysis and in some cases incremental benefits. Other proposed amendments, determined to represent new regulatory requirements, will likely generate a higher rate of both cost and benefits.

Water quality: Restricting stormwater outfalls could generate costs for future subdivision by requiring on-site treatment or tie-in alternatives. However, these would only apply to a narrow set of subdivisions otherwise requiring outfalls, in locations where the community does not have a stormwater manual in place, or where under a manual, outfalls are the only feasible option.

Shoreline buffers: Under the proposed rule, requirements to restore or expand degraded buffers that would otherwise not have been considered in the baseline may impose new costs on some future development. Cost impacts are not limited to any use category and data describing buffer degradation and the location of future development is limited.

- ***Critical areas.*** Critical areas provisions incorporated by reference into SMPs may have included allowances for vegetation removal or developments within critical areas and buffers that are not consistent with the no net loss of shoreline ecological function principle. Under the proposed rule, all critical area provisions will need to follow the procedures and standards of SMA, as required by RCW 36.70A.480 and 90.58.610. Of note:
  - ***Floodplains.*** Floodplain ecological protection and flood hazard reduction provisions are now consolidated under the frequently flooded area section in WAC 173-26-221. Flood hazard

reduction modification provisions were relocated to WAC 173-26-231.

The definition of the 100-year flood plain is already in WAC 173-26-020 and RCW 90.58.030; however, the rule explicitly decouples flood hazard reduction provisions from links to other state and federal regulation. The proposed amendment does not in and of itself generate impacts beyond ensuring that flood regulations elsewhere in the rule are contained in WAC and applied consistently across the shoreline jurisdiction.

Wetlands: The proposed amendment is providing clarity to ensure the wetland regulations are implemented with a stricter line, without changing authority. In this way, the amendment would likely reduce variability in the issuance of variances at minimal cost beyond the intended interpretation of the baseline.

- ***Vegetation conservation.*** Future shoreland development proposed beyond existing buffers, but inside the shoreline jurisdiction, might face new costs compared to the existing rule in the form of tree retention, replacement, or compensation, among other potential actions. The extent of impact on a project would depend on the chosen landscape and the interaction between its vegetation and the riparian ecosystem. Some future projects may choose to sort into less sensitive ecosystems, or outside of shoreline jurisdiction altogether to avoid mitigation and compensation costs, but trade off some amenity value from proximity to the shoreline.
- ***Public access.*** Maintaining public access for the life of a project, when access is required by law, is practically implied under the baseline and has limited impact for the purposes of this analysis beyond the benefit of added enforceability.

The proposed amendment would likely reduce variability in public parking access at minimal cost to project proponents.

The proposed rule requiring signage about public access, not otherwise strictly in rule, could impose new costs to future non-water oriented commercial or industrial projects, and multiunit developments through the purchase and installation of signage.

2.3.6 Establish a new requirement that local governments review and evaluate SMP implementation and document how the SMP continues to optimize the policies of SMA for shorelines of statewide significance, considering the state and public interest, at each periodic review.

See the preliminary regulatory analysis for the baseline and proposed rule descriptions for this section.

Expected Impact: We estimate neither costs nor benefits of these provisions in addition to or separately from the overall costs estimated for the sea level rise requirements described in 3.2.1.

2.3.7 Clarify the process, scope, and minimum requirements for periodic reviews and locally initiated amendments to SMPs.

See the preliminary regulatory analysis for the baseline and proposed rule descriptions for this section.

Expected Impact: We expect the proposed amendments to add some cost to the periodic review, which is when SMPs are statutorily required to be reviewed and, if necessary, updated.

We expect the state grants mandated to cover the cost of the SMP updates will do so. For this reason, we estimate no additional cost for local jurisdictions from this aspect of the proposed rule.

We expect the benefit of improved regulatory clarity would make the update process go more smoothly with less need for ongoing consultation with ecology.

We expect the added data collection and project tracking process to allow for more thorough evaluation of SMP effectiveness and greater confidence that the objectives of SMA are realized.

Regarding locally tailored provisions addressing nonconforming developments, we expect a variation in policies among the local jurisdictions.

2.3.8 Clarify statutory options for extending shorelands, in addition to updating the lists of shoreline waterbodies.

Baseline: WAC 173-18-040(3) states that rivers constituting shorelines of the state listed in rule are in effect until superseded by an approved SMP. Similarly, WAC 173-18-044 states that master programs shall contain a list of streams constituting shorelines of the state within the jurisdiction of the master program; and goes on to establish that when approved, supersede the list contained under WAC 173-18-050 through 173-18-430.

Likewise, WAC 173-20-040 states that (lake) listings in WAC 173-20-050 through 173-20-810 are in effect until superseded by an approved SMP. Similarly, WAC 173-20-044 states that master programs shall include a list of lakes constituting shorelines of the state within the jurisdiction of the master program; and goes on to establish that when approved, supersede the list contained under WAC 173-20-050 through 173-20-810.

RCW 90.58.020 provides that shorelines of the state may change over time based on authorized or permitted alterations and changes resulting from natural processes, and shall be revised when circumstances warrant.

Additionally, RCW 90.58.030 states that buffers for critical areas may be designated as shorelands and regulated under SMA: "Any city or county may also include in its master program land necessary for buffers for critical areas …"

Proposed: The proposed amendments to WAC 173-18-044 and 173-20-044 state that each local government shall review the list contained within its master program as part of each subsequent master program periodic review to ensure that the list remains current and accurate over time. This review and subsequent confirmation of streams, rivers, and lakes, and streams, rivers, and lakes of statewide significance shall be submitted to ecology along with updated geospatial mapping information for integration into ecology's public facing shoreline mapping resources.

Streams and rivers listed in WAC 173-18-050 through 173-18-430 for Chelan, Clallam, Cowlitz, Ferry, Franklin, Grays Harbor, King, Lincoln, Mason, Pacific, Pierce, San Juan, Skamania, Snohomish, Spokane, Stevens, Walla Walla, Whatcom, and Whitman counties were deleted from WAC. Lakes listed in WAC 173-20-050 through 173-20-810 for Chelan, Clallam, Cowlitz, Ferry, Franklin, Grays Harbor, King, Lincoln, Mason, Pacific, Pierce, San Juan, Skamania, Snohomish, Spokane, Stevens, Walla Walla, Whatcom, and Whitman counties were deleted from WAC. Deletions were made because these counties and all the cities and towns within them have completed their SMP comprehensive updates, as stated and references in WAC, as amended.

Additionally, the proposed rule in chapter 173-22 WAC would reiterate and elaborate on language currently in statute, which allows local jurisdictions to add buffers for critical areas and flood plains to their designated shorelands.

Expected Impact: The proposed amendments to WAC 173-18-044 and 173-20-044 are nearly identical and clarify that revising shorelines of the state "when circumstances warrant," as stated in statute, is to also mean "as part of each subsequent master program periodic review." Considering that WAC 173-18-044 and 173-20-044 already require lists to be maintained in a master program, this proposed amendment has little impact beyond baseline requirements, as would removing shorelines listed in WAC 173-18-050 through 173-18-430 and 173-20-050 through 173-20-810 by amendment.

Maintaining geospatial mapping information associated with shorelines should be common practice for most local and county government levels. However, requiring it as part of the master program update is not explicitly required under baseline, and for some select few, may represent added cost. Receiving shoreline data geospatial formats will also benefit the public through representation in ecology's shoreline mapping resources.

We estimate no impact from added language reiterating statute regarding critical area buffers, aside from perhaps greater clarity for local jurisdictions. This may reduce their need to consult ecology when considering such designations.

COSTS OF COMPLIANCE: EQUIPMENT: Compliance with the proposed rule, compared to the baseline, is not likely to impose additional costs of equipment.

COSTS OF COMPLIANCE: SUPPLIES: Compliance with the proposed rule, compared to the baseline, will likely impose additional costs of supplies. These are incorporated within the professional services section below.

COSTS OF COMPLIANCE: LABOR: Compliance with the proposed rule, compared to the baseline, will likely impose additional costs of labor for vegetation conservation. These costs are included within estimates for professional services.

COSTS OF COMPLIANCE: PROFESSIONAL SERVICES:

3.2.1: … Future development rates and uses identified in the preliminary regulatory analysis as potentially subject to sea level rise hazards could face some or all of the following costs categories because of the proposed amendments (reprinted from Chapter 2):

- **Alternative project siting and/or land acquisition costs.** When all or part of a parcel or subdivision is projected to transition to an aquatic environment, the allowed locations for development or redevelopment would shift landward, or to an alternative parcel. Alternative locations could be more costly to prepare for development relative to a site under baseline, as would any new property acquisition.
- **Design and construction costs.** In developable but newly designated as a sea level rise-exposed areas, new costs to future development might include higher foundations and first floors, the use of flood resistant materials, and utility relocation. There may also be new costs from on-site sewage system (septic) location and design studies, alternative systems, off-site and higher-elevation siting, or new land acquisition when siting is not feasible.
- **New permit costs** related to hazard exposure documentation, adaptive design details, and other professional service costs associated with compliance demonstrations in a sea level rise-exposed area.

New costs associated with these actions would vary widely on a case-by-case basis and by use. For example, residential projects that

go forward at the average value of $0.88 million per project (per Zillow data) might experience an average cost increase of five to 20 percent in order to comply. This is an assumption for the purposes of calculating potential cost increases and is not an actual estimate of project cost increases attributable to specific rule requirements. Based on this assumption, the cost increase per project, adjusted 33 percent for inflation to 2026, would be $58,520 to $234,080. About 35 residences per year are being built in areas projected to be flooded. We obtain this by averaging across the area affected under the medium emissions scenario and the high emissions scenario by 2100, resulting in an annual estimated additional cost of $2.0 million to $8.2 million.

The potential cost of compliance to future multifamily development could be higher than that of single family uses, given a generally larger size, footprint, and supporting infrastructure (e.g., larger or multiple on-site septic systems, parking lots, and pathways). Here we assume that, on average, cost might double that of the single family range, or $117,040 to $468,160, per future impacted development. Applied to the rate of residential multifamily expansion or redevelopment permits in Table 2 identified to fall into a potential hazard zone (two annually), our estimated costs for this component would be $0.23 million to $0.94 million per year.

We assume that costs to future impacted development for commercial and industrial use would, on average, be closer to those assumed for residential multifamily. Multiplying by the rate of industrial and commercial development in Table 4 identified to fall into a potential hazard zone (four annually), our estimated cost for this component would be $0.468 million to $1.87 million per year.

We do not attempt to quantify the cost of this proposed amendment to potential development in boating and recreational uses or those in the "other" category subjected to hazard areas. That is because they will more likely than not be exempt based on their use or take on a very wide range of possible impacts associated with the proposed development.

3.2.3 Differentiate between shoreline modifications to address erosion versus flooding and establish new requirements for stabilization, emphasizing nature-based solutions.

New requirements of geotechnical analyses again include properly evaluating whether and which nature-based solutions will address erosion or flooding; and are expected to require a more detailed analysis of alternatives and ecological suitability.

This would likely increase the average unit cost of the analysis and apply to all applicants ranging from private landowners, businesses, and local governments.

To prepare a geotechnical study in advance of a stabilization application under the current rule, we assume an average of 40 hours would be required by a mid-level environmental engineer at base rate of $60.32/hr. After applying 20 percent overhead to the base wage, we estimate the average cost of the baseline technical report to be $2,895. We assume that investigating additional alternatives, more in-depth ecological suitability, and other components could increase this effort between 50% and 100% of baseline, or by an additional $1,448 to $2,895. Based on an average rate of 26 new stabilization applications observed in the permit data (see Table 6) per year, we estimate that the total additional annual cost from the proposed amendments could range from $37,648 to $75,270.

3.2.6: The cost of more detailed vegetation information on site plans, along with descriptions of planned mitigation efforts, will likewise add some cost for applicants and reviewers. We estimate four additional hours for a project currently needing to submit site plans as part of its permit requirement. Using the wage rate cited above for an environmental planner, the added site plan requirement would add an estimated $202 per project. Using the average number of permits annually for projects from Table 2, we estimate 324 projects would annually fall under this proposed revision: 324 x $202 = $65,318. This estimate does not account for exempted projects, which may fall under this requirement. Absent data to be required by the proposed rule, we don't have a credible estimate of the number of these projects that would fall under this requirement.

The most likely costs from amendments in this section are born from regulatory requirements associated with vegetation conservation and, to a lesser degree, public access (see discussion in Section 2.3.5).

The proposed rule would require three trees be planted for each one removed. For a project that may need to mitigate vegetation removal by planting three trees, we estimate that cost at $1,970 to $2,387 per project, using Tacoma area wages. These costs would scale by the number of trees required to be planted. The National Oceanic and Atmospheric Administration reported lower planting costs in 2020, $13 to $288 per tree, but also considered maintenance costs of $15 to $81 per tree, presumably per year. Considering this range of cost estimates per tree, and assuming an average project removing between one and four trees mitigated at the 3:1 planting ratio, we estimate the cost range of this aspect of the proposed rule to be $1,250 to $9,600 per project.

Using the summed annual average value of 1,000 for development activity from the tables in Section 3.1.1, plus assumed exempted development as discussed in Section 4.2.1 below, we obtain a cost range of $1.25 million to $9.6 million per year for the proposed vegetation conservation requirement.

The proposed amendments strengthen enforceability of public access requirements and are expected to add minimal costs. Facility parking spaces near shoreline access must be made available to the public and signage must indicate this. This must be maintained for the life of the development. We expect some costs associated with planning future facilities and signage to accommodate this access. We do not attempt a quantitative estimate, expecting it to be an unusual circumstance where an entity would have to build out more facility parking to accommodate this requirement.

Restricting stormwater outfalls could generate costs for future subdivision by requiring on-site treatment or tie-in alternatives. However, these would only apply to a narrow set of subdivisions otherwise requiring outfalls, in locations where the community does not have a stormwater manual in place, or where under a manual, outfalls are the only feasible option. After reviewing permit data, we determined that permit applications for subdividing land with outfalls in the shoreland jurisdictions occur roughly once per year on average. While we acknowledge some incremental costs from the proposed amendment are possible over time, we do not attempt to quantify these directly, given the limited frequency of historical occurrence, and uncertainty about cost differentials between outfalls and other stormwater solutions.

COSTS OF COMPLIANCE: ADMINISTRATIVE COSTS: Where applicable, ecology estimates administrative costs (overhead) as part of the cost of labor and professional services, above.

COMPARISON OF COMPLIANCE COST FOR SMALL VERSUS LARGE BUSINESSES: A portion of future development subject to rule amendments would be completed by individuals and local governments. However, some businesses, including small businesses, could also be affected in the future across two general categories. The first are the businesses themselves located or proposed to be located in the shoreline area. These might range from restaurants to office buildings, industrial facilities, and warehouses. The second are general contractors, subcontractors, landscapers, engineers, and other industries supporting the construction, expansion, or redevelopment of any development potentially affected by the rule.

As with other components of this analysis, our ability to describe impacts is limited by not knowing what will be developed in the future and by whom. To provide an illustration, however, we again leverage available data on current shoreline development and assume similar annual average by use and types would persist into the future. We hand coded organization names in the data that appeared to be a business, rather than a private individual or government entity.

Based on this exercise, we found that among 350 permits received annually on average across all uses and development types, 41, or roughly 13 percent, were listed as business organizations. However, quality within the field used to identify business is inconsistent. It was not always clear whether applicants had populated this information with the business being developed or a company or companies performing work, both, or neither (e.g., providing individual names despite work being performed on or by a company). Regardless of the project owner, it is likely that all substantial shoreline projects are primarily performed by contracted labor rather than by individuals, even if it is an individual listed as the applicant.

We also attempted to obtain information about business sizes (e.g., employment, sales) by cross referencing the proprietary business database Dunn and Bradstreet. This exercise returned an only small fraction of employment information for known commercial entities due to poor match quality with organization names in our development data. Given the litany of data limitations, we do not attempt to describe employment counts for the largest 10 percent of businesses impacted, nor the average employee count for firms with less than 50 employees.

While some cost associated with the rule amendments might scale with the size (and footprint) of a business, it is reasonable to expect that the largest firms involved in shoreline development would face disproportionately lower per-employee cost impacts than the smallest firms. This could be due to larger firms employing more individuals by area or being more likely to have ongoing non-shoreline projects to distribute the cost impacts across at the highest owner operator level.

We conclude that the proposed rule amendments are likely to have disproportionate impacts on small businesses, and therefore ecology must include elements in the proposed rule amendments to mitigate this disproportion, as far as is legal and feasible.

MITIGATION OF DISPROPORTIONATE IMPACT: RFA states that: "Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small busi-

nesses. The agency must consider, without limitation, each of the following methods of reducing the impact of the proposed rule on small businesses:

(a) Reducing, modifying, or eliminating substantive regulatory requirements;

(b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;

(c) Reducing the frequency of inspections;

(d) Delaying compliance timetables;

(e) Reducing or modifying fine schedules for noncompliance; or

(f) Any other mitigation techniques including those suggested by small businesses or small business advocates."

We considered all of the above options, and the goals and objectives of the authorizing statutes (see Chapter 6). We limited compliance cost-reduction methods to those that:

- Are legal and feasible.
- Meet the goals and objectives of the authorizing statute.

The substantive regulatory requirements, for example, planning for sea level rise, were not relaxed as that would not have met the goals and objectives of the statute. Likewise, reporting and recordkeeping are critical in meeting the statutory requirements. The benefits of options chosen to lessen the rule's impact would fall mostly on local jurisdictions. The option of not having five-year check-ins would be an example of this.

Finally, we included the following elements in the proposed rule amendments to reduce costs to small businesses.

DISCUSSION OF MITIGATION ACTIONS: Mitigation actions were aimed at local jurisdictions that the proposed rule would directly impact. It is unclear whether these mitigative actions would filter down to small businesses. These actions were:

- Not requiring check-ins with ecology on SMP implementation every five years; see Section 6.3.1.
- Not requiring local governments to update restoration plans and public access plans as part of this periodic review process; see Section 6.3.3.

Some additional mitigation actions are likely more relevant to small businesses. We added greater specificity around the requirements for shoreline armoring and nature-based solutions projects, and as described above, are providing the minimum necessary data to inform local sea level rise planning. These two changes may provide greater consistency for small businesses operating across multiple jurisdictions, which may reduce their operating costs. In addition, small businesses that support water-dependent and water-oriented uses continue to be fostered and supported by the rules; this is unchanged by the rule proposal.

SMALL BUSINESS AND LOCAL GOVERNMENT CONSULTATION: We involved the general public, local governments, and other interested parties in development of the proposed rule amendments. Opportunities for the general public were open to and may have included small business representatives. These efforts are summarized in the table below.

Table 1: Summary of outreach efforts in development of the proposed rule.

Audience	Approximate Count	Description
General Public	35	Webinars, presentations, listening sessions, requested meetings, virtual open houses
Local Government	18	Sounding board meetings, presentations, requested meetings
Tribes and Tribal Organizations	21	Listening sessions, informational meetings, requested meetings
Overburdened Communities	6	Listening session, virtual open houses
State Agencies	45	Meetings, coordination calls
All Interested Parties	16	GovDelivery quarterly update newsletters and additional bulletins

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODES OF INDUSTRIES IMPACTED BY THE PROPOSED RULE: The proposed rule amendments likely impacts the following industries, with associated NAICS codes. NAICS definitions and industry hierarchies are discussed at https://www.census.gov/naics/.

Business associated with construction or expansion of shoreline development (contracted labor):

- 236115 New Single-Family Housing Construction (except For-Sale Builders)
- 562991 Septic Tank and Related Services, septic tank cleaning services
- 561730 Landscaping Services, landscape care and maintenance services
- 541360 Geophysical Surveying and Mapping Services, mapping services, geophysical

Businesses with a shoreline location, most likely those featuring water dependent or oriented uses:

- 72 Accommodation and Food Service
- 71 Arts, Entertainment, and Recreation
- 44-45 Retail Trade
- 53 Real Estate and Rental and Leasing

CONSIDERATION OF LOST SALES OR REVENUE, IMPACT ON JOBS: Businesses that would incur costs could experience reduced sales or revenues if the proposed rule amendments significantly affect the prices of the goods they sell. The degree to which this could happen is strongly related to each business's production and pricing model (whether additional lump-sum costs would significantly affect marginal costs), as well as the specific attributes of the markets in which they sell goods, including the degree of influence each firm has on market prices, as well as the relative responsiveness of market demand to price changes. Finally, overall shifts in economic activity in the state, including competition within markets and attributes of the labor market, simultaneously adjust in response to changes in compliance costs.

Similarly, employment within directly impacted industries, other industries in Washington, the labor market within and outside of the state, and in the state as a whole will also adjust in response to a change in costs.

The direct impacts of the proposed amendments would fall on local jurisdictions when they conduct the next scheduled periodic review of their SMPs. The requirements imposed on property owners and contractors, the costs of which we estimated in Chapter 3, would vary by local implementation requirements. These costs may filter through the

broader economy. However, the relatively small size of the estimated costs in this analysis, and the uncertainty associated with their distribution, combined with the variation expected in local requirements, prevent us from attempting an overall economic impact analysis. (The estimated annual costs constitute around 0.001 percent of the state's estimated 2025 gross domestic product (GDP) (per United States Bureau of Economic Analysis, Washington's GDP in 2025 was $895 billion).)

A copy of the statement may be obtained by contacting Rebecca Rothwell, Department of Ecology, Shorelands and Environmental Assistance Program, P.O. Box 57600, Olympia, WA 98504-7600, phone 360-810-0025, TTY 711, web Ecology.wa.gov/ADA for more accessibility information, email rebecca.rothwell@ecy.wa.gov.

September 2, 2026
Heather R. Bartlett
Deputy Director

RDS-7306.2

AMENDATORY SECTION (Amending Order DE 72-13, filed 6/30/72)

WAC 173-18-010 Purpose. The department of ecology, pursuant to RCW 90.58.300, is designated the state agency responsible for the program of regulation of the shorelines of the state. This chapter delimits the streams and rivers and portions thereof ((~~which~~)) that constitute shorelines of the state pursuant to RCW 90.58.030 (2)(d) ((~~and~~)), (e), and (f).

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-18-040 Streams and rivers. The following provisions of this chapter delimit the streams and rivers ((~~which~~)) that constitute shorelines of the state as follows:

(1) Streams ((~~which~~)) that constitute shorelines.

(a) Western Washington. Streams in Western Washington from the point at which the stream reaches a mean annual flow of ((~~twenty~~)) 20 cubic feet per second down to the mouth of said stream or river: Provided, that the stream falls at said point, within the jurisdiction of chapter 90.58 RCW.

(b) Eastern Washington. Streams in Eastern Washington from the point at which the stream reaches a mean annual flow of ((~~twenty~~)) 20 cubic feet per second down to the mouth of said stream or river: Provided, that the stream falls at said point, within the jurisdiction of chapter 90.58 RCW.

(2) Rivers ((~~which~~)) that constitute shorelines of statewide significance.

(a) Western Washington. Any rivers west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at ((~~one thousand~~)) 1,000 cubic feet per second or more. Provi-

ded, that the river falls at said point within the jurisdiction of chapter 90.58 RCW.

(b) Eastern Washington. Either of the following points on rivers in Eastern Washington, whichever is farther upstream((~~,~~)):

(i) The point at which the mean annual flow exceeds ((~~two hundred~~)) 200 cubic feet per second; or

(ii) The lowest extremity of the first ((~~three hundred~~)) 300 square miles of drainage area east of the crest of the Cascade Range; provided that either of said points ((~~which~~)) that is utilized is within the jurisdiction of chapter 90.58 RCW.

(3) Until superseded as provided in WAC 173-18-044, rivers constituting shorelines of the state are listed in WAC 173-18-050 through 173-18-430. Other data related to these lists.

(a) Wherever a river of statewide significance falls within a county, it is followed by an asterisk.

(b) The following provisions set forth the name of the quadrangle maps where the stream or river is shown. The quadrangle in which the shoreline delimitation begins and the first quadrangle downstream from the county line is underlined. The quadrangle in which the shoreline of statewide significance begins is followed by an asterisk. The size, in minutes, of all quadrangle maps is designated.

(c) Where quadrangle maps are unavailable, photomaps have been used as indicated.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-18-044 Review and update of designations. Each local government master program shall include a list of streams and rivers constituting shorelines of the state within the jurisdiction of the master program that complies with the requirements of RCW 90.58.030(2). Shorelines of the state are all shorelines and shorelines of statewide significance. When ((~~such~~)) a comprehensive master program update is approved by the department((~~, subsequent to the effective date of this provision~~)), the list within the master program shall be the official list for that jurisdiction and shall supersede the list contained herein.

RCW 90.58.020 provides that shorelines of the state may change over time based on authorized or permitted alterations and changes resulting from natural processes. "Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW."

Therefore, each local government shall review the list contained within its master program as part of each subsequent master program periodic review to ensure that those lists remain current and accurate over time. This review and subsequent confirmation of streams and rivers constituting the shorelines of the state shall be submitted to ecology along with updated geospatial data sufficient for identifying

these waters on the state hydrology dataset. Data must adhere to department requirements for the submittal of geospatial data. This mapping information will be integrated into the department's statewide public facing shoreline mapping resources.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-18-050 Adams County. Streams and rivers and portions thereof ((~~which~~)) that constitute shorelines of the state within Adams County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-060 Asotin County. ((~~Streams~~

~~Stream Name~~	~~Quadrangle Name and Size~~	~~Legal Description~~
~~(1) Asotin Creek (S. Fork)~~	~~Harlow Ridge 7 1/2 Potter Hill 7 1/2~~	~~From the confluence of the South Fork Asotin Creek and the Alder Gulch Stream (Sec.34, T9N, R44E) downstream to mouth at Asotin Creek (Sec.10, same township).~~
~~(2) Asotin Creek*~~	~~Potter Hill 7 1/2 Rock Pile Creek 7 1/2 Asotin 71/2~~	~~From the confluence of North and South Forks of Asotin Creek (Sec.10, T9N, R44E) downstream to mouth on Snake River near Asotin (Sec.16, T10N, R46E). This stream has a 300 square mile drainage area ending at mouth of George Creek (Sec.24, T10N, R45E).~~
~~(3) Asotin Creek (N. Fork)~~	~~Harlow Ridge 7 1/2 Potter Hill 7 1/2~~	~~From the Umatilla National Forest boundary (Sec.19, T9N, R44E) downstream to mouth at Asotin Creek (Sec.10, same township).~~
~~(4) George Creek~~	~~Asotin 7 1/2~~	~~From the confluence of George Creek and Pintler Creek (Sec.36, T10N, R45E) downstream to mouth at Asotin Creek (Sec.24, same township).~~
~~(5) Grand Ronde River*~~	~~Mountain View 7 1/2 Fields Spring 7 1/2 Black Butte 7 1/2 Flora 7 1/2~~	~~From the Washington-Oregon boundary (Sec.14, T6N, R43E) downstream to mouth at Snake River and Washington - Idaho boundary line (Sec.13, T7N, R46E). This stream has over 300 square miles of drainage area.~~
~~(6) Joseph Creek~~	~~Black Butte 7 1/2~~	~~From the Oregon-Washington state line (Sec.18, T6N, R46E) downstream to its mouth at Grande Ronde River (Sec.26, T7N, R46E).~~

Stream Name		Quadrangle Name and Size	Legal Description
(7)	Snake River*	Jim Creek Butte 7 1/2 Limekiln Rapids 7 1/2 Captain John Rapids 7 1/2 Lewiston Orchards S. 7 1/2 Asotin 7 1/2 Clarkston 7 1/2 Silcott 7 1/2	From Washington - Oregon boundary (Sec.16, T6N, R47E) downstream to Garfield County line (Sec.6, T11N, R45E), left bank only. This stream has both over 300 square miles of drainage area and over 200 cfs MAF at Washington-Oregon boundary.))

Streams and rivers and portions thereof that constitute shorelines of the state within Asotin County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-18-070 Benton County. Streams and rivers and portions thereof ((which)) that constitute shorelines of the state within Benton County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending WSR 80-08-052, filed 6/30/80)

WAC 173-18-080 Chelan County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Chelan River*	Wenatchee (AMS)* 1:250,000 Manson 7 1/2 Winesap 7 1/2 Cooper Ridge 7 1/2 Chelan 7 1/2 Chelan Falls 7 1/2	From the Lake Chelan Dam (Sec.13, T27N, R22E) downstream to Chelan Falls at mouth at Columbia River (Sec.29, T27N, R23E). The 200 cfs MAF point begins at the dam.
(2)	Chiwawa River*	Holden 15 Wenatchee Lake 15 Plain*7 1/2	From Wenatchee National Forest boundary (NW1/4 Sec.27, T30N, R16E) downstream to mouth at Wenatchee River, (Sec.1, T26N, R17E) (excluding federal lands). The 200 cfs MAF point begins at (SW1/4, NE1/4 Sec.20, T28N, R17E).
(3)	Columbia River (Cont.)*	Wells Dam 7 1/2 Wenatchee 7 1/2 Rock Island 7 1/2 Malaga 7 1/2 Rock Island Dam 7 1/2	From the Okanogan County line on the Columbia River (Sec.6, T28N, R24E) downstream along the Douglas/Chelan County line to Kittitas County (Sec.5, T20N, R22E). The flow exceeds 200 cfs MAF at Okanogan-Chelan County line.

Stream Name		Quadrangle Name and Size	Legal Description
(4)	Entiat River*	Brief* 7 1/2 Tyee MTN 7 1/2 Baldy MTN 7 1/2 Ardenvoir 7 1/2 Entiat 7 1/2	From the Wenatchee National Forest boundary (Sec.29, T28N, R19E) downstream (excluding all federal properties) to mouth at the Columbia River (Sec.17, T25N, R21E). The 200 cfs MAF point begins at Wenatchee National Forest boundary.
(5)	Icicle Creek*	Chiwaukum Mts. 15 Leavenworth 15	From the Wenatchee National Forest boundary (west section line) (Sec.5, T24N, R16E) downstream to mouth at Wenatchee River (Sec.13, T24N, R17E) (excluding federal land). The flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.
(6)	Little Wenatchee River*	Wenatchee Lake* 15	From confluence with Soda Creek (Sec.10, T27N, R15E) downstream to mouth on Wenatchee Lake (Sec.23, T27N, R16E). Exclude federal lands. The 200 cfs point begins at confluence with Soda Creek.
(7)	Mad River	Tyee Mtn. 7 1/2 Ardenvoir 7 1/2 Chumstick Mtn. 7 1/2	From the Wenatchee National Forest boundary (Sec.13, T26N, R19E) downstream to mouth at Entiat River (Sec.19, T26N, R20E). Exclude federal lands.
(8)	Mission Creek	Monitor 7 1/2 Cashmere 7 1/2	From the confluence of Mission Creek and Bear Gulch (Sec.31, T23N, R19E) downstream to mouth at Wenatchee River (Sec.4, T23N, R19E).
(9)	Napeequa River	Wenatchee Lake 15	From confluence of Twin Lakes Cr. and Napeequa River (Sec.17, T28N, R16E) downstream to mouth at White River (Sec.18, same township).
(10)	Nason Creek*	Labyrinth Mtn.* 7 1/2 Wenatchee Lake 15 Plain 7 1/2	From west section line (Sec.5, T26N, R15E) downstream to mouth at Wenatchee River (Sec.28, T27N, R17E). Exclude federal lands. The 200 cfs MAF point is at confluence with Roaring Creek (Sec.11, T26N, R16E).
(11)	Peshastin Creek	Liberty 15 Leavenworth 15	From the Wenatchee National Forest boundary (Sec.25, T23N, R17E) downstream (excluding all federal lands) to mouth at Wenatchee River (Sec.22, T24N, R18E).
(12)	Stehekin River*	McGregor Mtn. 7 1/2 Stehekin 7 1/2	From the North Cascades National Park boundary (Sec.11, T33N, R16E) downstream, excluding federal lands, to mouth on Lake Chelan (Sec.36, T33N, R17E). The 200 cfs MAF point begins at National Park boundary.

Stream Name		Quadrangle Name and Size	Legal Description
(13)	Wenatchee River*	Plain* 7 1/2 Leavenworth 15 Monitor 7 1/2 Wenatchee 7 1/2 Cashmere 7 1/2	From the outlet on Wenatchee Lake (Sec.28, T27N, R17E) downstream (excluding all federal lands) to the mouth at the Columbia River (Sec.27, T23N, R20E). The 200 cfs MAF point begins at gauging station (Sec.28, T27N, R17E).
(14)	White River*	Wenatchee Lake* 15	From Wenatchee National Forest boundary (Sec.18, T28N, R16E) downstream to mouth at Wenatchee Lake (Sec.14, T27N, R16E). Exclude federal land. The 200 cfs MAF point is at gauging station (Sec.5, T27N, R16E).
(15)	Railroad Creek	Holden 15 Lucerne 15	From Wenatchee National Forest boundary (Sec.7, T31N, R17E) downstream, excluding federal lands, to mouth at Lake Chelan (Sec.10, T31N, R18E).
(16)	Twenty-five Mile Creek	Stormy Mtn. 7 1/2	From south section line (Sec.36, T29N, R20E) downstream to mouth at Lake Chelan (Sec.19, T29N, R21E).
(17)	Phelps Creek	Holden 15	From NE1/4 of SW1/4 (Sec.10, T30N, R16E) downstream to mouth Chiwawa River (Sec.27, same township). Exclude federal lands.
(18)	White-pine Creek	Wenatchee Lake 15	From south section line (Sec.11, T26N, R15E) downstream to mouth at Nason Creek (Sec.1, same township). Exclude federal lands.
(19)	Chiwaukum Creek	Chiwaukum Mts. 15 Leavenworth 15	From confluence with South Fork Chiwaukum (Sec.34, T26N, R16E) downstream to mouth at Wenatchee River (Sec.9, T25N, R17E). Exclude federal lands.
(20)	Chiwaukum Creek (S. Fork)	Chiwaukum Mts. 15	From confluence with Painter Creek (Sec.3, T25N, R16E) downstream to mouth at Chiwaukum Creek (Sec.34, T26N, R16E). Exclude federal lands.
(21)	Eightmile Creek	Chiwaukum Mts. 15	From the west section line (Sec.25, T24N, R16E) downstream to Icicle Cr. (Sec.19, T24N, R17E). Exclude federal lands.
(22)	Ingalls Creek	Mount Stuart 15 Liberty 15	From west section line (Sec.31, T23N, R17E) downstream to mouth at Peshastin Creek (Sec.25, T23N, R17E). Exclude federal lands.))

Streams and rivers and portions thereof that constitute shorelines of the state within Chelan County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending WSR 90-06-068, filed 3/6/90, effective 4/6/90)

WAC 173-18-090 Clallam County. ((~~Streams~~

~~Stream Name~~		~~Quadrangle Name and Size~~	~~Legal Description~~
~~(1)~~	~~Big River~~	~~Lake Pleasant 15~~	~~From the confluence of Big River and unnamed creek (Sec.16, T31N, R14W) downstream to mouth on Lake Ozette (Sec.10, T30N, R15W).~~
~~(2)~~	~~Bear Creek~~	~~Forks 15~~	~~From the confluence of Bear Creek and unnamed creek (Sec.24, T28N, R13W) downstream to mouth at Bogachiel River (Sec.35, T28N, R13W).~~
~~(3)~~	~~Bear Creek~~	~~Pysht 15~~	~~From the Olympic National Forest boundary (Sec.25, T30N, R12W) downstream to mouth at Soleduck River (Sec.27, same township).~~
~~(4)~~	~~Beaver Creek~~	~~Lake Pleasant 15~~	~~From the Olympic National Forest boundary (Sec.20, T30N, R12W) downstream to mouth at Soleduck River (Sec.30, T30N, R12W).~~
~~(5)~~	~~Bockman Creek~~	~~Lake Pleasant 15~~	~~From the Olympic National Forest boundary (Sec.1, T29N, R13W) downstream to mouth at Soleduck River (same section).~~
~~(6)~~	~~Bogachiel River (Cont.)*~~	~~Reade Hill 7 1/2 Forks 7 1/2 Quillayute Prairie 7 1/2~~	~~From the Jefferson County line (Sec.35, T28N, R13W) downstream to mouth at Quillayute River (Sec.20, T28N, R14W). The flow exceeds 1,000 cfs MAF at Jefferson County line.~~
~~(7)~~	~~Calawah River*~~	~~Forks* 15~~	~~From confluence of North and South Forks of Calawah River (Sec.35, T29N, R13W) downstream to mouth at Bogachiel River (Sec.13, T28N, R14W). The 1,000 cfs MAF point begins at confluence of North and South Forks.~~
~~(8)~~	~~Calawah River (S. Fork)~~	~~Forks 15~~	~~From the Olympic National Forest boundary (Sec.1, T28N, R13W) downstream to mouth at Calawah River (Sec.35, T29N, R13W).~~
~~(9)~~	~~Calawah River (N. Fork)~~	~~Pysht 15 Lake Pleasant 15 Forks 15~~	~~From the North section line (Sec.15, T29N, R11W) to mouth at Calawah River (Sec.35, T29N, R13W). Exclude federal lands.~~
~~(10)~~	~~Clallam River~~	~~Lake Pleasant 15 Pysht 15 Clallam Bay 15~~	~~From the confluence of Clallam River and unnamed creek (Sec.12, T31N, R13W) downstream to mouth at Clallam Bay (Sec.20, T32N, R12W).~~
~~(11)~~	~~Colby Creek~~	~~La Push 15~~	~~From the intersection of private road and Colby Creek (Sec.8, T28N, R14W) downstream to mouth at Dickey River (Sec.6, T28N, R14W).~~

Stream Name		Quadrangle Name and Size	Legal Description
(12)	Coal Creek	La Push 15	From the confluence of Coal Creek and unnamed creek (Sec.1, T28N, R15W) downstream to mouth at Dickey River (Sec.12, same township).
(13)	Crooked Creek	Ozette Lake 15	From the confluence of the North Fork and the South Fork (Sec.19, T30N, R14W) downstream to mouth at Ozette Lake (Sec.15, T30N, R15W).
(14)	Dickey River	La Push 15	From the confluence of East and West Forks of Dickey River (Sec.30, T29N, R14W) downstream to Olympic National Park boundary (Sec.22, T28N, R15W).
(15)	Dickey River (W. Fork)	La Push 15 Ozette Lake 15	From the outlet of Lake Dickey (Sec.16, T30N, R14W) downstream to mouth at Dickey River (Sec.30, T29N, R14W).
(16)	Dickey River (E. Fork)	Lake Pleasant 15 Ozette Lake 15	From the confluence of the East Fork Dickey River and unnamed creek (Sec.19, T30N, R13W) downstream to mouth at Dickey River (Sec.30, T29N, R14W).
(17)	Dickey River (M. Fork)	Lake Pleasant 15	From the confluence of the Middle Fork Dickey River and unnamed creek (Sec.14, T30N, R14W) downstream to mouth at West Fork Dickey River (Sec.21, same township).
(18)	Deep Creek	Pysht 15	From the Olympic National Forest boundary (Sec.36, T31N, R11W) downstream to mouth at Strait of Juan de Fuca (Sec.20, T31N, R10W).
(19)	Dungeness River	Tyler Peak 15 Carlsborg 7 1/2 Dungeness 7 1/2	From the Olympic National Forest boundary (Sec.24, T29N, R4W) downstream to mouth at Dungeness Bay (Sec.25, T31N, R4W).
(20)	East Twin River	Lake Crescent 15	From the confluence of East Twin River and unnamed creek at Olympic National Forest boundary (Sec.36, T31N, R10W) downstream to mouth at Strait of Juan de Fuca (Sec.23, same township).
(21)	Elk Creek	Forks 15	From a point approximately 1000' west of the Olympic National Forest boundary (Sec.12, T28N, R13W) downstream to mouth at Calawah River (Sec.3, same township).
(22)	Elwha River*	Joyce* 15	From the center of (Sec.28, T30N,R7W) downstream to mouth at Freshwater Bay (Sec.27, T31N, R7W). The 1,000 cfs MAF point begins at center of (Sec.28, T30N, R7W).
(23)	Herman Creek	Lake Pleasant 15	From the confluence of North Branch Herman Creek and Herman Creek (Sec.28, T31N, R13W) downstream to mouth at Hoko River (Sec.30, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(24)	Hoko River	Lake Pleasant 15 Clallam Bay 15	From the confluence of Hoko River and unnamed creek (Sec.16, T30N, R13W) downstream to mouth at Strait of Juan de Fuca (Sec.10, T32N, R13W).
(25)	Indian Creek	Joyce 15	From the confluence of Indian Creek and unnamed creek (Sec.23, T30N, R8W) downstream to mouth at Lake Aldwell (Sec.28, T30N, R7W).
(26)	Little Hoko River	Lake Pleasant 15 Clallam Bay 15	From the confluence of Little Hoko River and Lamb Creek (Sec.3, T31N, R13W) downstream to mouth at Hoko River (Sec.22, T32N, R13W).
(27)	Little River (S. Br.)	Joyce 15	From the Olympic National Forest boundary (Sec.25, T30N, R7W) downstream to mouth at Elwha River (Sec. 28, same township). Excluding federal lands.
(28)	Lyre River	Lake Crescent 15	From the Olympic National Forest boundary (Sec.10, T30N, R9W) downstream to mouth at Strait of Juan de Fuca (Sec.22, T31N, R9W).
(29)	Maxfield Creek	Forks 15	From the confluence of Maxfield Creek and South Fork Maxfield Creek (Sec.27, T28N, R14W) downstream to mouth at Bogachiel River (Sec.28, same township).
(30)	McDonald Creek	Carlsborg 7 1/2 Dungeness 7 1/2	From the confluence of McDonald Creek and unnamed creek (Sec.6, T29N, R4W) downstream to mouth at Strait of Juan de Fuca (Sec.5,T30N,R4W).
(31)	Murphy Creek	La Push 15	From the confluence of Murphy Creek and unnamed creek (Sec.33, T28N, R14W) downstream to mouth at Bogachiel River (Sec.29, same township).
(32)	Pilchuck Creek	Ozette Lake 15	From a point (SW1/4 of NE1/4 Sec.33, T32N, R15W) downstream to mouth at Sooes River (Sec.28, same township).
(33)	Morse Park	Morse Creek 7 1/2	From Olympic National Park boundary (Sec.8, T29N, R5W) downstream to mouth at Port Angeles Harbor (Sec.5, T30N, R5W).
(34)	Ponds Creek	Lake Pleasant 15	From the confluence of Ponds Creek and unnamed creek on the south section line (Sec.34, T31N, R14W) downstream to mouth at Dickey Lake (Sec.9, T30N, R14W).
(35)	Pysht River	Pysht 15	From the Olympic National Forest boundary (Sec.34, T31N, R12W) downstream to mouth at Strait of Juan de Fuca near Pysht (Sec.9, T31N, R11W).

Stream Name		Quadrangle Name and Size	Legal Description
(36)	Pysht River (S. Fk.)	Pysht 15	From the confluence of the South Fork Pysht River and Middle Creek (Sec.28, T31N, R11W) downstream to mouth at Pysht River (Sec.13, T31N, R12W).
(37)	Quillayute River*	La Push* 15	From confluence of Soleduck and Bogachiel rivers (Sec.20, T28N, R14W) downstream to Olympic National Park boundary (Sec.24, T28N, R15W). The 1,000 cfs MAF point begins at confluence of Soleduck River and Bogachiel River.
(38)	Salt Creek	Joyce 15	From the confluence of Salt Creek and unnamed creek (SE1/4, SE1/4 of Sec.34, T31N, R8W) downstream to mouth at Crescent Bay on Strait of Juan de Fuca (Sec.21, same township).
(39)	Sekiu River (S. Fk.)	Lake Pleasant 15	From the confluence of the South Fork Sekiu River and unnamed creek (Sec.26, T32N, R14W) downstream to mouth at Sekiu River (Sec.15, same township).
(40)	Sekiu River (N. Fk.)	Cape Flattery 15	From the confluence of North Fork Sekiu River and unnamed creek (Sec.7, T32N, R14W) downstream to mouth at Sekiu River (Sec. 15, same township).
(41)	Sekiu River	Clallam Bay 15	From confluence of North and South Forks of Sekiu River (Sec.15, T32N, R14W) downstream to mouth on Strait of Juan de Fuca (Sec.8, T32N, R13W).
(42)	Shuwah Creek	Lake Pleasant 15	From the confluence of Shuwah Creek and unnamed creek (NW1/4 SW1/4 of Sec.15, T29N, R13W) downstream to mouth at Soleduck River (Sec.22, same township).
(43)	Skunk Creek	Lake Pleasant 15	From the confluence of Skunk Creek and unnamed creek (Sec.29, T30N, R13W) downstream to mouth at the Dickey River (Sec.31, T39N, R13W).
(44)	Snag Creek	Ozette Lake 15	From the confluence of Snag Creek and unnamed creek (Sec.6, T31N, R14W) downstream to mouth at Sooes River (Sec.30, T32N, R14W).
(45)	Soleduck River*	Pysht 15 Lake Pleasant* 15 Forks 15 La Push 15	From the Olympic National Forest boundary (Sec.35, T30N, R10W) downstream to mouth at Quillayute River (Sec.20, T28N, R14W). The 1,000 cfs MAF point begins at mouth of Bockman Creek (Sec.1, T29N, R13W). Excludes federal lands.
(46)	Sooes River	Ozette Lake 15 Cape Flattery 15	From the confluence of Snag Creek and Sooes River (Sec.30, T32N, R14W) downstream to Indian Reservation boundary (Sec.16, T32N, R15W).

Stream Name		Quadrangle Name and Size	Legal Description
(47)	Thunder Creek	Lake Pleasant 15	From the confluence of Thunder Creek and unnamed creek (Sec.11, T29N,R14W) downstream to mouth at East Fork Dickey River (Sec.23, same township).
(48)	Umbrella Creek	Ozette Lake 15	From the confluence of Umbrella Creek and unnamed creek (Sec.23, T31N,R15W) downstream to mouth at Umbrella Point on Lake Ozette (Sec.4, T30N,R15W).
(49)	West Twin River	Lake Crescent 15	From the Olympic National Forest boundary (Sec.34, T31N, R10W) downstream to mouth at Strait of Juan de Fuca (Sec.23, T31N, R10W).))

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AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-100 Clark County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Big Tree Creek	Yacolt 15 Yacolt 7 1/2	From the confluence of Big Tree Creek and Big Creek (Sec.6, T4N, R4E) downstream to mouth at East Fork Lewis River (Sec.13, T4N, R3E).
(2)	Boulder Creek	Camas 15	From the confluence of Boulder Creek and unnamed creek (Sec.9, T2N, R4E) downstream to confluence of Boulder Creek and East Fork Little Washougal River (Sec.8, same township).
(3)	Burnt Bridge Creek	Orchards 7 1/2 Vancouver 7 1/2	From I-205 overcrossing (Sec.16, T2N, R2E) and Burnt Bridge Creek downstream to Vancouver Lake (Sec.9, T2N, R1E).
(4)	Canyon Creek	Lookout Mt. 15 Yacolt 15	From the National Forest boundary line (Sec.12, T5N, R4E) downstream to mouth at Lewis River (Sec.31, T6N, R4E) excluding the portion which flows thru Gifford Pinchot National Forest.
(5)	Cedar Creek	Yacolt 15	From the confluence of Cedar Creek and Cold Creek (Sec.8, T3N, R4E) downstream to mouth at Rock Creek (Sec.31, T4N, R4E).
(6)	Cedar Creek	Amboy 7 1/2 Yacolt 7 1/2 Ariel 7 1/2	From the confluence of Cedar Creek and unnamed creek (Sec.24, T5N, R3E) downstream to mouth at Lewis River (Sec.12, T5N, R1E).
(7)	Chelatchie Creek	Amboy 7 1/2	From an approximate point along the south section line (SE1/4 of NW1/4 of Sec.14, T5N, R3E) downstream to mouth at Cedar Creek (Sec.16, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(8)	Columbia River (Cont.)*	Bridal Veil 15 Washougal 7 1/2 Camas 7 1/2 Mount Tabor 7 1/2 Portland 7 1/2 Vancouver 7 1/2 Sauvie Island 7 1/2 St. Helens 7 1/2	From the Skamania County line on Columbia River (Sec. 19, T1N, R5E) downstream along the Washington-Oregon boundary to Cowlitz County line at Lewis River (Sec.10, T4N, R1W). The flow exceeds 1,000 cfs MAF at Skamania-Clark County line.
(9)	Lewis River*	Mt. St. Helens 15 Cougar 15 Yacolt 15 Amboy 7 1/2 Ariel 7 1/2 Woodland 7 1/2 Ridgefield 7 1/2 St. Helens 7 1/2	From the Skamania County line (Sec.36, T7N, R4E) left bank only downstream to mouth at Columbia River (Sec.2, T4N, R1W). The flow exceeds 1,000 cfs MAF at Skamania-Clark County line.
(10)	Copper Creek	Lookout Mtn. 15 Yacolt 15	From the Gifford Pinchot National Forest boundary (Sec.25, T4N, R4E) downtream to mouth at Lewis River East Fork (Sec.24, same township).
(11)	Fifth Plain Creek	Lackamas 7 1/2	From the confluence of Fifth Plain Creek and Shanghai Creek (Sec.6, T2N, R3E) downstream to mouth at Lackamas Creek (Sec.7, same township).
(12)	Fly Creek	Yacolt 15	From the confluence of Fly Creek and unnamed creek (Sec.1, T4N, R4E) downstream to mouth at Canyon Creek (Sec.4, T5N, R4E).
(13)	Gee Creek	Ridgefield 7 1/2	From the confluence of Gee Creek and unnamed creek (Sec.19, T4N, R1E) downstream to mouth at Lewis River (Sec.11, T4N, R1W).
(14)	Glenwood Creek	Orchards 7 1/2	From the intersection of Glenwood Creek and NE 119th St. (Sec.29, T3N, R2E) downstream to Salmon Creek (Sec.20, same township).
(15)	Hagan Creek	Camas 15 Bridal Veil 15	From the confluence of Hagan Creek and unnamed creek (Sec.36, T3N, R4E) downstream to Skamania County line (Sec.1, T2N, R4E).
(16)	King Creek	Yacolt 15	From the confluence of King Creek and unnamed creek (Sec.26, T4N, R4E) downstream to mouth at Lewis River East Fork (Sec.21, same township).
(17)	Lackamas Creek	Camas 15 Lackamas 7 1/2	From the Military Reservation boundary (Sec.9, T2N, R3E) downstream through Lackamas Lake to Washougal River near Camas (Sec.12, T1N, R3E).
(18)	Lewis River (E. Fk.)*	Lookout Mt. 15 Yacolt 15 Battle Ground 7 1/2 Ridgefield* 7 1/2 Yacolt 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.24, T4N, R4E) downstream to mouth at Lewis River (Sec.32, T5N, R1E) The 1,000 cfs MAF begins at the mouth of Mason Creek. (Sec.14, T4N, R1E.)
(19)	Little Washougal River	Camas 15	From the confluence of Boulder Creek and East Fork Little Washougal River (Sec.8, T2N, R4E) downstream to mouth on Washougal River (Sec.32, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(20)	Little Washougal River (E. Fk.)	Camas 15	From the confluence of East Fork Little Washougal River and Jones Creek (Sec.9, T2N, R4E) downstream to mouth at confluence with Boulder Creek (Sec.8, T2N, R4E).
(21)	Lockwood Creek	Ridgefield 7 1/2	From the confluence of Lockwood Creek and unnamed creek (Sec.1, T4N, R1E) downstream to mouth at East Fork Lewis River (Sec.11, same township).
(22)	Mason Creek	Battle Ground 7 1/2	From the confluence of Mason Creek and unnamed creek (Sec.8, T4N, R2E) downstream to mouth at East Fork Lewis River (Sec.14, T4N, R1E).
(23)	Matney Creek	Camas 15 Lackamas 7 1/2	From the confluence of Matney Creek and unnamed creek (Sec.15, T2N, R3E) downstream to mouth at Lackamas Creek (Sec.9, same township).
(24)	Mill Creek	Battle Ground 7 1/2 Orchards 7 1/2 Vancouver 7 1/2	From the confluence of Mill Creek and unnamed creek (SW1/4 Sec.7, T3N, R2E) downstream to mouth at Salmon Creek (Sec.24, T3N, R1E).
(25)	Morgan Creek	Yacolt 7 1/2 Battle Ground 7 1/2	From an approximate point (SE1/4 of Sec.12, T3N, R2E) downstream to mouth at Salmon Creek (Sec.12, same township).
(26)	North Siouxon Creek	Lookout Mt. 15 Yacolt 15	From the Skamania County line (Sec.25, T6N, R4E) downstream to mouth at Siouxon Creek (Sec.25, same township).
(27)	Rock Creek	Yacolt 15	From an approximate point on the north section line (SE1/4 of NW1/4 of Sec.33, T4N, R3E) downstream to mouth on Salmon Creek (Sec.4, T3N, R3E).
(28)	Rock Creek	Battle Ground 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.2, T4N, R2E) downstream to mouth on East Fork Lewis River (Sec.14, same township).
(29)	Rock Creek	Yacolt 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.9, T3N, R4E) downstream to mouth at East Fork Lewis River (Sec.19, T4N, R4E).
(30)	Salmon Creek	Yacolt 7 1/2 LaCenter 15 Orchards 7 1/2 Vancouver 7 1/2	From the confluence of Salmon Creek and unnamed creek (NW1/4 of Sec.10, T3N, R3E) downstream to mouth at Lake River (Sec.19, T3N, R1E).
(31)	Siouxon Creek (Cont.)	Lookout Mtn. 15 Yacolt 15	From the Skamania County line (Sec.36, T6N, R4E) downstream to mouth in Yale Lake (Sec.26, same township).
(32)	Unnamed Creek (Tributary to Chelatchie Creek)	Amboy 7 1/2	From intersection of Eaton Road and unnamed creek (Sec.15, T5N, R3E) downstream to mouth at Chelatchie Creek (Sec.16 same township).

Stream Name		Quadrangle Name and Size	Legal Description
(33)	Washougal River (Cont.)*	Bridal Veil 15 Washougal* 7 1/2 Camas 7 1/2	From the Skamania County line (Sec.36, T2N, R4E) downstream to mouth at Columbia River near Camas (Sec.11, T1N, R3E). The 1,000 cfs MAF begins at mouth of Little Washougal River (Sec.32, T2N, R4E).
(34)	Yacolt Creek	Yacolt 7 1/2	From an approximate point (near SE corner of the NE1/4 of NW1/4 Sec.11, T4N, R3E) downstream to mouth at Big Tree Creek (Sec.13, T4N, R3E).))

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AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-110 Columbia County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Pataha Creek (Cont.)	Hay 15	From the Garfield County line (Sec.12, T12N, R39E) downstream to mouth at Tucannon River (Sec.24, T12N, R38E).
(2)	Tucannon River*	Pomeroy 30 Hopkins Ridge 7 1/2 Zumwalt 7 1/2 Turner 7 1/2 Tucannon 7 1/2 Hay* 15 Starbuck 15	From the Umatilla National Forest boundary line (Sec.35, T10N, R41E) downstream to mouth at Snake River (Sec.3, T12N, R37E). This stream has over 300 square miles of drainage area ending at Pataha Creek (Sec.24, T12N, R38E).
(3)	Touchet River (S. Fk.)	Pomeroy 30 Robinette Mtn. 7 1/2 Dayton 7 1/2	From a point of (SE1/4 of NE1/4 of Sec.5, T8N, R39E) downstream to mouth at Touchet River near Dayton (Sec.32, T10N, R39E).
(4)	Touchet River (N. Fk.)	Pomeroy 30 Eckler Mtn. 7 1/2 Cahill Mtn. 7 1/2 Dayton 7 1/2	From the confluence of the North Fork Touchet River and unnamed creek (Sec.28, T8N, R40E) downstream to Touchet River near Dayton (Sec.32, T10N, R39E) (Note: called North Fork on Quad.) Excluding all federal lands.
(5)	Touchet River	Pomeroy 30 Walla Walla 30 Dayton 7 1/2 Huntsville 7 1/2	From the confluence of North and South Forks of Touchet River (Sec.32, T10N, R39E) downstream to Walla Walla County line (Sec.7, T9N, R38E).
(6)	Robinson Creek	Dayton 7 1/2	From north line (Sec.23, T9N, R39E) downstream to mouth at North Fork Touchet River (Sec.11, same township).))

Streams and rivers and portions thereof that constitute shorelines of the state within Columbia County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending WSR 80-08-052, filed 6/30/80)

WAC 173-18-120 Cowlitz County. ((~~Streams~~

~~Stream Name~~		~~Quadrangle Name and Size~~	~~Legal Description~~
~~(1)~~	~~Abernathy Creek~~	~~Ryderwood 15 Clatskanie 15~~	~~From the confluence of Abernathy Creek and Ordway Creek (Sec.5, T9N, R4W) downstream to mouth at Columbia River (Sec.10, T8N, R4W).~~
~~(2)~~	~~Alder Creek~~	~~Toutle 15~~	~~From the confluence of Alder Creek and unnamed creek (Sec.26, T10N, R2E) downstream to mouth at North Fork Toutle River (Sec.15, same township).~~
~~(3)~~	~~Arkansas Creek~~	~~Ryderwood 15~~	~~From the confluence of Arkansas Creek and unnamed creek (NE1/4 Sec.26, T10N, R3W) downstream to mouth at Cowlitz River near Castle Rock (Sec.15, T9N, R2W).~~
~~(4)~~	~~Baird Creek~~	~~Pigeon Springs 15~~	~~From an approximate point (SW1/4 of SW1/4 of SW1/4 of Sec.9, T8N, R2E) downstream to mouth at Coweeman River (Sec.19, same township).~~
~~(5)~~	~~Bear Creek~~	~~Cougar 15~~	~~From the confluence of Bear Creek and unnamed creek (Sec.9, T8N, R3E) downstream to South Fork Toutle River (Sec.29, T9N, R3E).~~
~~(6)~~	~~Bear Creek~~	~~Elk Rock 15 Toutle 15~~	~~From the intersection of Bear Creek and light duty road (Sec.33, T10N, R3E) downstream to mouth at Hoffstadt Creek (Sec.23, T10N, R2E).~~
~~(7)~~	~~Cameron Creek~~	~~Clatskanie 15~~	~~From the confluence of Cameron Creek and unnamed creek (Sec.28, T9N, R4W) downstream to mouth at Abernathy Creek (Sec.10, T8N, R4W).~~
~~(8)~~	~~Campbell Creek~~	~~Ryderwood 15~~	~~From an approximate point near the north section line (SW1/4 of NE1/4 of Sec.10, T10N, R3W) downstream to mouth at Stillwater Creek (Sec.3, same township).~~
~~(9)~~	~~Castle Creek~~	~~Elk Rock 15~~	~~From the confluence of Castle Creek and the South Fork Castle Creek (Sec.14, T9N, R4E) downstream to mouth at North Fork Toutle River (Sec.10, same township).~~

Stream Name		Quadrangle Name and Size	Legal Description
(10)	Chehalis River (S. Fk.)	Ryderwood 15	From the confluence of South Fork Chehalis River and unnamed creek (Sec.11, T10N, R4W) downstream to the Lewis County line (Sec.2, same township).
(11)	Coal Creek	Clatskanie 15	From the confluence of Coal Creek and unnamed creek (Sec.28, T9N, R3W) downstream to mouth at Coal Creek Slough (Sec.14, T8N, R3W).
(12)	Coldwater Creek (Cont.)	Spirit Lake 15	From the Gifford Pinchot National Forest boundary (also Skamania County line) (Sec.36, T10N, R4E) downstream to mouth at North Fork Toutle River (Sec.2, T9N, R4E).
(13)	Columbia River (Cont.)*	St. Helens 71/2 Deer Island 7 1/2 Kalama 7 1/2 Rainier 7 1/2 Clatskanie 15	From the Lewis River at the Clark County line (Sec.10, T4N, R1W) downstream along the Washington-Oregon line to Wahkiakum County line (Sec.20, T8N, R4W). The flow exceeds 1,000 cfs MAF at Cowlitz-Clark County line.
(14)	Cougar Creek	Cougar 15	From the Gifford Pinchot National Forest boundary (Sec.23, T7N, R4E) downstream to mouth at Yale Lake (Sec.27, T7N, R4E).
(15)	Coweeman River	Cougar 15 Pigeon Springs 15 Mt. Brynion 7 1/2 Kelso 7 1/2 Rainier 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.19, T8N, R3E) downstream to mouth at Cowlitz River (Sec.11, T7N, R2W).
(16)	Cowlitz River (Cont.)*	Castle Rock 15 Kelso 7 1/2 Rainier 7 1/2	From Cowlitz-Lewis County line (Sec.4, T10N, R2W) downstream to mouth on Columbia River (Sec.10,T7N,R2W). The flow exceeds 1,000 cfs MAF at Cowlitz-Lewis County line (Sec.3, T10N, R2W).
(17)	Deer Creek	Elk Rock 15	From the confluence of Deer Creek and unnamed creek (Sec.31, T10N, R3E) downstream to mouth at North Fork Toutle River (Sec.36, T10N, R2E).
(18)	Delameter Creek	Castle Rock 15 Kelso 7 1/2	From the confluence of Delameter Creek and unnamed creek (Sec.24, T9N, R3W) downstream to mouth at Arkansas Creek (Sec.16, T9N, R2W).

Stream Name		Quadrangle Name and Size	Legal Description
(19)	Devils Creek	Toutle 15	From the Lewis County line (Sec.2, T10N, R2E) downstream to mouth at the Green River (same section).
(20)	Elk Creek	Cougar 15	From the confluence of Elk Creek and unnamed creek (Sec.12, T7N, R2E) downstream to mouth at Kalama River (Sec.24, same township).
(21)	Elochoman River (E. Fk.)	Ryderwood 15	From the confluence of East Fork Elochoman River and unnamed creek (Sec.8, T10N, R4W) downstream to Wahkiakum County line (same section).
(22)	Germany Creek	Ryderwood 15 Clatskanie 15	From the confluence of Germany Creek and unnamed creek (Sec.25, T10N, R4W) downstream to mouth at Columbia River (Sec.12, T8N, R4W).
(23)	Gobar Creek	Pigeon Springs 15	From the confluence of Gobar Creek and unnamed creek (Sec.8, T7N, R2E) downstream to mouth at Kalama River (Sec.36, T7N, R1E).
(24)	Goble Creek	Pigeon Springs 15 Kalama 7 1/2 Mt. Brynion 7 1/2	From the confluence of Goble Creek and unnamed creek (Sec.13, T7N, R1W) downstream to mouth of Coweeman River (Sec.34, T8N, R1W).
(25)	Goble Creek (N. Fk.)	Pigeon Springs 15 Kalama 7 1/2	From the confluence of the North Fork Goble Creek and unnamed creek (Sec.31, T8N, R1E) downstream to mouth at Goble Creek (Sec.2, T7N, R1W).
(26)	Green River (Cont.)	Spirit Lake 15 Elk Rock 15 Toutle 15	From the Skamania-Cowlitz County line (Sec.1, T10N, R4E) downstream to mouth at North Fork Toutle River (Sec.8, T10N, R2E) excluding those reaches within Lewis County.
(27)	Hemlock Creek	Toutle 15	From the confluence of Hemlock Creek and unnamed creek (Sec.18, T9N, R1E) downstream to mouth at Silver Lake (Sec.1, T9N, R1W).
(28)	Hoffstadt	Elk Rock 15 Toutle 15	From the confluence of Hoffstadt Creek and unnamed creek (Sec.24, T10N, R3E) downstream to mouth at North Fork Toutle River (Sec.23, T10N, R2E).

Stream Name		Quadrangle Name and Size	Legal Description
(29)	Jackson Creek	Elk Rock 15	From the approximate point near the north section line (SW1/4 of SW1/4 of Sec.8, T9N, R4E) downstream to mouth at North Fork Toutle River (Sec.12, T9N, R3E).
(30)	Johnson Creek	Toutle 15	From the confluence of Johnson Creek and unnamed creek (Sec.36, T10N, R1E) downstream to South Fork Toutle River (Sec.34, same township).
(31)	Kalama River*	Cougar 15 Pigeon Springs*15 Kalama 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.5, T7N, R4E) downstream to mouth at Columbia River (Sec.1, T6N, R2W) excluding all federal lands. The 1,000 cfs MAF point begins at mouth of Little Kalama River (Sec.17, T6N, R1E).
(32)	Kalama River (N. Fk.)	Cougar 15	From confluence of Kalama River N. Fk. and unnamed creek (Sec.34, T8N, R3E) downstream to mouth at Kalama River (Sec.14, T7N, R3E).
(33)	Langdon Creek	Cougar 15	From confluence of Langdon Creek and unnamed creek (Sec.9, T7N, R3E) downstream to mouth at Kalama River (Sec.22, T7N, R3E).
(34)	Lewis River (Cont.)*	Mt. St. Helens* 15 Cougar 15 Yacolt 15 St. Helens 15 Amboy 7 1/2 Ariel 7 1/2 Woodland 7 1/2	From the Skamania County line (Sec.25, T7N, R4E) downstream through Yale Lake and Lake Merwin to mouth at the Columbia River (Sec.2, T4N, R1W) on right shore of Lewis River only. The flow exceeds 1,000 cfs MAF at Cowlitz-Skamania County line.
(35)	Little Kalama River	LaCenter 15 Pigeon Springs 15	From the confluence of the Little Kalama River and unnamed creek (Sec.16, T6N, R1E) downstream to mouth at Kalama River (Sec.17, same township).
(36)	Little Mill Creek	Clatskanie 15	From the confluence of Little Mill Creek and unnamed creek (Sec.8,T8N, R4W) downstream to mouth at Mill Creek (Sec.9, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(37)	Mill Creek (Cont.)	Clatskanie 15	From the Wahkiakum County line (Sec.32, T9N, R4W) downstream to mouth on the Columbia River (Sec.9, T8N, R4W).
(38)	Monahan Creek	Ryderwood 15 Castle Rock 15	From the confluence of Monahan Creek and unnamed creek (Sec.2, T9N, R3W) downstream to mouth at Delameter Creek (Sec.18, T9N, R2W).
(39)	Mulholland Creek	Pigeon Springs 15	From the confluence of Mulholland Creek and unnamed creek (Sec.2, T8N, R1E) downstream to mouth at Coweeman River (Sec.17, same township).
(40)	Olequa Creek (Cont.)	Castle Rock 15	From Lewis County line (Sec.32, T11N, R2W) downstream to mouth at Cowlitz River (Sec.9, T10N, R2W).
(41)	Ostrander Creek	Mt. Brynion 7 1/2 Kelso 7 1/2	From the confluence of Ostrander Creek and unnamed creek (Sec.27, T9N, R1W) downstream to mouth at Cowlitz River (Sec.11, T8N, R2W).
(42)	Ostrander Creek (S. Fk.)	Mt. Brynion 7 1/2 Kelso 7 1/2	From the confluence of South Fork Ostrander Creek and unnamed creek (Sec.18, T8N, R1W) downstream to mouth at Ostrander Creek (Sec.12, T8N, R2W).
(43)	Rock Creek	Cougar 15 Amboy 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.8, T6N, R3E) downstream to mouth at Lake Merwin (Sec.20, same township).
(44)	Salmon Creek (Cont.)	Castle Rock 15	From the Lewis County line (Sec.3, T10N, R1W) back to Lewis County line (same section) except those reaches within Lewis County.
(45)	Shultz Creek	Elk Rock 15	From the confluence of Shultz Creek and unnamed creek (N1/2 Sec.14, T10N, R4E) downstream to mouth at Green River (Sec.3, same township).
(46)	South Coldwater Creek	Spirit Lake 15 Elk Rock 15	From the Gifford Pinchot National Forest boundary (Sec.1, T9N, R4E) downstream to mouth at Coldwater Creek (Sec.2, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(47)	Speelyai Creek	Cougar 15 Yacolt 15 Amboy 7 1/2	From the confluence of the Speelyai Creek and the West Fork of Speelyai Creek (Sec.5, T6N, R4E) downstream to mouth at Lake Merwin (Sec.23, T6N, R3E).
(48)	Stillwater Creek	Ryderwood 15	From the confluence of Stillwater Creek and unnamed creek (Sec.6, T10N, R3W) downstream to the Lewis County line (Sec.3, same township).
(49)	Studebaker Creek	Toutle 15	From the confluence of Studebaker Creek and unnamed creek (Sec.33, T10N, R1E) downstream to mouth at Toutle River (S. Fork) (Sec.29, same township).
(50)	Toutle River*	Toutle* 15 Castle Rock 15	From confluence of North and South Forks of Toutle River (Sec.29, T10N, R1E) downstream to mouth on Cowlitz River (Sec.34, T10N, R2W). The 1,000 cfs MAF point begins at mouth of Green River (Sec.8, T10N, R2E) at North Fork Toutle River.
(51)	Toutle River (N. Fk.)	Spirit Lake 15 Elk Rock 15 Toutle 15	From the Gifford Pinchot National Forest boundary at the Skamania County line (Sec.13, T9N, R4E) downstream to mouth at Toutle River (Sec.29, T10N, R1E).
(52)	Toutle River (S. Fk.)	Cougar 15 Pigeon Springs 15 Toutle 15	From the Gifford Pinchot National Forest boundary (Sec.2, T8N, R4E) downstream to mouth at the Toutle River (Sec.29, T10N, R1E).
(53)	Unnamed Tributary to Kalama River	Cougar 15	From an approximate point (SW1/4 of SE1/4 of NW1/4 of Sec.13, T7N, R3E) downstream to mouth at Kalama River (Sec.12, same township).
(54)	Unnamed Tributary to Speelyai Creek	Cougar 15	From an approximate point near the east section line (Sec.12, T6N, R3E) downstream to mouth at Speelyai Creek (Sec.7, T6N, R4E).
(55)	Unnamed Tributary to Toutle River (S. Fk.)	Cougar 15	From confluence of unnamed tributary and unnamed creek (Sec.12, T8N, R3E) downstream to mouth at South Fork Toutle River (Sec.36, T9N, R3E).

Stream Name		Quadrangle Name and Size	Legal Description
(56)	Wild Horse Creek	Pigeon Springs 15	From the confluence of Wild Horse Creek and unnamed creek (Sec.23, T7N, R1E) downstream to mouth at Kalama River (Sec.36, T7N, R1E).
(57)	Wolf Creek	Cougar 15	From the confluence of Wolf Creek and unnamed creek (Sec.28, T7N, R3E) downstream to mouth at Kalama River (Sec.21, same township).
(58)	Wyant Creek	Toutle 15	From the confluence of Wyant Creek and unnamed creek (Sec.13, T10N, R1E) downstream to mouth at North Fork Toutle River (Sec.20, same township).
(59)	Unnamed Tributary to Toutle River (S. Fk.)	Cougar 15	From north end of Goat Marsh (SW1/4, NW1/4 Sec.23, T8N, R4E) downstream to mouth at Toutle River S.Fk. excluding federal lands.
(60)	Fossil Creek	Cougar 15	From Gifford Pinchot National Forest boundary (Sec.31, T8N, R4E) downstream to mouth at Kalama River (Sec.6, T7N, R4E).))

Streams and rivers and portions thereof that constitute shorelines of the state within Cowlitz County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-18-130 Douglas County. Streams and rivers and portions thereof ((which)) that constitute shorelines of the state within Douglas County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-140 Ferry County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Boulder Creek	Orient 15 Orient 7 1/2	From the Colville National Forest boundary (Sec.36, T39N, R36E) downstream to mouth at Kettle River and Stevens County line (same section).
(2)	Columbia River (Cont.)*	Marcus 7 1/2	All of Columbia River (Franklin D. Roosevelt Lake) within Ferry County is under federal jurisdiction.

Stream Name		Quadrangle Name and Size	Legal Description
(3)	Curlew Creek	Curlew 15	From the confluence of Curlew Creek and St. Peter Creek (Sec.11, T38N, R33E) downstream to Kettle River (Sec.14, T39N, R33E).
(4)	Kettle River*	Bodie Mtn. 15 Curlew 15 Togo Mtn. 15 Laurier 7 1/2 Orient 7 1/2	From the United States - Canada border (Sec.3, T40N, R32E) downstream to said border (Sec.3, T40N, R34E) returning to the U.S. (Sec.2, T40N, R36E) right bank only downstream to (Sec.20, T38N, R37E) excluding all Colville National Forest lands. The flow exceeds 200 cfs MAF at United States - Canada boundary.
(5)	Sanpoil River	Republic 15 Seventeen-Mile Mtn. 15 Keller 15 Wilbur 15	From the confluence of Sanpoil River and O'Brien Creek (Sec.5, T36N, R33E) downstream to federal boundary (Sec.12, T35N, R32E).
(6)	Toroda Creek (Cont.)	Bodie Mtn. 15	From the Intersection of Nickolson Creek and Toroda Creek (Sec.30, T40N, R32E) downstream to mouth at Kettle River near Toroda (Sec.27, same township).
(7)	Sherman Creek	Kettle Falls 15	From the Colville National Forest boundary (Sec.30, T36N, R37E) downstream to mouth at Columbia River (Sec.27, T36N, R37E).))

Streams and rivers and portions thereof that constitute shorelines of the state within Ferry County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order 73-14, filed 8/27/73)

WAC 173-18-150 Franklin County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Columbia River (Cont.)*	Hanford 15 Richland 15 Kennewick 7 1/2 Paseo 7 1/2	From Hanford Works boundary (Sec.23, T12N, R28E) downstream left bank only to (Sec.13, T9N, R28E) questionable. The flow exceeds 200 cfs MAF at Hanford Works boundary.
(2)	Esquatzel Coulee*	Mesa* 15 Eltopia 15	From mouth of Old Maid Coulee (Sec.11, T12N, R30E) downstream to a sump (Sec.12, T9N, R29E) (Esquatzel River gradually sinking into ground). This stream has over 300 sq. miles of drainage area ending at mouth of Old Maid Coulee.
(3)	Palouse River (Cont.)*	Starbuck 15	From Adams County line (Sec.5, T14N, R37E) downstream right bank only to mouth on Snake River (Sec.19, T13N, R37E). This stream has over 300 sq. miles of drainage area and over 200 cfs MAF flow at Adams County line.

Stream Name		Quadrangle Name and Size	Legal Description
(4)	Snake River (Cont.)*		All of Snake River within Franklin County is under federal jurisdiction. The flow exceeds 200 cfs MAF at Whitman County line.))

Streams and rivers and portions thereof that constitute shorelines of the state within Franklin County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order 73-14, filed 8/27/73)

WAC 173-18-160 Garfield County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Pataha Creek	Pomeroy 30 Hay 15 Zumwalt 7 1/2	From the confluence of Pataha Creek and Totman Gulch Stream (Sec.5, T11N, R41E) downstream to Columbia County line (Sec.7, T12N, R40E).
(2)	Snake River (Cont.)*	Clarkston 15 Colton 7 1/2 Bishop 7 1/2 Kirby 7 1/2 Alinota 7 1/2 Penawawa 15 Hay 15	From the Asotin County line (Sec.6, T11N, R45E) downstream along Whitman County line left bank only to the Columbia County line (Sec.7, T13N, R40E). The flow exceeds 200 cfs MAF at Asotin County line. Under federal jurisdiction.))

Streams and rivers and portions thereof that constitute shorelines of the state within Garfield County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-170 Grant County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Columbia River (Cont.)*	Grand Coulee Dam 15 West Bar 7 1/2 Babcock Ridge 7 1/2 Cape Horn S.E. 7 1/2 Vantage 7 1/2 Beverly 7 1/2 Evergreen Ridge 7 1/2 Priest Rapids 15	From the Douglas County line on the Columbia River (Sec.18, T20N, R23E) downstream left bank only to Hanford Works boundary (Sec.10, T13N, R24E). The flow exceeds 200 cfs MAF at Douglas County line.
(2)	Crab Creek*	Marlin 7 1/2 Wilson Creek 15 Wilson Creek N.W. 7 1/2 Stratford 7 1/2 Soap Lake 7 1/2 Grant Orchards 7 1/2 Gloyd 7 1/2 Moses Lake North 7 1/2	From the Lincoln County line (Sec.13, T22N, R30E) downstream through Brook Lake to mouth at Parker Horn of Moses Lake (Sec.14, T19N, R28E). This stream has over 300 sq. miles drainage area.
(3)	Lind Coulee*	Basset Junction* 7 1/2 Sieler 7 1/2 Soda Lake 7 1/2 Corfu 15	From south section line (Sec.18, T18N, R30E) downstream to mouth of Potholes Reservoir (Sec.1 and 12,T17N,R28E). This stream has over 300 sq. miles of drainage area ending at Lind Coulee in (Sec.18, T18N, R30E).

Stream Name		Quadrangle Name and Size	Legal Description
(4)	Lower Crab Creek	Corfu 15 Smyrna 15 Beverly S.E. 7 1/2 Beverly 7 1/2	From CNW Refuge Bdy. (Sec.36, T16N, R26E) downstream excluding all federal lands to mouth at Columbia River (Sec.3, T15N, R23E).
(5)	Rocky Ford Creek	Grant Orchards 7 1/2 Moses Lake N.W. 7 1/2	From the confluence of Rocky Ford Creek and several springs (Sec.16, T21N, R27E) downstream to mouth at Moses Lake (Sec.8, T20N, R27E).
(6)	Wilson Creek (Cont.)*	Almira S.W. 7 1/2 Hartline S.E. 7 1/2 Wilson Creek 15	From Lincoln County line (Sec.1, T24N, R30E) downstream to mouth at Crab Creek (Sec.12, T22N, R29E). This stream has over 300 sq. miles of drainage area.))

Streams and rivers and portions thereof that constitute shorelines of the state within Grant County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-180 Grays Harbor County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Andrews Creek	Grayland 7 1/2	From the confluence of Andrews Creek and unnamed creek (SW1/4 NW1/4 of Sec.2, T15N, R11W) downstream to mouth at Beardslee Slough of South Bay (Sec.27, T16N, R11W).
(2)	Big Creek	Humptulips 15	From the confluence of the Big Creek and South Branch of the Big Creek (Sec.2, T19N, R10W) downstream to mouth at Humptulips River (Sec.1, T19N, R11W).
(3)	Bitter Creek	Wynoochee Valley 15	From a point on the north line of (Sec.11, T18N, R8W) intersecting with Bitter Creek downstream to mouth at Black Creek (same section).
(4)	Black Creek	Wynoochee Valley 15	From the confluence of Black Creek and the unnamed creek (Sec.13, T18N, R8W) downstream to mouth at Wynoochee River (Sec.26, T18N, R8W).
(5)	Black River (Cont.)	Rochester 15	From the Thurston County line (Sec.27, T16N, R4W) downstream to mouth at Chehalis River (Sec.5, T15N, R4W) excluding all federal lands.
(6)	Boone Creek	Moclips 7 1/2	From an approximate point in the (NW1/4 of NW1/4 of SW1/4 Sec.4, T19N, R12W) downstream to mouth at Pacific Ocean, near Iron Springs (Sec.4, T19N, R12W).

Stream Name		Quadrangle Name and Size	Legal Description
(7)	Canyon River (Cont.)	Mt. Tebo 15 Wynoochee Valley 15 Grisdale 15	Beginning at Mason Co. and Grays Harbor Co. line (Sec.13, T21N, R7W) downstream to mouth at Satsop West Fork River (Sec.22, T20N, R7W).
(8)	Carter Creek	Wynoochee Valley 15	From an approximate point on the west line of (NE1/4 Sec.12, T19N, R8W) downstream to mouth at Wynoochee River (Sec.14, T19N, R8W).
(9)	Cedar Creek	Copalis Beach 7 1/2	From the confluence of Cedar Creek and unnamed creek (Sec.23, T19N, R12W), downstream to mouth at Copalis River (Sec.22, T19N, R12W).
(10)	Cedar Creek	Rochester 15	From the Thurston County line (Sec.2, T16N, R4W) downstream to mouth at Chehalis River (Sec.10, T16N, R5W).
(11)	Charley Creek	Aberdeen 7 1/2	From a point between confluence of one unnamed creek and Charley Creek and confluence of another unnamed creek and Charley Creek (Sec.27, T17N, R9W) downstream to mouth at south channel of Grays Harbor (Sec.18, T17N, R9W).
(12)	Chehalis River (Cont.)*	Rochester 15 Malone 15 Montesano 15 Aberdeen 7 1/2	From the Thurston Co. line (Sec.10, T15N, R4W) downstream on the southerly shore only (north shore on Indian Reservation). Both shores beginning (Sec.25, T16N, R5W) downstream to mouth at Grays Harbor (Sec.9, T17N,R9W). The flow exceeds 1,000 cfs MAF at Thurston-Grays Harbor County line.
(13)	Cloquallum Creek	Elma 15 Malone 15	From the Mason Co. line (Sec.1, T18N, R6W) downstream to mouth at Chehalis River (Sec.2, T17N, R6W).
(14)	Connor Creek	Copalis Beach 7 1/2	From the confluence of Cranberry Creek (Sec.10, T18N, R12W) downstream to mouth at Pacific Ocean (Sec.33, T19N, R12W).
(15)	Copalis River	Quinault Lake 15 Macafee Hill 15 Carlisle 7 1/2 Moclips 7 1/2 Copalis Beach 7 1/2	From the intersection of Copalis River and unimproved road (Sec.30, T21N, R10W) downstream to mouth at Pacific Ocean (Sec.21, T19N, R12W).
(16)	Decker Creek (Cont.)	Elma 15	Beginning at a point where Decker Creek crosses Grays Harbor Co. and Mason Co. line (Sec.24, T20N, R7W) downstream to Grays Harbor Co. and Mason Co. line (Sec.25, of same Township).

Stream Name		Quadrangle Name and Size	Legal Description
(17)	Deep Creek	Humptulips 15 Copalis Crossing 7 1/2	From the confluence of Deep Creek and unnamed creek (Sec.30, T19N, R10W) downstream to mouth at Humptulips River (Sec.22, T19N, R11W).
(18)	Delezene Creek	Malone 15	From the confluence of the Delezene Creek and unnamed Creek (SE1/4 of NW1/4 Sec.27, T17N, R6W) downstream to the Chehalis River (Sec.12, T17N, R6W).
(19)	Donkey Creek	Quinault Lake 15	From the intersection of Olympic National Forest boundary and Donkey Creek (Sec.3, T21N, R9W) downstream to mouth at West Fork Humptulips River (Sec.16, T21N, R9W).
(20)	Elkhorn Creek	Montesano 15	From the confluence of Elk Horn Creek and unnamed creek (Sec.10, T15N, R8W) downstream to Pacific Co. line (same section).
(21)	Elk River (E. Br.)	Western 7 1/2	From the confluence of Elk River East Branch and unnamed creek (Sec.5, T15N, R10W) downstream to mouth at Elk River (same section).
(22)	Elk River	Western 7 1/2 Grayland 7 1/2	From the confluence of Elk River and East Branch Elk River (Sec.5, T15N, R10W) to mouth on South Bay (Sec.26, T16N, R11W).
(23)	Garrard Creek	Malone 15	From the confluence of the Garrard Creek and the Kellogg Creek (Sec.8, T15N, R5W) downstream to mouth at the Chehalis River (Sec.1, T15N, R5W).
(24)	Garrard Creek (S. Fk.) (Cont.)	Malone 15	From the Lewis County line SE corner (Sec.9, T15N, R5W) downstream to mouth at the Garrard Creek (Sec.10, T15N, R5W).
(25)	Hoquiam River	Humptulips 15 Hoquiam 7 1/2	From confluence of West and Middle Forks of Hoquiam River (Sec.22, T18N, R10W) downstream to mouth in Grays Harbor in Hoquiam (Sec.12, T17N, R10W).
(26)	Hoquiam River (E. Fk.)	Humptulips 15 Hoquiam 7 1/2	From the confluence of the East Fork Hoquiam River and unnamed creek (Sec.32, T20N, R9W) downstream to mouth at Hoquiam River (Sec.35, T18N, R10W).
(27)	Hoquiam River (M. Fk.)	Humptulips 15	From approximately the south line of the (NE1/4 of the SE1/4 Sec.30, T19N, R9W) downstream to mouth at Hoquiam River (Sec.22, T18N, R10W).

Stream Name		Quadrangle Name and Size	Legal Description
(28)	Hoquiam River (W. Fk.)	Humptulips 15	From intersection of West Fork Hoquiam River and middle duty road (Sec.34, T19N, R10W) downstream to mouth at Hoquiam River (Sec.22, T18N, R10W).
(29)	Humptulips River*	Humptulips* 15 Carlisle 7 1/2 Copalis Crossing 7 1/2	From the confluence of East and West Forks of Humptulips River (Sec.2, T20N, R10W) downstream to mouth at North Bay (Sec.21, T18N, R11W). The 1,000 cfs MAF point begins at confluence of East and West Forks.
(30)	Humptulips River (E. Fk.)	Quinault Lake 15 Humptulips 15	From the Olympic National Forest boundary (Sec.12, T21N, R9W) downstream to confluence with West Fork Humptulips River (Sec.2, T20N, R10W).
(31)	Humptulips River (W. Fk.)	Quinault Lake 15 Humptulips 15	From the Olympic National Forest boundary (Sec.9, T21N, R9W) downstream to confluence with East Fork Humptulips River (Sec.2, T20N, R10W).
(32)	Independence Creek (Cont.)	Rochester 15	From Lewis Co. line (Sec.10, T15N, R4W) downstream to mouth on Chehalis River (same section).
(33)	Joe Creek	Carlisle 7 1/2 Moclips 7 1/2	From the confluence of Joe Creek and unnamed creek (Sec.18, T20N, R11W) downstream to mouth at Pacific Beach (Sec.20, T20N, R12W).
(34)	Johns River (S. Fk.)	Western 7 1/2	From the confluence of South Fork Johns River and Hall Creek (Sec.22, T16N, R10W) downstream to mouth at North Fork Johns River (same section).
(35)	Johns River (N. Fk.)	Hoquiam 7 1/2	From the confluence of North Fork Johns River and unnamed creek (Sec.15, T16N, R10W) downstream to mouth at Johns River (Sec.22, T16N, R10W).
(36)	Little River	Grisdale 15	From an approximate point in (SW1/4 of NE1/4 of SE1/4 Sec.22, T21N, R7W) downstream to mouth at West Fork Satsop River (Sec.27, T21N, R7W).
(37)	Little Hoquiam River	Hoquiam 7 1/2	From the confluence of Little Hoquiam River and the North Fork Little Hoquiam River (Sec.3, T17N, R10W) downstream to mouth at Hoquiam River (Sec.2, T17N, R10W).

Stream Name		Quadrangle Name and Size	Legal Description
(38)	Little North River	Montesano 15	From an approximate point near the center of (NW1/4 of SW1/4 of NW1/4 (Sec.1, T16N, R8W) downstream to mouth at North River (Sec.8, T16N, R8W).
(39)	Lower Salmon Creek	Montesano 15 Aberdeen S.E. 7 1/2	From the confluence of Lower Salmon Creek and unnamed creek (Sec.5, T15N, R8W) downstream to mouth at North River (Sec.7, T15N, R9W) except where it passes thru Pacific County in (Sec.14 and 15, T15N, R9W).
(40)	Moclips River	Moclips 7 1/2	From the Quinault Indian Reservation boundary (Sec.9, T20N, R12W) downstream across said boundary and back, downstream to mouth at Pacific Ocean near the Town of Moclips (Sec.8, T20N, R12W).
(41)	Mox Chehalis Creek	Elma 15 Malone 15	From the intersection of Mox Chehalis Creek and McCleary and Malone Road (Sec.24, T18N, R5W) downstream to mouth at Chehalis River (Sec.18, T17N, R5W).
(42)	Newman Creek	Elma 15 Malone 15	From the intersection of Newman Creek and Newman Creek Road (Sec.29, T18N, R6W) downstream to mouth at Chehalis River (Sec.6, T17N, R6W).
(43)	Newskah Creek	Aberdeen 7 1/2	From a point approximately 200' west of confluence of Newskah Creek and unnamed creek (NW1/4 of SE1/4 Sec.4, T16N, R9W) downstream to mouth at South Channel of Grays Harbor (Sec.18, T16N, R9W).
(44)	North River* (Cont.)	Montesano 15 Aberdeen S.E. 7 1/2	From the Pacific Co. line (Sec.10, T15N, R7W) downstream to Pacific Co. line again (Sec.7, T15N, R9W). The 1,000 cfs MAF point begins at mouth of Lower Salmon Creek (Sec.7, T15N, R9W).
(45)	Pioneer Creek	Malone 15	From the confluence of Pioneer Creek and unnamed creek (Sec.25, T16N, R7W) downstream to mouth at the North River (Sec.4, T15N, R7W).
(46)	Porter Creek	Rochester 15 Malone 15	From the confluence of the North Fork Porter Creek and the South Fork Porter Creek (Sec.1, T17N, R5W) downstream to mouth at Chehalis River (Sec.28, T17N, R5W).
(47)	Porter Creek (N. Fk.)	Rochester 15	From an approximate point near the SW corner of (SE1/4 on NW1/4 of NW1/4 of Sec.3, T17N, R4W) downstream to mouth at Porter Creek (Sec.1, T17N, R5W).

Stream Name		Quadrangle Name and Size	Legal Description
(48)	Porter Creek (S. Fk.)	Rochester 15	From the confluence of Hell Creek and the S. Fork Porter Creek (Sec.7, T17N, R4W) downstream to mouth at Porter Creek (Sec.1, T17N, R5W).
(49)	Porter Creek (W. Fk.)	Rochester 15	From the confluence of the West Fork Porter Creek and Bozy Creek (Sec.31, T18N, R4W) downstream to mouth at Porter Creek (Sec.11, T17N, R5W).
(50)	Rainie Creek (Rt. Fk.)	Malone 15	From an approximate point near the center of the (SW1/4 of the NE1/4 Sec.3, T15N, R6W) downstream to Pacific County line (Sec.9, T15N, R6W).
(51)	Raney Creek	Humptulips 15	From confluence of Raney Creek and unnamed creek (SE1/4 NE1/4 Sec.22, T20N, R9W) downstream to mouth at West Fork Wishkah River (Sec.26, T20N, R9W).
(52)	Rock Creek	Malone 15	From the confluence of Rock Creek and unnamed creek (Sec.11, T16N, R6W) downstream to mouth at Chehalis River (Sec.15, T16N, R5W).
(53)	Salmon Creek	Montesano 15	From the confluence of Salmon Creek and unnamed creek (Sec.13, T16N, R8W) downstream to mouth at North River (Sec.9, T16N, R8W).
(54)	Sand Creek	Malone 15	From an approximate point near the center of (SE1/4 of NE1/4 Sec.5, T17N, R5W) downstream to mouth at Mox Chehalis Creek (same section).
(55)	Satsop River*	Wynoochee Valley* 15 Elma 15 Malone 15	From the confluence of East and West Forks of Satsop River (Sec.23, T18N, R7W) downstream to mouth at Chehalis River (Sec.7, T17N, R6W). The flow is more than 1,000 cfs MAF at mouth of East Fork Satsop River (Sec.23, T18N, R7W).
(56)	Satsop River (E. Fk.)* Cont.)	Elma* 15 Wynoochee Valley 15	From Mason Co. and Grays Harbor Co. line (Sec.6, T18N, R6W) downstream to mouth at Satsop River (Sec.23, T18N, R7W). The 1,000 cfs MAF point begins at mouth of Middle Fork Satsop River, (Sec.3, T19W, R6W).
(57)	Satsop River (M. Fk.) (Cont.)	Mt. Tebo 15 Wynoochee Valley 15 Elma 15	From Mason Co. and Grays Harbor Co. line (Sec.1, T20N, R7W) downstream to Grays Harbor Co. and Mason Co. line (Sec.36, T19N, R7W).

Stream Name		Quadrangle Name and Size	Legal Description
(58)	Satsop River (W. Fk.)	Grisdale 15 Wynoochee Valley 15	From the Olympic National Forest boundary (Sec.10, T21N, R7W) downstream to mouth at confluence of West Fork Satsop River and East Fork Satsop River (Sec.23, T18N, R7W).
(59)	Schafer Creek	Wynoochee Valley 15	From an approximate point on the west line of (SE1/4 of SE1/4 Sec.1, T20N, R8W) downstream to mouth at the Wynoochee River (Sec.25, T20N, R8W).
(60)	Stevens Creek	Quinault Lake 15	From the confluence of Stevens Creek and unnamed creek (Sec.12, T21N, R10W) downstream to mouth at Humptulips River (Sec.12, T20N, R11W).
(61)	Sylvia Creek	Montesano 15	From the confluence of Sylvia Creek and unnamed creek (Sec.1, T17N, R8W) downstream to mouth at Wynoochee River (Sec.7, T17N, R7W).
(62)	Unnamed Tributary to Humptulips River	Humptulips 15	From the confluence of two unnamed creeks (Sec.14, T20N, R10W) downstream to mouth at Humptulips River (Sec.9, T20N, R10W).
(63)	Vance Creek	Malone 15	From the intersection of Vance Creek and light duty road (Sec.3,T17N, R6W) downstream to mouth at Chehalis River (Sec.6, T17N, R6W).
(64)	Vesta Creek (E. Fk.)	Malone 15 Montesano 15	From the confluence of the East Fork Vesta Creek and unnamed creek (Sec.13, T16N, R7W) downstream to mouth at Vesta Creek (Sec.14, T16N, R7W).
(65)	Vesta Creek	Montesano 15	From confluence of East and West Forks of Vesta Creek (Sec.14, T16N, R7W) downstream to mouth on North River (Sec.32, T16N, R7W).
(66)	Vesta Creek (W. Fk.)	Montesano 15	From the confluence of Vesta Creek West Fork and unnamed creek from the east (Sec.3, T16N, R7W) downstream to mouth at Vesta Creek (Sec.14, T16N, R7W).
(67)	Wedekind Creek	Wynoochee Valley 15	From the confluence of Wedekind Creek and unnamed creek (Sec.19, T18N, R8W) downstream to mouth at Wynoochee River (Sec.28, T18N, R8W).
(68)	Wildcat Creek	Elma 15	From the confluence of East and West Forks of Wildcat Creek (Sec.16, T18N, R5W) downstream to mouth at Cloquallum Creek (Sec.30, T18N, R5W).

Stream Name		Quadrangle Name and Size	Legal Description
(69)	Wildcat Creek (W. Fk.)	Elma 15	From the confluence of West Fork Wildcat Creek and unnamed creek (Sec.16, T18N, R5W) downstream to confluence with East Fork Wildcat Creek (same section).
(70)	Wildcat Creek (E. Fk.)	Elma 15	From the confluence of East Fork Wildcat Creek and unnamed creek (Sec.15, T18N, R5W) downstream to confluence of East Fork Wildcat Creek and West Fork Wildcat Creek (Sec.16, T18N, R5W).
(71)	Williams Creek	Malone 15	From the confluence of Williams Creek and unnamed creek (SE1/4 Sec.20, T16N, R5W) downstream to Rock Creek (Sec.16, T16N, R5W).
(72)	Wishkah River (W. Fk.)	Humptulips 15	From the confluence of West Fork Wishkah River and unnamed creek (Sec.15, T20N, R9W) downstream to mouth at Wishkah River (Sec.22, T19N, R9W).
(73)	Wishkah River (E. Fk.)	Wynoochee Valley 15 Humptulips 15	From the confluence of the East Fork Wishkah River and unnamed creek (Sec.28, T20N, R8W) downstream to mouth at Wishkah River (Sec.2, T18N, R9W).
(74)	Wishkah River	Grisdale 15 Wynoochee Valley 15 Humptulips 15 Aberdeen 7 1/2	From the confluence of Wishkah River and unnamed creek inside the state game reserve (Sec.20, T21N, R8W) downstream to mouth at the Chehalis River at Aberdeen (Sec.9, T17N, R9W).
(75)	Workman Creek	Malone 15	From the confluence of Workman Creek and unnamed creek (NW1/4 SE1/4 Sec.20, T17N, R6W) downstream to mouth at Chehalis River (Sec.9, T17N, R6W).
(76)	Wynoochee River*	Grisdale 15 Wynoochee Valley* 15 Montesano 7 1/2	From the Olympic National Forest boundary (Sec.1, T21N, R8W) downstream to mouth at Chehalis River (Sec.18, T17N, R7W). The 1,000 cfs MAF point begins at mouth of Carter Creek (Sec.14, T19N, R8W).
(77)	Johns River	Western 7 1/2 Hoquiam 7 1/2	From confluence of North Fork and South Fork Johns River (Sec.22, T16N, R10W) downstream to its mouth at Grays Harbor (Sec.36, T17N, R11W).
(78)	Quinault River* (Cont.)	Kloochman Rock 15 Quinault Lk.	From Jefferson/Grays Harbor County line (Sec.1, T23W, R9W) downstream to mouth at Quinault Lake (Sec.16, T23W, R9W). Exclude federal lands. The flow is over 1,000 cfs MAF at Jefferson/Grays Harbor County line.))

Streams and rivers and portions thereof that constitute shorelines of the state within Grays Harbor County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-18-200 Jefferson County. Streams and rivers and portions thereof ((~~which~~)) that constitute shorelines of the state within Jefferson County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending WSR 80-08-052, filed 6/30/80)

WAC 173-18-210 King County. ((~~Streams~~

~~Stream Name~~		~~Quadrangle Name and Size~~	~~Legal Description~~
~~(1)~~	~~Bear Creek~~	~~Eagle Gorge 7 1/2~~	~~From an approximate point (NE corner of SE1/4 of SW1/4 of NW1/4 of Sec.28, T21N, R8E) downstream to mouth at Green River (Sec.20, same township).~~
~~(2)~~	~~Bear Creek~~	~~Everett 15 Bothell 7 1/2~~	~~From the intersection of Bear Creek and the east section line (Sec.9, T26N, R5E) downstream to mouth at Sammamish River (same section).~~
~~(3)~~	~~Bear~~	~~Redmond 7 1/2~~	~~From the confluence with Seidel Creek (Sec.20, T26N, R6E) downstream to mouth (Sec.6, T25N, R6E).~~
~~(4)~~	~~Beckler River (Cont.)~~	~~Skykomish 7 1/2~~	~~From the Snohomish County line (Sec.5, T26N, R12E) downstream to Skykomish River (South Fork) (Sec.25, T26N, R11E).~~
~~(5)~~	~~Big Soos Creek~~	~~Auburn 7 1/2~~	~~From the confluence of the Big Soos Creek and the Little Soos Creek (Sec.35, T22N, R5E) downstream to mouth at Green River (Sec.16, T21N, R5E).~~
~~(6)~~	~~Black River~~	~~Renton 7 1/2 Des Moines 7 1/2~~	~~From confluence of Spring Brook Creek and Black River (Sec.13, T23N, R4E) downstream to mouth of Duwamish River (Sec.14, same township).~~
~~(7)~~	~~Boise Creek~~	~~Enumclaw 15 Enumclaw 7 1/2 Buckley 7 1/2~~	~~From an approximate point (NW corner of the SE1/4 of SE1/4 of NE 1/4 of Sec.28, T20N, R7E) downstream to mouth at White River (Sec.34, T20N, R6E).~~
~~(8)~~	~~Boxley Creek~~	~~Bandera 15~~	~~From an approximate point (NW1/4 of SW1/4 of Sec.25, T23N, R8E) downstream to mouth at South Fork Snoqualmie River (Sec.24, same township).~~

Stream Name		Quadrangle Name and Size	Legal Description
(9)	Calligan Creek	Mount Si 15	From an approximate point (SE1/4 of NE1/4 of Sec.3, T24N, R9E) downstream through Calligan Lake to mouth at Snoqualmie River (North Fork) (Sec.31, T25N, R9E).
(10)	Carroll Creek	Scenic 7 1/2	From the Snoqualmie National Forest boundary (Sec.35, T26N, R12E) downstream to mouth at Tye River (Sec.26, same township).
(11)	Cedar River	North Bend 7 1/2 Hobart 7 1/2 Maple Valley 7 1/2 Renton 7 1/2 Mercer Island 7 1/2 Cumberland 7 1/2	From east section line (Sec.9, T21N, R10E) downstream to mouth at Lake Washington in Renton (Sec.7, T23N, R5E), excluding all federal lands.
(12)	Champion Creek	Greenwater 15	From the confluence of Champion Creek and unnamed creek (Sec.28, T20N, R10E) downstream to mouth at Green River (Sec.20, same township).
(13)	Charley Creek	Eagle Gorge 7 1/2	From the Snoqualmie National Forest boundary (Sec.3, T20N, R8E) downstream to mouth at Howard Hanson Reservoir (Sec.34, T21N, R8E).
(14)	Cherry Creek	Monroe 15 Monroe 7 1/2 Carnation 7 1/2	From the confluence of Cherry Creek and Hannen Creek (Sec.2, T26N, R7E) downstream to mouth at Snoqualmie River (Sec.6, same township).
(15)	Coal Creek	Cumberland 7 1/2	From the confluence of Coal Creek and unnamed creek (Sec.27, T21N, R7E) downstream to mouth at Fish Lake (Sec.31, same township).
(16)	Covington Creek	Black Diamond 7 1/2 Auburn 7 1/2	From the confluence of waters from Lake Sawyer (Sec.4, T21N, R6E) downstream to mouth at Big Soos Creek (Sec.11, T21N, R5E).
(17)	Evans Creek	Redmond 7 1/2	From the confluence of Evans Creek and unnamed creek (Sec.8, T25N, R6E) downstream to mouth at Sammamish River (Sec.11, T25N, R5E).
(18)	Foss River	Skykomish 7 1/2	From the Snoqualmie National Forest boundary (Sec.32, T26N, R12E) downstream (excluding portion of federal lands) to mouth at Skykomish River (Sec.31, same township).
(19)	Friday Creek	Lester 15	From the confluence of Friday Creek and unnamed creek (Sec.18, T20N, R11E) downstream to mouth at the Green River (same section).
(20)	Gale Creek	Bandera 15	From the confluence of Gale Creek and unnamed creek (Sec.36, T21N, R8E) downstream to mouth at Howard Hanson Reservoir (same section).

Stream Name		Quadrangle Name and Size	Legal Description
(21)	Granite Creek	Bandera 15	From an approximate point (SE1/4 of SE1/4 of SW1/4 of Sec.11, T23N, R9E) downstream to mouth at the Middle Fork Snoqualmie River (Sec.10, same township).
(22)	Green River*	Lester 15 Greenwater 15 Bandera 15 Eagle Gorge* 7 1/2 Cumberland 7 1/2 Black Diamond 7 1/2 Auburn 7 1/2 Renton 7 1/2 Des Moines 7 1/2 Seattle South 7 1/2	From confluence of Green River and Tacoma Creek (Sec.35, T20N, R11E) downstream thru Duwamish River to mouth on Elliott Bay (Sec.18, T24N, R4E) (thru Howard Hanson Reservoir also). The 1,000 cfs MAF point begins at the toe of Howard A. Hanson Dam (Sec.28, T21N, R8E).
(23)	Green River (N. Fk.)	Bandera 15 Eagle Gorge 7 1/2	From the Snoqualmie National Forest boundary (Sec.18, T21N, R9E) downstream to mouth at Howard Hanson Reservoir (Sec.22, T21N, R8E).
(24)	Greenwater River	Lester 15 Greenwater 15	From the Snoqualmie National Forest boundary (Sec.31, T19N, R11E) downstream to White River (along the northerly shore only) (Sec.4, T19N, R9E). Exclude federal lands.
(25)	Griffin Creek	Lake Joy 7 1/2 Snoqualmie 7 1/2 Fall City 7 1/2	From the confluence of Griffin Creek and East Fork Griffin Creek (Sec.19, T25N, R8E) downstream to mouth at the Snoqualmie River (Sec.28, T25N, R7E).
(26)	Hancock Creek	Mount Si 15	From an approximate point (NE1/4 of NW 1/4 of Sec.15, T24N, R9E) downstream to mouth at Lake Hancock thence downstream to North Fork Snoqualmie River (Sec.7, same township).
(27)	Harris Creek	Carnation 7 1/2	From the intersection of Harris Creek and Swan Mill Road (Sec.34, T26N, R7E) downstream to mouth at Snoqualmie River (Sec.5, T25N, R7E).
(28)	Index Creek	Index 15 Baring 7 1/2	From the Snoqualmie National Forest boundary (Sec.10, T26N, R10E) downstream to mouth at South Fork Skykomish River (Sec.2, same township).
(29)	Issaquah Creek	Hobart 7 1/2 Maple Valley 7 1/2 Issaquah 7 1/2	From the confluence of Holder Creek and Carey Creek (Sec.25, T23N, R6E) downstream to mouth at Sammamish Lake (Sec.17, T24N, R6E).
(30)	Jenkins Creek	Black Diamond 7 1/2 Auburn 7 1/2	From the intersection of Jenkins Creek and light-duty county road (Sec.36, T22N, R5E) downstream to mouth at Big Soos Creek (Sec.2, T21N, R5E).

Stream Name		Quadrangle Name and Size	Legal Description
(31)	Kimball Creek	Snoqualmie 7 1/2	From the confluence of Coal Creek and Kimball Creek (Sec.31, T24N, R8E) downstream to mouth at Snoqualmie River (Sec.30, same township).
(32)	Maloney Creek	Skykomish 7 1/2	From the Snoqualmie National Forest boundary (Sec.35, T26N, R11E) downstream to mouth at South Fork Skykomish River (Sec.26, same township).
(33)	Martin Creek	Scenic 7 1/2	From the Snoqualmie National Forest boundary (Sec.13, T26N, R12E) downstream to federal boundary (Sec.25, same township).
(34)	May Creek	Mercer Island 7 1/2	From the intersection of May Creek and light-duty road (SE1/4, SE1/4 Sec.32, T24N, R5E) downstream to mouth at Lake Washington (same section).
(35)	Mercer Slough	Mercer Island 7 1/2	From the east section line (Sec.5, T24N, R5E) downstream through Mercer Slough to mouth at East Channel (Sec.8, same township).
(36)	Miller River	Grotto 7 1/2	From the Snoqualmie National Forest boundary (Sec.33, T26N, R11E) downstream, excluding those reaches within Snoqualmie National Forest, to mouth at Skykomish River (Sec.28, same township).
(37)	Money Creek	Grotto 7 1/2	From the Snoqualmie National Forest boundary (Sec.28, T26N, R11E) downstream back to the Snoqualmie National Forest boundary (same section).
(38)	Newaukum Creek	Enumclaw 15 Enumclaw 7 1/2 Buckley 7 1/2 Black Diamond 7 1/2	From the confluence of Newaukum Creek and unnamed creek (Sec.7, T20N, R7E) downstream to mouth at the Green River (Sec.29, T21N, R6E).
(39)	North Creek (Cont.)	Everett 15 Bothell 7 1/2	From King County and Snohomish County line (Sec.5, T26N, R5E) downstream to mouth at Sammamish River (Sec.8, same township).
(40)	North Fork Creek	Lake Joy 7 1/2	From the beginning of creek at swamp (Sec.18, T26N, R8E) downstream to mouth at North Fork Tolt River (Sec.29, same township).
(41)	Patterson Creek	Fall City 7 1/2	From the confluence of Patterson Creek and Canyon Creek (Sec.8, T24N, R7E) downstream to mouth at the Snoqualmie River (Sec.4, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(42)	Philippa Creek	Mount Si 15	From an approximate point (SE1/4 of Sec.22, T25N, R9E) downstream to mouth at Snoqualmie River (Sec.15, same township).
(43)	Pratt River	Snoqualmie Pass 15 Bandera 15 Mount Si 15	From east section line (Sec.27, T23N, R10E) downstream to mouth on Middle Fk. Snoqualmie R. (Sec.31, T24N, R10E) excluding federal lands.
(44)	Raging River	North Bend 7 1/2 Hobart 7 1/2 Fall City 7 1/2	From the confluence of Raging River and unnamed stream (SE1/4 of NW1/4 Sec.25, T23N, R7E) downstream to mouth at Snoqualmie River (Sec.14, T24N, R7E) near Fall City.
(45)	Rock Creek	Greenwater 15	From the Snoqualmie National Forest boundary (Sec.34, T20N, R10E) downstream to mouth at Green River (Sec.21, same township).
(46)	Rock Creek	Hobart 7 1/2	From the confluence of Rock Creek and waters from the diversion ditch (Sec.16, T22N, R7E) downstream to mouth at the Cedar River (Sec.17, same township).
(47)	Rock Creek	Maple Valley 7 1/2	From the intersection of county road, railroad and Rock Creek (Sec.22, T22N, R6E) downstream to Cedar River (Sec.23, same township).
(48)	Sammamish River	Redmond 7 1/2 Kirkland 7 1/2 River Bothell 7 1/2 Edmonds East 7 1/2	From Sammamish Lake (Sec.13, T25N, R5E) downstream to mouth at Lake Washington (Sec.11, T26N, R4E).
(49)	Sawmill Creek	Lester 15	From the Snoqualmie National Forest boundary (Sec.30, T20N, R11E) downstream, excluding all federal lands to mouth at Green River (Sec.24, T20N, R10E).
(50)	Scatter Creek	Enumclaw 15	From the confluence of Scatter Creek and unnamed creek (Sec.2, T19N, R7E) downstream to mouth at the White River (Sec.11, same township).
(51)	Skykomish River* (S. Fk.)	Skykomish* 7 1/2 Grotto 7 1/2 Baring 7 1/2	From confluence of Tye River and Foss River (Sec.31, T26N, R12E) downstream to Snohomish County line (Sec.3, T26N, R10E) excluding all federal lands. The 1,000 cfs MAF point begins at mouth of Beckler Creek (Sec.25, T26N, R11E).
(52)	Smay Creek	Greenwater 15	From the Snoqualmie National Forest boundary (Sec.7, T20N, R10E) downstream to mouth at Green River (Sec.13, T20N, R9E).

Stream Name		Quadrangle Name and Size	Legal Description
(53)	Snoqualmie River*	Snoqualmie* 7 1/2 Fall City 7 1/2 Carnation 7 1/2 Redmond 7 1/2 Monroe 7 1/2	From the confluence of Middle Fork and South Fork of Snoqualmie River (Sec.33, T24N, R8E) downstream to Snohomish County line (Sec.6, T26N, R7E). The 1,000 cfs MAF point begins at confluence of Middle Fork and South Fork Snoqualmie River.
(54)	Snoqualmie River (M. Fk.)*	Mount Si* 15 Bandera 15 North Bend 7 1/2 Snoqualmie 7 1/2	From Snoqualmie National Forest boundary (Sec.26, T24N, R10E) downstream to confluence with South Fork of Snoqualmie River (Sec.33, T24N, R8E), excluding all federal lands. The 1,000 cfs MAF point begins at Snoqualmie National Forest boundary.
(55)	Snoqualmie River (N. Fk.)	Mount Si 15 Snoqualmie 7 1/2 North Bend 7 1/2	From the Snoqualmie National Forest boundary (Sec.12, T25N, R9E) downstream to mouth at Snoqualmie River (Main Fork) (Sec.34, T24N, R8E).
(56)	Snoqualmie River (S. Fk.)	Bandera 15 North Bend 7 1/2 Snoqualmie 7 1/2	From the Snoqualmie National Forest boundary (Sec.33, T23N, R11E) downstream to confluence with Snoqualmie River (Main Fork) (Sec.33, T24N, R8E) excluding all federal lands.
(57)	Spring Brook Creek	Renton 7 1/2	From the intersection of Spring Brook Creek and medium-duty road (SW1/4 of NE1/4 of Sec.24, T23N, R4E) downstream to mouth at Black River (Sec.13, same township).
(58)	Sunday Creek	Lester 15	From the Snoqualmie National Forest boundary (Sec.3, T20N, R11E) downstream to mouth at the Green River (Sec.18, T20N, R11E) Exclude federal lands.
(59)	Sunday Creek	Mount Si 15	From the Snoqualmie National Forest boundary (Sec.13, T25N, R9E) downstream to mouth at the North Fork Snoqualmie River (Sec.15, same township).
(60)	Swamp Creek (Cont.)	Bothell 7 1/2	From Snohomish County line (Sec.2, T26N, R4E) downstream to mouth at Sammamish River (Sec.12, same township).
(61)	Taylor Creek	Eagle Gorge 7 1/2 North Bend 7 1/2	From confluence of Middle Fork and South Fork Taylor Creek (Sec.32, T22N, R8E) downstream to mouth at Cedar River (Sec.13, T22N, R7E).
(62)	Ten Creek	Snoqualmie 7 1/2	From the intersection of light-duty road and Ten Creek (Sec.11, T24N, R8E) downstream to mouth at Tokul Creek (Sec.9, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(63)	Tokul Creek	Lake Joy 7 1/2 Snoqualmie 7 1/2	From the confluence of Tokul Creek and Beaver Creek (Sec.21, T25N, R8E) downstream to mouth at Snoqualmie River (Sec.24, T24N, R7E).
(64)	Tolt River	Lake Joy 7 1/2	From the confluence of North Fork Tolt River and South Fork Tolt River (Sec.31, T26N, R8E) downstream to mouth at Snoqualmie River (Sec.21, T25N, R7E).
(65)	Tolt River (N. Fk.)	Mount Si 15 Lake Joy 7 1/2	From confluence with Titicaed Creek (Sec.12, T26N, R9E) downstream to mouth at Tolt River (Sec.31, T26N, R8E).
(66)	Tolt River (S. Fk.)	Mount Si 15 Lake Joy 7 1/2	From the Snoqualmie National Forest boundary (Sec.31, T26N, R10E) downstream to mouth at Tolt River (Sec.31, T26N, R8E).
(67)	Tye River	Scenic 7 1/2 Skykomish 7 1/2	From the Snoqualmie National Forest boundary (Sec.26, T26N, R12E) downstream to mouth at Skykomish River (Sec.31, same township) excluding all federal lands.
(68)	Unnamed Tributary to Index Creek	Index 15	From the Snoqualmie National Forest boundary (Sec.10, T26N, R10E) downstream to mouth at Index Creek (same section).
(69)	Unnamed Tributary to Snoqualmie River (N. Fk.)	Mount Si 15	From the confluence of unnamed tributary to Snoqualmie River (North Fork) and another unnamed creek (Sec.29, T24N, R9E) downstream to mouth at North Fork Snoqualmie River (Sec.19, same township).
(70)	Unnamed Tributary to Tolt River (S. Fk.)	Mount Si 15	From the confluence of unnamed tributary to Tolt River South Fork and another unnamed stream (Sec.35, T26N, R8E) downstream to South Fork Tolt River (same section).
(71)	White River*	Greenwater* 15 Enumclaw 15 Enumclaw 7 1/2 Buckley 7 1/2 Sumner 7 1/2 Auburn 7 1/2	From confluence of White River and Greenwater River (Sec.4, T19N, R9E) downstream following King-Pierce County line to Pierce County line (Sec.36, T21N, R4E) excluding Indian Reservation lands. The 1,000 cfs MAF point begins at mouth of Greenwater River.
(72)	Issaquah Creek (E. Fk.)	Issaquah 7 1/2	From railroad bridge (SE1/4 Sec.27, T24N, R6E) downstream to mouth at Issaquah Creek (Sec.28, same township).
(73)	Cedar River (N. Fk.)	Snoqualmie Pass 15	From confluence of Cedar River North Fk. and unnamed creek (Sec.7, T21N, R11E) downstream to mouth at Cedar River (Sec.10, T21N, R10E) excluding federal lands.

Stream Name		Quadrangle Name and Size	Legal Description
(74)	Cedar River (S. Fk.)	Snoqualmie Pass 15	From Snoqualmie National Forest boundary, east line of (Sec.23, T21N, R10E) downstream to mouth at Cedar River (Sec.10, T21N, R10E) excluding federal lands.
(75)	Rex River	Bandera 15	From Snoqualmie National Forest south boundary (Sec.11, T21N, R9E). downstream to mouth at Chester Morse Lake (Sec.19, T22N, R9E).
(76)	Taylor Creek (M. Fk.)	Eagle Gorge 7 1/2	From confluence of unnamed tributary (NE1/4 of NE1/4 Sec.34, T22N, R8E) downstream to mouth at Taylor Creek (Sec.32, T22N, R8E).
(77)	Taylor Creek (N. Fk.)	Eagle Gorge 7 1/2	From the bridge crossing in (NW1/4, NW1/4 Sec.29, T22N, R8E) downstream to mouth at Taylor Creek (Sec.29, T22N, R8E).))

Streams and rivers and portions thereof that constitute shorelines of the state within King County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-18-220 Kitsap County. Streams and rivers and portions thereof ((~~which~~)) that constitute shorelines of the state within Kitsap County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-18-230 Kittitas County. Streams and rivers and portions thereof ((~~which~~)) that constitute shorelines of the state within Kittitas County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-250 Lewis County. ((~~Streams~~

	Stream Name	Quadrangle Name and Size	Legal Description
(1)	Big Creek	Randle 15 Mineral 15	From confluence of Big Creek and Tealey Creek (Sec.4, T14N, R7E) downstream to mouth at Nisqually River (Sec.34, T15N, R6E).

	Stream Name	Quadrangle Name and Size	Legal Description
(2)	Brim Creek	Ryderwood 15 Castle Rock 15	From confluence of Brim Creek and North Fork at (Sec.24, T11N, R3W) downstream to mouth at Stillwater Creek (Sec.25, T11N, R3W).
(3)	Bunker Creek	Adna 15	Beginning in the (SE1/4 of NE1/4 Sec.17, T14N, R4W) downstream to mouth at Chehalis River (Sec.6, T13N, R3W).
(4)	Butter Creek	Mt. Rainier 30 Packwood 15	Beginning at Gifford Pinchot National Forest boundary at (Sec.3, T13N, R9E) downstream to mouth at Cowlitz River (Sec.10 of same township).
(5)	Catt Creek	Mt. Rainier 30 Mineral 15 Randle 15	Beginning at Snoqualmie National Forest boundary (Sec.13, T14N, R6E) downstream to mouth at Big Creek (Sec.2, T14N, R6E).
(6)	Cedar Creek	Toutle 15	From confluence of Cedar Creek and unnamed Creek (Sec.11, T11N, R1E) downstream to Salmon Creek (Sec.36, T11N, R1W).
(7)	Chehalis River*	Skamokawa 15 Pe Ell 15 Adna* 15 Centralia 15 Rochester 15	From confluence of East Fork,West Fork and Chehalis River at (Sec.10, T11N, R5W) downstream to Lewis Co. and Thurston Co. line (Sec.26, T15N, R3W). The 1,000 cfs MAF point begins at mouth of South Fork Chehalis River (Sec.13, T13N, R4W).
(8)	Chehalis River (E. Fk.)	Skamokawa 15	From confluence of Chehalis River East Fork and unnamed creek (Sec.27, T11N, R5W) downstream to mouth at confluence of West Fork Chehalis River and Chehalis River (Sec.10, T11N, R5W).
(9)	Chehalis River (W. Fk.)	Skamokawa 15	From confluence of Chehalis River West Fork and unnamed creek (Sec.20, T11N, R5W) downstream to mouth at confluence of East Fork and Chehalis River (Sec.10, T11N, R5W).
(10)	Chehalis River (S. Fk.) (Cont.)	Ryderwood 15 Adna 15	Beginning where the Chehalis River South Fork crosses the Lewis Co. and Cowlitz Co. line (Sec.2, T10N, R4W) downstream to mouth at Chehalis River (Sec.13, T13N, R4W).
(11)	Cinnabar Creek	Onalaska 15	Beginning at (NW1/4 of SW1/4 Sec.13, T13N, R2E) downstream to mouth at Tilton River (Sec.26, T13N, R2E).
(12)	Cispus River*	Steamboat Mt. 30 Spirit Lake 15 Greenhorn Buttes 7 1/2 Tower Rock* 7 1/2	Beginning in the Gifford Pinchot National Forest (Sec.18, T11N, R8E) downstream to the mouth at Cowlitz River (Sec.31, T12N, R6E). The 1,000 cfs MAF point is at Gifford Pinchot National Forest boundary. Exclude federal lands.
(13)	Coal Creek	Mt. Rainier 30 Packwood 15	Beginning at Gifford Pinchot National Forest boundary at east section line (Sec.1, T13N, R9E) downstream to mouth at Cowlitz River (same section).

	Stream Name	Quadrangle Name and Size	Legal Description
(14)	Connelly Creek	Morton 15	Beginning at confluence with Heller Creek (Sec.23, T13N, R4E) downstream to mouth at Tilton River (Sec.35, of same township).
(15)	Cowlitz River	Mt. Rainier 30 Randle 15 Mineral 15 Spirit Lake 15 Packwood* 15 Greenhorn Butte 7 1/2 Elk Rock 15 Morton 15 Onalaska 15 Toutle 15 Castle Rock 15	Starting at the Gifford Pinchot National Forest boundary (Sec.1, T13N, R9E) downstream to Cowlitz Co. line (Sec.33, T11N, R2W). The 1,000 cfs MAF point is at Gifford Pinchot N.F. boundary.
(16)	Crim Creek	Pe Ell 15	From confluence of Crim Creek and unnamed creek (Sec.19, T12N, R5W) downstream to mouth at Chehalis River (Sec.10, same township).
(17)	Davis Creek	Mt. Rainier 30	Beginning at Gifford Pinchot National Forest boundary north section line (Sec.16, T12N, R8E) downstream to mouth at Cowlitz River (Sec.17, of same township).
(18)	Deep Creek	Adna 15	From confluence of Deep Creek and Tapp Creek (Sec.24, T14N, R4W) downstream to mouth at Bunker Creek (Sec.6, T13N, R3W).
(19)	Deschutes River	Morton 15 Ohop Valley 15	From confluence of West Fork and Deschutes River (Sec.1, T14N,R3E) downstream to Lewis Co. and Thurston Co. line (Sec.24, T15N, R3E).
(20)	Devils Creek	Elk Rock 15 Toutle 15	Starting at (NW1/4 of NW1/4 Sec.31, T11N, R3E) downstream to Lewis Co. and Cowlitz Co. line at SW corner (Sec.36, T11N, R2E).
(21)	Dillenbaugh Creek	Centralia 15	From confluence of Dillenbaugh Creek and Berwick Creek (Sec.9, T13N, R2W) downstream to mouth at Chehalis River (Sec.31, T14N, R2W).
(22)	East Creek	Mineral 15 Kapowsin 15	Beginning at approximately the 1/4 corner on west section line (Sec.6, T14N, R5E) the Snoqualmie National Forest boundary, downstream to mouth at Alder Reservoir (Sec.29, T15N, R5E).
(23)	Eight Creek (Cont.)	Pe Ell 15	Beginning at a point on Pacific Co. and Lewis Co. line (Sec.7, T13N, R5W) downstream to mouth at Elk Creek (Sec.8, T13N, R5W).
(24)	Elk Creek (Cont.)	Pe Ell 15	Beginning at a point on Lewis Co. and Pacific Co. line SW corner (Sec.6, T13N, R5W) downstream to mouth at Chehalis River (Sec.3 of same township).
(25)	Elk Creek	Elk Rock 15	From confluence of Elk Creek and unnamed creek (Sec.27, T11N, R4E) downstream to mouth at Green River (Sec.32, T11N, R4E).

	Stream Name	Quadrangle Name and Size	Legal Description
(26)	Gallup Creek	Mineral 15	From confluence of Gallup Creek and unnamed creek (Sec.1, T13N, R5E) downstream to mouth at Mineral Creek (Sec.25, T14N, R5E).
(27)	Garrard Creek (South Fork)	Malone 15	From confluence of Garrard Creek South Fork and unnamed creek (Sec.16, T15N, R5W) downstream to Grays Harbor Co. line (Sec.9, same township).
(28)	Green River (Cont.)	Spirit Lake 15 Elk Rock 15	From south line (Sec.33, T11N, R4E) Lewis-Skamania County line downstream to Lewis-Skamania County line (Sec.31, same township) downstream to Lewis-Cowlitz County line (Sec.31, T11N, R4E).
(29)	Halfway Creek	Adna 15	From confluence of Halfway Creek and unnamed creek (Sec.9, T12N, R4W) downstream to mouth at Stillman Creek (Sec.14, same township).
(30)	Hall Creek	Mt. Rainier 30 Packwood 15	From the North Sec. line (Sec.27, T13N, R9E) downstream to mouth at Cowlitz River (Sec.33, same township) (exclude all federal land).
(31)	Hanaford Creek	Onalaska 15 Tenino SW 7 1/2 Centralia 15 Bucoda 7 1/2	Beginning at (NE1/4 of NW1/4 Sec.5, T14N, R1E) downstream to mouth at Skookumchuck River (Sec.33, T15N, R2W).
(32)	Hanlan Creek	Ryderwood 15	From confluence of Hanlan Creek and unnamed creek (Sec.34, T11N, R4W) downstream to mouth at Chehalis River (Sec.35, of same township).
(33)	Independence Creek	Rochester 15	From confluence of Independence Creek and unnamed creek (Sec.29, T15N, R4W) downstream to Grays Harbor Co. line (Sec.15, T15N, R4W).
(34)	Johnson Creek	Mt. Rainier 30 Packwood 15	Beginning where Johnson Creek crosses Gifford Pinchot National Forest boundary (Sec.32, T13N, R9E) downstream to mouth at Cowlitz River (same section).
(35)	Jones Creek	Pe Ell 15	From confluence of Jones Creek and Katula Creek (Sec.23, T13N, R5W) downstream to mouth at Chehalis River (same section).
(36)	Kearney Creek	Onalaska 15	From confluence of Kearney Creek and Door Creek (Sec.18, T13N, R2E) downstream to mouth at Newaukum River South Fork (Sec.13, T13N, R1E).
(37)	King Creek	Centralia 15 Castle Rock 15	From confluence of King Creek and unnamed creek (Sec.29, T12N, R2W) downstream to mouth at Olequa Creek (Sec.28, same township).

	Stream Name	Quadrangle Name and Size	Legal Description
(38)	Kiona Creek	Mineral 15 Randle 15	Beginning at Gifford Pinchot National Forest boundary (Sec.4, T12N, R6E) downstream to mouth at Cowlitz River (Sec.20, T12N, R7E).
(39)	Klickitat Creek	Onalaska 15	From confluence of Klickitat Creek and unnamed creek (Sec.14, T12N, R2E) downstream to mouth at Mayfield Lake (Sec.10, same township).
(40)	Lacamas Creek	Centralia 15 Castle Rock 15	From confluence of Lacamas Creek and Baker Creek (Sec.15, T12N, R1W) downstream to mouth at Cowlitz River (Sec.27, T11N, R2W).
(41)	Lake Creek	Adna 15	Beginning at (SE1/4 of NW1/4 Sec.21, T12N, R3W) downstream to mouth at Chehalis River South Fork (Sec.30, T13N, R3W).
(42)	Lake Creek	Mineral 15	Beginning at outlet on Anderson Lake (Sec.15, T14N, R6E) downstream to mouth at Catt Creek (Sec.2, T14N, R6E).
(43)	Lake Creek	Mt. Rainier 30 Packwood 15	Beginning at Gifford Pinchot National Forest boundary at west section line (Sec.12, T13N, R9E) downstream to mouth at Cowlitz River (Sec.11, same township).
(44)	Landers Creek	Spirit Lake 15	From an approximate point in center of (SE1/4 Sec.7, T11N, R5E) downstream to mouth on Davisson Lake (Sec.7, T11N, R5E).
(45)	Lincoln Creek	Adna 15 Rochester 15	From confluence of North Fork, South Fork of Lincoln Creek and Lincoln Creek (Sec.5, T14N, R4W) downstream to mouth at Chehalis River (Sec.35, T15N, R3W).
(46)	Lincoln Creek (N. Fork)	Adna 15	Beginning at the (NW1/4 of NE1/4 Sec.6, T14N, R4W) downstream to mouth Lincoln Creek (Sec.5, same township).
(47)	Lincoln Creek (S. Fork)	Adna 15	From confluence of Lincoln Creek South Fork and Wildcat Creek (Sec.7, T14N, R4W) downstream to mouth at Lincoln Creek (Sec.5, same township).
(48)	Lost Creek	Adna 15	From confluence of Lost Creek and unnamed creek north section line (Sec.10, T12N, R4W) downstream to mouth at Stillman Creek (Sec.2 of same township).
(49)	Lucas Creek	Onalaska 15 Centralia 15	From confluence of Lucas Creek and unnamed creek (Sec.5, T13N, R1E) downstream to mouth at Newaukum River North Fork (Sec.2, T13N, R1W).
(50)	Mill Creek	Onalaska 15	Beginning at the (NW1/4 of SW1/4 Sec.28, T13N, R2E) downstream to mouth at Cowlitz River (Sec.23, T12N, R1E).

	Stream Name	Quadrangle Name and Size	Legal Description
(51)	Mineral Creek	Mineral 15	From confluence of Mineral Creek and unnamed creek (Sec.9, T13N, R6E) downstream to mouth at Nisqually River (Sec.26, T15N, R5E).
(52)	Mineral Creek (N. Fk.)	Mineral 15	Beginning at the (NW1/4 of SW1/4 Sec.35, T14N, R6E) downstream to mouth at Mineral Creek (Sec.10, T14N, R5E).
(53)	Newaukum River (M. Fk.)	Centralia 15	From confluence of Newaukum River Middle Fork and unnamed creek (NE of other unnamed creek) (Sec.22, T13N, R1W) downstream to mouth at North Fork Newaukum River (Sec.20 of same township).
(54)	Newaukum River (N. Fk.)	Onalaska 15	From confluence of Newaukum River North Fork and unnamed creek (Sec.13, T14N, R1E) downstream to mouth at Newaukum River (Sec.18, T13N, R1W).
(55)	Newaukum River (S. Fk.)	Onalaska 15	Beginning at the (NE1/4 of SE1/4 Sec.27, T14N, R2E) downstream to mouth at Newaukum River (Sec.19, T13N, R1W) downstream through Newaukum River to mouth at Chehalis River (Sec.31, T14N, R2W).
(56)	Nisqually River*	Randle 15 Kapowsin* 15 Mount Wow 7 1/2 Mineral 15	Beginning at the Snoqualmie National Forest boundary left (south) bank only (Sec.33, T15N, R7E) downstream through Alder Reservoir to Lewis Co., Pierce Co., and Thurston Co. lines in the Reservoir (Sec.29, T15N, R5E). The 1,000 cfs MAF point begins at mouth of Mineral Creek (Sec.26, T15N, R5E).
(57)	Olequa Creek	Centralia 15 Castle Rock 15	From confluence of Olequa Creek and unnamed creek closest to GN, NP, UP Railroad track (Sec.21, T12N, R2W) downstream to Lewis Co. and Cowlitz Co. line (Sec.32, T11N, R2W).
(58)	Quartz Creek	Spirit Lake 15	From the National Forest boundary (Sec.10, T11N, R6E) downstream to mouth on Cispus River (same section).
(59)	Rainy Creek	Mineral 15 Spirit Lake 15	From confluence of Rainy Creek and unnamed creek (Sec.8, T12N, R6E) downstream to mouth at Davisson Lake (Sec.27, T12N, R5E).
(60)	Rock Creek	Pe Ell 15	Beginning at a point approximately at the 1/4 corner (Sec.1, T12N, R6W) on Pacific Co. and Lewis Co. line downstream to mouth at Chehalis River (Sec.33, T13N, R5W).
(61)	Roger Creek	Skamokawa 15 Pe Ell 15	From confluence of Little Roger Creek, Big Roger Creek and Roger Creek (Sec.27, T12N, R5W) downstream to mouth at Chehalis River (Sec.22, T12N, R5W).

	Stream Name	Quadrangle Name and Size	Legal Description
(62)	Roundtop Creek	Mineral 15	From confluence of Roundtop Creek and unnamed creek (Sec.20, T14N, R5E) downstream to mouth at Mineral Creek (Sec.3, same township).
(63)	Salmon Creek	Toutle 15 Castle Rock 15	From confluence of Salmon Creek and Rapid Creek (Sec.17, T11N, R2E) downstream to Lewis Co. and Cowlitz Co. line, excluding Salmon Creek on Cowlitz Co. side (Sec.34, T11N, R1W) downstream to mouth at Cowlitz River (Sec.19, T11N, R1W).
(64)	Salzer Creek	Centralia 15	From the confluence of Salzer Creek and unnamed creek (Sec.23, T14N, R2W) downstream to Chehalis River (Sec.18, T14N, R2W).
(65)	Shelton Creek	Morton 15 Elk Rock 15	From confluence of Shelton Creek and unnamed creek (Sec.27, T12N, R4E) downstream to mouth at Davisson Lake (Sec.27, same township).
(66)	Siler Creek	Mt. Rainier 30 Randle 15	From confluence of Siler Creek and unnamed creek (Sec.27, T12N, R7E) downstream to mouth at Cowlitz River (Sec.20, same township) exclude federal land.
(67)	Silver Creek	Randle 15	From confluence of Silver Creek and Lynx Creek (Sec.22, T13N, R7E) downstream to Cowlitz River (Sec.15, T12N, R7E). Exclude federal lands.
(68)	Skate Creek	Mt. Rainier 30 Packwood 15	From the Gifford Pinchot National Forest boundary at SE corner (Sec.8, T13N, R9E) downstream to mouth at Cowlitz River (Sec.21, same township).
(69)	Skookumchuck River	Morton 15 Onalaska 15 Lake Lawrence 7 1/2 Tenino SW 7 1/2 Centralia 15	From confluence of Bigwater Creek and Skookumchuck River (Sec.7, T14N, R3E) downstream excluding federal lands to Lewis Co. and Thurston Co. thence downstream (Sec.28, T15N, R2W) to mouth (Sec.7, T14N, R2W).
(70)	Smith Creek	Mt. Rainier 30 Packwood 15	From the Gifford Pinchot National Forest boundary (Sec.5, T12N, R9E) downstream to Cowlitz River (Sec.32, T13N, R9E).
(71)	South Hanaford Creek	Centralia 15 Tenino S.W. 7 1/2	Beginning at the (NE1/4 of NE1/4 Sec.12, T14N, R2W) downstream to mouth at Hanaford Creek (Sec.26, T15N, R2W).
(72)	Stearns Creek	Centralia 15 Adna 15	From confluence of Stearns Creek and unnamed creek (Sec.32, T13N, R2W) downstream to mouth at Chehalis River (Sec.2, T13N, R3W).
(73)	Stillman Creek	Ryderwood 15 Adna 15	From confluence of Stillman Creek and unnamed creek (Sec.14, T11N, R4W) downstream to mouth at Chehalis River South Fork (Sec.2, T12N, R4W).

	Stream Name	Quadrangle Name and Size	Legal Description
(74)	Stillwater Creek (Cont.)	Ryderwood 15 Castle Rock 15	From Lewis Co. and Cowlitz Co. line south section line (Sec.34, T11N, R3W) downstream to mouth at Olequa Creek (Sec.32, T11N, R2W).
(75)	Stowe Creek	Pe Ell 15	From confluence of Stowe Creek and Sand Creek (Sec.35, T13N, R5W) downstream to mouth at Chehalis River (Sec.34, same township).
(76)	Thrash Creek	Skamokawa 15	Beginning at (SE1/4 of NE1/4 Sec.31, T12N, R5W) downstream to mouth at Chehalis River (Sec.33, same township).
(77)	Tilton River	Mineral 15 Onalaska 15 Morton 15	Beginning at the closest point on Tilton River to center of (Sec.5, T13N, R5E) downstream to mouth at Mayfield Lake (Sec.26, T13N, R2E).
(78)	Tilton River (E. Fk.)	Mineral 15	From confluence of Tilton River East Fork and unnamed creek (NW1/4 Sec.19, T13N, R6E) downstream to mouth at Tilton River South Fork, on downstream to Tilton River (Sec.25, T13N, R4E).
(79)	Tilton River (N. Fk.)	Morton 15	From north section line Forest boundary (Sec.3, T13N, R3E) downstream to mouth at Tilton River (Sec.30, T13N, R4E). Exclude federal lands.
(80)	Tilton River (S. Fk.)	Mineral 15	Beginning in (NE1/4 of NE1/4 Sec.32, T13N, R5E) downstream to confluence point with East Fork Tilton River, on downstream to mouth at Tilton River (Sec.25, T13N, R4E).
(81)	Tilton River (W. Fk.)	Mineral 15	From confluence of Trout Creek and Tilton River (W. Fk.) (Sec.2, T13N, R4E) downstream to mouth at Tilton River (Sec.19, T13N, R5E).
(82)	Unnamed Trib. to Newaukum River (S. Fk.)	Onalaska 15	From confluence of unnamed creek and unnamed creek (Sec.27, T14N, R2E) downstream to mouth at Newaukum River South Fork (same section).
(83)	Unnamed Trib. to Stillman Creek	Ryderwood 15	From confluence of unnamed creek and unnamed creek (Sec.9, T11N, R4W) downstream to mouth at Stillman Creek (Sec.34, T12N, R4W).
(84)	Willame Creek	Mt. Rainier 30 Packwood 15	From Gifford Pinchot National Forest boundary (Sec.31, T13N, R9E) downstream to Cowlitz River (Sec.6, T12N, R9E).
(85)	Winston Creek	Elk Rock 15 Onalaska 15 Toutle 15	From confluence of Winston Creek and Thurston Creek (Sec.11, T11N, R3E) downstream to mouth at Mayfield Lake (Sec.20, T12N, R2E).
(86)	Winston Creek (S. Fk.)	Elk Rock 15	From confluence of Winston Creek South Fork and unnamed creek (Sec.9, T11N, R3E) downstream to mouth at Winston Creek (Sec.36, T12N, R2E).

	Stream Name	Quadrangle Name and Size	Legal Description
(87)	Little Nisqually River	Morton 15	From confluence of Hiawatha Creek and Little Nisqually River (Sec.9, T14N, R4E) downstream to Lewis-Thurston County line (Sec.28, T15N, R4E). Exclude federal lands.))

Streams and rivers and portions thereof that constitute shorelines of the state within Lewis County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order 73-14, filed 8/27/73)

WAC 173-18-260 Lincoln County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Columbia River (cont.)*		All of Columbia River within Lincoln County (Franklin D. Roosevelt Lake) is under federal jurisdiction. The stream flow is over 200 cfs MAF.
(2)	Crab Creek*	Sprague Lake NE 7 1/2 Sprague Lake 7 1/2 Sprague Lake SW 7 1/2 Harrington SE 7 1/2 Lamona WA 7 1/2 U.S.G.S. Blue Line Advance Sylvan Lake 7 1/2 Odessa 7 1/2 Irby 7 1/2 Marlin SW 7 1/2 Marlin 7 1/2	From the confluence of Rock Creek and Crab Creek (Sec.18, T22N, R38E) downstream through Sylvan Lake to Grant County line (Sec.18, T22N, R31E). This stream has over 300 sq. miles of drainage area down to mouth (right bank only) at unnamed tributary (Sec.34, T22N, R37E).
(3)	Negro Creek	Sprague 15	From the confluence of Negro Creek and unnamed creek in the town of Sprague (Sec.23, T21N, R38E) downstream to mouth at Sprague Lake (Sec.21, same township).
(4)	Spokane River*	Wellpinit* 15 Turtle Lake 15 Lincoln 15	From the Spokane County line (Sec.24, T27N, R39E) starting on left bank of Long Lake (SE corner of same section) thence downstream along left bank of Long Lake to Spokane River, thence downstream on left bank to (Sec.27, T27N, R38E). This stream has both over 200 cfs MAF flow and over 300 sq. miles of drainage area at Spokane County line.
(5)	Wilson Creek*	Almira* 7 1/2 Almira SW 7 1/2	From mouth of Corbett Draw (Sec.16, T25N, R31E) downstream to Grant County line (Sec.6, T24N, R31E). This stream has over 300 sq. miles of drainage area ending at mouth of Corbett Draw.))

Streams and rivers and portions thereof that constitute shorelines of the state within Lincoln County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order 73-14, filed 8/27/73)

WAC 173-18-270 Mason County. ((~~Streams~~

~~Stream Name~~		~~Quadrangle Name and Size~~	~~Legal Description~~
~~(1)~~	~~Baker Creek~~	~~Mt. Tebo 15~~	~~Beginning at Olympic National Forest boundary, at center of (Sec.10, T21N, R6W) downstream to mouth at Satsop River Middle Fork (Sec.16, same township). Exclude federal land.~~
~~(2)~~	~~Bingham Creek~~	~~Mt. Tebo 15 Elma 15~~	~~Beginning at (SW1/4 of NE1/4 Sec.31, T21N, R5W) downstream to mouth at East Fork Satsop River (Sec.11, T19N, R6W).~~
~~(3)~~	~~Canyon River~~	~~Mt. Tebo 15 Grisdale 15~~	~~Beginning at Olympic National Forest boundary at north section line (Sec.18, T21N, R6W) downstream to Mason County, Grays Harbor County line (same section).~~
~~(4)~~	~~Cloquallum Creek~~	~~Elma 15~~	~~From a point near intersection of a road and Cloquallum Creek (Sec.14, T19N, R5W) downstream to Grays Harbor County line (Sec.36, T19N, R6W).~~
~~(5)~~	~~Coulter Creek~~	~~Belfair 7 1/2~~	~~From the confluence of Coulter Creek and unnamed creek (Sec.9, T22N, R1W) downstream to mouth of North Bay (same section).~~
~~(6)~~	~~Cranberry Creek~~	~~Potlatch 15~~	~~Beginning at NE point of Cranberry Lake (Sec.28, T21N, R3W) downstream to mouth at Oakland Bay (Sec.35 of same township).~~
~~(7)~~	~~Decker Creek~~	~~Elma 15~~	~~Beginning at (NW1/4 of SE1/4 Sec.18, T20N, R6W) downstream to (Sec.19, T20N, R6W) and Grays Harbor County, Mason County line returning to Mason County line at (Sec.30, T20N, R6W) on downstream to mouth at Satsop River East Fork (Sec.31, T19N, R6W).~~
~~(8)~~	~~Deer Creek~~	~~Mason Lake 7 1/2 Potlatch 15~~	~~From confluence of Deer Creek and unnamed creek (SW1/4 of SE1/4 Sec.19, T21N, R2W) downstream to mouth on Oakland Bay (Sec.36, T21N, R3W).~~
~~(9)~~	~~Dewatto River~~	~~Holly 7 1/2 Lake Wooten 7 1/2 Potlatch 15~~	~~From a point approximately 1000' north of section line in (SE1/4 of Sec.6, T23N, R2W) downstream to mouth at Dewatto Bay on Hood Canal (Sec.28, T23N, R3W).~~

Stream Name		Quadrangle Name and Size	Legal Description
(10)	Dry Bed Creek	Mt. Tebo 15 Elma 15	Beginning where Dry Bed Creek crosses the Beeville Loop Road at (Sec.27, T21N, R6W) downstream to mouth at Decker Creek (Sec.5, T19N, R6W).
(11)	Dry Creek	Mt. Tebo 15	Beginning where Dry Creek crosses unimproved road at center of (Sec.35, T21N, R6W) downstream to mouth at Dry Bed Creek (Sec.3, T20N, R6W).
(12)	Dry Run Creek	Elma 15	Beginning at (NE1/4 of NW1/4) at South Bend Creek (Sec.27, T19N, R6W) downstream to mouth at Satsop River East Fork (Sec.28 of same township).
(13)	Golsborough Creek (S. Fork)	Elma 15 Shelton 15	From confluence of Golsborough Creek South Fork and unnamed creek (Sec.25, T20N, R5W) downstream to mouth at Oakland Bay (Sec.20, T20N, R3W).
(14)	Gosnell Creek	Shelton 15 Olympia 15 Squaxin Island 7 1/2	From confluence of Gosnell Creek and unnamed creek (Sec.10, T19N, R4W) downstream through Isabella Lake to mouth at Hammersley Inlet of Puget Sound (Sec.25, T20N, R3W).
(15)	Hamma Hamma River	The Brothers 15	Beginning where the Hamma Hamma River crosses the Olympic National Forest boundary (Sec.7, T24N, R3W) downstream to mouth at Hood Canal of Puget Sound (Sec.27 of same township).
(16)	Jefferson Creek	The Brothers 15	Beginning where Jefferson Creek crosses the Olympic National Forest boundary at NW corner (Sec.18, T24N, R3W) downstream to mouth at Hamma Hamma River (Sec.8 of same township) (excluding federal Lands).
(17)	Johns Creek	Potlatch 15 Shelton 15	Beginning where Johns Creek crosses light-duty road (Sec.30, T21N, R3W) downstream to mouth at Oakland Bay (Sec.3, T20N, R3W).
(18)	Kennedy Creek (Cont.)	Shelton 15	From the Thurston County line (Sec.31, T19N, R3W) downstream to mouth at Oyster Bay (Sec.32, T19N, R3W).
(19)	Lilliwaup Creek	Potlatch 15	Beginning in the Lilliwaup Swamp (Sec.11, T23N, R4W) downstream to mouth at Lilliwaup Bay in Hood Canal at (Sec.30, T23N, R3W).
(20)	McTaggert Creek	Potlatch 15	From confluence of McTaggert Creek and Frigid Creek at (Sec.30, T22N, R4W) downstream to Skokomish River North Fork (same section).

Stream Name		Quadrangle Name and Size	Legal Description
(21)	Mission Creek	Lake Wotten 7 1/2 Belfair 7 1/2	From confluence of Mission Creek and unnamed creek (Sec.24, T23N, R2W) downstream to mouth at Hood Canal (Sec.1, T22N, R2W).
(22)	Rendsland Creek	Potlatch 15	Beginning where Rendsland Creek crosses the north section line of (NW1/4 of SE1/4 Sec.17, T22N, R3W) downstream to mouth at Hood Canal (Sec.19 same township).
(23)	Satsop River (E. Fork)	Elma 15	From the confluence of Satsop River East Fork, Phillips Creek and Stillwater Creek (Sec.22, T20N, R5W) downstream to Mason Co., Grays Harbor Co. line (Sec.31, T19N, R6W).
(24)	Satsop River (M. Fork)	Mt. Tebo 15 Elma 15	From the Olympic National Forest boundary (Sec.16, T21N, R6W) downstream to Mason Co., Grays Harbor Co. line (Sec.6, T20N, R6W) reentering Mason Co. at (Sec.31, T19N, R6W) to mouth at Satsop River East Fork.
(25)	Shumocher Creek	Potlatch 15 Mason Lake 7 1/2	From confluence of Shumocher Creek and unnamed creek (Sec.13, T21N, R3W) downstream to mouth at Mason Lake (Sec.7, T21N, R2W).
(26)	Skokomish River*	Potlatch* 15	From confluence of North Fork of Skokomish River and South Fork Skokomish River (Sec.18, T21N, R4W) downstream to mouth in Great Bend on Hood Canal (Sec.6, T21N, R3W) excluding portion on left bank within Skokomish Indian Reservation. The 1,000 cfs MAF flow begins at confluence of N. Fork and S. Fork.
(27)	Skokomish River (N. Fork)	Potlatch 15	From confluence of Skokomish R. N. Fork and Frigid Cr. (Sec.30, T22N, R4W) downstream to confluence with South Fork Skokomish R. (Sec.18, T21N, R4W).
(28)	Skokomish River (S. Fork)	Mt. Tebo 15 Potlatch 15	From the Olympic National Forest boundary (Sec.15, T22N, R5W) downstream to confluence with North Fork Skokomish River (Sec.18, T21N, R4W). Exclude federal lands.
(29)	Skookum Creek	Shelton 15	From confluence of Skookum Creek and unnamed creek (Sec.27, T19N, R4W) downstream to mouth at Skookum Inlet in Puget Sound (Sec.17, T19N, R3W).
(30)	Tahuya River (Cont.)	Wildcat Lake 7 1/2 Holly 7 1/2 Lake Wooten 7 1/2 Potlatch 15	From the Kitsap Co. line (Sec.36, T24N, R2W) downstream to mouth at Hood Canal near Tahuya (Sec.27, T22N, R3W).

Stream Name		Quadrangle Name and Size	Legal Description
(31)	Union River (Cont.)	Belfair 7 1/2	From the Kitsap Co. line (Sec.10, T23N, R1W) downstream to mouth of Lynch Cove near Belfair (Sec.31, T23N, R1W).
(32)	Unnamed Creek	Mt. Tebo 15 Elma 15	Beginning where logging railroad crosses unnamed creek (Sec.4, T20N, R5W) downstream to mouth at Nahwatzel Lake (Sec.5, same township).
(33)	Vance Creek	Mt. Tebo 15	From the Olympic National Forest boundary NW corner of (Sec.4, T21N, R5W) downstream to mouth on Skokomish River (Sec.18, T21N, R4W).
(34)	Goldsborough Creek (N. Fork)	Shelton 15	From confluence of Winter Creek and Goldsborough Cr.N. Fk. (Sec.9, T20N, R4W) downstream to mouth at Goldsborough Cr. S. Fk. (Sec.19 same township).
(35)	Sherwood Creek	Mason Lake 7 1/2 Vaughn 7 1/2 Belfair 7 1/2	From its start in Mason Lake (Sec.34, T22N, R2W) downstream to mouth at North Bay on Case Inlet (Sec.20, T22N, R1W).))

Streams and rivers and portions thereof that constitute shorelines of the state within Mason County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 77-15, filed 9/1/77)

WAC 173-18-290 Pacific County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Alder Creek	Grays River 15 Upper Naselle River 7 1/2	From the confluence of Alder Creek and unnamed creek (NW1/4 Sec.35, T12N, R8W) downstream to the mouth at Naselle River (Sec.16, T11N, R8W).
(2)	Bear River	Knappton 7 1/2 Chinook 7 1/2	From confluence of Bear Branch and unnamed creek (S1/2 of Sec.36, T10N, R10W) downstream to mouth in Shoalwater Bay (Sec.7, same township).
(3)	Blaney Creek	Skamokawa 15	From the confluence of Blaney Creek and unnamed creek (Sec.32, T11N, R6W) downstream to mouth at Grays River (Sec.31, same township).
(4)	Bone River	South Bend 7 1/2 Bay Center 7 1/2	Beginning at a point (SW 1/4 of NW 1/4 Sec. 36 T14N, R10W) downstream to mouth at Willapa Bay (Sec. 4, T13N, R10W).
(5)	Butte Creek	Raymond 15	From the confluence of Butte Creek and unnamed creek (Sec.32, T15N, R8W) downstream to mouth at Smith Creek (Sec.31, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(6) Canon River	South Bend 15 North Nemah 7 1/2 Nemah 7 1/2	From confluence of Canon River and unnamed creek (Sec.5, T12N, R9W) downstream to mouth at Middle Fork of Palix River (Sec.24, T13N, R10W).
(7) Canyon Creek	South Bend 15 North Nemah 7 1/2	From the confluence of Canyon Creek and unnamed creek (Sec.29, T13N, R9W) downstream to mouth at Canon River (Sec.32, same township).
(8) Cedar River	Western 7 1/2 Bay Center 7 1/2	From confluence of North Fork Cedar River and Cedar River (Sec.25, T15N, R11W) downstream to mouth at Willapa Bay (Sec.6, T14N, R10W).
(9) Cedar River (N. Fork)	Grayland 7 1/2 Western 7 1/2	From confluence of North Fork Cedar River and unnamed creek (NW1/4, NE1/4 Sec.26, T15N, R11W) downstream to mouth at Cedar River (Sec.25, same township).
(10) Chinook River	Chinook 7 1/2	From a point approximately 1000' south of northern section line (Sec.8, T9N, R10W) downstream to mouth in Baker Bay of Columbia River (Sec.31, T10N, R10W).
(11) Clearwater Creek	South Bend 15 South Bend 7 1/2 Aberdeen S.E. 7 1/2	Beginning at a point where Clearwater Creek crosses the unimproved dirt road near north section line (Sec.35, T15N, R9W) downstream to mouth at Smith Creek (Sec.26, same township).
(12) Columbia River (Cont.)*	Grays River 15 Roseburg 7 1/2 Knappton 7 1/2 Astoria 7 1/2 Warrenton 7 1/2 Chinook 7 1/2 Cape Disappointment 7 1/2	From the Wahkiakum County line on the Columbia River (Sec.1, T9N, R9W) downstream along the Washington-Oregon boundary to mouth on Pacific Ocean (Sec.18, T9N, R11W). This stream exceeds 1,000 cfs MAF at Wahkiakum Co. line.
(13) Dell Creek	Knappton 7 1/2	From the confluence of Dell Creek and unnamed creek (Sec.7, T10N, R9W) downstream to mouth on Naselle River (Sec.8, same township).
(14) Eight Creek	Pe Ell 15	From confluence of Eight Creek and unnamed creek (Sec.11, T13N, R6W) downstream to Lewis County line (Sec.12, same township).
(15) Elk Creek	Pe Ell 15	From confluence of Elk Creek and unnamed creek (Sec.29, T14N, R6W) downstream to Lewis County line (Sec.1, T13N, R6W).
(16) Elk Creek	Raymond 15	From confluence of Elk Creek and unnamed creek (Sec.17, T14N, R8W) downstream to mouth at Willapa River (Sec.19, same township).
(17) Elkhorn Creek (Cont.)	Montesano 15 Aberdeen SE 7 1/2	From Grays Harbor County line (Sec.15, T15N, R8W) downstream to mouth at Smith Creek (Sec.26, T15N, R9W).
(18) Ellis Creek	Grays River 15 Raymond 15	Beginning at a point (SW1/4 of NE1/4 Sec.28, T12N, R7W) downstream to mouth at Fork Creek (Sec.16, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(19) Fairchild Creek	Raymond 15	From mouth of North Fork Fairchild Creek (Sec.24, T14N, R8W) downstream to mouth at Ward Creek (Sec.14, same township).
(20) Fairchild Creek (North Fork)	Raymond 15	From confluence of Fairchild Creek N.Fk. and unnamed creek (Sec.8, T14N, R7W) downstream to mouth at Fairchild Creek (Sec.24, T14N, R8W).
(21) Ellsworth Creek	Long Island 7 1/2	From confluence of Ellsworth Cr. and unnamed creek (SE1/4 of SW1/4 Sec.35, T11N, R10W) downstream to mouth on Naselle River (Sec.22 same township).
(22) Fall River	Pe Ell 15 Raymond 15 Montesano 15	From confluence of Fall River and unnamed creek (Sec.2, T14N, R6W) downstream to mouth at (Sec.24, T15N, R7W).
(23) Falls Creek	Pe Ell 15 Raymond 15	From confluence of Falls Creek and unnamed creek (Sec.24, T12N, R7W) downstream to mouth at Willapa River (Sec.11, same township).
(24) Fern Creek	Pe Ell 15 Raymond 15	Beginning at a point (NW1/4 of SW1/4 Sec.6, T12N, R6W) downstream to mouth at Willapa River (Sec.3, T12N, R7W).
(25) Finn Creek	Oman Ranch 7 1/2	From confluence of Finn Creek and unnamed creek (NE1/4 Sec.29, T12N, R9W) downstream to mouth on North Nemah River (Sec.30, same township).
(26) Fork Creek	Raymond 15	Beginning at a point (SW1/4 of SE1/4 Sec.15, T12N, R7W) downstream to mouth at Willapa River (Sec.6, T12N, R7W).
(27) Grays River (East Fork)	Skamokawa 15	From confluence of Grays River East Fork and unnamed creek (Sec.14, T11N, R6W) downstream to mouth at Grays River (Sec.17, same township).
(28) Grays River (S. Frk.) (Cont.)	Skamokawa 15	From Wahkiakum Co. line (Sec.32, T11N, R6W) downstream to mouth on Grays River East Fork (Sec.31, same township).
(29) Hull Creek	Grays River 15	From confluence of Hull Creek and unnamed tributary (Sec.30, T11N, R7W) downstream to Wahkiakum County line (Sec.32, same township).
(30) Half Moon Creek	Raymond 15	Beginning at a point (SW1/4 of SE1/4 Sec.26, T13N, R7W) downstream to mouth at Willapa River (Sec.4, T12N, R7W).
(31) Johnson Creek	Skamokawa 15	From the confluence of Johnson Creek and unnamed creek (Sec.6, T11N, R6W) downstream to mouth at Grays River (Sec.7, same township).
(32) Little Elk Creek	Pe Ell 15	Beginning at a point (SE1/4 of Sec.5, T13N, R6W) downstream to mouth at Elk Creek (Sec.33, T14N, R6W).

Stream Name	Quadrangle Name and Size	Legal Description
(33) Lower Salmon Creek (Cont.)	Aberdeen S.E. 7 1/2	From Grays Harbor County line (Sec.14, T15N, R9W) downstream back to said county line (Sec.15 same township).
(34) Middle Nemah River	Oman Ranch 7 1/2 Long Island 7 1/2 Nemah 7 1/2	From confluence of Middle Nemah River and unnamed creek (SW1/4, NE1/4 Sec.9, T11N, R9W) downstream to mouth at South Nemah River (Sec.27, T12N, R10W).
(35) Mill Creek	Raymond 15	From confluence of Mill Creek and unnamed creek (Sec.11, T13N, R7W) downstream to mouth at Willapa River (Sec.2, T13N, R8W).
(36) Mitchell Creek	Skamokawa 15	From the confluence of Mitchell Creek and unnamed creek (Sec.8, T11N, R6W) downstream to mouth at Grays River East Fork (Sec.17, same township).
(37) Naselle River	Grays River 15 Up. Naselle River 7 1/2 Roseburg 7 1/2 Knappton 7 1/2 Oman Ranch 7 1/2 Long Island 7 1/2	From a point on east section line (Sec.36, T12N, R8W) downstream thru Chetlo Harbor and Stanley Channel to Willapa Bay (Sec.31, T12N, R10W) excluding those reaches within Wahkiakum County.
(38) Naselle River (South Fork)	Knappton 7 1/2	From confluence of Naselle River S. Fork and Bean Creek (Sec.33, T10N, R9W) downstream to mouth at Naselle River (Sec.9, same township).
(39) Niawiakum River	South Bend 15 Bay Center 7 1/2 Nemah 7 1/2	Beginning at a point near the section center (Sec.14, T13N, R10W) downstream to mouth at Palix River (Sec.9, same township).
(40) North River*	Malone 15 Montesano 15 Aberdeen S.E.* 7 1/2 Western 7 1/2 Bay Center 7 1/2	From confluence of Redfield Creek and Wheeler Creek (Sec.22, T15N, R6W) downstream to mouth on Willapa Bay (Sec.35, T15N, R10W) excluding those reaches within Grays Harbor County. The 1,000 cfs MAF point begins at mouth of Lower Salmon Creek (Sec.7, T15N, R9W).
(41) North Fork Naselle River	Raymond 15 Upper Naselle Riv. 7 1/2	From confluence of North Naselle River and unnamed creek (Sec.19, T12N, R8W) downstream to mouth at Naselle River (Sec.17, T11N, R8W).
(42) North Nemah River	Grays River 15 North Nemah 7 1/2 Up. Naselle River 7 1/2 Nemah 7 1/2 Oman Ranch 7 1/2	From the confluence of North Nemah River and unnamed creek (Sec.11, T11N, R9W) downstream to mouth at Willapa Bay (Sec.22, T12N, R10W).
(43) Palix River	Nemah 7 1/2 Bay Center 7 1/2	From confluence of South and North Forks of Palix River (Sec.22, T13N, R10W) downstream to mouth on Willapa Bay (Sec.5, same township).
(44) Palix River (North Fork)	South Bend 15 South Bend 7 1/2 North Nemah 7 1/2 Nemah 7 1/2	Beginning at a point (SE1/4 of NW1/4 Sec.7, T13N, R9W) downstream to mouth on Palix River (Sec.22, T13N, R10W).

Stream Name	Quadrangle Name and Size	Legal Description
(45) Palix River (South Fork)	South Bend 15 Nemah 7 1/2	Beginning at a point (NE1/4 of NW1/4 Sec.35, T13N, R10W) downstream to mouth on Palix River (Sec.22, same township).
(46) Rainie Creek (Cont.)	Malone 15	From Grays Harbor County line (Sec.16, T15N, R6W) downstream to mouth on North River (Sec.20, same township).
(47) Redfield Creek	Malone 15	From confluence of Redfield Creek and Wheeler Creek (Sec.22, T15N, R6W) downstream to mouth at confluence of Redfield Creek and North River (Sec.21, same township).
(48) Rock Creek	Pe Ell 15	From confluence of Rock Creek and unnamed right bank tributary (Sec.2, T12N, R6W) downstream to Lewis County line (Sec.1, same township).
(49) Rue Creek	Raymond 15	From confluence of Rue Creek with the Middle and West Forks of Rue Creek (Sec.15, T13N, R8W) downstream to mouth at So. Fork Willapa River (Sec.8, same township).
(50) Salmon Creek	Grays River 15 Up. Naselle River 7 1/2 Roseburg 7 1/2 Knappton 7 1/2	From the confluence of Salmon Creek and unnamed creek (Sec.26, T11N, R8W) downstream to mouth at Naselle River (Sec.10, T10N, R9W) excluding those reaches within Wahkiakum County.
(51) Smith Creek	Montesano 15 Raymond 15 Aberdeen S.E. 7 1/2 Bay Center 7 1/2	From the east section (Sec.18, T15N, R7W) downstream to mouth at North River (Sec.35, T15N, R10W).
(52) Smith Creek	Oman Ranch 7 1/2	From confluence of Smith Creek and unnamed creek (SE1/4,SE1/4 Sec.26, T11N, R10W) downstream to mouth on Naselle River (Sec.24, same township).
(53) S. Nemah River	Long Island 7 1/2 Nemah 7 1/2	From confluence of South Nemah River and unnamed creek (NW1/4 Sec.2, T11N, R10W) downstream to mouth in Willapa Bay (Sec.22, T12N, R10W).
(54) Swem Creek	Pe Ell 15	Beginning at a point (SW1/4 of NE1/4 Sec.26, T14N, R6W) downstream to mouth at Elk Creek (Sec.34, same township).
(55) Trap Creek	Raymond 15	From confluence of Trap Creek and unnamed creek (Sec.9, T12N, R8W) downstream to Willapa River (Sec.1, same township).
(56) Unnamed Tributary to Canon River	South Bend 15 North Nemah 7 1/2	From a point (NW1/4 of NW1/4 Sec.33, T13N, R9W) downstream to mouth at Canon River (Sec.32, same township).
(57) Unnamed Tributary to Grays River	Skamokawa 15	From confluence of the unnamed tributary and unnamed creek (Sec.32, T12N, R6W) downstream to mouth at Grays River (Sec.5, T11N, R6W).
(58) Unnamed Tributary to Hull Creek	Grays River 15	From a point (SE1/4 of SW1/4 Sec.30, T11N, R7W) downstream to mouth on Hull Creek (Sec.32, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(59) Unnamed Tributary to Palix River (N. Fork)	South Bend 15 North Nemah 7 1/2	From confluence of the unnamed tributary and other unnamed tributary (Sec.8, T13N, R9W) downstream to mouth at Palix River North Fork (Sec.18, same township).
(60) Unnamed Tributary to Smith Creek	Montesano 15	From confluence of unnamed tributary and another unnamed tributary (Sec.25, T15N, R8W) downstream to mouth at Smith Creek (Sec.26, same township).
(61) Wallacut River	Cape Disappointment 7 1/2	From the confluence of Wallacut River and unnamed creek (SW1/4 Sec.26, T10N, R11W) downstream to mouth at Baker Bay (Sec.34, same township).
(62) Ward Creek	Raymond 15	From a point (NW1/4 of SE1/4 Sec.2, T14N, R8W) downstream to mouth at Willapa River (Sec.27, same township).
(63) W.F. Grays River	Grays River 15	From confluence of West Fork Grays River and unnamed creek (Sec.16, T11N, R7W) downstream to Wahkiakum County line (Sec.33, same township).
(64) Whitcomb Creek	Raymond 15	From a point (SW1/4 of NE1/4 Sec.35, T14N, R8W) downstream to mouth at Ward Creek (Sec.27, same township).
(65) Willapa River*	Pe Ell 15 Raymond* 15 South Bend 7 1/2	From confluence of Willapa River and unnamed creek (Sec.8, T12N, R6W) downstream to mouth at Willapa Bay (Sec.18, T14N, R9W). The streamflow is 1,000 cfs MAF at mouth of South Frk. Willapa River (Sec.24, T14N, R9W).
(66) Willapa River (S. Fork)	South Bend 15 North Nemah 7 1/2	From an approximate point (NW1/4 Sec.2, T12N, R9W) downstream to mouth at Willapa River (Sec.24, T14N, R9W).
(67) Williams Creek	South Bend 15 Nemah 7 1/2 North Nemah 7 1/2	From an approximate point (SW1/4 of Sec.15, T12N, R9W) downstream to mouth at North Nemah River (Sec.14, T12N, R10W).
(68) Wilson Creek	Raymond 15	From the east section line (Sec.27, T14N, R7W) downstream to mouth at Ward Creek (Sec.22, T14N, R8W).
(69) Wilson Creek (North Fork)	Raymond 15	From confluence of Wilson Creek North Fork and unnamed creek (Sec.20, T14N, R7W) downstream to mouth at Wilson Creek (Sec.30, same township).))

Streams and rivers and portions thereof that constitute shorelines of the state within Pacific County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order 73-14, filed 8/27/73)

WAC 173-18-300 Pend Oreille County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Calispell Creek	Newport 30 Cusick 7 1/2	From the confluence of North and South Forks of Calispell Creek (Sec.34, T32N, R43E) downstream thru Calispell Lake to mouth on Pend Oreille River (Sec.19, T33N, R44E).
(2)	Calispell Creek (N. Frk.)	Newport 30 Sacheen Lake 7 1/2 Cusick 7 1/2	From the north section line (Sec.28, T32N, R43E) downstream thru Power Lake to mouth on Calispell Creek (Sec.34, same township).
(3)	Le Clere Creek	Metaline 30 Ruby 7 1/2	From the confluence of West Branch of Le Clere Creek and the East Branch of Le Clere Creek (Sec.17, T35N, R44E) downstream to mouth at Pend Oreille River (Sec.20, same township).
(4)	Le Clere Creek (W. Branch)	Metaline 30 Ruby 7 1/2	From the Kaniksu National Forest boundary (Sec.6, T35N, R44E) downstream to mouth at Le Clere Creek (Sec.17, same township).
(5)	Le Clere Creek (E.Branch)	Metaline 30 Ruby 7 1/2	From the Kaniksu National Forest boundary (Sec.5, T35N, R44E) downstream to mouth at Le Clere Creek (Sec.17, same township).
(6)	Pend Oreille River*	Newport 30 Newport,Wash.—Idaho* 7 1/2 Diamond Lake 7 1/2 Skookum Creek 7 1/2 Cusick 7 1/2 Metaline 7 1/2 Metaline Falls 7 1/2 Jared 7 1/2 Ruby 7 1/2 Scotchman Lake 7 1/2 Ione 7 1/2	From the Washington-Idaho border (Sec.7, T31N, R46E) downstream (excluding all federal lands) to United States-Canadian border (Sec.3, T40N, R43E). The flow exceeds 200 cfs MAF at Washington-Idaho border and has 300 square miles of drainage area.
(7)	Little Spokane River	Newport 7 1/2 Diamond Lake 7 1/2 Camden 7 1/2	From an approximate point (NE1/4 of SW1/4 of NW1/4 of NW1/4 of Sec.34, T31N, R45E) downstream thru Chain Lake and to the Spokane County line (Sec.34, T30N, R44E).
(8)	Little Spokane River (W.Branch)	Newport 30	Flowing from Sacheen Lake (Sec.35, T31N, R43E) downstream thru Trout Lake, downstream thru Horseshoe Lake, downstream to Spokane County line.

Stream Name		Quadrangle Name and Size	Legal Description
(9)	Skookum Creek	Newport 30 Skookum Creek 7 1/2	From the confluence of Skookum Creek and N. Fork Skookum Creek (Sec.34, T33N, R44E) downstream to mouth at Pend Oreille River (Sec.4, T32N, R44E).
(10)	Sullivan Creek*	Metaline* 30	From the Colville National Forest boundary (Sec.22, T39N, R43E) downstream to mouth at Pend Oreille River (Sec.23, same township). The flow exceeds 200 cfs MAF at Colville National Forest boundary.
(11)	Tacoma Creek	Newport 30 Jared 7 1/2	From an approximate point (NW1/4 of NW1/4 of Sec.27, T34N, R43E) downstream (excluding all federal lands) to mouth at Pend Oreille River (Sec.30, T34N, R44E).))

Streams and rivers and portions thereof that constitute shorelines of the state within Pend Oreille County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-310 Pierce County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Beaver Creek	Kapowsin 15	From an approximate point near the center of (Sec.35, T16N, R5E) downstream to the mouth at Mashel River (Sec.21, T16N, R5E).
(2)	Busy Wild Creek	Kapowsin 15	From the confluence of Busy Wild Creek and unnamed creek (Sec.10, T15N, R6E) downstream to mouth at Mashel River (Sec.25, T16N, R5E).
(3)	Carbon River	Mowich Lake 7 1/2 Enumclaw 15 Golden Lakes 7 1/2 Wilkeson 7 1/2 Orting 7 1/2 Sumner 7 1/2	From the Mount Rainier National Park boundary (Sec.35, T18N, R7E) downstream to mouth at the Puyallup River. (Sec.13, T19N, R4E).
(4)	Chambers Creek	Steilacoom 7 1/2	From outflow of Steilacoom Lake (Sec.34, T20N, R2E) downstream to mouth at Chambers Bay and Puget Sound (Sec.29, T20N, R2E).
(5)	Clarks Creek	Puyallup 7 1/2	Beginning in the (NE1/4 of the SE1/4 Sec.32, T20N, R4E), downstream to mouth at Puyallup River (Sec.15, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(6)	Clearwater River	Enumclaw 15	From the Snoqualmie National Forest boundary (Sec.34, T19N, R8E) downstream to mouth at the White River (Sec.7, T19N, R8E).
(7)	Clover Creek	Tacoma South 15 Spanaway 7 1/2 Tacoma South 7 1/2 Steilacoom 7 1/2 Frederickson 7 1/2	From the intersection of Clover Creek and railroad (Sec.25, T19N, R3E) downstream to Steilacoom Lake (Sec.3, T19N, R2E). Delete federal lands.
(8)	Evans Creek	Kapowsin 15	From the east line of (Sec.11, T17N, R6E) downstream to mouth at Carbon River (Sec.35, T18N, R6E).
(9)	Gale Creek	Enumclaw 15 Wilkeson 7 1/2	From an approximate point near the center of the (NE1/4 of SW1/4 of NE1/4 of NW1/4 of Sec.13, T18N, R6E) downstream to mouth at Wilkeson Creek (Sec.34, T19N, R6E).
(10)	Greenwater River	Lester 15 Greenwater 15	From the Snoqualmie National Forest boundary (Sec.31, T19N, R11E) downstream on the left shore only to the mouth at White River (Sec.4, T19N, R9E). Exclude federal lands.
(11)	Little Mashel River	Kapowsin 15 Eatonville 7 1/2	From the confluence of the Little Mashel River and unnamed creek (Sec.30, T16N, R5E) downstream to Mashel River (Sec.22, T16N, R4E).
(12)	Lynch Creek	Kapowsin 15 Tanwax Lake 7 1/2	From an approximate point on the west line of (SE1/4 of NE1/4 of NW1/4 of Sec.17, T16N, R5E) downstream to mouth at Ohop Creek (Sec.10, T16N, R4E).
(13)	Mashel River	Kapowsin 15 Eatonville 7 1/2	From the confluence of Mashel River and unnamed creek (Sec.18, T16N, R6E) downstream to mouth at Nisqually River (Sec.29, T16N, R4E).
(14)	Milky Creek	Enumclaw 15	From an approximate point near the NW corner of the (NE1/4 of SE1/4 of NW1/4 of Sec.34, T19N, R8E) downstream to the mouth at the Clearwater River (same section).
(15)	Minter Creek	Burley 7 1/2 Fox Island 7 1/2	From the confluence of Minter Creek and Huge Creek (Sec.20, T22N, R1E) downstream to mouth at Carr Inlet (Sec.29, same township).
(16)	Mowich River	Golden Lakes 7 1/2 Kapowsin 15	From the Mount Rainier National Park boundary (Sec.33, T17N, R7E) downstream to mouth at Puyallup River (Sec.3, T16N, R6E).
(17)	Muck Creek	Fort Lewis 7 1/2	From Fort Lewis Military Reservation boundary (Sec.27, T18N, R2E) downstream through Muck Lake to same boundary (Sec.34, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(18)	Niesson Creek	Kapowsin 15	From an approximate point near the NW corner of the (NE1/4 of NE1/4 of Sec.4, T16N, R6E) downstream to the Puyallup River (Sec.33, T17N, R6E).
(19)	Nisqually River*	Randle 15 Mount Wow 7 1/2 Mineral 15 Kapowsin* 15 Eatonville 7 1/2 Bald Hill 7 1/2 Harts Lake 7 1/2 McKenna 7 1/2 Nisqually 7 1/2	From Snoqualmie National Forest boundary (Sec.33, T15N, R7E) downstream along the north and east shores only, excluding all federal lands to the Fort Lewis Military Reservation (Sec.16, T17N, R2E), from Military Reservation (Sec.5, T18N, R1E) to mouth on Nisqually Reach (Sec.28, T19N, R1E). *Note: The 1,000 cfs MAF point starts at mouth of Mineral Creek (Sec.26, T15N, R5E).
(20)	Ohop Creek	Kapowsin 15 Orting 7 1/2	From the confluence of Ohop Creek and unnamed creek (Sec.21, T17N, R5E) downstream through Lake Kapowsin to mouth at Puyallup River (Sec.20, T18N, R5E).
(21)	Ohop Creek	Tanwax Lake 7 1/2 Eatonville 7 1/2	From the confluence of Twenty Five Mile Creek and Ohop Creek (Sec.26, T17N, R4E) downstream through Ohop Lake to Kapowsin Creek, thence downstream to mouth at Nisqually River (Sec.25, T16N, R3E).
*NOTE: (Exclude area from La Grande Dam downstream to power house due to use of aqueduct.)			
(22)	Puyallup River*	Mt. Rainier 30 Kapowsin 15 Orting 7 1/2 Sumner* 7 1/2 Puyallup 7 1/2 Tacoma South 7 1/2 Tacoma North 7 1/2	From the confluence of North and South Forks Puyallup River (Sec.20, T16N, R7E) downstream (excluding all federal lands) to Commencement Bay at Tacoma (Sec.33, T21N, R3E) The 1,000 cfs MAF point begins at mouth of Carbon River (Sec.13, T19N, R4E).
(23)	Rocky Creek	Vaughn 7 1/2	From the confluence of Rocky Creek and the unnamed creek (Sec.27, T22N, R1W) downstream to mouth at Rocky Bay (same section).
(24)	Rushingwater Creek	Golden Lakes 7 1/2 Kapowsin 15	From the Snoqualmie National Forest boundary (Sec.1, T16N, R6E) downstream to mouth at Mowich River (Sec.2, same township).
(25)	Sequalitchew Creek	Anderson Island 15 Fort Lewis 7 1/2 Nisqually 7 1/2	From the Fort Lewis Military Reservation (Sec.25, T19N, R1E) downstream to mouth at Nisqually Reach (Sec.22, same township).
(26)	South Creek	Ohop Valley 15 Harts Lake 7 1/2 Spanaway 7 1/2 Tanwax Lake 7 1/2	From the confluence of South Creek and unnamed creek (Sec.8, T17N, R4E) downstream to Fort Lewis Military Reservation boundary (Sec.34, T18N, R3E).

Stream Name		Quadrangle Name and Size	Legal Description
(27)	South Prairie Creek	Enumclaw 15 Wilkeson 7 1/2 Buckley 7 1/2 Sumner 7 1/2 Orting 7 1/2	From the Snoqualmie National Forest boundary (Sec.32, T19N, R7E) downstream to mouth at Carbon River (Sec.27, T19N, R5E).
(28)	Spanaway Creek	Tacoma South 15 Tacoma South 7 1/2 Spanaway 7 1/2	From the confluence of waters from Spanaway Lake (Sec.20, T19N, R3E) downstream to mouth at Clover Creek (Sec.8, same township).
(29)	Tanwax Creek	Tanwax Lake 7 1/2 Harts Lake 7 1/2 Bald Hill 7 1/2	From the confluence of Tanwax Creek and unnamed creek (Sec.31, T17N, R4E) downstream to mouth at the Nisqually River (Sec.20, T16N, R3E).
(30)	Twenty Five Mile Creek	Kapowsin 15 Tanwax Lake 7 1/2	From an approximate point near the west line of the (NE1/4 of NW1/4 of SE1/4 of Sec.25, T17N, R4E) downstream to mouth at Ohop Creek (Sec.26, same township).
(31)	Unnamed Tributary to Mashel River	Kapowsin 15	From an approximate point near the SW corner of (NE1/4 of Sec.29, T16N, R6E) downstream to mouth at Mashel River (Sec.19, same township).
(32)	Voight Creek	Kapowsin 15 Wilkeson 7 1/2 Orting 7 1/2	From the intersection of the west line of (Sec.3, T17N, R6E) and Voight Creek, downstream to mouth at Carbon River (Sec.33, T19N, R5E).
(33)	White River*	Greenwater* 15 Enumclaw 15 Enumclaw 7 1/2 Auburn 7 1/2 Sumner 7 1/2 Puyallup 7 1/2 Buckley 7 1/2	From the Snoqualmie National Forest boundary (Sec.36, T19N, R9E) downstream to the King-Pierce County line along County line on southerly shore only to the Muckleshoot Indian Reservation (Sec.2, T20N, R5E) returning from the reservation (Sec.1, T20N, R4E) downstream to mouth at Puyallup River (Sec.26, same township). The 1,000 cfs MAF point begins at mouth of Greenwater River (Sec.4, T19N, R9E).
(34)	White River (West Fork)	Greenwater 15	From the Snoqualmie National Forest boundary (Sec.33, T19N, R9E) downstream to mouth at the White River (Sec.23, same township).
(35)	Wilkeson Creek	Wilkeson 7 1/2 Buckley 7 1/2	From confluence of Wilkeson Creek and Gale Creek (Sec.34, T19N, R6E) downstream to mouth at South Prairie Creek (Sec.17, same township).
(36)	North Puyallup River	Mount Wow 7 1/2	From Mount Rainer National Park boundary (Sec.21, T16N, R7E) downstream to mouth at Puyallup River (Sec.20, T16N, R7E).

Stream Name		Quadrangle Name and Size	Legal Description
(37)	South Puyallup River	Mount Wow 7 1/2	From Mount Rainer National Park boundary (Sec.33, T16N, R7E) downstream to mouth at Puyallup River (Sec.20, T16N, R7E).))

Streams and rivers and portions thereof that constitute shorelines of the state within Pierce County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-330 Skagit County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Alder Creek	Hamilton 15	From confluence of Alder Creek and unnamed creek (Sec.6, T35N, R7E) downstream to mouth at Skagit River (Sec.18, same township).
(2)	Baker River*	Lake Shannon* 15	Beginning at Mt. Baker National Forest boundary in Lake Shannon (Sec.1, T36N, R8E) down through Lake Shannon and Baker Dam to mouth at Skagit River (Sec.11, T35N, R8E). The 1,000 cfs MAF begins at Mt. Baker National Forest boundary.
(3)	Bear Creek	Clear Lake 15	From confluence of Bear Creek and unnamed creek (Sec.18, T33N, R6E) downstream to mouth at Pilchuck Creek (Sec.17, same township).
(4)	Bear Creek	Hamilton 15	From confluence of Bear Creek and unnamed creek (Sec.10, T36N, R8E) downstream to mouth at Lake Shannon (Sec.14, same township).
(5)	Big Creek	Prairie Mt. 7 1/2	Beginning at Mt. Baker National Forest boundary (Sec.18, T33N, R11E) downstream to mouth at Suiattle River (Sec.13, same township).
(6)	Boulder Creek	Snowking Mt. 7 1/2 Marblemount 15	From an approximate point (NW1/4 of NW1/4 of SW1/4 Sec.26, T35N, R11E) downstream to mouth at Cascade River (Sec.15, same township).
(7)	Carpenter Creek	Mt. Vernon 15 Conway 7 1/2	From confluence of Carpenter Creek and unnamed creek (Sec.17, T33N, R4E) downstream to mouth at Tom Moore Slough (Sec.30, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(8)	Cascade River*	Marblemount* 15	From Mt. Baker National Forest boundary (Sec.12, T35N, R11E) downstream to mouth at Skagit River (Sec.18, same township). The 1,000 cfs MAF point begins at mouth of Boulder Creek (Sec.15, T35N, R11E).
(9)	Cavanaugh Creek	Wickersham 15	From an approximate point (NW1/4 of NE1/4 of SE1/4 Sec.5, T36N, R6E) downstream to mouth at Nooksack River (Sec.2, T36N, R5E).
(10)	Corkindale Creek	Marblemount 15	From confluence of Corkindale Creek and unnamed creek near west section line (Sec.14, T35N, R10E) downstream to mouth at Skagit River (Sec.22, same township).
(11)	Cumberland Creek	Oso 15 Hamilton 15	From confluence of Cumberland Creek and unnamed creek (Sec.25, T35N, R6E) downstream to mouth at Skagit River (Sec.14, same township).
(12)	Day Creek	Oso 15 Clear Lake 7 1/2	Beginning at outlet of Day Lake (Sec.25, T34N, R6E) downstream to mouth at Skagit River (Sec.20, T35N, R6E).
(13)	Deer Creek	Oso 15	From the Mt. Baker National Forest boundary (Sec.1, T33N, R7E) downstream to Snohomish County line (Sec.32, same township).
(14)	Finney Creek	Finney Peak 7 1/2 Lake Shannon 15 Hamilton 15	From the Mt. Baker National Forest boundary (Sec.1, T34N, R8E) downstream to mouth at Skagit River (Sec.13, T35N, R7E).
(15)	Friday Creek (Cont.)	Samish Lake 15 Alger 7 1/2 Lake Whatcom 7 1/2	From Whatcom County line (Sec.1, T36N, R3E) downstream to mouth at Samish River (Sec.5, T35N, R4E).
(16)	Gilligan Creek	Clear Lake 15	From confluence of Gilligan Creek and unnamed creek (Sec.11, T34N, R5E) downstream to mouth at Skagit River (Sec.35, T35N, R5E).
(17)	Grandy Creek	Hamilton 15	From outlet of Grandy Lake (Sec.31, T36N, R8E) downstream to mouth at Skagit River (Sec.15, T35N, R7E).
(18)	Hansen Creek	Wickersham 15	From an approximate point (SW1/4 of SW1/4 Sec.17, T35N, R5E) downstream to mouth at Skagit River (Sec.20, same township).
(19)	Howard Creek (Cont.)	Hamilton 15	From Whatcom County line (Sec.2, T36N, R6E) downstream to mouth at Nooksack River South Fork (Sec.13, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(20)	Illabot Creek	Illabot Peaks 7 1/2 Rockport 7 1/2	From Mt. Baker National Forest boundary (Sec.1, T34N, R10E) downstream to mouth at Skagit River (Sec.29, T35N, R10E).
(21)	Irene Creek	Marblemount 15	From Mt. Baker National Forest boundary (Sec.13, T35N, R11E) downstream to mouth at Cascade River (Sec.12, same township).
(22)	Jackman Creek	Lake Shannon 15	From Mt. Baker National Forest boundary (Sec.3, T35N, R9E) downstream to mouth at Skagit River (Sec.13, T35N, R8E).
(23)	Joe Leary Creek	Samish Lake 15 Bow 7 1/2	From confluence of Joe Leary Creek and unnamed Creek (Sec.20, T35N, R3E) downstream to mouth at Padilla Bay (Sec.18, same township).
(24)	Jones Creek	Wickersham 15	From an approximate point (SE1/4 of SE1/4 of NE1/4 Sec.32, T36N, R6E) downstream to mouth at Skagit River (Sec.17, T35N, R6E).
(25)	Jordan Creek	Illabot Peaks 7 1/2	Beginning at Mt. Baker National Forest boundary (Sec.33, T35N, R11E) downstream to mouth at Cascade River (Sec.18, same township).
(26)	Lake Creek	Clear Lake 15 Mt. Vernon 7 1/2	From confluence of Lake Creek and unnamed creek (Sec.17, T33N, R5E) downstream through Big Lake and Nookachamps Creek to the mouth at Nookachamps Creek in Skagit River (Sec.4, T34N, R4E).
(27)	Lake Creek	Clear Lake 15	From outlet of Lake Cavanaugh (Sec.22, T33N, R6E) downstream to mouth at Pilchuck Creek (Sec.17, same township).
(28)	Little Deer Creek	Oso 15	From Mt. Baker National Forest boundary (Sec.35, T34N, R7E) downstream to mouth at Deer Creek (same section).
(29)	Mill Creek	Hamilton 15	From an approximate point (SW1/4 of SW1/4 of SW1/4 Sec.23, T35N, R7E) downstream to mouth at Skagit River (Sec.22, same township).
(30)	Nookachamps Creek (E. Fk.)	Clear Lake 15 Mt. Vernon 7 1/2	From confluence of Nookachamps Creek East Fork and unnamed creek (Sec.28, T34N, R5E) downstream to mouth at Nookachamps Creek (Sec.10, T34N, R4E).
(31)	Nooksack River (S. Fk.)	Hamilton 15 Wickersham 15	Beginning at Mt. Baker National Forest boundary (Sec.10, T36N, R7E) downstream to Skagit County line (Sec.2, T36N, R5E).

Stream Name		Quadrangle Name and Size	Legal Description
(32)	O'Toole Creek	Oso 15	Beginning at Mt. Baker National Forest boundary (Sec.28, T35N, R7E) downstream to mouth at Skagit River (Sec.21, same township).
(33)	Pilchuck Creek	Clear Lake 15	From confluence of Pilchuck Creek and unnamed creek (Sec.10, T33N, R6E) downstream to Skagit County and Snohomish County line (Sec.33, T33N, R5E).
(34)	Pressentin Creek	Oso 15 Hamilton 15	Beginning at Mt. Baker National Forest boundary (Sec.36, T35N, R7E) downstream to mouth at Skagit River (Sec.13, same township).
(35)	Rocky Creek	Clear Lake 15	From confluence of Rocky Creek and unnamed creek (Sec.17, T34N, R6E) downstream to mouth at Day Creek (Sec.10, same township).
(36)	Rocky Creek	Lake Shannon 15	From Whatcom County line (Sec.1, T36N, R8E) downstream to Skagit County line (same section).
(37)	Rocky Creek	Marblemount 15	Beginning at Mt. Baker National Forest boundary (Sec.22, T35N, R10E) downstream to mouth at Skagit River (same section).
(38)	Samish River (Cont.)	Wickersham 15	From Whatcom County line (Sec.6, T36N, R5E) downstream to mouth at Samish Bay (Sec.5, T35N, R3E).
(39)	Sauk River (Cont.)*	Darrington* 7 1/2 Rockport 7 1/2	From Snohomish County line (Sec.32, T33N, R10E) downstream to mouth at Skagit River (Sec.35, T35N, R9E). The flow exceeds 1,000 cfs MAF at Snohomish County line.
(40)	Silver Creek	Samish Lake 15 Alger 7 1/2	Beginning where heavy duty highway crosses Silver Creek (Sec.7, T36N, R4E) downstream to mouth at Friday Creek (Sec.18, same township).
(41)	Skagit River*	Marblemount* 15 Lake Shannon 15 Hamilton 15 Wickersham 15 Clear Lake 15 Illabot Peaks 7 1/2 Rockport 7 1/2 Finney Peak 7 1/2 Mount Vernon 7 1/2 Utsalady 7 1/2 Conway 7 1/2	Beginning at Mt. Baker National Forest boundary (Sec.1, T36N, R11E) downstream splitting into the North Fork and the South Fork, on down to mouth at Skagit Bay (Sec.7, T33N, R2E) and (Sec.36, T33N, R3E). The 1,000 cfs MAF point begins at Mt. Baker N.F. boundary.
(42)	Stillaguamish River (N. Fork)	Fortson 7 1/2	From Mt. Baker National Forest boundary (Sec.27, T33N, R9E) downstream to Skagit County and Snohomish County line (Sec.34, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(43)	Suiattle River* (Cont.)	Prairie Mt.* 7 1/2 Darrington 7 1/2	From Skagit-Snohomish County line (Sec.32, T33N, R11E) downstream to mouth at Sauk River (Sec.20, T33N, R10E). This river has over 1,000 cfs MAF at Skagit-Snohomish County line.
(44)	Tenas Creek	Prairie Mt. 7 1/2	From Mt. Baker National Forest boundary (Sec.19, T33N, R11E) downstream to mouth at Suiattle River (Sec.30, same township).
(45)	Thunder Creek	Lake Shannon 15	Beginning at Mt. Baker National Forest boundary (Sec.17, T36N, R9E) downstream to mouth at Lake Shannon (Sec.24, T36N, R8E).
(46)	Thunder Creek (S. Fk.)	Lake Shannon 15	From an approximate point (NW1/4 of SE1/4 of NE1/4 Sec.20, T36N, R9E) downstream to mouth at Thunder Creek (Sec.18, same township).
(47)	Unnamed Tributary to Bear Creek	Lake Shannon 15	From confluence of unnamed tributary to Bear Creek and unnamed creek (Sec.10, T36N, R8E) downstream to mouth at Bear Creek (same section).
(48)	Walker Creek	Clear Lake 15	From an approximate point (SW1/4 of SW1/4 of NE1/4 Sec.5, T33N, R5E) downstream to mouth at Nookachamps Creek East Fork (Sec.30, T34N, R5E).
(49)	White Creek	Rockport 7 1/2	From confluence of White Creek and unnamed creek (Sec.20, T34N, R10E) downstream to mouth at Sauk River (Sec.31, same township).
(50)	Youngs Slough	Wickersham 15	From confluence of Youngs Slough and unnamed tributary (Sec.14, T35N, R5E) downstream to mouth at Skagit River (Sec.27, same township).
(51)	Bacon Creek	Marblemount 15	From west section line (Sec.8, T36N, R11E) downstream to mouth at Skagit River (Sec.20, T36N, R11E). Exclude federal lands.
(52)	Diobsud Creek	Marblemount 15	From west section line (Sec.30, T36N, R11E) downstream to mouth at Skagit River (Sec.32, T36N, R11E). Exclude federal lands.))

Streams and rivers and portions thereof that constitute shorelines of the state within Skagit County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending WSR 80-08-052, filed 6/30/80)

WAC 173-18-340 Skamania County. ((~~Streams~~

~~Stream Name~~		~~Quadrangle Name and Size~~	~~Legal Description~~
~~(1)~~	~~Bear Creek~~	~~Wind River 15~~	~~From the Gifford Pinchot National Forest boundary (Sec.5, T3N, R8E) downstream to mouth at Wind River (Sec.8, same township).~~
~~(2)~~	~~Buck Creek (Cont.)~~	~~Willard 7 1/2~~	~~From Klickitat County line (Sec.2, T3N, R10E) downstream to mouth at White Salmon River (same section).~~
~~(3)~~	~~Canyon Creek~~	~~Bridal Veil 15~~	~~Beginning in (NW1/4 of SE1/4 Sec.4, T1N, R5E) downstream to Washougal River (Sec.6, same township).~~
~~(4)~~	~~Columbia River (Cont.)*~~	~~Hood River 15~~ ~~Bonneville Dam 15~~ ~~Bridal Veil 15~~	~~From Klickitat County line (Sec.23, T3N, R10E) downstream along Washington shoreline to Clark County line (Sec.19, T1N, R5E) excluding any federal lands. The flow exceeds 200 cfs MAF at Klickitat County line.~~
~~(5)~~	~~Deer Creek~~	~~Bridal Veil 15~~	~~From an approximate point (NE1/4 of Sec.17, T3N, R6E) downstream to mouth at Prospector Creek (Sec.18, same township).~~
~~(6)~~	~~Dougan Creek~~	~~Bridal Veil 15~~	~~From the confluence of Dougan Creek and unnamed creek (Sec.2, T2N, R5E) downstream to Washougal River (Sec.11, same township).~~
~~(7)~~	~~Duncan Creek~~	~~Bridal Veil 15~~	~~Beginning in (NW1/4 of SE1/4of NE1/4 of Sec.17, T2N, R6E) downstream to Columbia River (Sec.34, same township).~~
~~(8)~~	~~Forest Creek~~	~~Wind River 15~~ ~~Bonneville Dam 15~~	~~From the Gifford Pinchot National Forest boundary (Sec.17, T3N, R7E) downstream to mouth at Rock Creek (same section).~~
~~(9)~~	~~Greenleaf Creek~~	~~Bonneville Dam 15~~	~~From an approximate point (NW1/4 of Sec.16, T2N, R7E) downstream through Greenleaf Slough to mouth at Hamilton Creek (Sec.20, same township).~~
~~(10)~~	~~Hagen Creek (Cont.)~~	~~Bridal Veil 15~~	~~From the Clark County line (Sec.6, T2N, R5E) downstream to mouth at the West Fork Washougal River (same section).~~
~~(11)~~	~~Hamilton Creek~~	~~Bridal Veil 15~~	~~From the confluence of Hamilton Creek and unnamed creek (Sec.36, T3N, R6E) downstream to Columbia River (Sec.30, T2N, R7E).~~
~~(12)~~	~~Lava Creek~~	~~Willard 15~~	~~From Gifford Pinchot National Forest boundary (Sec.33, T4N, R9E) downstream to mouth on Little White Salmon River (Sec.1, T3N, R9E).~~

Stream Name		Quadrangle Name and Size	Legal Description
(13)	Lewis River*	Burnt Peak* 7 1/2 Mt. St. Helens 15	From Gifford Pinchot National Forest boundary (Sec.24, T7N, R6E) downstream through Swift Reservoir to Cowlitz County line (Sec.31, T7N, R5E) except those reaches within the National Forest. The 1,000 cfs MAF point is at Gifford Pinchot N.F. boundary.
(14)	Little White Salmon River*	Willard* 15 Hood River 15	Beginning in (NE1/4 of NE1/4 of NE1/4 Sec.2, T4N, R9E) downstream to Drano Lake (Sec.26, T3N, R9E), excluding all federal lands. The 200 cfs MAF begins at confluence with Lava Creek (Sec.1, T3N, R9E).
(15)	Little Wind River	Wind River 15 Bonneville Dam 15	From the Gifford Pinchot National Forest boundary (Sec.14, T3N, R8E) downstream to mouth at Wind River (Sec.22, same township).
(16)	Lookout Creek	Lookout Mt. 15	From an approximate point (NW1/4 of Sec.6, T3N, R6E) downstream to mouth at Washougal River (Sec.1, T3N, R5E).
(17)	Muddy River	Mt. St. Helens 15	From the west section line (Sec.16, T8N, R6E) downstream to mouth at Lewis River (Sec.24, T7N, R6E). Exclude federal lands.
(19)	North Siouxon Creek	Mt. St. Helens 15 Lookout Mt. 15	From the Gifford Pinchot National Forest boundary (Sec.16, T6N, R5E) downstream to the Clark County line (Sec.30, same township).
(20)	Ole Creek	Mt. St. Helens 15	From the confluence of Ole Creek and an unnamed creek (Sec.31, T7N, R5E) downstream to Lewis River (same section).
(21)	Panther Creek	Wind River 15	Beginning in (NW1/4 of SE1/4 of SE1/4 of Sec.25, T4N, R71/2E) downstream to mouth at Wind River (Sec.8, T3N, R8E).
(22)	Prospector Creek	Bridal Veil 15	From the confluence of Prospector Creek and Deer Creek (Sec.18, T3N, R6E) downstream to mouth at Washougal River (Sec.13, T3N, R5E).
(23)	Range Creek	Mt. St. Helens 15	From south section line of (Sec.12, T6N, R5E) downstream to Swift Reservoir (Sec.6, T6N, R6E).
(24)	Rock Creek	Lookout Mt. 15 Wind River 15 Bonneville Dam 15	From west section line (Sec.2, T3N, R6E) downstream to Columbia River (Sec.1, T2N, R7E).
(25)	Siouxon Creek	Lookout Mt. 15	From the Gifford Pinchot National Forest boundary (Sec.31, T6N, R5E) downstream to Clark County line (same section) excluding federal lands.

Stream Name		Quadrangle Name and Size	Legal Description
(26)	Spring Creek	Bonneville Dam 15	From the Gifford Pinchot National Forest boundary (Sec.22, T3N, R7E) downstream to mouth at Rock Creek (Sec.27, same township).
(27)	Stebbins Creek	Bridal Veil 15	From the confluence of Stebbins Creek and unnamed creek (Sec.28, T3N, R6E) downstream to mouth at Washougal River (Sec.6, T2N, R6E).
(28)	Swift Creek	Mt. St. Helens 15	From the Gifford Pinchot National Forest boundary (Sec.4, T7N, R5E) downstream to mouth at Swift Reservoir (Sec.16, same township) except those reaches within the National Forest.
(29)	Trout Creek	Wind River 15	Beginning in (SE1/4 of SE1/4 of NE1/4 of Sec.27, T4N, R7E) downstream to mouth at Wind River (Sec.26, same township).
(30)	Unnamed Tributary to Swift Creek	Mt. St. Helens 15	From the Gifford Pinchot National Forest boundary (Sec.10, T7N, R5E) downstream to mouth at Swift Creek (Sec.9, same township).
(31)	Washougal River	Lookout Mt. 15	From Gifford Pinchot National Forest boundary (Sec.1, T3N, R5E) downstream to mouth at Clark County line (Sec.31, T2N, R5E).
(32)	Washougal River (W. Fork)	Bridal Veil 15	From an approximate point (NW1/4 of SW1/4 of Sec.29, T3N, R5E) downstream to mouth at Washougal River (Sec.32, T2N, R5E).
(33)	West Fork Swift Creek	Mt. St. Helens 15	Beginning in (SE1/4 of NW1/4 of SW1/4 of Sec.4, T7N, R5E) downstream to Swift Creek (Sec.16, same township).
(34)	White Salmon River (Cont.)*	Willard 15 Hood River 15	From Klickitat County line (Sec.2, T3N, R10E) downstream right bank only to mouth on Columbia River (Sec.23, same township). The flow exceeds 200 cfs MAF at Skamania-Klickitat County line.
(35)	Wildboy Creek	Bridal Veil 15	From the confluence of Wildboy Creek and Texas Creek (Sec.17, T2N, R5E) downstream to West Fork Washougal River (Sec.20, same township).
(36)	Wind River*	Wind River* 15 Bonneville Dam 15	Beginning at the north section line of (Sec.9, T4N, R7E) downstream to mouth at Columbia River (Sec.27, T3N, R8E). The 200 cfs MAF point begins at Gifford Pinchot N.F. boundary (Sec.1, T3N, R71/2E).

Stream Name		Quadrangle Name and Size	Legal Description
(37)	Woodward Creek	Bridal Veil 15	From the confluence of Woodward Creek and unnamed creek (Sec.27, T2N, R6E) downstream to mouth at Columbia River (Sec.36, same township).
(38)	Unnamed Tributary to Swift Reservoir	Mt. St. Helens 15	From the east section line (Sec.2, T6N, R6E) downstream to mouth at Swift Reservoir (Sec.35, T7N, R6E).
(39)	Green River	Spirit Lake 15	From the Gifford Pinchot National Forest boundary (Sec.18, T10N, R6E) downstream to the Cowlitz-Skamania County line (Sec.6, same township). Exclude federal lands.
(40)	Drift Creek	Mt. St. Helens 15	From south section line (Sec.8, T6N, R6E) downstream to Swift Reservoir (Sec.5, same township). Exclude federal lands.
(41)	Coldwater Creek	Spirit Lake 15	From east section line (Sec.29, T10N, R5E) downstream to Cowlitz-Skamania County line (Sec.31, same township). Exclude federal lands.
(42)	Miners Creek	Spirit Lake 15	From confluence of Miners Creek and unnamed creek (SE1/4 Sec.8, T10N, R5E) downstream to Lewis-Skamania County line same section.
(43)	Smith Creek	Mt. St. Helens 15	From east section line of (Sec.30, T9N, R6E) downstream to mouth at Muddy River. (Sec.15, T8N, R6E) Exclude federal lands.
(44)	Cold Creek	Wind River 15	From NW1/4 of NE 1/4 (Sec.16, T4N, R7E) downstream to mouth at Wind River (Sec.9, same township).
(45)	Moss Creek	Willard 15	From the west section line of (Sec.27, T4N, R9E) downstream to confluence with Little White Salmon River (Sec.26, same township). Exclude federal lands.))

Streams and rivers and portions thereof that constitute shorelines of the state within Skamania County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-350 Snohomish County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Anderson Creek	Index 15	From the Snoqualmie National Forest boundary (Sec.24, T27N, R9E) downstream to mouth at Skykomish River (same section).

Stream Name		Quadrangle Name and Size	Legal Description
(2)	Ashton Creek	Fortson 7 1/2	From confluence of Ashton Creek and unnamed creek (Sec.20, T32N, R9E) downstream to mouth at Squire Creek (Sec.8, same township).
(3)	Barclay Creek	Baring 7 1/2	From the Snoqualmie National Forest boundary (Sec.25, T27N, R10E) downstream to mouth at Skykomish River South Fork (Sec.34, same township), excluding the part within Snoqualmie National Forest.
(4)	Boulder River	Granite Falls 15 Oso 15	From the Mt. Baker National Forest boundary (Sec.19, T32N, R8E) downstream to mouth at Stillaguamish River (Sec.9, T32N, R8E), excluding the part within Mt. Baker National Forest.
(5)	Brooks Creek	Oso 15	Beginning where Brooks Creek is crossed by unimproved dirt road (Sec.9, 32N, R7E) downstream to mouth at Stillaguamish River North Fork (same section).
(6)	Canyon Creek	Granite Falls 15	From the Mt. Baker National Forest boundary (Sec.25, T31N, R7E) downstream to mouth at Stillaguamish River South Fork (Sec.12, T30N, R6E).
(7)	Dan Creek	Darrington 7 1/2	From Mt. Baker National Forest boundary (Sec.8, T32N, R10E) downstream to mouth at Sauk River (same section).
(8)	Deer Creek (Cont.)	Oso 15	From the Skagit County line (Sec.5, T32N, R7E) downstream to mouth at Stillaguamish River North Fork (Sec.17, T32N, R7E).
(9)	Dubuque Creek	Everett 15 Snohomish 7 1/2	From confluence of Dubuque Creek and Panther Creek (Sec.22, T29N, R6E) downstream to mouth at Pilchuck River (Sec.21, same township).
(10)	Elk Creek	Index 15	Beginning at Snoqualmie National Forest boundary (Sec.3, T28N, R10E) downstream, to mouth at Sultan River (Sec.30, T29N, R10E), excluding Snoqualmie National Forest land.
(11)	Elwell Creek	Sultan 7 1/2	From confluence of Elwell Creek and Youngs Creek (Sec.24, T27N, R7E) downstream to mouth at Skykomish River (Sec.12, same township).
(12)	French Creek	Everett 15 Snohomish 7 1/2	From confluence of French Creek and unnamed creek (Sec.27, T28N, R6E) downstream to mouth at Snohomish River (Sec.30, same township).
(13)	French Creek	Oso 15	From Mt. Baker National Forest boundary (Sec.16, T32N, R8E) downstream to mouth at Stillaguamish River (Sec.10, same township) excluding Mt. Baker National Forest land.

Stream Name		Quadrangle Name and Size	Legal Description
(14)	Jim Creek	Granite Falls 15 Arlington East 7 1/2	From U.S. Naval Reservation boundary (Sec.31, T32N, R7E) downstream to mouth at Stillaguamish River South Fork (Sec.7, T31N, R6E).
(15)	Little Pilchuck Creek	Lake Stevens 7 1/2 Snohomish 7 1/2	From confluence of Little Pilchuck Creek and unnamed creek (Sec.22, T30N, R6E) downstream to mouth (Sec.21, T29N, R6E) at Pilchuck River.
(16)	May Creek	Index 15	From the Snoqualmie National Forest boundary (Sec.3, T27N, R9E) downstream to mouth at Wallace River (Sec.36, T28N, R8E).
(17)	McCoy Creek	Monroe 15 Sultan 7 1/2	From confluence of McCoy Creek and unnamed creek (Sec.17, T27N, R8E) downstream to mouth at Skykomish River (Sec.7, same township).
(18)	Montague Creek	Oso 15	From confluence of Montague Creek and unnamed creek (Sec.14, T32N, R7E) downstream to mouth at Stillaguamish River North Fork (Sec.10, same township).
(19)	Mud Lake Outlet	Granite Falls 15	From an approximate point (SE1/4 of SE1/4, Sec.33, T31N, R7E) downstream to mouth at Canyon Creek (Sec.3, T30N, R7E).
(20)	North Creek	Everett 15 Bothell 7 1/2	From confluence of North Creek and unnamed creek (Sec.19, T27N, R5E) downstream to King County line (Sec.32, same township).
(21)	Olney Creek	Index 15	From Snoqualmie National Forest boundary (Sec.6, T28N, R9E) downstream to mouth at Wallace River (Sec.36, T28N, R8E).
22)	Pilchuck Creek (Cont.)	Clear Lake 15 Arlington West 7 1/2	From Skagit County line (Sec.4, T32N, R5E) downstream to mouth at Stillaguamish River (Sec.6, T31N, R5E).
(23)	Pilchuck River	Index 15 Lake Stevens 7 1/2 Snohomish 7 1/2 Monroe 15 Granite Falls 15	From the Snoqualmie National Forest boundary (Sec.23, T29N, R8E) downstream to mouth at Snohomish River (Sec.19, T28N, R6E).
(24)	Portage Creek	Arlington West 7 1/2	From confluence of Portage Creek and unnamed creek (Sec.7, T31N, R5E) downstream to mouth at South Slough of the Stillaguamish River (Sec.12, T31N, R4E).
(25)	Proctor Creek	Index 15	From the Snoqualmie National Forest boundary (Sec.15, T27N, R9E) downstream to mouth at Skykomish River (Sec.10, same township).
(26)	Quilceda Creek	Marysville 7 1/2	From confluence of Quilceda Cr. and Middle Fork (Sec.9, T30N, R5E) downstream to mouth at Ebbey Slough of Possession Sound (Sec.31, T30N, R5E) excluding federal lands.

Stream Name		Quadrangle Name and Size	Legal Description
(27)	Rollins Creek	Oso 15	From confluence of Rollins Creek and unnamed creek (Sec.1, T32N, R7E) downstream to mouth at Stillaguamish River North Fork (Sec.12, same township).
(28)	Sauk River*	Silverton* 15 Darrington 7 1/2	From Mt. Baker National Forest boundary (Sec.36, T32N, R9E) downstream to Snohomish County and Skagit County line (Sec.5, T32N, R10E). The 1,000 cfs MAF point is at Mt. Baker N. F. boundary.
(29)	Skykomish River*	Index* 15 Sultan 7 1/2 Monroe 7 1/2	From confluence of North Fork and South Fork of Skykomish River (Sec.19, T27N, R10E) downstream to mouth at Snohomish River (Sec.16, T27N, R6E) excluding all federal land. The 1,000 cfs MAF point begins at confluence of North and South Fork Skykomish River.
(30)	Skykomish River (N. Fk.)*	Index* 15	Beginning at SW1/4 (Sec.20, T28N, R11E) downstream to mouth at Skykomish River (Sec.19, T27N, R10E) excluding those shores within federal lands. The 1,000 cfs MAF point begins at east section line (Sec.16, T27N, R10E).
(31)	Skykomish River (South Fork) (Cont.)*	Baring 7 1/2 Index 15	From King County line (Sec.34, T27N, R10E) downstream to mouth at Skykomish River (Sec.19, same township) excluding all federal land. The flow exceeds 1,000 cfs MAF at King County line.
(32)	Snohomish River*	Everett 15 Maltby* 7 1/2 Snohomish 7 1/2 Everett 7 1/2 Marysville 7 1/2	From confluence of Skykomish River and Snoqualmie River (Sec.16, T27N, R6E) downstream to mouth at Possession Sound (Sec.7, T29N, R5E). The flow exceeds 1,000 cfs MAF at confluence of Skykomish River and Snoqualmie River.
(33)	Snoqualmie River* (Cont.)	Monroe 15 Maltby 7 1/2 Monroe 7 1/2	From the King County line (Sec.31, T27N, R7E) downstream to mouth at Snohomish River (Sec.16, T27N, R6E). The flow exceeds 1,000 cfs MAF at King County line.
(34)	Squire Creek	Silverton 15 Fortson 7 1/2	From the Mt. Baker National Forest boundary (Sec.27, T32N, R9E) downstream to mouth at Stillaguamish River N. Fork (Sec.8, same township).
(35)	Stevens Creek	Lake Stevens 7 1/2 Snohomish 7 1/2	From confluence of Stevens Creek and Catherine Creek (Sec.8, T29N, R6E) downstream to mouth at Little Pilchuck Creek (Sec.16, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(36)	Stillaguamish River*	Arlington East* 7 1/2 Arlington West 7 1/2 Stanwood 7 1/2	From confluence of South Fork and North Fork of Stillaguamish River (Sec. 2, T31N, R5E) downstream to mouth at Port Susan in Puget Sound (Sec.12, T31N, R3E). The flow exceeds 1,000 cfs MAF at confluence of N. Fork and South Fork Stillaguamish River.
(37)	Stillaguamish River (N.F.) (Cont.)*	Fortson 7 1/2 Oso* 15 Clear Lake 15 Arlington East 7 1/2 Arlington West 7 1/2	From Snohomish County line (Sec.3, T32N, R9E) downstream to mouth at Stillaguamish River South Fork (Sec.2, T31N, R5E). The 1,000 cfs MAF point begins at mouth of Boulder Creek (Sec.9, T32N, R8E).
(38)	Stillaguamish River (South Fork)*	Silverton 15 Granite Falls* 15 Lake Stevens 7 1/2 Arlington 7 1/2	From Mt. Baker National Forest boundary (Sec.19, T30N, R10E) downstream to mouth at Stillaguamish River North Fork (Sec.2, T31N, R5E). The 1,000 cfs MAF point begins at mouth of Cranberry Creek (Sec.12, T30N, R7E). Exclude federal lands.
(39)	Stony Creek	Silverton 15	From an approximate point (NE1/4 of NW1/4 Sec.18, T29N, R10E) downstream to mouth at Williamson Creek (Sec.12, T29N, R9E) excluding all federal land.
(40)	Sultan River	Monte Cristo 7 1/2 Sultan 7 1/2 Monroe 15 Index 15	Beginning at Snoqualmie National Forest boundary (Sec.22, T29N, R10E) downstream to mouth at Skykomish River (Sec.6, T27N, R8E) excluding all federal lands.
(41)	Sultan River (N. Fork of South Fork)	Index 15	From confluence of Sultan River North Fork of South Fork and unnamed creek (Sec.7, T28N, R10E) downstream to mouth at Sultan River (Sec.28, T29N, R9E) excluding all federal land.
(42)	Swamp Creek	Edmonds 15 Edmonds E. 7 1/2 Bothell 7 1/2	From confluence of Swamp Creek and unnamed creek (Sec.26, T27N, R4E) downstream to King County line (Sec.35, same township).
(43)	Unnamed Tributary to French Creek	Everett 15 Snohomish 7 1/2	From confluence of unnamed tributary to French Creek and unnamed creek (NW1/4 of Sec.34, T28N, R6E) downstream to mouth at French Creek (Sec.20, same township).
(44)	Wallace River	Index 15 Sultan 7 1/2	From the Snoqualmie National Forest boundary (Sec.25, T28N, R9E) downstream to mouth at Skykomish River (Sec.4, T27N, R8E).
(45)	Wallace River (N. Fk.)	Index 15	From confluence of North Fork Wallace River and unnamed creek (Sec.28, T28N, R9E) downstream to mouth at Wallace River (Sec.33, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(46)	Williamson Creek	Silverton 15 Index 15	Beginning at Snoqualmie National Forest boundary (Sec.6, T29N, R10E) downstream to mouth at Sultan River (Sec.24, T29N, R9E) excluding all federal lands.
(47)	Woods Creek	Monroe 15 Monroe 7 1/2	From confluence of Woods Creek and unnamed creek (Sec.26, T29N, R7E) downstream to mouth at Skykomish River (Sec.12, T27N, R6E).
(48)	Woods Creek (W. Fk.)	Monroe 15 Monroe 7 1/2	From confluence of Carpenter Creek and Woods Creek West Fork (Sec.5, T28N, R7E) downstream to mouth at Woods Creek (Sec.33, same township).
(49)	Worthy Creek	Granite Falls 15	From confluence of Worthy Creek and unnamed creek (Sec.26, T30N, R7E) downstream to mouth at Pilchuck River (Sec.2, T29N, R7E).
(50)	Youngs Creek	Monroe 15 Sultan 7 1/2	From an approximate point (NE1/4 of SE1/4 Sec.34, T27N, R8E) downstream to mouth at Elwell Creek (Sec.24, T27N, R7E).
(51)	Suiattle River*	Huckleberry Mtn.* 7 1/2 Prairie Mtn. 7 1/2	From the east section (Sec.20, T32N, R12E) downstream to Skagit-Snohomish County line (Sec.5, T32N, R11E). Exclude federal lands. The flow is 1000 cfs MAF at east section line (Sec.20, T32N, R12E).
(52)	Beckler River	Evergreen Mtn. 7 1/2	From the west section line (Sec.8, T27N, R12E) downstream to Snohomish-King County line (Sec.32, T27N, R12E). Exclude federal lands.
(53)	Rapid River	Captain Point 7 1/2 Evergreen Mtn. 7 1/2	From east section line (Sec.13, T27N, R12E) downstream to Beckler River (Sec.29, T27N, R12E). Exclude federal lands.))

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AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-360 Spokane County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Deadman Creek	Deer Park 15	From the confluence of Deadman Creek and two unnamed creeks (Sec.1, T26N, R43E) downstream to mouth at Spokane River (Sec.33, T27N, R43E).

Stream Name		Quadrangle Name and Size	Legal Description
(2)	Dragoon Creek	Deer Park 15	From the confluence of Dragoon Creek and West Branch of the Dragoon Creek (Sec.22, T28N, R42E) downstream to mouth at the Little Spokane River (Sec.4, T27N, R43E).
(3)	Hangman Creek (Cont.)* or Latah Creek	Fairfield 15 Spangle* 15 Spokane SE 7 1/2 Spokane SW 7 1/2 Spokane NW 7 1/2	From the Whitman-Spokane County line (Sec.32, T21N, R45E) downstream to mouth on Spokane River (Sec.14, T25N, R42E). This stream has 300 square miles of drainage area ending at unnamed tributary (Sec.13, T23N, R43E) upstream from Rock Creek.
(4)	Little Spokane River (Cont.)*	Camden 7 1/2 Elk 7 1/2 Deer Park* 15 Clayton 15	From the Pend Oreille County line (Sec.3, T29N, R44E) downstream (excluding all federal lands) to mouth at the Spokane River and Stevens County line (Sec.32, T27N, R42E). This stream has a 300 square mile drainage area ending at mouth of Deer Creek (Sec.34, T28N, R43E).
(5)	Little Spokane River (West Branch)	Newport 30 Fan Lake 7 1/2 Elk 7 1/2 Deer Park 15	From the Pend Oreille County line (Sec.5, T29N, R43E) downstream through Eloika Lake to mouth at Little Spokane River (Sec.26, same township).
(6)	Pine Creek (Cont.)	Spangle 15	From Whitman County line (Sec.34, T21N, R43E) downstream back to Whitman County line (Sec.31, same township).
(7)	Rock Creek	Fairfield 15 Spangle 15 Spokane SE 7 1/2	From the confluence of Rock Creek and Rose Creek (Sec.34, T23N, R45E) downstream to mouth at Latah Creek (Sec.11, T23N, R43E).
(8)	Spokane River*	Green Acres* 15 Spokane NE 7 1/2 Spokane NW 7 1/2 Airway Heights 7 1/2 Clayton 15 Wellpinit 15	From the Washington-Idaho border (Sec.6, T25N, R46E) downstream to the Spokane-Stevens County line, along said county line to the Lincoln County line (Sec.19, T27N, R40E) excluding all federal lands. The flow is 200 cfs MAF and has 300 square miles of drainage area at Washington-Idaho border.))

Streams and rivers and portions thereof that constitute shorelines of the state within Spokane County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-370 Stevens County. ((Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big Sheep Creek*	Colville 30 Belshazzor Mt. 7 1/2 Northport* 7 1/2	From the Colville National Forest boundary (Sec.13, T40N, R38E) downstream to mouth at the Columbia River near Sand Point (Sec.30, T40N, R40E). The 200 cfs MAF point begins at mouth of Little Sheep Creek (Sec.14, T40N, R39E).
(2) Chamokane Creek	Clayton 15 Wellpinit 15	From the confluence of Chamokane Creek and unnamed stream (Sec.23, T29N, R40E) downstream left shore only (right shore in Spokane Indian Reservation) to mouth on Spokane River (Sec.15, T27N, R39E).
(3) Chewelah Creek	Chewelah Mt. 15 Chewelah 7 1/2	From the confluence of the North Fork and the South Fork Chewelah Cr. (Sec.11, T32N, R40E) downstream to mouth on Colville River (Sec.23, same township).
(4) Colville River*	Forest Center 7 1/2 Waitts Lake 7 1/2 Valley 7 1/2 Chewelah* 7 1/2 Addy 7 1/2 Addy Mt. 7 1/2 Arden 7 1/2 Colville 7 1/2 Marcus 30	From the confluence of Deer Cr. and Sheep Creek (Sec.9, T30N, R40E) downstream (excluding all federal lands) to mouth at Columbia River (Sec.36, T36N, R37E). This river has over 300 sq. miles of drainage area ending at mouth of Chewelah Creek (Sec.23, T32N, R40E).
(5) Columbia River*	Boundary* 7 1/2 Northport 7 1/2 Onion Creek 7 1/2 China Bend 7 1/2 Bossburg 7 1/2 Marcus 7 1/2 Kettle Falls 7 1/2 Bangs Mountain 7 1/2 Inchelium 15 Hunters 15 Wilmont Creek 15	From the United States-Canadian boundary (Sec.2, T40N, R41E) downstream to Spokane Indian Reservation boundary (Sec.23, T29N, R35E). This river has over 200 cfs MAF at U.S.-Canadian border.
(6) Kettle River*	Marcus 30 Orient 7 1/2 Laurier* 7 1/2	From the United States-Canadian border (Sec.2, T40N, R36E) downstream along Ferry-Stevens Co. line. Left bank only to (Sec.20, T38N, R37E), excluding federal lands. This stream has both 200 cfs MAF and 300 sq. miles of drainage area at U.S.-Canadian border.
(7) Little Pend Oreille River	Lake Gillette 7 1/2 Park Rapids 7 1/2 Cliff Ridge 7 1/2 Addy Mt. 7 1/2 Arden 7 1/2	That part of the Little Pend Oreille River outside the Little Pend Oreille National Wildlife Refuge (Sec.11, T35N, R41E) and that part outside Refuge (Sec.15 & 16, T35N, R41E), and that part outside refuge from (Sec.10, T34N, R40E) to Colville River (Sec.10, T34N, R39E).
(8) Little Sheep Cr.	Colville 30 Northport 7 1/2	From the confluence of Boundary Creek and Little Sheep Creek (Sec.10, T40N, R39E) downstream to mouth at Big Sheep Creek (Sec.14, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(10) Onion Creek	Colville 30 Onion Creek 7 1/2	From the confluence of Onion Creek and unnamed creek (Sec.12, T38N, R39E) downstream to mouth at Columbia River (Sec.23, T39N, R39E). Excluding Coulee Dam National Recreation area.
(11) Spokane River (Cont.)*	Clayton 15 Wellpinit 15 Turtle Lake 15 Lincoln 15	From the Spokane County line on the Spokane River (Sec.32, T27N, R42E) downstream through Long Lake to Spokane Indian Reservation boundary (Sec.15, T27N, R39E), right shore only. This river has 300 sq. miles of drainage area and over 200 cfs MAF at Spokane Co. line.
(12) Deep Creek (South Fork)	Spirit 7 1/2 Aladdin 7 1/2	From the confluence of Rocky Creek and South Fork of Deep Creek in (Sec.8, T37N, R41E) downstream to confluence North Fork Deep Creek and Deep Creek in (Sec.5, T38N, R41E).
(13) Deep Creek (North Fork)	Deep Lake 7 1/2 Aladdin 7 1/2	From the confluence of McKinnon Creek and North Fork Deep Creek in (Sec.11, T39N, R41E) downstream through Deep Lake to confluence with South Fork Deep Creek and Deep Creek in (Sec.5, T38N, R41E).
(14) Deep Creek	Aladdin 7 1/2 Spirit 7 1/2	From the confluence of the South Fork and North Fork of Deep Creek in (Sec.5, T38N, R41E) downstream to mouth at Columbia River (Sec.34, T40N, R40E).))

Streams and rivers and portions thereof that constitute shorelines of the state within Stevens County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending WSR 85-09-043, filed 4/15/85)

WAC 173-18-380 Thurston County. ((Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Beaver Creek	Tenino 15 Maytown 7 1/2 Rochester 15	From the confluence of Beaver Creek and unnamed creek (Sec.11, T16N, R2W) downstream to mouth at Black River (Sec.2, T16N, R3W).
(2) Black River	Tenino 15 Maytown 7 1/2 Rochester 15	From the confluence of Dempsey Creek and the Black River (Sec.13, T17N, R3W) downstream to Grays Harbor County line (Sec.26, T16N, R4W).
(3) Black Lake Drainage Ditch	Tumwater 7 1/2	From outlet of Black Lake (Sec.32, T18N, R2W) downstream to confluence with Perceival Creek (Sec.21, T18N, R2W).

Stream Name	Quadrangle Name and Size	Legal Description
(4) Cedar Creek	Rochester 15	From the confluence of Cedar Cr. and Sherman Creek (Sec.2, T16N, R4W) downstream to Grays Harbor County line (same section).
(5) Chehalis River (Cont.)*	Rochester 15	From Lewis County line (Sec.23, T15N, R3W) downstream to Grays Harbor County line (Sec.11, T15N, R4W), excluding all federal lands. The flow exceeds 1,000 cfs MAF at Lewis County line.
(6) Deschutes River (Cont.)	Ohop Valley 15 Bald Hill 7 1/2 Lake Lawrence 7 1/2 Vail 7 1/2 Weir Prairie 7 1/2 East Olympia 7 1/2 Tumwater 7 1/2 Maytown 7 1/2	From Lewis County line (Sec.24, T15N, R3E) downstream to mouth at Capitol Lake (Sec.26, T18N, R2W), excluding all federal lands.
(7) Kennedy Creek	Shelton 15	From the confluence of Kennedy Creek and unnamed creek (Sec.14, T18N, R4W) downstream to the Mason County line (Sec.6, T18N, R3W).
(8) Little Nisqually River (Cont.)	Ohop Valley 15 Eatonville 7 1/2	From the Lewis-Thurston County line (Sec.21, T15N, R4E) downstream to Alder Lake (Sec.16, same township).
(9) McAllister Creek	Anderson Island 15 Nisqually 7 1/2	From the McAllister Springs (Sec.19, T18N, R1E) downstream to mouth at Nisqually Head (Sec.31, T19N, R1E).
(10) McLane Creek	Tumwater 7 1/2	From an approximate point (SW1/4 of NE1/4 of Sec.25, T18N, R3W) downstream to mouth at Eld Inlet (Sec.19, T18N, R2W).
(11) Mima Creek	Rochester 15	From an approximate point (NE1/4 of NW1/4 of Sec.16, T16N, R3W) downstream to mouth at Black River (Sec.20, same township).
(12) Mitchell Creek	Ohop Valley 15 Bald Hill 7 1/2	From the confluence of Mitchell Creek and unnamed creek (Sec.18, T15N, R3E) downstream to mouth at Deschutes River (Sec.7, same township).
(13) Nisqually River (Cont.)*	Kapowsin 15 Ohop Valley 15 Yelm 7 1/2 Anderson Island 15	From the Pierce County line in Alder Reservoir (Sec.20, T15N, R5E) downstream along left shore only, (exclude area from LaGrande Dam downstream to powerhouse due to use of aqueduct; also exclude all federal lands) to the Nisqually Indian Reservation boundary (Sec.11, T17N, R1E). The flow exceeds 1,000 cfs MAF at Pierce County line in Alder Reservoir.
(14) Percival Creek	Tumwater 7 1/2	From the confluence of Percival Creek and stream from Black Lake (Sec.21, T18N, R2W) downstream to mouth at Capitol Lake (Sec.22, same township).
(15) Scatter Creek	Tenino 15 Bucoda 7 1/2 Tenino S.W. 7 1/2 Rochester 15	From confluence of Scatter Creek and unnamed creek (Sec.20, T16N, R1W) downstream to mouth at Chehalis River (Sec.7, T15N, R3W).

Stream Name		Quadrangle Name and Size	Legal Description
(16)	Sherman Creek	Rochester 15	From the confluence of Sherman Creek and Monroe Creek (Sec.25, T17N, R4W) downstream to mouth on Cedar Cr. (Sec.2, T16N, R4W).
(17)	Skookumchuck River (Cont.)	Yelm 15 Tenino 15	From the Lewis County line (Sec.20, T15N, R2E) downstream back to the Lewis County line (Sec.21, T15N, R2W).
(18)	Thompson Creek	Yelm 15 Weir Prairie 7 1/2	From the intersection of Highway SR 510 and Thompson Creek (Sec.11, T17N, R1E) downstream to mouth at Nisqually River (same section).
(19)	Waddell Creek	Rochester 15	From an approximate point (SE1/4 of NW1/4 of Sec.8, T17N, R3W) downstream to mouth at Black River (Sec.2, T16N, R3W).
(20)	Woodland Creek	Lacey 7 1/2	From an approximate point (NE1/4 of NE1/4 of SE1/4 of Sec.9, T18N, R1W) downstream to mouth at Henderson Inlet near South Bay (Sec.32, T19N, R1W).
(21)	Yelm Creek	Yelm 15 McKenna 7 1/2 Weir Prairie 7 1/2	From the confluence of Yelm Creek and Yelm ditch (Sec.29, T17N, R2E) downstream to mouth at Nisqually River (Sec.12, T17N, R1E).))

Streams and rivers and portions thereof that constitute shorelines of the state within Thurston County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-400 Walla Walla County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Columbia River (Cont.)*		Columbia River within Walla Walla County is under federal jurisdiction. This river has over 200 cfs MAF at Franklin County line.
(2)	Dry Cr.	Walla Walla 30 Lowden 7 1/2 College Place 7 1/2 Hadley 7 1/2 Valley Grove 7 1/2 Dixie 7 1/2	From an approximate point near the center of quarter section (SE1/4 of Sec.36, T8N, R36E) downstream to mouth at Walla Walla River (Sec.29, T7N, R34E).
(3)	Mill Cr.	Walla Walla 30 Kooskooskie 7 1/2 Buroker 7 1/2 Walla Walla 7 1/2 College Place 7 1/2	From the Wash.-Ore. state boundary (Sec.18, T6N, R38E) downstream to mouth at Walla Walla River (Sec.31, T7N, R35E) exclude left bank (Sec. 32, same township).
(4)	Snake R. (Cont.)*		Snake River within Walla Walla County is under federal jurisdiction. This stream has over 300 sq. miles drainage area and over 200 cfs MAF at Columbia County line.

Stream Name		Quadrangle Name and Size	Legal Description
(5)	Touchet River (Cont.)*	Walla Walla 30 Eureka 7 1/2 Rulo 7 1/2 Welland 7 1/2 Touchet 7 1/2 Huntsville 7 1/2 Waitsburg 7 1/2 Prescott 7 1/2 Harsha 7 1/2	From the Columbia County line (Sec.12, T9N, R37E) downstream to mouth on Walla Walla River (Sec.4, T6N, R33E). This river has over 300 sq. miles of drainage area ending at mouth of left bank unnamed tributary (Sec. 11, T9N, R37E).
(6)	Walla Walla River*	Walla Walla 30 College Place 7 1/2 Lowden 7 1/2 Touchet 7 1/2 Zangar Junction 7 1/2 Wallula 7 1/2	From the Washington-Oregon boundary (Sec.13, T6N, R35E) downstream to mouth at Lake Wallula (Sec.26, T7N, R31E). This river has 300 sq. miles of drainage area at Washington-Oregon boundary.))

Streams and rivers and portions thereof that constitute shorelines of the state within Walla Walla County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-410 Whatcom County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Anderson Creek	Lynden 15 Lawrence 7 1/2	From confluence of Anderson Creek and unnamed creek (Sec.7, T38N, R4E) downstream to mouth at Nooksack River (Sec.17, T39N, R4E).
(2)	Austin Creek	Samish Lake 15 Lake Whatcom 7 1/2	From confluence of Austin Creek and Beaver Creek (Sec.7, T37N, R4E) downstream to mouth at Lake Whatcom (Sec.5, same township).
(3)	Bertrand Creek	Blaine 15 Bertrand Creek 7 1/2	Beginning at U.S., Canada border (Sec.35, T41N, R2E) downstream to mouth at Nooksack R. (Sec.34, T40N, R2E).
(4)	Boulder Creek	Van Zandt 15	From confluence of Boulder Creek and unnamed creek (Sec.22, T40N, R6E) downstream to mouth at Nooksack River (Sec.28, same township).
(5)	Breckenridge Creek	Lynden 15 Sumas 7 1/2	From approximate point (SE1/4 of NW1/4 Sec.26, T40N, R4E) downstream to mouth Sumas River (Sec.29, same township).
(6)	California Creek	Blaine 15 Blaine 7 1/2	From confluence of California Creek and unnamed creek (Sec.27, T40N, R1E) downstream to mouth at Drayton Harbor (Sec.18, same township).
(7)	Canyon Creek	Mt. Baker 15	From Mt. Baker National Forest boundary (Sec.25, T40N, R6E) downstream to mouth at Nooksack River North Fork (Sec.35, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(8)	Canyon Creek	Van Zandt 15	From confluence of Canyon Creek and unnamed creek (Sec.32, T39N, R6E) downstream through Canyon Lake to mouth at Nooksack River M. Fork (Sec.34, T39N, R5E).
(9)	Clearwater Creek	Mt. Baker 15 Van Zandt 15	Beginning at Mt. Baker National Forest boundary (Sec.11, T38N, R6E) downstream to mouth at Nooksack River M. Fk. (Sec.21, same township).
(10)	Coal Creek	Van Zandt 15	From an approximate point (SW1/4 of SE1/4 Sec.4, T39N, R5E) downstream to mouth at Nooksack River (Sec.10, same township).
(11)	Dakota Creek	Blaine 15 Blaine 7 1/2	From confluence of Dakota Creek and North Fork Dakota Creek (Sec.14, T40N, R1E) downstream to mouth at Drayton Harbor (Sec.7, same township).
(12)	Fishtrap Creek	Lynden 15 Lynden 7 1/2 Bertrand 7 1/2	From the British Columbia-Washington state border (Sec.34, T41N, R3E) downstream to mouth at Nooksack River (Sec.35, T40N, R2E).
(13)	Friday Creek	Samish Lake 15 Lake Whatcom 7 1/2	From the outflow of Samish Lake on southern tip (Sec.36, T37N, R3E) downstream to Skagit County line (same section).
(14)	Galbraith Creek	Wickersham 15 Van Zandt 15	From confluence of Galbraith Creek and unnamed creek (Sec.33, T38N, R6E) downstream to mouth at Nooksack River (Sec.27, same township).
(15)	Hayden Creek	Hamilton 15 Wickersham 15	From confluence of Hayden Creek and unnamed creek (Sec.26, T37N, R6E) downstream to mouth at Skookum Creek (Sec.22 same township).
(16)	Howard Creek	Hamilton 15	From confluence of Howard Creek and unnamed creek (Sec.35, T37N, R6E) downstream to Skagit County line (Sec.36, same township).
(17)	Hutchinson Creek	Wickersham 15	From confluence of Hutchinson Creek and unnamed creek (Sec.1, T37N, R5E) downstream to mouth at Nooksack River South Fork (Sec.9, same township).
(18)	Johnson Creek (in flood plain)	Lynden 15 Sumas 7 1/2 Van Zandt 15	From confluence of Johnson Creek and unnamed creek near north section line (Sec.8, T40N, R4E) downstream to mouth at Sumas River (Sec.35, T41N, R4E).
(19)	Kendall Creek	Van Zandt 15	Beginning where medium duty highway crosses Kendall Creek (Sec.27, T40N, R5E) downstream to mouth at Nooksack River (Sec.3, T39N, R5E).

Stream Name		Quadrangle Name and Size	Legal Description
(20)	Maple Creek	Van Zandt 15	Beginning where unimproved dirt road crosses Maple Creek (Sec.18, T40N, R6E) downstream to mouth at Nooksack River (Sec.31, same township).
(21)	Nooksack River*	Mt. Baker* 15 Lawrence 7 1/2 Sumas 7 1/2 Lynden 7 1/2 Bertrand 7 1/2 Ferndale 7 1/2 Van Zandt 15	Beginning at east section line (Sec.5, T39N, R7E) south bank only, both sides starting at east section line (Sec.1, T39N, R6E), downstream to mouth at Bellingham Bay (Sec.19, T38N, R2E). Exclude federal lands. The 1,000 cfs MAF point begins at confluence with Glacier Creek.
(22)	Nooksack River (M. Fk.)	Mt. Baker 15 Van Zandt 15	From Mt. Baker National Forest boundary (Sec.25, T38N, R6E) downstream to mouth at Nooksack River (Sec.27, T39N, R5E).
(23)	Nooksack River (N. Fk.)	Mt. Baker 15	From Mt. Baker National Forest boundary (Sec.5, T39N, R7E) downstream to where the medium-duty road crosses Nooksack River (Sec.2, T39N, R6E).
(24)	Nooksack River (S. Fk.) (Cont.)*	Wickersham* 15 Van Zandt 15	From Skagit County line (Sec.35, T37N, R5E) downstream to mouth at Nooksack River (Sec.6, T38N, R5E). The 1,000 cfs MAF point begins at mouth of Hutchinson Creek (Sec.9, T37N, R5E).
(25)	Orsino Creek	Wickersham 15	From an approximate point (SE1/4 of NW1/4 Sec.9, T37N, R6E) downstream to mouth at Skookum Creek (Sec.16, same township).
(26)	Porter Creek	Van Zandt 15	From confluence of Porter Creek and unnamed creek (Sec.12, T38N, R5E) downstream to mouth at Nooksack River M. Fork (Sec.11, same township).
(27)	Racehorse Creek	Van Zandt 15	Beginning at north section line (SW1/4 of NE1/4 of Sec.21, T39N, R6E) downstream to mouth at Nooksack River (Sec.10, T39N, R5E).
(28)	Rocky Creek	Mt. Baker 15	From Mt. Baker National Forest boundary (Sec.35, T39N, R6E) downstream to mouth at Clearwater Creek (Sec.2, T38N, R6E).
(29)	Saar Creek	Van Zandt 15	From an approximate point (NW1/4 of SE1/4 Sec.7, T40N, R5E) downstream to British Columbia-Washington state boundary (Sec.32, T41N, R5E).
(30)	Samish River (in flood plain)	Wickersham 15	From confluence of Samish River and unnamed creek (Sec.31, T37N, R5E) downstream to Skagit County line (same section).
(31)	Sisters Creek	Hamilton 15 Mt. Baker 15	From Mt. Baker National Forest boundary (Sec.25, T38N, R6E) downstream to mouth at Nooksack River M. Fork (Sec.26, same township).

Stream Name		Quadrangle Name and Size	Legal Description
(32)	Skookum Creek	Wickersham 15	From confluence of Hayden Creek and Fish Creek (Sec.22, T37N, R6E) downstream to mouth at Nooksack River South Fork (Sec.27, T37N, R5E).
(33)	Smith Creek (in flood plain)	Lynden 15 Lawrence 7 1/2	From confluence of Smith Creek and unnamed creek (Sec.26, T39N, R4E) downstream to mouth at Nooksack River (Sec.21, same township).
(34)	Squalicum Creek	Lynden 15 Bellingham N. 7 1/2 Ferndale 7 1/2	Beginning where unimproved dirt road crosses Squalicum Creek (Sec.9, T38N, R3E) downstream to mouth at Bellingham Bay (Sec.24, T38N, R2E).
(35)	Sumas River	Lynden 15 Van Zandt 15 Sumas 7 1/2	From confluence of Sumas River and Dale Creek (Sec.4, T39N, R4E) downstream to British Columbia-Washington state boundary (Sec.36, T41N, R4E).
(36)	Tenmile Creek	Lynden 15 Bellingham - North 7 1/2 Ferndale 7 1/2 Lynden 7 1/2	From east section line (Sec.17, T39N, R3E) downstream through Barrett Lake to mouth at Nooksack River (Sec.20, T39N, R2E).
(37)	Terrell Creek	Blaine 7 1/2 Birch Point 7 1/2	Beginning at (NE1/4 of SE1/4 of NE1/4 Sec.2, T39N, R1W) downstream to mouth at Birch Bay (Sec.30, T40N, R1E).
(38)	Unnamed tributary flowing to Canada	Mt. Baker 15 Van Zandt 15	From an approximate point (between NW1/4 and NE1/2 Sec.2, T40N, R6E) to downstream to British Columbia-Washington state boundary (Sec.34, T41N, R6E).
(39)	Warm Creek	Mt. Baker 15	From Mt. Baker National Forest boundary (Sec.24, T38N, R6E) downstream to mouth at Nooksack River M. Fk. (Sec.25, same township).
(40)	West Cornell Creek	Mt. Baker 15	From confluence of unnamed creek and West Cornell Creek (Sec.13, T39N, R6E) downstream to mouth at Nooksack River North Fork (Sec.1, same township).
(41)	Whatcom Creek	Bellingham N. 7 1/2	From the outlet of Lake Whatcom (Sec.28, T38N, R3E) downstream to mouth at Bellingham Bay (Sec.30, same township).
(42)	Glacier Creek	Mt. Baker 15	From confluence of Glacier Creek and Davis Creek (Sec.8, T39N, R7E) downstream to mouth at North Fork Nooksack River (Sec.6, same township).
(43)	Padden Creek	Bellingham S. 7 1/2	From confluence of unnamed creek and Padden Creek (NW1/4 Sec.7, T37N, R3E) downstream to mouth on Bellingham Bay (Sec.1, T37N, R2E).

Stream Name		Quadrangle Name and Size	Legal Description
(44)	Anderson Creek	Wickersham 15 Lake Whatcom 7 1/2	From outlet on Mirror Lk. (Sec.30, T37N, R5E) downstream to mouth on Lake Whatcom (Sec.27, T37N, R4E).
(45)	Chuckanut Creek	Bellingham S. 7 1/2	From confluence of unnamed creek and Chuckanut Creek (NW1/4 of SW1/4 Sec.17, T37N, R3E) downstream to mouth at Chuckanut Bay (Sec.13, T37N, R2E).
(46)	Smith Creek	Lake Whatcom 7 1/2	From confluence of unnamed creek and Smith Creek (SE1/4 of SW1/4, Sec.33, T38N, R4E) downstream to mouth on Lake Whatcom (Sec.5, T37N, R4E).))

Streams and rivers and portions thereof that constitute shorelines of the state within Whatcom County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-14, filed 5/3/76)

WAC 173-18-420 Whitman County. ((Streams

Stream Name		Quadrangle Name and Size	Legal Description
(1)	Hangman Creek (Latah Creek)	Tekoa 7 1/2 Oaksdale 7 1/2 Fairfield 15	From the Washington-Idaho boundary (Sec.29, T20N, R46E) downstream to Whitman-Spokane County line (Sec.4, T29N, R45E).
(2)	Palouse River (S. Fork)	Pullman 7 1/2 Albion 7 1/2 Colfax South 7 1/2 Colfax North 7 1/2	From the confluence of the South Fork of the Palouse River and unnamed creek (Sec.16, T14N, R45E) downstream to mouth at Palouse River (Sec.11, T16N, R43E) in Colfax.
(3)	Palouse River*	Palouse 7 1/2 Elberton 7 1/2 Colfax 7 1/2 Diamond 7 1/2 Endicott 15 La Crosse 15 Benge 15 Starbuck 15	From the Washington-Idaho boundary (Sec.5, T16N, R46E) downstream to Adams County line (Sec.24, T16N, R38E) along Adams and Franklin County lines to mouth at Snake River (Sec.19, T13N, R37E). The flow is 200 cfs MAF at Washington-Idaho boundary.
(4)	Pine Creek*	Rosalia 7 1/2 Spangle 15 Malden* 7 1/2 Pine City 7 1/2	From the confluence of Pine Creek and unnamed creek (NW1/4 of Sec.16, T20N, R44E) downstream to mouth at Rock Creek (Sec.15, T20N, R41E), excluding that stretch within Spokane County. This stream has over 300 sq. miles of drainage area ending at mouth of Cache Creek (Sec.23, T20N, R42E).
(5)	Rock Creek*	Pine City 7 1/2 Rock Lake 7 1/2 Ewan 7 1/2 Texas Lake 7 1/2 Revere 7 1/2 La Crosse 15	From the confluence of Rock Creek and Pine Creek (Sec.15, T20N, R41E) downstream through Rock Lake to mouth at Palouse River (Sec.5, T16N, R39E) excluding those reaches in Adams County. Over 300 sq. miles drainage area at confluence of Rock Creek and Pine Creek.

Stream Name	Quadrangle Name and Size	Legal Description
(6) Snake River*	Clarkston* 15 Colton 7 1/2 Bishop 7 1/2 Kirby 7 1/2 Almota 7 1/2 Penawawa 15 Hay 15 Starbuck 15	From the Washington-Idaho boundary (Sec.16, T36N, R46E) downstream along the Whitman-Asotin County line and Garfield-Whitman County line and Columbia-Whitman County line to the Franklin County line (Sec.30, T13N, R37E). All of river under federal jurisdiction. This stream has over 200 cfs MAF flow at Washington-Idaho border.
(7) Union Flat Creek*	Ewartsville 7 1/2 Colfax South 7 1/2 Wilcox 7 1/2 Endicott 15 La Crosse* 15	From the confluence of Wilbur Creek and Union Flat Creek (Sec.6, T14N, R44E) downstream to mouth at Palouse River (Sec.35, T16N, R38E). This stream has over 300 sq. miles of drainage area ending at mouth of left bank unnamed tributary (Sec.31, T16N, R39E).))

Streams and rivers and portions thereof that constitute shorelines of the state within Whitman County are designated in the shoreline master programs of the county and the cities therein.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-18-430 Yakima County. Streams and rivers and portions thereof ((~~which~~)) that constitute shorelines of the state within Yakima County are designated in the shoreline master programs of the county and the cities therein.

RDS-7307.2

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-010 Purpose. The department of ecology, pursuant to RCW 90.58.300 is designated the state agency responsible for the program of regulation of the shorelines of the state. This chapter delimits the lakes ((~~which~~)) that are classified as shorelines of the state.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-030 Definitions. As used herein, the following words and phrases shall have the following meanings:

(1) "Lakes" means all the surface water areas of the state, including reservoirs; except:

(a) Lakes less than ((~~twenty~~)) 20 acres in size;

(b) Streams or rivers (as described in ((~~WAC 173-18-030~~)) chapter 173-18 WAC);

(c) Shorelines of statewide significance.

(2) "Lakes of statewide significance" means those lakes, whether natural, artificial or a combination thereof, with a surface acreage of ((~~one thousand~~)) 1,000 acres or more measured at the ordinary high-water mark.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-20-044 Review and update of designations. Each local government master program shall include a list of lakes constituting shorelines of the state within the jurisdiction of the master program that complies with the requirements of RCW 90.58.030(2). Shorelines of the state are all shorelines and shorelines of statewide significance. When ((~~such~~)) a comprehensive master program update is approved by the department ((~~subsequent to the effective date of this provision~~)), the list within the master program shall be the official list for that jurisdiction and shall supersede the list contained herein.

RCW 90.58.020 provides that shorelines of the state may change over time based on authorized or permitted alterations and natural processes. "Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW."

Therefore, each local government shall review the list contained within its master program as part of each subsequent master program periodic review to ensure that those lists remain current and accurate over time. This review and subsequent confirmation of lakes constituting the shorelines of the state shall be submitted to ecology along with updated geospatial data sufficient for identifying these waters on the state hydrology dataset. Data must adhere to department requirements for the submittal of geospatial data. This mapping information will be integrated into the department's statewide public facing shoreline mapping resources.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-20-050 Lakes coming under purview of chapter 90.58 RCW—Adams County lakes. Lakes ((~~which~~)) that constitute shorelines of the state within Adams County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-20-060 Lakes coming under purview of chapter 90.58 RCW—Adams County lakes of statewide significance. Lakes ((~~which~~)) that constitute shorelines of statewide significance within Adams County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-20-090 Lakes coming under purview of chapter 90.58 RCW—Benton County lakes. Lakes ((~~which~~)) that constitute shorelines of the state within Benton County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-16, filed 5/3/76)

WAC 173-20-100 Lakes coming under purview of chapter 90.58 RCW—Chelan County lakes.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T21N-R20E~~	~~21-B/C~~	~~Black Lk. (Spring Hill Reservoir)~~	~~28.1~~	~~R,I~~
~~(2)~~	~~T21N-R20E~~	~~29-D~~	~~Upper Wheeler Res.~~	~~36.2~~	~~R,I~~
~~(3)~~	~~T22N-R21E~~	~~29-K/Q~~	~~Three Lakes Res. (Cortez Lake)~~	~~32.9~~	~~R,I~~
~~(4)~~	~~T22N-R21E~~	~~33-D~~	~~Meadow Lk.~~	~~35.7~~	~~R,I~~
~~(5)~~	~~T23N-R16E~~	~~10-W1/2~~	~~Colchuck Lk.~~	~~87.8~~	~~R~~
~~(6)~~	~~T24N-R14E~~	~~3-SE1/4~~	~~Klonaqua Lks.-Lower~~	~~66.0~~	~~R,I~~
~~(7)~~	~~T24N-R14E~~	~~3-N/P~~	~~Klonaqua Lks.-Upper~~	~~67.0~~	~~R,I~~
~~(8)~~	~~T24N-R16E~~	~~33-N~~	~~Eight Mile Lk. (Res.)~~	~~71.6~~	~~R~~
~~(9)~~	~~T26N-R16E~~	~~19-A/H~~	~~Loch Eileen Lk.~~	~~24.8~~	~~R~~
~~(10)~~	~~T26N-R16E~~	~~29-L~~	~~Chiwaukum Lk.~~	~~66.6~~	~~R~~
~~(11)~~	~~T27N-R17E~~	~~22-D~~	~~Fish Lk.~~	~~513.3~~	~~R~~
~~(12)~~	~~T28N-R21E~~	~~22-G~~	~~Grass Lk. (Dry Lk.)~~	~~76.8~~	~~R~~
~~(13)~~	~~T28N-R21E~~	~~23-K~~	~~Wapato Lk.~~	~~185.6~~	~~R,I~~
~~(14)~~	~~T28N-R21E~~	~~26-B~~	~~Alkali Lk. (Roses Lk)~~	~~179.2~~	~~R~~
~~(15)~~	~~T29N-R21E~~	~~36-P~~	~~Antilon Lk. (Res.)~~	~~96.0~~	~~R,I~~
~~(16)~~	~~T24N-R16E~~	~~9~~	~~Victoria Lk.~~	~~26.6~~	~~R~~))

Lakes that constitute shorelines of the state within Chelan County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-110 Lakes coming under purview of chapter 90.58 RCW—Chelan County lakes of statewide significance.

((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
(1) ~~T16N-R23E~~	~~16/17~~	~~Wanapum Dam Res.~~	~~440.0 Chelan Co.~~ ~~1184.0 Douglas Co.~~ ~~6748.0 Grant Co.~~ ~~6308.0 Kittitas Co.~~ ~~14680.0 Total~~	
(2) ~~T21N-R22E~~	~~5-H/J~~	~~Rock Island Pool~~	~~1735.0 Chelan Co.~~ ~~1735.0 Douglas Co.~~ ~~3470.0 Total~~	~~R,P~~
(3) ~~T24N-R20E~~	~~35~~	~~Entiat Lk.~~	~~4930.0 Chelan Co.~~ ~~4930.0 Douglas Co.~~ ~~9860.0 Total~~	~~R,P~~
(4) ~~T27N-R17E~~	~~28-L~~	~~Wenatchee Lk.~~	~~2445.0~~	~~R~~
(5) ~~T27N-R22E~~	~~13-J~~	~~Chelan Lk.~~	~~33104.0~~	~~R,I,P~~
(6) ~~T28N-R24E~~	~~6/7~~	~~Wells Res.~~	~~97.0 Chelan Co~~ ~~4850.0 Douglas Co.~~ ~~4753.0 Okanogan Co.~~ ~~9700.0 Total~~	~~P,R~~))

Lakes that constitute shorelines of statewide significance within Chelan County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 85-09-043, filed 4/15/85)

WAC 173-20-120 Lakes coming under purview of chapter 90.58 RCW—Clallam County lakes.

((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
(1) ~~T29N-R14W~~	~~20 A/B~~	~~Wentworth Lk.~~	~~53.8~~	~~R~~
(2) ~~T30N-R7W~~	~~15-G~~	~~Aldwell Lk.~~	~~320.8~~	~~P,R~~
(3) ~~T30N-R8W~~	~~22-Q~~	~~Sutherland Lk.~~	~~360.8~~	~~R~~
(4) ~~T30N-R12W~~	~~9-J/K~~	~~Beaver Lk.~~	~~36.3~~	~~R~~
(5) ~~T30N-R13W~~	~~35-E~~	~~Pleasant Lk.~~	~~486.0~~	~~R~~
(6) ~~T30N-R14W~~	~~16-L~~	~~Dickey Lk.~~	~~527.0~~	~~R~~
(7) ~~T31N-R15W~~	~~12-W1/2~~	~~Elk Lk.~~	~~59.0~~	~~R~~
(8) ~~T31N-R15W~~	~~18-E/M~~	~~Seafield Lk.~~	~~22.0~~	~~R~~))

Lakes that constitute shorelines of the state within Clallam County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 85-09-043, filed 4/15/85)

WAC 173-20-130 Lakes coming under purview of chapter 90.58 RCW—Clallam County lakes of statewide significance.

((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~T31N-R15W~~	~~31-A~~	~~Ozette Lk.~~	~~7787.0~~	~~R~~))

Lakes that constitute shorelines of statewide significance within Clallam County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-16, filed 5/3/76)

WAC 173-20-140 Lakes coming under purview of chapter 90.58 RCW—Clark County lakes.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T1N-R3E~~	~~2-F/L~~	~~Lacamas Lk. (Res.)~~	~~315.0~~	~~PS,R~~
~~(2)~~	~~T1N-R3E~~	~~2-F/L~~	~~Round Lk.~~	~~32.4~~	~~PS,R~~
~~(3)~~	~~T2N-R1E~~	~~9-G/H~~	~~Unnamed~~	~~23.0~~	~~R~~
~~(4)~~	~~T4N-R1E~~	~~6~~	~~Mud Lk.~~	~~92.0~~	~~R~~
~~(5)~~	~~T4N-R3E~~	~~30-E~~	~~Battleground Lk.~~	~~28.0~~	~~R~~))

Lakes that constitute shorelines of the state within Clark County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 73-13, filed 8/27/73)

WAC 173-20-150 Lakes coming under purview of chapter 90.58 RCW—Clark County lakes of statewide significance.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~		~~Use~~
~~(1)~~	~~T6N-R2E~~	~~33-J~~	~~Merwin Lk. (Res.)~~	~~2400.3~~ ~~1689.3~~	~~Clark Co.~~ ~~Cowlitz Co.~~	
				~~4089.6~~	~~Total~~	~~P,R~~
~~(2)~~	~~T6N-R4E~~	~~32-NE1/4~~	~~Yale Res.~~	~~2022.4~~ ~~1779.2~~	~~Clark Co.~~ ~~Cowlitz Co.~~	
				~~3801.6~~	~~Total~~	~~P,R~~))

Lakes that constitute shorelines of statewide significance within Clark County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-180 Lakes coming under purview of chapter 90.58 RCW—Cowlitz County lakes.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T5N-R1E~~	~~19-M~~	~~Horseshoe Lk.~~	~~78.9~~	~~R~~
~~(2)~~	~~T7N-R4E~~	~~16~~	~~Merrill Lk.~~	~~344.0~~	~~R~~
~~(3)~~	~~T8N-R2W~~	~~33-SW1/4~~	~~Sacajawea Lk.~~	~~47.7~~	~~R~~
~~(4)~~	~~T10N-R4E~~	~~25-E/F~~	~~Fawn Lk.~~	~~23.6~~	~~R~~))

Lakes that constitute shorelines of the state within Cowlitz County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-190 Lakes coming under purview of chapter 90.58 RCW—Cowlitz County lakes of statewide significance.

((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~

~~(1)~~	~~T6N-R2E~~	~~33-J~~	~~Merwin Lk. (Res.)~~	~~1689.3~~ ~~2400.3~~	~~Cowlitz Co.~~ ~~Clark Co.~~	
				~~4089.6~~	~~Total~~	~~P,R~~
~~(2)~~	~~T6N-R4E~~	~~32-NE1/4~~	~~Yale Res.~~	~~1779.2~~ ~~2022.4~~	~~Cowlitz Co.~~ ~~Clark Co.~~	
				~~3801.6~~	~~Total~~	~~P,R~~
~~(3)~~	~~T10N-R1W~~	~~36-R~~	~~Silver Lk.~~	~~2996.0~~		~~R))~~

Lakes that constitute shorelines of statewide significance within Cowlitz County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 11-05-064, filed 2/11/11, effective 3/14/11)

WAC 173-20-200 Lakes coming under purview of chapter 90.58 RCW—Douglas County lakes. Lakes ((~~which~~)) that constitute shorelines of the state within Douglas County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 11-05-064, filed 2/11/11, effective 3/14/11)

WAC 173-20-210 Lakes coming under purview of chapter 90.58 RCW—Douglas County lakes of statewide significance. Lakes ((~~which~~)) that constitute shorelines of statewide significance within Douglas County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-220 Lakes coming under purview of chapter 90.58 RCW—Ferry County lakes.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T37N-R32E~~	~~27-SW1/4~~	~~Mud Lk.~~	~~23.0~~	~~R~~
~~(2)~~	~~T37N-R33E~~	~~32-N1/2~~	~~San Poil Lk.~~	~~27.7~~	~~R,PS~~
~~(3)~~	~~T38N-R33E~~	~~28-D~~	~~Curlew Lk.~~	~~869.6~~	~~R,I~~))

Lakes that constitute shorelines of the state within Ferry County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 73-13, filed 8/27/73)

WAC 173-20-240 Lakes coming under purview of chapter 90.58 RCW—Franklin County lakes.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T12N-R30E~~	~~17-J/R~~	~~Clark Pond~~	~~49.3~~	~~R~~
~~(2)~~	~~T12N-R30E~~	~~20-SE1/4~~	~~Unnamed Lk.~~	~~26.2~~	~~R~~
~~(3)~~	~~T13N-R29E~~	~~5-W1/2~~	~~Unnamed Lk.~~	~~29.7~~	~~R~~
~~(4)~~	~~T13N-R29E~~	~~15-N1/2~~	~~Unnamed Lk.~~	~~50.0~~	~~R~~
~~(5)~~	~~T13N-R30E~~	~~24-L/M~~	~~Bailie Pond~~	~~22.7~~	~~R~~
~~(6)~~	~~T13N-R30E~~	~~34~~	~~Mesa Lk.~~	~~50.0~~	~~R~~
~~(7)~~	~~T13N-R30E~~	~~5-E1/2~~	~~Unnamed Lk.~~	~~63.0~~	~~R~~
~~(8)~~	~~T13N-R33E~~	~~5-N~~	~~Sulphur Lk.~~	~~22.0~~	~~R~~
~~(9)~~	~~T13N-R34E~~	~~4-SE1/4~~	~~Kahlotus Lk.~~	~~321.0~~	~~R~~
~~(10)~~	~~T14N-R28E~~	~~24-NW1/4~~	~~Unnamed Lk.~~	~~20.0~~	~~R~~
~~(11)~~	~~T14N-R28E~~	~~26-NW1/4~~	~~Unnamed Lk.~~	~~25.0~~	~~R~~
~~(12)~~	~~T14N-R29E~~	~~11-N1/2~~	~~Unnamed Lk.~~	~~71.9~~	~~R~~
~~(13)~~	~~T14N-R29E~~	~~11-Q/R~~	~~Unnamed Lk.~~	~~29.5~~	~~R~~
~~(14)~~	~~T14N-R29E~~	~~12~~	~~Scootney Lk.~~	~~217.0~~	~~R~~
~~(15)~~	~~T14N-R29E~~	~~14-E1/2~~	~~Unnamed Lk.~~	~~50.0~~	~~R~~
~~(16)~~	~~T14N-R29E~~	~~23-B~~	~~Unnamed Lk.~~	~~24.0~~	~~R~~
~~(17)~~	~~T14N-R29E~~	~~25-D~~	~~Unnamed Lk.~~	~~49.6~~	~~R~~
~~(18)~~	~~T14N-R29E~~	~~26~~	~~Unnamed Lk.~~	~~130.0~~	~~R~~
~~(19)~~	~~T14N-R29E~~	~~36-S1/2~~	~~Unnamed Lk.~~	~~20.0~~	~~R~~
~~(20)~~	~~T14N-R30E~~	~~14-B~~	~~Unnamed Lk.~~	~~25.8~~	~~R~~
~~(21)~~	~~T14N-R30E~~	~~27-J~~	~~Scootney Reservoir~~	~~685.0~~	~~R,I~~
~~(22)~~	~~T14N-R30E~~	~~27-R~~	~~Unnamed Lk.~~	~~23.0~~	~~R~~
~~(23)~~	~~T14N-R30E~~	~~33-SW1/4~~	~~Unnamed Lk.~~	~~30.0~~	~~R~~
~~(24)~~	~~T14N-R34E~~	~~36-N~~	~~Washtucna Lk.~~	~~43.4~~	~~R~~))

Lakes that constitute shorelines of the state within Franklin County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 73-13, filed 8/27/73)

WAC 173-20-280 Lakes coming under purview of chapter 90.58 RCW—Grant County lakes.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T17N-R26E~~	~~8~~	~~Frenchman Hills Lk.~~	~~800.0~~	~~R~~
~~(2)~~	~~T17N-R26E~~	~~5-SW1/4~~	~~Sand Lk.~~	~~28.4~~	~~R~~
~~(3)~~	~~T18N-R26E~~	~~25~~	~~Winchester Wasteway —Extension~~	~~400.0~~	~~R~~
~~(4)~~	~~T17N-R28E~~	~~27-NE1/4~~	~~Goose Lk.~~	~~112.0~~	~~R~~
~~(5)~~	~~T17N-R28E~~	~~34-J~~	~~Lower Goose Lk.~~	~~50.0~~	~~R~~
~~(6)~~	~~T17N-R29E~~	~~10-B~~	~~Warden Lk.~~	~~186.0~~	~~R~~
~~(7)~~	~~T17N-R29E~~	~~15-SW1/4~~	~~South Warden Lk.~~	~~24.0~~	~~R~~
~~(8)~~	~~T17N-R29E~~	~~17-P/Q~~	~~Susan Lk.~~	~~20.0~~	~~R~~
~~(9)~~	~~T17N-R29E~~	~~18-P~~	~~Soda Lk.~~	~~155.0~~	~~R,I~~
~~(10)~~	~~T17N-R29E~~	~~22-SW1/4~~	~~Virgin Lk.~~	~~20.0~~	~~R~~
~~(11)~~	~~T17N-R29E~~	~~27-D/E~~	~~North Windmill Lk.~~	~~22.3~~	~~R~~
~~(12)~~	~~T17N-R29E~~	~~28-L/P~~	~~Heart Lk.~~	~~25.8~~	~~R~~
~~(13)~~	~~T17N-R29E~~	~~28-Q~~	~~Windmill Lk.~~	~~33.8~~	~~R~~
~~(14)~~	~~T17N-R29E~~	~~32-B~~	~~Long Lk.~~	~~74.8~~	~~R,I~~
~~(15)~~	~~T17N-R29E~~	~~33-N1/2~~	~~Canal Lk.~~	~~76.1~~	~~R~~
~~(16)~~	~~T18N-R26E~~	~~15-SE1/4~~	~~Beda Lk.~~	~~34.0~~	~~R~~
~~(17)~~	~~T18N-R25E~~	~~30-E1/2~~	~~Unnamed Lk.~~	~~60.0~~	~~R~~

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(18)~~	~~T19N-R23E~~	~~9~~	~~Ancient Lk.~~	~~250.0~~	~~R~~
~~(19)~~	~~T19N-R23E~~	~~10-R~~	~~Stan Coffin Lk.~~	~~40.9~~	~~R~~
~~(20)~~	~~T19N-R23E~~	~~13~~	~~Flat Lk.~~	~~98.2~~	~~R~~
~~(21)~~	~~T19N-R23E~~	~~15-NE1/4~~	~~Quincy Lk.~~	~~42.6~~	~~R~~
~~(22)~~	~~T19N-R23E~~	~~15-L~~	~~Burke Lk.~~	~~73.3~~	~~R~~
~~(23)~~	~~T19N-R23E~~	~~16~~	~~Dusty Lk.~~	~~30.0~~	~~R~~
~~(24)~~	~~T19N-R23E~~	~~22-C~~	~~Evergreen Res.~~	~~235.0~~	~~R,I~~
~~(25)~~	~~T19N-R25E~~	~~25-SE1/4~~	~~Winchester Wasteway~~		
	~~T19N-R26E~~	~~30-SW1/4~~	~~—Reservoir~~	~~660.0~~	~~R,I~~
~~(26)~~	~~T20N-R23E~~	~~9-A/H~~	~~Crater Lk.~~	~~25.0~~	~~R~~
~~(27)~~	~~T20N-R23E~~	~~10-L~~	~~Babcock Ridge Lk.~~	~~20.0~~	~~R,I~~
~~(28)~~	~~T20N-R28E~~	~~10-E~~	~~Unnamed Lk.~~	~~79.4~~	~~R~~
~~(29)~~	~~T18N-R23E~~	~~21-NE1/4~~	~~Hilltop Lk.~~	~~30.8~~	~~R~~
~~(30)~~	~~T21N-R27E~~	~~6~~	~~Ephrata Lk.~~	~~25.0~~	~~R~~
~~(31)~~	~~T21N-R27E~~	~~12~~	~~South Willow Lk.~~	~~39.4~~	~~R~~
~~(32)~~	~~T21N-R27E~~	~~12-N1/2~~	~~Willow Lk.~~	~~23.3~~	~~R~~
~~(33)~~	~~T21N-R27E~~	~~16-W1/2~~	~~Unnamed Lk.~~	~~27.0~~	~~R~~
~~(34)~~	~~T21N-R28E~~	~~32-SE1/4~~	~~Unnamed Lk.~~	~~80.9~~	~~R~~
~~(35)~~	~~T21N-R29E~~	~~7-SE1/4~~	~~Broken Rock Lakes~~		
			~~—(1) Northernmost~~	~~20.0~~	~~R~~
			~~—(2) Southernmost~~	~~40.0~~	~~R~~
~~(36)~~	~~T21N-R30E~~	~~20-F~~	~~Black Rock Lk.~~	~~66.7~~	~~R~~
~~(37)~~	~~T22N-R27E~~	~~19~~	~~Soap Lk.~~	~~840.0~~	~~R~~
~~(38)~~	~~T22N-R28E~~	~~2-N~~	~~Brook Lk.~~	~~427.6~~	~~R~~
~~(39)~~	~~T22N-R28E~~	~~8-J~~	~~Round Lk.~~	~~110.6~~	~~R~~
~~(40)~~	~~T22N-R29E~~	~~23-Q/R~~	~~Unnamed Lk.~~	~~28.7~~	~~R~~
~~(41)~~	~~T23N-R26E~~	~~1-NE1/4~~	~~Alkali Lk.(Part of —Lenore)~~	~~308.1~~	~~R~~
~~(42)~~	~~T23N-R26E~~	~~35~~	~~Little Soap Lk.~~	~~99.2~~	~~R~~
~~(43)~~	~~T24N-R27E~~	~~15-SW1/4~~	~~Park Lk.~~	~~341.5~~	~~R~~
~~(44)~~	~~T24N-R27E~~	~~29-N~~	~~Blue Lk.~~	~~536.1~~	~~R~~
~~(45)~~	~~T24N-R28E~~	~~6~~	~~Dry Falls Lk.~~	~~98.9~~	~~R~~
~~(46)~~	~~T24N-R28E~~	~~8-M~~	~~Deep Lk.~~	~~104.3~~	~~R~~
~~(47)~~	~~T25N-R28E~~	~~35-E1/2~~	~~Table Lk.~~	~~20.0~~	~~R~~
~~(48)~~	~~T25N-R28E~~	~~33-SW1/4~~	~~Lena Lk. (Coulee)~~	~~24.8~~	~~R~~
~~(49)~~	~~T27N-R29E~~	~~26-SE1/4~~	~~Higginbotham Res.~~	~~62.0~~	~~R,D~~
~~(50)~~	~~T28N-R30E~~	~~25-G/H~~	~~Long Lk.~~	~~24.8~~	~~R~~
~~(51)~~	~~T16N-R24E~~	~~29-SE1/4~~	~~Lenice Lk.~~	~~80.9~~	~~R~~
~~(52)~~	~~T16N-R24E~~	~~29-SW1/4~~	~~Merry Lk.~~	~~21.8~~	~~R~~
~~(53)~~	~~T16N-R24E~~	~~30-S1/2~~	~~Nunnally Lk.~~	~~37.1~~	~~R~~
~~(54)~~	~~T17N-R28E~~	~~16-E1/2~~	~~Corral Lk.~~	~~80.0~~	~~R~~))

Lakes that constitute shorelines of the state within Grant County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 73-13, filed 8/27/73)

WAC 173-20-290 Lakes coming under purview of chapter 90.58 RCW—Grant County lakes of statewide significance.

((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~ ~~T13N-R23E~~	~~2/3~~	~~Priest Rapids Dam Reservoir~~	~~4540.0 Grant Co.~~ ~~2080.0 Kittitas Co~~ ~~1080.0 Yakima Co.~~	

((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
			~~7700.0 Total~~	~~P,R~~
~~(2) T16N-R23E~~	~~16/17~~	~~Wanapum Dam Res.~~	~~6748.0 Grant Co.~~ ~~6308.0 Kittitas Co.~~ ~~1184.0 Douglas Co.~~ ~~440.0 Chelan Co.~~ ~~14680.0 Total~~	~~R~~
~~(3) T17N-R28E~~	~~11~~	~~Potholes Res.~~	~~28200.0~~	~~R,I~~
~~(4) T18N-R28E~~	~~5-F~~	~~Moses Lk.~~	~~6815.2~~	~~R,I~~
~~(5) T23N-R26E~~	~~35-B/G~~	~~Lenore Lk.~~	~~1670.0~~	~~R~~
~~(6) T23N-R28E~~	~~36-NW1/4~~	~~Long Lk. Res.~~	~~1010.0~~	~~R,I~~
~~(7) T25N-R28E~~	~~32/33~~	~~Banks Lk.~~	~~24600.0~~ ~~300.0 Douglas Co.~~ ~~24900.0 Total~~))	~~R~~

Lakes that constitute shorelines of statewide significance within Grant County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-300 Lakes coming under purview of chapter 90.58 RCW—Grays Harbor County lakes.

((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1) T17N-R5W~~	~~17-S1/2~~	~~Unnamed~~	~~23.0~~	~~R~~
~~(2) T17N-R9W~~	~~1-SE1/4~~	~~Aberdeen Lk.(Res.)~~	~~64.0~~	~~PS,R~~
~~(3) T17N-R10W~~	~~13~~	~~Unnamed~~	~~76.0~~	~~PS~~
~~(4) T17N-R12W~~	~~14~~	~~Duck Lk.~~	~~197.0~~	~~R~~
~~(5) T18N-R7W~~	~~31-R~~	~~Sylvia Lk. (Res.)~~	~~31.0~~	~~R~~
~~(6) T19N-R10W~~	~~30-H~~	~~Failor Lk. (Res.)~~	~~60.0~~	~~R~~
~~(7) T21N-R10W~~	~~22-J/R~~	~~Unnamed~~	~~20.0~~	~~R~~))

Lakes that constitute shorelines of the state within Grays Harbor County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-20-320 Lakes coming under purview of chapter 90.58 RCW—Island County lakes. Lakes ((~~which~~)) that constitute shorelines of the state within Island County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-20-340 Lakes coming under purview of chapter 90.58 RCW—Jefferson County lakes. Lakes ((~~which~~)) that constitute shorelines of the state within Jefferson County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-16, filed 5/3/76)

WAC 173-20-360 Lakes coming under purview of chapter 90.58 RCW—King County lakes.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T20N-R6E~~	~~2-A~~	~~Bass Lk.~~	~~24.0~~	~~R~~
~~(2)~~	~~T20N-R7E~~	~~28-N/P~~	~~White River Mill Pond~~	~~23.0~~	~~PS~~
~~(3)~~	~~T21N-R4E~~	~~9-N1/2~~	~~Steel Lk.~~	~~46.4~~	~~R~~
~~(4)~~	~~T21N-R4E~~	~~10-NW1/4~~	~~Dolloff Lk.~~	~~21.1~~	~~R~~
~~(5)~~	~~T21N-R4E~~	~~15-SW1/4~~	~~North Lk.~~	~~55.2~~	~~R~~
~~(6)~~	~~T21N-R4E~~	~~22-K/L~~	~~Geneva Lk.~~	~~28.8~~	~~R~~
~~(7)~~	~~T21N-R4E~~	~~27-A~~	~~Killarney Lk.~~	~~31.3~~	~~R~~
~~(8)~~	~~T21N-R4E~~	~~27-N/P~~	~~Fivemile Lk.~~	~~38.4~~	~~R~~
~~(9)~~	~~T21N-R5E~~	~~23-E1/2~~	~~Moneysmith Lk.~~	~~22.4~~	~~R~~
~~(10)~~	~~T21N-R6E~~	~~4-J~~	~~Sawyer Lk.~~	~~279.0~~	~~R~~
~~(11)~~	~~T21N-R6E~~	~~7-E1/4~~	~~Morton Lk.~~	~~66.4~~	~~R~~
~~(12)~~	~~T21N-R6E~~	~~12-A/H~~	~~Twelve Lk.~~	~~43.2~~	~~R~~
~~(13)~~	~~T21N-R6E~~	~~14-Q~~	~~Jones Lk.~~	~~22.5~~	~~R~~
~~(14)~~	~~T21N-R7E~~	~~29-K/Q~~	~~Deep Lk.~~	~~39.0~~	~~R~~
~~(15)~~	~~T21N-R8E~~	~~13-P/Q~~	~~Eagle Lk.~~	~~53.2~~	~~R~~
~~(16)~~	~~T21N-R8E~~	~~27~~	~~Howard Hanson Res.~~	~~—~~	~~PS,R~~
~~(17)~~	~~T21N-R10E~~	~~7-W1/2~~	~~Findley Lks. (1)~~	~~22.3~~	~~R~~
~~(18)~~	~~T22N-R4E~~	~~3-NW1/4~~	~~Angle Lk.~~	~~102.3~~	~~R~~
~~(19)~~	~~T22N-R4E~~	~~34-NW1/4~~	~~Star Lk.~~	~~34.4~~	~~R~~
~~(20)~~	~~T22N-R5E~~	~~1-A/B~~	~~Shady Lk.~~	~~21.1~~	~~R~~
~~(21)~~	~~T22N-R5E~~	~~5-H/J~~	~~Panther Lk.~~	~~33.0~~	~~R~~
~~(22)~~	~~T22N-R5E~~	~~11-R~~	~~Youngs Lk. (Res.)~~	~~700.0~~	~~PS~~
~~(23)~~	~~T22N-R5E~~	~~27~~	~~Meridian Lk.~~	~~149.6~~	~~R~~
~~(24)~~	~~T22N-R6E~~	~~7-SE1/4~~	~~Shadow Lk.~~	~~49.6~~	~~R~~
~~(25)~~	~~T22N-R6E~~	~~22-M/N~~	~~Wilderness Lk.~~	~~66.6~~	~~R~~
~~(26)~~	~~T22N-R6E~~	~~28-E~~	~~Pipe Lk.~~	~~52.1~~	~~R~~
~~(27)~~	~~T22N-R6E~~	~~29~~	~~Lucerne Lk.~~		~~R~~
~~(28)~~	~~T22N-R7E~~	~~9-W1/2~~	~~Walsh Lk.~~	~~105.0~~	~~PS~~
~~(29)~~	~~T22N-R7E~~	~~32~~	~~Retreat Lk.~~	~~52.7~~	~~R~~
~~(30)~~	~~T22N-R8E~~	~~11-C~~	~~Masonry Pool (Res.)~~	~~280.0~~	~~PS,P~~
~~(31)~~	~~T22N-R10E~~	~~5-A/B~~	~~Mason Lk.~~	~~32.6~~	~~R~~
~~(32)~~	~~T23N-R4E~~	~~19-M~~	~~Burien Lk.~~	~~43.7~~	~~R~~
~~(33)~~	~~T23N-R5E~~	~~36-NE1/4~~	~~Desire Lk.~~	~~71.6~~	~~R~~
~~(34)~~	~~T23N-R6E~~	~~18-K/Q~~	~~Kathleen Lk.~~	~~38.5~~	~~R~~
~~(35)~~	~~T23N-R6E~~	~~31-E1/2~~	~~Spring Lk.~~	~~67.9~~	~~R~~
~~(36)~~	~~T23N-R8E~~	~~34-SW1/4~~	~~Rattlesnake Lk.~~	~~112.0~~	~~R~~
~~(37)~~	~~T23N-R10E~~	~~2-P/Q~~	~~Derrick Lk.~~	~~36.9~~	~~R~~
~~(38)~~	~~T23N-R10E~~	~~10-SE1/4~~	~~Caroline Lk.~~	~~59.6~~	~~R~~
~~(39)~~	~~T23N-R10E~~	~~11-S1/2~~	~~Wildcat Lk.-Upper~~	~~53.7~~	~~R~~
~~(40)~~	~~T23N-R10E~~	~~19-P~~	~~Thompson Lk.~~	~~42.7~~	~~R~~
~~(41)~~	~~T23N-R10E~~	~~23-N1/2~~	~~Kalcetan Lk.~~	~~42.8~~	~~R~~
~~(42)~~	~~T23N-R10E~~	~~32-H/J~~	~~Kulla Kulla Lk.~~	~~60.1~~	~~R~~
~~(43)~~	~~T23N-R10E~~	~~35-C/D~~	~~Tusohatchie Lk. Lower~~	~~31.8~~	~~R~~
~~(44)~~	~~T23N-R11E~~	~~19~~	~~Snow Lk.~~	~~159.5~~	~~R~~
~~(45)~~	~~T23N-R12E~~	~~11-N1/2~~	~~Iceberg Lk.~~	~~21.1~~	~~R~~
~~(46)~~	~~T24N-R5E~~	~~2-SE1/4~~	~~Phantom Lk.~~	~~63.2~~	~~R~~
~~(47)~~	~~T24N-R6E~~	~~9-N1/2~~	~~Pine Lk.~~	~~88.3~~	~~R~~

	((Location	Section	Name	Area (Acres)	Use
(48)	T24N-R6E	11-B	Beaver Lk. No. 2	61.9	R
(49)	T24N-R7E	10-E1/2	Intermittent Lk.	49.0	R
(50)	T24N-R7E	27-J/R	Alice Lk.	32.6	R
(51)	T24N-R8E	2-D/E	Boyle Lk.	24.0	R
(52)	T24N-R8E	11-M	Klaus Lk.	62.0	R
(53)	T24N-R8E	29-SW1/4	Snoqualmie Mill Pond	66.0	PS,R
(54)	T24N-R9E	8-R	Hancock Lk.	236.2	R
(55)	T24N-R9E	22-SW1/4	S.M.C. Lk.	40.7	R
(56)	T24N-R9E	22-B/G	Moolock Lk.	45.4	R
(57)	T24N-R10E	2-E	Marten Lk.	40.4	R
(58)	T25N-R4E	5-M/N	Green Lk.	255.3	R
(59)	T25N-R4E	17-K	Portage Bay	148.0	R
(60)	T25N-R4E	19-C	Union Lk.	598.0	R
(61)	T25N-R7E	13-B/G	Loop Lk.	35.7	R
(62)	T25N-R7E	19-N1/2	Ames Lk.	79.9	R
(63)	T25N-R7E	22-E1/2	Langlois Lk.	40.0	R
(64)	T25N-R8E	13-P	Black Lk.	25.7	R
(65)	T25N-R8E	35-M	Bridges Lk.	34.0	R
(66)	T25N-R9E	24-E/M	Lock Katrine (Lk.)	51.2	R
(67)	T25N-R9E	25-L/M	Lock Katrine (Lk.) Upper	24.4	R
(68)	T25N-R9E	32-Q	Calligan Lk.	361.0	R
(69)	T25N-R9E	35-N1/2	Phillippa Lk.	121.4	R
(70)	T26N-R6E	7-P	Cottage Lk.	63.1	R
(71)	T26N-R7E	3-M	Margaret Lk. (Res.)	43.8	R
(72)	T26N-R7E	35-NE1/4	Joy Lk.	105.1	R
(73)	T26N-R8E	25-F/G	Lynch Lk.	22.9	R
(74)	T26N-R9E	32-E/M	Tolt Res.	850.0	PS))

Lakes that constitute shorelines of the state within King County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-370 Lakes coming under purview of chapter 90.58 RCW—King County lakes of statewide significance.

	((Location	Section	Name	Area (Acres)	Use
(1)	T19N-R7E	17-NE1/4	Mud Mtn. Res.	600.0 King Co. 600.0 Pierce Co. 1200.0 Total	PS,R
(2)	T22N-R8E	12-NE1/4	Chester Morse Lk. Res.	1682.0	PS,P
(3)	T25N-R4E	16-Q	Washington Lk.	22138.0	R
(4)	T25N-R5E	13-K	Sammamish Lk.	4897.3	R))

Lakes that constitute shorelines of statewide significance within King County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-20-380 Lakes coming under purview of chapter 90.58 RCW—Kitsap County lakes. Lakes ((~~which~~)) that constitute shorelines of the state within Kitsap County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-20-400 Lakes coming under purview of chapter 90.58 RCW—Kittitas County lakes. Lakes ((~~which~~)) that constitute shorelines of the state within Kittitas County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-20-410 Lakes coming under purview of chapter 90.58 RCW—Kittitas County lakes of statewide significance. Lakes ((~~which~~)) that constitute shorelines of statewide significance within Kittitas County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-440 Lakes coming under purview of chapter 90.58 RCW—Lewis County lakes.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T13N-R1E~~	~~30-K/Q~~	~~Carlisle Lk.~~	~~220.3~~	~~R~~
~~(2)~~	~~T14N-R5E~~	~~9-B~~	~~Mineral Lk.~~	~~277.3~~	~~R~~))

Lakes that constitute shorelines of the state within Lewis County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-16, filed 5/3/76)

WAC 173-20-450 Lakes coming under purview of chapter 90.58 RCW—Lewis County lakes of statewide significance.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T12N-R2E~~	~~29-C~~	~~Mayfield Res.~~	~~2200.0~~	~~P,R~~
~~(2)~~	~~T12N-R3E~~	~~10-N~~	~~Mossyrock Res.~~	~~10200.0~~	~~P,R~~
~~(3)~~	~~T15N-R4E~~	~~9-F~~	~~Alder Res.~~	~~124.0 Lewis Co.~~	
				~~1689.6 Pierce Co.~~	
				~~1117.6 Thurston Co.~~	

((Location	Section	Name	Area (Acres)	Use
			2931.2 Total	P,R))

Lakes that constitute shorelines of statewide significance within Lewis County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-460 Lakes coming under purview of chapter 90.58 RCW—Lincoln County lakes.

	((Location	Section	Name	Area (Acres)	Use
(1)	T21N-R33E	3-Q/R	Reisenauer Res.	22.0	R,I,PS
(2)	T21N-R33E	12-SE1/4	Sylvan Lk.	550.0	R
(3)	T21N-R38E	36-F	Fourth of July Lk.	35.9 Lincoln Co. 74.9 Adams Co. 110.3 Total	R
(4)	T21N-R39E	10-H/J	Unnamed Lk.	28.9	R
(5)	T21N-R39E	12-N	Fishtrap Lk. (Res.)	172.8 Lincoln Co. 22.8 Spokane Co. 195.6 Total	R
(6)	T21N-R39E	22-L	Intermittent Lk.	93.0	R
(7)	T21N-R39E	25-Q	Downs Lk.	28.8 Lincoln Co. 394.6 Spokane Co. 423.4 Total	R
(8)	T21N-R39E	26-P	Unnamed Lk.	99.0	R
(9)	T21N-R39E	34-N1/2	Intermittent Lk.	60.0	R
(10)	T22N-R31E	28-B	Peterson Lk.	20.5	R
(11)	T22N-R32E	6-NE1/4	Sullivan Lk.	72.4	R
(12)	T22N-R32E	6-SW1/4	Wooley Lk.	23.7	R
(13)	T22N-R32E	12-SW1/4	Pacific Lk.	129.7	R
(14)	T22N-R32E	26-SW1/4	Tule Lk. (Bobs)	126.7	R
(15)	T22N-R33E	4-N1/2	Neves Lk.	25.1	R
(16)	T22N-R39E	22-SE1/4	Ames Lk.	29.1	R
(17)	T22N-R39E	32-N/P	Unnamed Lk.	24.8	R
(18)	T23N-R32E	7-W1/2	Unnamed Lk.	42.2	R
(19)	T23N-R32E	27-SW1/4	Goetz Lk.	36.2	R
(20)	T23N-R33E	13-SE1/4	Coffee Pot Lk.	316.8	R
(21)	T23N-R33E	23-E1/2	Deer Springs Lk.	60.3	R
(22)	T23N-R33E	34-S1/2	Browns Lk.	42.2	R
(23)	T23N-R33E	34-S1/2	Tavares Lk.		
(24)	T23N-R34E	3-D	Twin Lks. - Lower	44.9	R
(25)	T23N-R34E	25-NE1/4	Unnamed Lk.	25.3	R
(26)	T23N-R35E	19-Na	Cormana Lk.	48.3	R
(27)	T24N-R32E	12-NW1/4	Drapers Lk.	34.2	R
(28)	T24N-R33E	31-N1/2	Unnamed Lk.	48.3	R
(29)	T24N-R34E	1-SW1/4	Florence Lk.	33.8	R
(30)	T24N-R34E	15-W1/2	Wills Lk.	22.0	R,D
(31)	T24N-R34E	16-NW1/4	Phillips Lk.	31.2	R
(32)	T24N-R34E	16-S1/2	Unnamed Lk.	40.8	R
(33)	T24N-R34E	22-NW1/4	Meadow Lk.	44.4	R,D

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(34)~~	~~T24N-R34E~~	~~35-NW1/4~~	~~Twin Lks. - Upper~~	~~39.2~~	~~R~~
~~(35)~~	~~T24N-R35E~~	~~3-A/B~~	~~Whittaker Lk.~~	~~26.1~~	~~R~~
~~(36)~~	~~T24N-R35E~~	~~4-SW1/4~~	~~Unnamed Lk.~~	~~20.0~~	~~R~~
~~(37)~~	~~T24N-R35E~~	~~19~~	~~Wall Lk.~~	~~32.2~~	~~R~~
~~(38)~~	~~T25N-R33E~~	~~8-L/M~~	~~"H" Lake~~	~~26.0~~	~~R~~
~~(39)~~	~~T25N-R33E~~	~~17-SW1/4~~	~~Wagner Lk.~~	~~92.7~~	~~R~~
~~(40)~~	~~T25N-R33E~~	~~34-L~~	~~Bergeau Lk.~~	~~31.0~~	~~R~~
~~(41)~~	~~T25N-R34E~~	~~27-SW1/4~~	~~Unnamed Lk.~~	~~54.3~~	~~R~~
~~(42)~~	~~T25N-R34E~~	~~32~~	~~Swanson Lk.~~	~~63.3~~	~~R~~
~~(43)~~	~~T25N-R34E~~	~~33-NW1/4~~	~~Swanson Lk.~~	~~38.6~~	~~R~~
~~(44)~~	~~T25N-R35E~~	~~10-S1/2~~	~~Unnamed Lk.~~	~~28.8~~	~~R~~
~~(45)~~	~~T25N-R39E~~	~~9-SE1/4~~	~~Unnamed Lk.~~	~~42.2~~	
~~(46)~~	~~T25N-R39E~~	~~10-S1/2~~	~~Unnamed Lk.~~	~~67.0~~	~~R~~
~~(47)~~	~~T26N-R34E~~	~~27-SE1/4~~	~~Greenwood Lk.~~	~~20.0~~	~~D,R~~
~~(48)~~	~~T26N-R38E~~	~~33-SE1/4~~	~~Unnamed Lk.~~	~~24.0~~	~~R~~
~~(49)~~	~~T27N-R39E~~	~~20-B~~	~~Little Falls Res.~~	~~125.0 Lincoln Co.~~ ~~125.0 Stevens Co.~~ ~~250.0 Total~~	~~P,R~~))

Lakes that constitute shorelines of the state within Lincoln County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-470 Lakes coming under purview of chapter 90.58 RCW—Lincoln County lakes of statewide significance.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T20N-R37E~~	~~12~~	~~Sprague Lk.~~	~~637.7 Lincoln Co.~~ ~~1202.9 Adams Co.~~ ~~1840.6 Total~~	
~~(2)~~	~~T27N-R39E~~	~~13-M~~	~~Long Lk. (Res.)~~	~~100.0 Lincoln Co.~~ ~~2510.0 Spokane Co.~~ ~~2410.0 Stevens Co.~~ ~~5020.0 Total~~	~~P,R~~))

Lakes that constitute shorelines of statewide significance within Lincoln County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-480 Lakes coming under purview of chapter 90.58 RCW—Mason County lakes.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T19-3W~~	~~4~~	~~Fawn Lk.~~		
~~(2)~~	~~T19-R5W~~	~~1-E1/2~~	~~Lost Lk.~~	~~121.6~~	~~R~~
~~(3)~~	~~T19-R5W~~	~~8-A/B~~	~~Lystair Lk.~~	~~30.4~~	~~R~~
~~(4)~~	~~T19-R5W~~	~~17~~	~~Simpson Lk.~~	~~29.4~~	~~R~~
~~(5)~~	~~T19-R5W~~	~~28-W1/2~~	~~Stump Lk.~~	~~23.2~~	~~R~~
~~(6)~~	~~T20N-R2W~~	~~5~~	~~Phillips Lk.~~	~~111.4~~	~~R~~
~~(7)~~	~~T20N-R2W~~	~~18~~	~~Timber Lk.~~		

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~		~~Use~~
~~(8)~~	~~T20N-R2W~~	~~30-H/J~~	~~Forbes Lk.~~	~~38.4~~		~~R~~
~~(9)~~	~~T20N-R3W~~	~~6-SW1/4~~	~~Island Lk.~~	~~109.0~~		~~R~~
~~(10)~~	~~T20N-R3W~~	~~31-K~~	~~Isabella Lk.~~	~~208.0~~		~~R~~
~~(11)~~	~~T20N-R4W~~	~~12-E1/2~~	~~Intermittent Lks.~~	~~75.0~~		~~R~~
~~(12)~~	~~T20N-R5W~~	~~1-E~~	~~Hanks Lake~~	~~27.0~~		~~R~~
~~(13)~~	~~T20N-R5W~~	~~8-N1/2~~	~~Nahwatzel Lk.~~	~~268.8~~		~~R~~
~~(14)~~	~~T21N-R2W~~	~~3-P~~	~~Benson Lk.~~	~~81.8~~		~~R~~
~~(15)~~	~~T21N-R2W~~	~~32-N~~	~~Spencer Lk.~~	~~220.4~~		~~R~~
~~(16)~~	~~T21N-R3W~~	~~28-B~~	~~Cranberry Lk.~~	~~170.6~~		~~R~~
~~(17)~~	~~T21N-R3W~~	~~27~~	~~Lk. Limerick~~			
~~(18)~~	~~T21N-R3W~~	~~31-D/E~~	~~Intermittent Lk.~~	~~20.0~~		~~R~~
~~(19)~~	~~T21N-R5W~~	~~21-W1/2~~	~~Bingham Lk.~~	~~24.0~~		~~R~~
~~(20)~~	~~T22N-R1W~~	~~7-H~~	~~Devereaux Lk.~~	~~100.4~~		~~R~~
~~(21)~~	~~T22N-R1W~~	~~19~~	~~Unnamed Lk.~~			
~~(22)~~	~~T22N-R2W~~	~~23-R~~	~~Prickett Lk.~~	~~68.1~~		~~R~~
~~(23)~~	~~T22N-R2W~~	~~34-F~~	~~Mason Lk.~~	~~996.0~~		~~R~~
~~(24)~~	~~T22N-R3W~~	~~14-C/D~~	~~Maggie Lk.~~	~~22.3~~		~~R~~
~~(25)~~	~~T22N-R4W~~	~~16-F~~	~~Cushman Res. No. 2~~	~~70.4~~		~~P,R~~
~~(26)~~	~~T23N-R1W~~	~~5~~	~~Tiger Lk.~~	~~109.1~~		~~R~~
~~(27)~~	~~T23N-R2W~~	~~19-S1/2~~	~~Wooten Lk.~~	~~69.8~~		~~R~~
~~(29)~~	~~T23N-R2W~~	~~20-NE1/4~~	~~Bennettson Lk.~~	~~25.4~~		~~R~~
~~(30)~~	~~T23N-R2W~~	~~30-H~~	~~Haven Lk.~~	~~70.5~~		~~R~~
~~(31)~~	~~T23N-R3W~~	~~35-K/Q~~	~~Tee Lk.~~	~~38.4~~		~~R~~
~~(32)~~	~~T23N-R4W~~	~~11-P~~	~~Lilliwaup Swamp~~	~~225.0~~		~~R~~
~~(33)~~	~~T23N-R4W~~	~~12-G/H~~	~~Melbourne Lk.~~	~~34.1~~		~~R~~
~~(34)~~	~~T23N-R4W~~	~~22-NE1/4~~	~~Price Lk.~~	~~61.8~~		~~R~~
~~(35)~~	~~T24N-R1W~~	~~31~~	~~Panther Lk.~~	~~30.0~~	~~Mason Co.~~	
				~~74.1~~	~~Kitsap Co.~~	
				~~104.1~~	~~Total~~	~~R~~))

Lakes that constitute shorelines of the state within Mason County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-490 Lakes coming under purview of chapter 90.58 RCW—Mason County lakes of statewide significance.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T22N-R4W~~	~~5-L~~	~~Cushman Lk. (Res.)~~	~~4003.0~~	~~P,R~~))

Lakes that constitute shorelines of statewide significance within Mason County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-520 Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T10N-R11W~~	~~4-SW1/4~~	~~Breaker Lk.~~	~~20.3~~	~~R~~

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(2)~~	~~T10N-R11W~~	~~33-A~~	~~Black Lk.~~	~~30.0~~	~~PS~~
~~(3)~~	~~T11N-R11W~~	~~9-K~~	~~Loomis Lk.~~	~~150.7~~	~~R~~
~~(4)~~	~~T11N-R11W~~	~~21-E1/2~~	~~Island Lk.~~	~~55.8~~	~~R~~
~~(5)~~	~~T12N-R11W~~	~~9-K/Q~~	~~Skating Lk.~~	~~66.0~~	~~R~~
~~(6)~~	~~T12N-R11W~~	~~16-J/R~~	~~Espy Lk.~~	~~20.0~~	~~R~~))

Lakes that constitute shorelines of the state within Pacific County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-16, filed 5/3/76)

WAC 173-20-540 Lakes coming under purview of chapter 90.58 RCW—Pend Oreille County lakes.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T30N-R43E~~	~~5-K/L~~	~~Lost Lk.~~	~~22.1~~	~~R~~
~~(2)~~	~~T30N-R43E~~	~~8-N~~	~~Horseshoe Lk.~~	~~128.0~~	~~R~~
~~(3)~~	~~T30N-R43E~~	~~9-A~~	~~Trout Lk.~~	~~94.8~~	~~R~~
~~(4)~~	~~T30N-R43E~~	~~32-L~~	~~Fan Lk.~~	~~72.9~~	~~R~~
~~(5)~~	~~T30N-R44E~~	~~3-SE1/4~~	~~Diamond Lk.~~	~~754.5~~	~~R~~
~~(6)~~	~~T30N-R44E~~	~~35-N1/2~~	~~Chain Lk.~~	~~77.6~~	~~R~~
~~(7)~~	~~T30N-R46E~~	~~30-M/N~~	~~Trask Pond~~	~~50.3~~	~~R~~
~~(8)~~	~~T31N-R43E~~	~~35-B~~	~~Sacheen Lk.~~	~~282.2~~	~~R~~
~~(9)~~	~~T31N-R44E~~	~~10-SE1/4~~	~~Kent Meadows Lk.~~	~~134.3~~	~~R~~
~~(10)~~	~~T31N-R45E~~	~~23-S1/2~~	~~Unnamed Lk.~~	~~37.9~~	~~R~~
~~(11)~~	~~T32N-R43E~~	~~27-P~~	~~Power Lk.~~	~~54.8~~	~~R,P~~
~~(12)~~	~~T32N-R44E~~	~~31-G~~	~~Davis Lk.~~	~~145.9~~	~~R~~
~~(13)~~	~~T32N-R45E~~	~~23-Q~~	~~Marshall Lk.~~	~~188.7~~	~~R,D~~
~~(14)~~	~~T32N-R46E~~	~~31~~	~~Shearer Lk.~~	~~48.7~~	~~R~~
~~(15)~~	~~T33N-R43E~~	~~12-13/14~~	~~Unnamed Slough~~	~~64.8~~	~~R~~
~~(16)~~	~~T34N-R44E~~	~~36-NE1/4~~	~~North Skookum Lk.~~	~~38.5~~	~~R~~
~~(17)~~	~~T33N-R44E~~	~~2-A~~	~~Kings Lk.~~	~~53.2~~	~~R~~
~~(18)~~	~~T34N-R43E~~	~~3-C/F~~	~~Parker Lk.~~	~~22.1~~	~~R~~
~~(19)~~	~~T36N-R42E~~	~~3-L/M~~	~~Leo Lk.~~	~~39.3~~	~~R~~
~~(20)~~	~~T36N-R43E~~	~~12-NW1/4~~	~~Scotchman Lk.~~	~~34.1~~	~~R~~
~~(21)~~	~~T36N-R43E~~	~~23-NE1/4~~	~~Yocum Lk.~~	~~41.7~~	~~R~~
~~(22)~~	~~T37N-R42E~~	~~35-N~~	~~Nile Lk.~~	~~22.8~~	~~R~~
~~(23)~~	~~T37N-R42E~~	~~36-K/Q~~	~~Browns Lk.~~	~~20.2~~	~~R~~
~~(24)~~	~~T37N-R43E~~	~~6-E1/2~~	~~Ione Mill Pond~~	~~37.2~~	~~R,P S~~
~~(25)~~	~~T39N-R43E~~	~~25-A~~	~~Sullivan Res.~~	~~62.8~~	~~R,P S~~
~~(26)~~	~~T40N-R43E~~	~~34-Q~~	~~Ledbetter Lk.~~	~~22.7~~	~~R~~
~~(27)~~	~~T32N-R45E~~	~~4~~	~~Bead Lk.~~	~~719.8~~	~~R~~))

Lakes that constitute shorelines of the state within Pend Oreille County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 85-09-043, filed 4/15/85)

WAC 173-20-550 Lakes coming under purview of chapter 90.58 RCW—Pend Oreille County lakes of statewide significance.

((

	Location	Section	Name	Area (Acres)	Use
(1)	T32N-R43E	12-F	Calispell Lk.	1031.0	R
(2)	T39N-R44E	31	Sullivan Lk.	1400.0	R,P
(3)	T40N-R43E	10-NE1/4	Boundary Res.	1600.0	R,P))

Lakes that constitute shorelines of statewide significance within Pend Oreille County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-560 Lakes coming under purview of chapter 90.58 RCW—Pierce County lakes.

((

	Location	Section	Name	Area (Acres)		Use
(1)	T20N-R1W	1-M	Bay Lk.	129.6		R
(2)	T22N-R1W	14-A	Carney Lk.	20.5	Pierce Co.	
				18.7	Kitsap Co.	
				39.2	Total	R
(3)	T16N-R3E	1-J/K	Cranberry Lk.	25.6		R
(4)	T16N-R3E	7-A/B	Harts Lk.	108.8		R
(5)	T16N-R3E	9-P/Q	Tule Lk.	30.8		R
(6)	T16N-R3E	12-E1/2	Silver Lk.	138.0		R
(7)	T16N-R3E	14-SW1/4	Kreger Lk.	42.4		R
(8)	T16N-R4E	6-A	Rapjohn Lk.	55.8		R
(9)	T16N-R4E	10-J	Ohop Lk.	235.6		R
(10)	T16N-R4E	33-Q	La Grande Res.	55.0		P
(11)	T17N-R4E	14-A/H	Whitman Lk.	29.6		R
(12)	T17N-R4E	23-E	Tanwax Lk.	172.8		R
(13)	T17N-R4E	26-W1/2	Clear Lk.	155.1		R
(14)	T17N-R4E	27-K/L	Twenty Seven Lk.	21.0		R
(15)	T17N-R4E	33-C	Mud Lk.	20.6		R
(16)	T17N-R5E	5-SW1/4	Kapowsin Lk.	512.0		R
(17)	T18N-R2E	34-B/C	Muck Lk.	25.7		R
(18)	T18N-R5E	30-M/N	Morgan Lk.	23.0		R
(19)	T19N-R1E	4-N1/2	Florence Lk.	66.5		R
(20)	T19N-R1E	9-NE1/4	Josephine Lk.	72.5		R
(21)	T19N-R2E	4-E/M	Louise Lk.	39.1		R
(22)	T19N-R2E	10-E1/2	Gravelly Lk.	147.8		R
(23)	T19N-R3E	20-SE1/4	Spanaway Lk.	262.4		R
(24)	T19N-R6E	4-E1/2	Wickersham Basin	60.0		P,R
(25)	T20N-R2E	24-B/G	Unnamed Lk.	29.0		R
(26)	T20N-R2E	33	Waughop Lk.			
(27)	T20N-R2E	33-P/Q	Mud Lake	21.7		R
(28)	T20N-R2E	34-G	Steilacoom Lk.	313.2		R
(29)	T20N-R3E	29-C/F	Wapato Lk.	28.2		R
(30)	T20N-R4E	4-K/Q	Surprise Lk.	29.9		R
(31)	T20N-R5E	26-N1/2	Printz Basin	30.0		P,R
(32)	T22N-R2E	20-A	Crescent Lk.	46.8		R

((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(33) T22N-R1E~~	~~19~~	~~Stansberry Lk.~~		
~~(34) T22N-R1E~~	~~30-31~~	~~Manmade Lk.~~		
~~(35) T19N-R7E~~	~~17-NE1/4~~	~~Mud Mt. Res.~~	~~600.00~~	~~R~~))

Lakes that constitute shorelines of the state within Pierce County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-570 Lakes coming under purview of chapter 90.58 RCW—Pierce County lakes of statewide significance.

((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~		~~Use~~
~~(1) T15N-R4E~~	~~9-F~~	~~Alder Lk. (Res.)~~	~~1689.6~~	~~Pierce Co.~~	
			~~1117.6~~	~~Thurston Co.~~	
			~~124.0~~	~~Lewis Co.~~	
			~~2931.2~~	~~Total~~	~~P,R~~
~~(2) T19N-R2E~~	~~20~~	~~American Lk.~~	~~1125.1~~		~~R~~
~~(3) T20N-R5E~~	~~8-E~~	~~Tapps Lk. (Res.)~~	~~2296.0~~		~~P,R~~))

Lakes that constitute shorelines of statewide significance within Pierce County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 80-08-053, filed 6/30/80)

WAC 173-20-580 Lakes coming under purview of chapter 90.58 RCW—San Juan County lakes.

((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1) T35N-R1W~~	~~4-G~~	~~Spencer Lk.~~	~~64.0~~	~~R~~
~~(2) T35N-R2W~~	~~23-A~~	~~Hummel Lk.~~	~~36.1~~	~~R~~
~~(3) T35N-R3W~~	~~17-Q/R~~	~~Zylstra Lk.~~		
~~(4) T35N-R3W~~	~~18-M~~	~~Trout Lk. (Res.)~~	~~54.0~~	~~PS~~
~~(5) T35N-R3W~~	~~19-G~~	~~Woods Res. (Proposed)~~	~~29.0~~	~~D,R~~
~~(6) T36N-R1W~~	~~33-N1/2~~	~~Horseshoe Lk.~~	~~84.0~~	~~R~~
~~(7) T36N-R2W~~	~~12-L~~	~~Martins Lk.~~	~~21.5~~	~~R~~
~~(8) T36N-R3W~~	~~30-E/M~~	~~Briggs Pond~~	~~29.1~~	~~PS~~
~~(9) T36N-R3W~~	~~33-Q~~	~~Sportsmans Lk.~~	~~66.0~~	~~R,D~~
~~(10) T37N-R1W~~	~~32-P~~	~~Cascade Lk.~~	~~171.6~~	~~R,P~~
~~(11) T37N-R1W~~	~~34-M~~	~~Mountain Lk.~~	~~198.0~~	~~PS,R~~))

Lakes that constitute shorelines of the state within San Juan County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 80-08-053, filed 6/30/80)

WAC 173-20-600 Lakes coming under purview of chapter 90.58 RCW—Skagit County lakes.

	((Location	Section	Name	Area (Acres)	Use
(1)	T33N-R4E	13-M/N	Devils Lk.	30.9	R
(2)	T33N-R4E	15-M/N	Sixteen Lk.	41.6	R
(3)	T33N-R5E	30-D	McMurray Lk.	160.6	R
(4)	T33N-R6E	22-Q	Cavanaugh Lk.	844.0	R
(5)	T34N-R1E	11-NE1/4	Erie Lk.	111.0	R
(6)	T34N-R1E	13-H	Campbell Lk.	410.3	R
(7)	T34N-R1E	23-K	Pass Lk.	98.6	R
(8)	T34N-R2E	6-SW1/4	Whistle Lk.	29.7	PS
(9)	T34N-R3E	36-J	Britt Slough	21.0	R
(10)	T34N-R4E	1-E1/2	Clear Lk.	222.9	R
(11)	T34N-R4E	2-N1/2	Unnamed Lk.	74.0	R
(12)	T34N-R4E	10-SW1/4	Barney Lk.	152.0	R
(13)	T34N-R4E	15-E1/2	Unnamed Lk.	28.0	R
(14)	T34N-R4E	36-C	Big Lk.	545.2	R
(15)	T34N-R5E	7-W1/2	Beaver Lk.	73.4	R
(16)	T34N-R6E	25-F	Day Lk.	136.5	R
(17)	T35N-R1E	23-K/Q	Cranberry Lk.	26.8	R
(18)	T35N-R1E	36-SW1/4	Heart Lk.	60.8	R
(19)	T35N-R5E	13-N1/2	Minkler Lk.	36.7	R
(20)	T35N-R5E	32-E1/2	Judy Res.	108.0	PS
(21)	T35N-R10E	31-A	Barnaby Slough	20.0	R
(22)	T35N-R10E	32-L/M	Mill Slough	20.0	R
(23)	T35N-R11E	36-SE1/4	Granite Lk. No. 3	38.4	R
(24)	T36N-R8E	32	Grandy Lk.	56.0	R
(25)	T34N-R2E	12-M	Old Channel Lk.	23.2))	

Lakes that constitute shorelines of the state within Skagit County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-610 Lakes coming under purview of chapter 90.58 RCW—Skagit County lakes of statewide significance.

	((Location	Section	Name	Area (Acres)	Use
(1)	T35N-R8E	2-M	Shannon Lk. (Res.)	2148.0	P,R))

Lakes that constitute shorelines of statewide significance within Skagit County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 73-13, filed 8/27/73)

WAC 173-20-620 Lakes coming under purview of chapter 90.58 RCW—Skamania County lakes.

	((Location	Section	Name	Area (Acres)	Use
(1)	T1N-R6E	4-N1/2	Franz Lk.	99.0	R
(2)	T2N-R6E	34-H/J	Unnamed Lk.	20.0	R

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(3)~~	~~T2N-R7E~~	~~1-NW1/4~~	~~Stevenson Lk.~~	~~84.0~~	~~PS,R~~
~~(4)~~	~~T2N-R7E~~	~~11-E/F~~	~~Ashes Lk.~~	~~51.2~~	~~PS,R~~
~~(5)~~	~~T2N-R7E~~	~~14-D/E~~	~~Wauna Lk.~~	~~55.2~~	~~R~~
~~(6)~~	~~T2N-R7E~~	~~20-M~~	~~Greenleaf Slough (Lk)~~	~~47.8~~	~~R~~
~~(7)~~	~~T2N-R7E~~	~~30-NW1/4~~	~~Unnamed Lk.~~	~~20.0~~	~~R~~
~~(8)~~	~~T3N-R9E~~	~~26-S1/2~~	~~Drano Lk.~~	~~220.0~~	~~R~~
~~(9)~~	~~T3N-R10E~~	~~10-B/C~~	~~Northwestern Lk.~~	~~97.0~~	~~R,P~~
~~(10)~~	~~T10N-R5E~~	~~14-N~~	~~Venus Lk.~~	~~21.0~~	~~R~~
~~(11)~~	~~T10N-R5E~~	~~19-E/F~~	~~Elk Lk.~~	~~30.5~~	~~R~~
~~(12)~~	~~T10N-R5E~~	~~19-M/P~~	~~Hanaford Lk.~~	~~23.6~~	~~R~~))

Lakes that constitute shorelines of the state within Skamania County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 73-13, filed 8/27/73)

WAC 173-20-630 Lakes coming under purview of chapter 90.58 RCW—Skamania County lakes of statewide significance.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~		~~Use~~
~~(1)~~	~~T2N-R7E~~	~~21-E1/2~~	~~Bonneville Pool~~	~~10100.0~~	~~Skamania Co.~~	
			~~(Res.)~~	~~10100.0~~	~~Oregon~~	
				~~20200.0~~	~~Total~~	~~P,R~~
~~(2)~~	~~T7N-R5E~~	~~28-F/L~~	~~Swift Res.~~	~~4588.8~~		~~P,R~~
~~(3)~~	~~T9N-R5E~~	~~15-A~~	~~Spirit Lk.~~	~~1262.0~~		~~R~~))

Lakes that constitute shorelines of statewide significance within Skamania County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 07-02-086, filed 1/2/07, effective 2/2/07)

WAC 173-20-640 Lakes coming under purview of chapter 90.58 RCW—Snohomish County lakes.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T27N-R4E~~	~~1-SW1/4~~	~~Martha Lk.~~	~~59.3~~	~~R~~
~~(2)~~	~~T27N-R4E~~	~~32-SW1/4~~	~~Ballinger Lk.~~	~~103.2~~	~~R~~
~~(3)~~	~~T27N-R5E~~	~~36-SE1/4~~	~~Crystal Lk. (Res.)~~	~~39.1~~	~~R~~
~~(4)~~	~~T27N-R7E~~	~~22-A/B~~	~~Fontal Lk.~~	~~37.2~~	~~R~~
~~(5)~~	~~T27N-R7E~~	~~23-SW1/4~~	~~Hannan Lk.~~	~~48.4~~	~~R~~
~~(6)~~	~~T27N-R8E~~	~~21-B/C~~	~~Tomtit Lk.~~	~~27.9~~	~~R~~
~~(7)~~	~~T27N-R8E~~	~~21-E/M~~	~~Dagger Lk.~~	~~27.7~~	~~R~~
~~(8)~~	~~T27N-R11E~~	~~21-NE1/4~~	~~Sunset Lk.~~	~~38.4~~	~~R~~
~~(9)~~	~~T28N-R4E~~	~~34-S1/2~~	~~Serene Lk.~~	~~42.3~~	~~R~~
~~(10)~~	~~T28N-R4E~~	~~35-A/B~~	~~Stickney Lk.~~	~~25.7~~	~~R~~
~~(11)~~	~~T28N-R5E~~	~~24-E1/4~~	~~Hanson Slough~~	~~35.0~~	~~R~~
~~(12)~~	~~T28N-R5E~~	~~30-H~~	~~Silver Lk.~~	~~102.3~~	~~R~~
~~(13)~~	~~T28N-R6E~~	~~1-SE1/4~~	~~Storm Lk.~~	~~78.1~~	~~R~~
~~(14)~~	~~T28N-R6E~~	~~2-A~~	~~Flowing Lk.~~	~~134.8~~	~~R~~

	((Location	Section	Name	Area (Acres)	Use
(15)	T28N-R6E	2-C/D	Panther Lk.	46.7	R
(16)	T28N-R6E	7-NW1/4	Blackmans Lk.	60.1	R
(17)	T28N-R6E	24-A	Chain Lk.	22.8	R
(18)	T28N-R7E	12-J	Woods Lk.	20.5	R
(19)	T28N-R7E	16-A	Cochran Lk.	33.6	R
(20)	T28N-R8E	6-G	Chaplain Lk. (Res.)	443.7	PS
(21)	T28N-R8E	22-G/H	Kellogg Lk.	20.2	R
(22)	T28N-R9E	20-NE1/4	Wallace Lk.	55.3	R
(23)	T28N-R10E	5-G/H	Boulder Lk.	21.7	R
(24)	T28N-R11E	1-W1/2	Blanca Lk.	179.0	R
(25)	T29N-R7E	15-NE1/4	Purdy Creek Ponds	20.0	R
(26)	T29N-R7E	27-N/P	Hughes Lk.	20.2	R
(27)	T29N-R7E	28-E	Roesiger Lk.	352.2	R
(28)	T29N-R8E	21-D	Echo Lk.	24.6	R
(29)	T29N-R9E	9-M/N	East Boardman Lk.	24.7	R
(30)	T29N-R9E	36-J/R	Greider Lks. Upper	58.4	R
(31)	T29N-R10E	4	Copper Lk.	60.8	R
(32)	T30N-R6E	31-C/D	Cassidy Lk.	124.6	R
(33)	T30N-R6E	36-E1/2	Bosworth Lk.	95.4	R
(34)	T31N-R4E	18-SE1/4	Martha Lk.	58.4	R
(35)	T31N-R4E	20-L/P	Howard Lk.	27.1	R
(36)	T31N-R4E	23-L	Ki Lk.	97.4	R
(37)	T31N-R4E	33-G	Goodwin Lk.	546.8	R
(38)	T31N-R4E	33-P	Shoecraft Lk.	136.8	R
(39)	T31N-R4E	34-H	Crabapple Lk.	36.3	R
(40)	T31N-R4E	35-A/H	Loma Lk.	21.1	R
(41)	T32N-R4E	26-K/L	Sunday Lk.	38.7	R
(42)	T32N-R5E	26-SE1/4	Armstrong Lk.	30.7	R
(43)	T32N-R5E	27-F/G	Bryant Lk.	20.2	R
(44)	T32N-R6E	26-C	Little Lk.	23.4	R
(45)	T32N-R7E	19-H/J	Riley Lk.	30.0	R
(46)	T32N-R10E	28	Evangeline Lk.	25.0))	

Lakes that constitute shorelines of the state within Snohomish County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-650 Lakes coming under purview of chapter 90.58 RCW—Snohomish County lakes of statewide significance.

	((Location	Section	Name	Area (Acres)	Use
(1)	T29N-R6E	8-L	Stevens Lk.	1021.1	R))

Lakes that constitute shorelines of statewide significance within Snohomish County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-16, filed 5/3/76)

WAC 173-20-660 Lakes coming under purview of chapter 90.58 RCW—Spokane County lakes.

	((Location	Section	Name	Area (Acres)		Use
(1)	T21N-R39E	12-N	Fishtrap Lk. (Res.)	22.8	Spokane	
				172.8	Lincoln	
				195.6	Total	R
(2)	T21N-R39E	25-Q	Downs Lk.	394.6	Spokane Co.	
				28.8	Lincoln Co.	
				423.4	Total	R
(3)	T21N-R40E	7-B/C	Unnamed Lk.	21.0		R
(4)	T21N-R40E	13-C	Williams Lk.	318.6		R
(5)	T21N-R40E	32-NE1/4	Feustal Lk.	36.6		R
(6)	T21N-R41E	4-M	Badger Lk.	243.8		R
(7)	T21N-R42E	20F	Bonnie Lk.	284.3	Spokane Co.	
				81.8	Whitman Co.	
				366.1	Total	R
(8)	T22N-R40E	25-N1/2	Alkali Lk.	96.0		R
(9)	T22N-R40E	30-B	Hog Lk.	53.0		R
(10)	T22N-R40E	33-S1/2	Mason Lk.	52.1		R
(11)	T22N-R40E	36-J	Amber Lk.	116.8		R
(12)	T22N-R41E	27-J	Unnamed Lk.	26.0		R
(13)	T22N-R41E	36-H	Chapman Lk.	145.6		R
(14)	T22N-R42E	11-K	Philleo Lk.	70.8		R
(15)	T23N-R42E	5-A/H	Fish Lk.	47.1		R
(16)	T23N-R42E	14-NW1/4	Unnamed Lk.	20.0		R
(17)	T24N-R40E	13-W1/4	West Medical Lk.	234.8		R
(18)	T24N-R40E	21-J/R	Unnamed Lk.	38.0		R
(19)	T24N-R40E	27-NW1/4	Lonelyville Lk.	22.8		R
(20)	T24N-R41E	17-G/H	Silver Lk.	559.1		R
(21)	T24N-R41E	18-W1/2	Medical Lk.	148.9		R
(22)	T24N-R41E	19-K/Q	Otter Lk.	26.1		R
(23)	T24N-R41E	19-H	Ring Lake	22.9		R
(24)	T24N-R41E	22-N/P	Granite Lk.	105.8		R
(25)	T24N-R41E	22-P	Willow Lk.	79.7		R
(26)	T24N-R41E	26-B	Meadow Lk.	31.9		R
(27)	T24N-R41E	30-SW1/4	Clear Lk.	374.8		R,I
(28)	T24N-R42E	28-B	Queen Lucas Lk.	36.8		R
(29)	T25N-R43E	18-J	Upper Falls Res.	146.0		P,R
(30)	T25N-R44E	24-F/G	Shelley Lk.	35.6		R
(31)	T25N-R45E	22-H	Liberty Lk.	711.4		R
(32)	T26N-R40E	10-SW1/4	Horseshoe Lk.	67.9		R
(33)	T26N-R40E	10-G/K	Woods Lk.	32.0		R
(34)	T26N-R42E	6-R	Nine Mile Res.	440.0		P,R
(35)	T27N-R41E	7-K/L	Knight Lk.	34.0		R
(36)	T28N-R43E	15-G/K	Bear Lk.	33.8		R
(37)	T29N-R42E	34-K/Q	Dragoon Lk.	22.4		R,I
(38)	T29N-R43E	15-L	Eloika Lk.	659.2		R
(39)	T29N-R44E	19-J	Reflection Lk.	51.8		R))

Lakes that constitute shorelines of the state within Spokane County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-670 Lakes coming under purview of chapter 90.58 RCW—Spokane County lakes of statewide significance.

((

~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~		~~Use~~
~~(1) T26N-R45E~~	~~11-G~~	~~Newman Lk.~~	~~1190.2~~		~~R~~
~~(2) T27N-R39E~~	~~13-M~~	~~Long Lk. (Res.)~~	~~2510.0~~	~~Spokane Co.~~	
			~~100.0~~	~~Lincoln Co.~~	
			~~2410.0~~	~~Stevens Co.~~	
			~~5020.0~~	~~Total~~	~~P,R~~)

)

Lakes that constitute shorelines of statewide significance within Spokane County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 77-17, filed 9/1/77)

WAC 173-20-680 Lakes coming under purview of chapter 90.58 RCW—Stevens County lakes.

((

~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1) T27N-R39E~~	~~20-B~~	~~Little Falls Res.~~	~~125.0~~	~~P,R~~
~~(2) T30N-R37E~~	~~4-Q/R~~	~~Hunter Res.~~	~~20.0~~	~~D,I,R~~
~~(3) T30N-R37E~~	~~32-F/L~~	~~Newbill Lk.~~	~~21.7~~	~~R,D~~
~~(4) T31N-R40E~~	~~17-R~~	~~Waitts Lk.(Res.)~~	~~455.4~~	~~R,P,I~~
~~(5) T31N-R40E~~	~~36-R~~	~~Jumpoff Lk.~~	~~105.1~~	~~R~~
~~(6) T31N-R41E~~	~~21-R~~	~~Beitey Res.~~	~~24.2~~	~~D,R~~
~~(7) T31N-R41E~~	~~24-A/H~~	~~Nelson Lk.~~	~~20.4~~	~~R~~
~~(8) T32N-R37E~~	~~34-P/Q~~	~~Clark Lk.~~	~~23.8~~	~~R~~
~~(9) T32N-R39E~~	~~36-NW1/4~~	~~Rainbow Lk. (Fourmile Lk.)~~	~~27.8~~	~~R~~
~~(10) T32N-R41E~~	~~15-L~~	~~Horseshoe Lk.~~	~~23.5~~	~~R~~
~~(11) T32N-R41E~~	~~29~~	~~Bailey Lk.~~		
~~(12) T34N-R41E~~	~~20-K/Q~~	~~Pond No. 1~~	~~24.0~~	~~R~~
~~(13) T35N-R40E~~	~~19-F/L~~	~~White Mud Lk.~~	~~59.4~~	~~R~~
~~(14) T35N-R40E~~	~~30-SE1/4~~	~~Hatch Lk.~~	~~34.3~~	~~R~~
~~(15) T35N-R40E~~	~~36-K~~	~~Starvation Lk.~~	~~28.4~~	~~R~~
~~(16) T35N-R41E~~	~~3-W1/2~~	~~Black Lk.~~	~~69.6~~	~~R~~
~~(17) T35N-R41E~~	~~4-B~~	~~Spruce Lk. (Twin Lks.)~~	~~26.8~~	~~R~~
~~(18) T36N-R38E~~	~~15-D/E~~	~~Mission Lk.~~	~~21.9~~	~~R~~
~~(19) T36N-R42E~~	~~8-Q~~	~~Heritage Lk.~~	~~71.1~~	~~R~~
~~(20) T36N-R42E~~	~~17-W1/2~~	~~Thomas Lk.~~	~~162.6~~	~~R~~
~~(21) T36N-R42E~~	~~19-A~~	~~Gillette Lk.~~	~~48.0~~	~~R~~
~~(22) T36N-R42E~~	~~19-H/J~~	~~Sherry Lk.~~	~~26.1~~	~~R~~
~~(23) T37N-R39E~~	~~16-F~~	~~Peterson Swamp~~	~~37.8~~	~~R~~
~~(24) T38N-R37E~~	~~13-J/K~~	~~Dilly Lk.~~	~~35.4~~	~~R~~
~~(25) T38N-R37E~~	~~13-L/M~~	~~Perkins Lk.~~	~~25.6~~	~~R~~
~~(26) T38N-R37E~~	~~24-D~~	~~Ryan Lk.~~	~~25.4~~	~~R~~
~~(27) T38N-R38E~~	~~36-C/F~~	~~Williams Lk.~~	~~37.7~~	~~R~~
~~(28) T39N-R37E~~	~~8-G~~	~~Pierre Lk.~~	~~105.6~~	~~R~~
~~(29) T39N-R41E~~	~~34-C~~	~~Deep Lk.~~	~~198.1~~	~~R~~
~~(30) T40N-R41E~~	~~26-L~~	~~Cedar Lk.~~	~~51.2~~	~~R~~))

Lakes that constitute shorelines of the state within Stevens County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-690 Lakes coming under purview of chapter 90.58 RCW—Stevens County lakes of statewide significance.

((

~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~		~~Use~~
~~(1)~~	~~T27N-R39E13-M~~	~~Long Lk. (Res.)~~	~~2410.0~~	~~Stevens Co.~~	
			~~2510.0~~	~~Spokane Co.~~	
			~~100.0~~	~~Lincoln Co.~~	
			~~5020.0~~	~~Total~~	~~P,R~~
~~(2)~~	~~T30N-R41ENE1/4~~	~~Deer Lk.~~	~~1162.8~~		~~R~~
~~(3)~~	~~T30N-R41E33-L~~	~~Loon Lk.~~	~~1118.5~~		~~R,I~~))

Lakes that constitute shorelines of statewide significance within Stevens County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 85-09-043, filed 4/15/85)

WAC 173-20-700 Lakes coming under purview of chapter 90.58 RCW—Thurston County lakes.

((- ~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~ ~~T16N-R1W~~	~~13-E~~	~~McIntosh Lk.~~	~~115.8~~	~~R~~
~~(2)~~ ~~T16N-R2W~~	~~3-NE1/4~~	~~Deep Lk.~~	~~66.1~~	~~R~~
~~(3)~~ ~~T17N-R1W~~	~~28-K~~	~~Bushman Lk. (Tempo)~~	~~40.0~~	~~R~~
~~(4)~~ ~~T17N-R1W~~	~~33-E~~	~~Offutt Lk.~~	~~192.0~~	~~R~~
~~(5)~~ ~~T17N-R2W~~	~~1-L/P~~	~~Munn Lk.~~	~~29.8~~	~~R~~
~~(6)~~ ~~T17N-R2W~~	~~33-A/H~~	~~Scott Lake~~	~~66.8~~	~~R~~
~~(7)~~ ~~T17N-R2W~~	~~35-H/J~~	~~Pitman Lk.~~	~~27.0~~	~~R~~
~~(8)~~ ~~T18N-R1W~~	~~22-H~~	~~Long Lk.~~	~~311.0~~	~~R~~
~~(9)~~ ~~T18N-R1W~~	~~27-L~~	~~Hicks Lk.~~	~~171.3~~	~~R~~
~~(10)~~ ~~T18N-R1W~~	~~29-B/G~~	~~Chambers Lk. (Little Chambers Lk.)~~	~~49.1~~	~~R~~
~~(11)~~ ~~T18N-R1W~~	~~29-C~~	~~Chambers Lk. (Russel Lk.)~~	~~72.5~~	~~R~~
~~(12)~~ ~~T18N-R1W~~	~~33-H/J~~	~~Southwick Lk.~~	~~37.1~~	~~R~~
~~(13)~~ ~~T18N-R1W~~	~~35-P~~	~~Patterson Lk.~~	~~257.0~~	~~R~~
~~(14)~~ ~~T18N-R2W~~	~~15-J~~	~~Capitol Lk.~~	~~306.0~~	~~R~~
~~(15)~~ ~~T18N-R2W~~	~~16-W1/2~~	~~Grass Lk.~~	~~120.0~~	~~R~~
~~(16)~~ ~~T18N-R2W~~	~~20-H/J~~	~~Ken Lk.~~	~~24.6~~	~~R~~
~~(17)~~ ~~T18N-R2W~~	~~22-G~~	~~Percival Lk.~~	~~22.4~~	~~R~~
~~(18)~~ ~~T18N-R2W~~	~~32-C~~	~~Black Lk.~~	~~576.1~~	~~R~~
~~(19)~~ ~~T18N-R2W~~	~~36-B/C~~	~~Ward Lake~~	~~66.8~~	~~R~~
~~(20)~~ ~~T18N-R2W~~	~~36-J~~	~~Hewitt Lk.~~	~~26.6~~	~~R~~
~~(21)~~ ~~T18N-R4W~~	~~13-A~~	~~Summit Lk.~~	~~522.6~~	~~R~~
~~(22)~~ ~~T16N-R2E~~	~~29-B~~	~~Lawrence Lk.~~	~~339.2~~	~~R~~
~~(23)~~ ~~T16N-R3E~~	~~31-S1/2~~	~~Clear Lk.~~	~~172.8~~	~~R~~
~~(24)~~ ~~T16N-R3E~~	~~32-B/C~~	~~Elbow Lk.~~	~~36.0~~	~~R~~
~~(25)~~ ~~T16N-R3E~~	~~32-R~~	~~Bald Hill Lk.~~	~~44.8~~	~~R~~

((-	Location	Section	Name	Area (Acres)	Use
(26)	T18N-R1E	31-32	St. Clair Lk.	244.7	R
(27)	T17N-R1W	11	Sunwood Lk.	23.0	D
(28)	T15N-R1E	17	Skookumchuck Res.	550.0	D))

Lakes that constitute shorelines of the state within Thurston County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-710 Lakes coming under purview of chapter 90.58 RCW—Thurston County lakes of statewide significance.

	((Location	Section	Name	Area(Acres)	Use
(1)	T15N-R4E	24	Alder Lk. (Res.)	1117.6	P,R))

Lakes that constitute shorelines of statewide significance within Thurston County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-740 Lakes coming under purview of chapter 90.58 RCW—Walla Walla County lakes.

	((Location	Section	Name	Area (Acres)	Use
(1)	T7N-R32E	30-SW1/4	Johnson Pond	24.0	R
(2)	T7N-R36E	23-SE1/4 24-W1/2 25-NW1/4	Mill Creek Res.	52.0	PS,R
(3)	T8N-R31E	20-NW1/4	"J" Line Pond	30.0	R
(4)	T8N-R31E	21-NW1/4	Casey Pond	60.0	R
(5)	T8N-R31E	29-H/J	Curlew Pond	35.0	R))

Lakes that constitute shorelines of the state within Walla Walla County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-16, filed 5/3/76)

WAC 173-20-760 Lakes coming under purview of chapter 90.58 RCW—Whatcom County lakes.

	((Location	Section	Name	Area (Acres)	Use
(1)	T37N-R3E	8-N	Padden Lk. (Res.)	152.0	PS,R
(2)	T37N-R3E	36-R	Samish Lk.	814.0	R
(3)	T37N-R4E	8-F/L	Louise Lk.	22.4	R
(4)	T37N-R4E	32-SW1/4	Cain Lk.	72.2	R
(5)	T38N-R3E	11-N/P	Toad Lk.	29.7	R
(6)	T38N-R4E	7-E/F	Squalicum Lk.	33.0	R
(7)	T39N-R1E	16	Terrell Lk. (Res.)	438.0	R
(8)	T39N-R2E	21-S1/2	Barrett Lk.	40.0	R
(9)	T39N-R2E	32-A/B	Tennant Lk.	43.0	R
(10)	T39N-R3E	6-NW1/4	Wiser Lk.	123.0	R

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(11)~~	~~T39N-R3E~~	~~13-L/P~~	~~Fazon Lk.~~	~~32.0~~	~~R~~
~~(12)~~	~~T39N-R6E~~	~~30-R~~	~~Canyon Lk.~~	~~45.0~~	~~R~~
~~(13)~~	~~T40N-R6E~~	~~7-R~~	~~Silver Lk.~~	~~172.8~~	~~R~~
~~(14)~~	~~T41N-R4E~~	~~31-W1/2~~	~~Judson Lk.~~	~~112.0~~	~~R~~
~~(15)~~	~~T41N-R1E~~	~~34-N1/2~~	~~Beaver Lk.~~	~~21.0~~	~~R~~))

Lakes that constitute shorelines of the state within Whatcom County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-16, filed 5/3/76)

WAC 173-20-770 Lakes coming under purview of chapter 90.58 RCW—Whatcom County lakes of statewide significance.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T38N-R3E~~	~~28-A~~	~~Whatcom Lk. (Res.)~~	~~5003.0~~	~~PS,R~~
~~(2)~~	~~T37N-R9E~~	~~31~~	~~Baker Lk. (Res.)~~	~~3616.0~~	~~PS,R~~))

Lakes that constitute shorelines of statewide significance within Whatcom County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 76-16, filed 5/3/76)

WAC 173-20-780 Lakes coming under purview of chapter 90.58 RCW—Whitman County lakes.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T18N-R39E~~	~~26-A/B~~	~~Texas Lk.~~	~~23.8~~	~~R~~
~~(2)~~	~~T18N-R40E~~	~~17-A/B~~	~~Intermittant Lk.~~	~~24.8~~	~~R~~
~~(3)~~	~~T19N-R40E~~	~~1-SE1/4~~	~~Miller Lk. (Alkali)~~	~~25.2~~	~~R~~
~~(4)~~	~~T19N-R40E~~	~~13-SE1/4~~	~~Lavista Lk.~~	~~20.7~~	~~R~~
~~(5)~~	~~T19N-R40E~~	~~23-NW1/4~~	~~Unnamed Lk.~~	~~32.4~~	~~R~~
~~(6)~~	~~T19N-R40E~~	~~34-H/J~~	~~Stevens Lk.~~	~~27.0~~	~~R~~
~~(7)~~	~~T20N-R39E~~	~~6-E1/2~~	~~Snyder Slough~~	~~42.0~~	~~R~~
~~(8)~~	~~T20N-R39E~~	~~8-SE1/4~~	~~Sheep Lk.~~	~~56.7~~	~~R~~
~~(9)~~	~~T20N-R39E~~	~~15-S1/2~~	~~Folsom Lk.~~	~~85.5~~	~~R~~
~~(10)~~	~~T20N-R39E~~	~~16-NE1/4~~	~~Crooked Knee Lk.~~	~~83.8~~	~~R~~
~~(11)~~	~~T20N-R39E~~	~~16-F/L~~	~~Unnamed Lk.~~	~~20.7~~	~~R~~
~~(12)~~	~~T20N-R40E~~	~~36-SE1/4~~	~~Tule Lk.~~	~~21.6~~	~~R~~
~~(13)~~	~~T20N-R41E~~	~~12-NE1/4~~	~~Bonnie Lk.~~	~~81.8 Whitman Co.~~	
				~~284.3 Spokane Co.~~	
				~~366.1 Total~~	~~R~~
~~(14)~~	~~T18N-R40E~~	~~3-B/C~~	~~Duck Lk.~~	~~23.4~~	~~R~~))

Lakes that constitute shorelines of the state within Whitman County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-790 Lakes coming under purview of chapter 90.58 RCW—Whitman County lakes of statewide significance.

	((~~Location~~	~~Section~~	~~Name~~	~~Area (Acres)~~	~~Use~~
~~(1)~~	~~T19N-R40E~~	~~13-N~~	~~Rock Lk.~~	~~2147.1~~	~~R~~))

Lakes that constitute shorelines of statewide significance within Whitman County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 11-05-064, filed 2/11/11, effective 3/14/11)

WAC 173-20-800 Lakes coming under purview of chapter 90.58 RCW—Yakima County lakes. Lakes ((~~which~~)) that constitute shorelines of the state within Yakima County are designated in the shoreline master programs for the county and the cities therein.

AMENDATORY SECTION (Amending WSR 11-05-064, filed 2/11/11, effective 3/14/11)

WAC 173-20-810 Lakes coming under purview of chapter 90.58 RCW—Yakima County lakes of statewide significance. Lakes ((~~which~~)) that constitute shorelines of statewide significance within Yakima County are designated in the shoreline master programs for the county and the cities therein.

RDS-7308.1

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-22-010 Purpose. Pursuant to RCW 90.58.030 (2)(d), the department of ecology herein designates the shorelands associated with the streams, lakes, and tidal waters ((~~which~~)) that are subject to the provisions of chapter 90.58 RCW.

AMENDATORY SECTION (Amending WSR 11-05-064, filed 2/11/11, effective 3/14/11)

WAC 173-22-030 Definitions. As used herein, the following words have the following meanings:

(1) "Associated wetlands" means those wetlands ((~~which~~)) that are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act;

(2) ((~~"Flood plain"~~)) "Floodplain" is synonymous with ((~~one hundred~~)) 100-year ((~~flood plain~~)) floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method ((~~which~~)) that meets the objectives of the act;

(3) "Floodway" has the meaning provided in RCW 90.58.030;

(4) "Lake" means a body of standing water in a depression of land or expanded part of a river, including reservoirs, of ((~~twenty~~)) 20 acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream;

(5) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department. The following criteria clarify this mark on tidal waters, lakes, and streams:

(a) Tidal waters.

(i) In high energy environments where the action of waves or currents is sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the line of vegetation. Where there is no vegetative cover for less than ((~~one hundred~~)) 100 feet parallel to the shoreline, the ordinary high water mark is the average tidal elevation of the adjacent lines of vegetation. Where the ordinary high water mark cannot be found, it is the elevation of mean higher high tide;

(ii) In low energy environments where the action of waves and currents is not sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the landward limit of salt tolerant vegetation. "Salt tolerant vegetation" means vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand;

(b) Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water;

(c) Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs;

(6) "River delta" means those lands formed as an aggradational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels;

(7) "Shorelands" or "shoreland areas" means those lands extending landward for ((~~two hundred~~)) 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous ((~~flood plain~~)) floodplain areas landward ((~~two hundred~~)) 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology. ((~~Any county or city may determine that portion of a one hundred-year flood plain to be included in its~~

~~master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;~~)) Pursuant to RCW 90.58.030 (2)(d), a local government may include additional areas as shorelands managed under its master program, including:

(a) All or a portion of a 100-year floodplain, as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward 200 feet therefrom;

(b) Lands necessary for buffers for critical areas, including the critical area itself, that are associated with the shoreline water body as described in WAC 173-22-040.

(8) A "stream" is a naturally occurring body of periodic or continuously flowing water where:

(a) The mean annual flow is greater than ((~~twenty~~)) 20 cubic feet per second; and

(b) The water is contained within a channel. A channel is an open conduit either naturally or artificially created. This definition does not include artificially created irrigation, return flow, or stock watering channels;

(9) "Tidal water" includes marine and estuarine waters bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream;

(10) "Wetlands" or "wetland areas" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands; and

(11) The definitions set forth in chapter 90.58 RCW and chapters 173-18, 173-20, 173-26, and 173-27 WAC shall also apply as used herein.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-22-040 Shoreland area designation criteria. The following criteria contain the standards for the department's designation of shoreland areas associated with shorelines of the state which are subject to the jurisdiction of chapter 90.58 RCW:

(1) Tidal waters. The shoreland area shall include:

(a) Those lands which extend landward ((~~two hundred~~)) 200 feet as measured on a horizontal plane from the ordinary high water mark; and

(b) Those wetlands which are in proximity to and either influence or are influenced by the tidal water. This influence includes, but is not limited to, one or more of the following: Periodic tidal inundation; hydraulic continuity; formation by tidally influenced geohy-

draulic processes; or a surface connection through a culvert or tide gate;

(2) Lakes. The shoreland area shall include:

(a) Those lands which extend landward ((~~two hundred~~)) 200 feet as measured on a horizontal plane from the ordinary high water mark; and

(b) Those wetlands which are in proximity to and either influence or are influenced by the lake. This influence includes, but is not limited to, one or more of the following: Periodic inundation or hydraulic continuity;

(3) Streams. The shoreland area shall include the greater of:

(a) Those lands which extend landward ((~~two hundred~~)) 200 feet as measured on a horizontal plane from the ordinary high water mark;

(b) Those ((~~flood plains~~)) floodplains which extend landward ((~~two hundred~~)) 200 feet as measured on a horizontal plane from the floodway: Provided, that local government may, at its discretion, include all or a larger portion of the ((~~one hundred~~)) 100-year ((~~flood plain~~)) floodplain within the associated shorelands. Designation of this shoreland area shall be in accordance with chapter 173-26 WAC, the state master program. If the applicable master program does not designate the shoreland area for a stream, it shall be designated under the rules which applied at the time of adoption by the department;

(c) Those wetlands which are in proximity to and either influence or are influenced by the stream. This influence includes, but is not limited to, one or more of the following: Periodic inundation; location within a flood plain; or hydraulic continuity; and

(d) Those lands within a river delta ((~~flood plain~~)) floodplain except for those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(4) Options for extending the shoreland area or shoreline jurisdiction:

(a) The local government may, at its discretion, include all or a larger portion of the 100-year floodplain within the associated shorelands.

(b) The local government may, at its discretion, include within its shorelands lands necessary for buffers for critical areas, including the critical area itself, that are associated with the shoreline water body. The local government may choose this option for any of the critical area types listed in WAC 173-26-221(2). Extending the shoreland area to include critical areas and their buffers would enable a local government to manage this entire area under the authorities of the master program rather than managing only a portion of the area under the master program. This may be particularly important in places where the critical area extends beyond minimum shoreline jurisdiction.

RDS-7309.2

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-26-020 Definitions. In addition to the definitions and concepts set forth in RCW 90.58.030, as amended, and the other imple-

menting rules for the Washington State Shoreline Management Act, as used herein, the following words and phrases shall have the following meanings:

(1) "Accessory":

(a) "Accessory dwelling unit" or "ADU" means a dwelling unit located on the same lot as a single-family residence, duplex, triplex, townhome, or other housing unit;

(b) "Accessory structure" means a secondary structure on the same lot or parcel of land as a primary structure that is subordinate or supportive but unnecessary for the primary use of the property. Accessory structure is not synonymous with a normal appurtenance or appurtenant structure. See definition for appurtenant structure;

(c) "Accessory use" means a use or activity that is found on the same lot or parcel as a primary use and is subordinate, customary, and incidental to the primary use.

(2) "Act" means the Washington State Shoreline Management Act, chapter 90.58 RCW.

((~~(2)~~)) (3) "Adoption by rule" means an official action by the department to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, chapter 34.05 RCW, thereby incorporating the adopted shoreline master program or amendment into the state master program.

((~~(3)(a)~~)) (4) Agricutural terms:

(a) "Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow ((~~in which~~)) wherein it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;

(b) "Agricultural products" includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within ((~~twenty~~)) 20 years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products;

(c) "Agricultural equipment" and "agricultural facilities" include((~~s~~)), but ((~~is~~)) are not limited to:

(i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;

(ii) Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;

(iii) Farm residences and associated equipment, lands, and facilities; and

(iv) Roadside stands and on-farm markets for marketing fruit or vegetables; and

(d) "Agricultural land" means those specific land areas on which agricultural activities are conducted.

((~~(4)~~)) (5) "Amendment" means a revision to, update to, addition to, deletion from, and/or reenactment ((~~to~~)) of an existing shoreline master program.

((~~(5)~~)) (6) "Approval" means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the department for review and official action pursuant to this chapter; or an official action by the department to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

((~~(6)~~)) (7) "Aquaculture" means the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery.

((~~(7)~~)) (8) "Channel migration ((~~zone (CMZ)~~))" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its ((~~surroundings~~)) catchment area.

((~~(8)~~)) (9) "Critical areas" as defined under chapter 36.70A RCW includes the following areas and ecosystems:

(a) Wetlands;

(b) Areas with a critical recharging effect on aquifers used for potable waters;

(c) Fish and wildlife habitat conservation areas;

(d) Frequently flooded areas; and

(e) Geologically hazardous areas.

((~~(9)~~)) (10) "Department" or "ecology" means the state department of ecology.

((~~(10)~~)) (11) "Development regulations" means the controls placed on development or land uses by a county or city((~~,~~)) including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

((~~(11)~~)) (12) "Document of record" means the most current shoreline master program officially approved or adopted by rule by the department for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

((~~(12)~~)) (13) "Drift cell," "drift sector," or "littoral cell" means a particular reach of marine shore in which littoral drift may occur without significant interruption and ((~~which~~)) that contains any natural sources of such drift and also accretion shore forms created by such drift.

((~~(13)~~)) (14) "Ecological functions" or "shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

((~~(14)~~)) (15) "Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitats and the associated ecological functions.

((~~(15)~~)) (16) "Expansion" means increasing the size of an existing structure in any dimension.

(17) "Feasible" means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

(a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

(b) The action provides a reasonable likelihood of achieving its intended purpose; and

(c) The action does not physically preclude achieving the project's primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

((~~(16)~~)) (18) "Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

((~~(17)~~)) (19) "Floating home" means a single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

((~~(18)~~)) (20) "Floating on-water residence" means any floating structure other than a floating home, as defined by this chapter:

(a) That is designed or used primarily as a residence on the water and has detachable utilities; and

(b) Whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

((~~(19) "Flood plain"~~)) (21) "Floodplain" is synonymous with ((~~one hundred~~)) 100-year ((~~flood plain~~)) floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method ((~~which~~)) that meets the objectives of the act.

((~~(20)~~)) (22) "Floodway" means the area, as identified in a master program, that either:

(a) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or

(b) Consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable

regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or ((~~maintained~~)) under license from the federal government, the state, or a political subdivision of the state.

((~~(21)~~)) (23) "Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

((~~(22)~~)) (24) "Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural or legally established contour of the land.

((~~(23)~~)) (25) "Guidelines" means those standards adopted by the department to implement the policy of chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs.

((~~(24)~~)) (26) "Life of the structure" or "life of the development" means the number of years that a structure or development is expected to be performing its function or use at a location without significant repair or replacement.

(27) "Maintenance" means actions to prevent a decline, lapse, or cessation from a lawfully established condition.

(28) "Local government" means any county, incorporated city or town ((~~which~~)) that contains within its boundaries shorelines of the state subject to chapter 90.58 RCW.

((~~(25)~~)) (29) "Marine" means pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries, and inlets associated therewith.

((~~(26)~~)) (30) Master program terms:

(a) "Master program" or "shoreline master program" ((~~shall~~)) means the comprehensive use plan for a described area, the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020 and the applicable guidelines. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(b) "Comprehensive master program update" means a master program adopted for compliance with RCW 90.58.080(2) 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.

(c) "Master program amendment" means an amendment that is not intended to meet the complete requirements of a comprehensive master program update. 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(4).

((~~(27)~~)) (31) "May" means the action is acceptable, provided it conforms to the provisions of this chapter.

((~~(28)~~)) (32) "Mitigation sequence" means the mitigation measures applied in the following sequence of steps listed in order of priority, meaning that lower-priority measures are applied only where higher-priority measures are determined to be infeasible or inapplicable, with (a) of this subsection being top priority:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations;

(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments and monitoring the compensation provided and taking appropriate corrective measures, as needed.

(33) "Must" means a mandate; the action is required.

((~~(29)~~)) (34) "Nonwater-oriented uses" means those uses that are not water-dependent, water-related, or water-enjoyment.

((~~(30) "Priority habitat" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:~~

~~• Comparatively high fish or wildlife density;~~
~~• Comparatively high fish or wildlife species diversity;~~
~~• Fish spawning habitat;~~
~~• Important wildlife habitat;~~
~~• Important fish or wildlife seasonal range;~~
~~• Important fish or wildlife movement corridor;~~
~~• Rearing and foraging habitat;~~
~~• Important marine mammal haul-out;~~
~~• Refugia habitat;~~
~~• Limited availability;~~
~~• High vulnerability to habitat alteration;~~
~~• Unique or dependent species; or~~
~~• Shellfish bed.~~

~~A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish~~

~~and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.~~

~~(31) "Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.~~

~~(a) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.~~

~~(b) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.~~

~~(c) Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.~~

~~(d) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.~~

~~(32)~~)) (35) "Primary structure" means a structure that is occupied or is intended to be occupied by a primary use of the property.

(36) "Primary use" means the main purpose for which a site is developed or occupied.

(37) "Provisions" means policies, regulations, standards, guideline criteria or environment designations.

((~~(33)~~)) (38) "Qualified professional" means a person with training and experience in the pertinent scientific discipline. A qualified professional must be licensed and/or certified where such licensing or certification are required. When certification is not required, the professional must have: (a) obtained a B.S., B.A., or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and (b) have at least five years of related work experience.

(a) Wetlands. A qualified wetlands professional is a person who has an understanding of hydrology and advanced skills in plant identification and soils classification, has been trained in the procedures of the 1987 (federal) Wetland Delineation Manual and its updated Regional Supplement, has used those procedures to delineate a wetland, and has obtained wetland permits or worked for a qualified professional who has obtained wetland permits from the Washington state department of ecology or the U.S. Army Corps of Engineers within the last seven years, and has the qualifications to conduct wetland studies and make recommendations for wetland mitigation. These qualifications include specialization in wetland soils, botany, or hydrology, with appropriate education and experience.

(b) Fish and wildlife habitat conservation areas. A qualified professional for habitat must have a degree in biology or a related degree and relevant professional experience.

(c) Geologically hazardous areas. A qualified professional for a geological hazard is:

(i) A licensed geologist, licensed engineering geologist, licensed hydrogeologist, a geotechnical engineer, qualified civil engineer, engineering geologist, coastal engineer, coastal geologist, hydraulic engineer, or geomorphologist, depending on the geological hazard and project components being evaluated;

(ii) With experience analyzing geologic, hydrologic, and groundwater flow systems and slope stability, seismicity, faulting, and liquefaction; and

(iii) When the proposed development or vegetation removal is located in an area subject to coastal geomorphological processes, the professional shall have demonstrated experience in evaluating and providing technical recommendations related to sediment and sediment transport, and effects on property and shoreline stability.

(39) "Redevelopment" means a proposal that will result in new structure(s) with different footprint(s) and/or configuration(s) from the current structures on a site.

(40) "Relocation" means a proposal that will result in a new structure that is approximately the same as the existing structure, but in a different location on the site. Relocation may also mean moving an existing structure to a new location on a site.

(41) "Repair" means minor actions necessary to fix damage to lawfully established structures or development. These minor actions must occur prior to substantial decay or destruction to maintain an existing useable and functional structure or development, or within a reasonable period following a fire, storm, or similar event damaging the existing structure or development. Repair may include replacement of components of a structure, but may not include replacement of an entire structure, except for in very limited circumstances where this is the normal form of repair (e.g., pilings).

(42) "Replacement" means a proposal that will result in new structures with the same footprint and height as currently exists on the site at the same location on the site.

(43) "Restore," "restoration" or "ecological restoration" means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

((~~(34)~~)) (44) "Shall" means a mandate; the action must be done.

((~~(35)~~)) (45) "Shoreline areas" and "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

((~~(36)~~)) (46) "Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

((~~(37)~~)) (47) "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

((~~(38)~~)) (48) "Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegeta-

tion. The ((~~removal of invasive or noxious weeds~~)) management of vegetation to reestablish natural conditions directed by a qualified professional does not constitute significant vegetation removal. Tree pruning, not including tree topping, and the removal of noxious weeds where it does not affect ecological functions, does not constitute significant vegetation removal.

((~~(39)~~)) (49) "Single-family residence" means a detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership that are a normal appurtenance.

(50) "Single-family residential development" means residential development at a density of one single-family residence per parcel. Single-family residential development may also include one or more accessory dwelling units on the same parcel as the single-family residence.

(51) "State master program" means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department.

((~~(40)~~)) (52) "State-owned aquatic lands" means those aquatic lands and waterways administered by the department of natural resources or managed under department of natural resources agreement by a port district. "State-owned aquatic lands" does not include aquatic lands owned in fee by, or withdrawn for the use of, state agencies other than the department of natural resources (RCW 79.105.060(20)).

(53) "Substantially degrade" means to cause significant ecological impact.

((~~(41)~~)) (54) "Water-dependent use" means a use or portion of a use ((~~which~~)) that cannot exist in a location that is not adjacent to the water and ((~~which~~)) that is dependent on the water by reason of the intrinsic nature of its operations.

((~~(42)~~)) (55) "Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and ((~~which~~)) that through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

((~~(43)~~)) (56) "Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

((~~(44)~~)) (57) "Water quality," where used in this chapter, means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

((~~(45)~~)) (58) "Water-related use" means a use or portion of a use ((~~which~~)) that is not intrinsically dependent on a waterfront location

but whose economic viability is dependent upon a waterfront location because:

(a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

(b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-26-030 Master programs required—State master program contents. Chapter 90.58 RCW requires all local governments with shorelines of the state within their boundaries to develop and administer a shoreline master program. The state master program is the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department, together with any changes pursuant to WAC 173-26-040. Local governments ((~~which~~)) that are required to develop and administer shoreline master programs are listed in WAC 173-26-080.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-26-050 State master program register—Maintained by department. The department shall prepare and maintain an official state master program register identifying original department adoption dates and the effective dates of subsequent amendments approved or adopted by the department for each local government shoreline master program. The master program register shall be available online for public viewing ((~~and inspection during normal business hours at the headquarters of the department~~)). Copies of the register shall be available from the department at the expense of the requesting party. The department shall keep the register current, incorporating master program adoption and amendment dates as they occur.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-26-060 State master program—Records maintained by department. The department shall maintain records for all master programs currently in effect and subsequent amendments thereto. Master program records shall be organized consistent with the state master program register and shall be available online for public viewing ((~~and inspection during normal business hours at the headquarters of the department~~)). The department can make these available for review in person or in hard copy upon request.

Records of master programs no longer in effect will be relocated in accordance with the records retention schedule approved by the state records committee.

Such records should be maintained in two groups of files as follows:

(1) Shoreline master program working files corresponding to each proposed master program or amendment containing, where applicable:

(a) Initial submittal from local government per WAC 173-26-110;

(b) The department's letter denying, approving as submitted, or approving alternatives together with findings and conclusions and amended text and/or maps;

(c) Documents related to any appeal of the department's action on the amendment;

(d) Supplemental materials including:

(i) Interested party mailing list;

(ii) Comment letters and exhibits from federal, state, local, and tribal agencies;

(iii) Comment letters and exhibits from the general public;

(iv) Recordings and/or a summary of hearing oral testimony;

(v) A concise explanatory statement, if adopted by rule.

(2) State master program files, containing the master program currently in effect, with all text and map amendments incorporated, constituting the official state master program approved document of record.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-26-070 Adoption of shoreline master programs by rule—Department action. (1) The department may adopt a shoreline master program by rule in the following circumstances:

(a) Pursuant to RCW 90.58.070(2), when a local government fails to approve a master program relating to shorelines of the state within its jurisdiction in accordance with the time schedule provided for in RCW 90.58.080, the department shall carry out the requirements of RCW 90.58.080 and adopt by rule a master program for shorelines of the state within the jurisdiction of the local government. The department has adopted by rule a master program for shorelines of the state within the jurisdiction of those local governments listed in subsection (2) of this section;

(b) Pursuant to RCW 90.58.090((~~(4)~~)) (5), when the department determines that those parts of a master program relating to shorelines of statewide significance do not provide for optimum implementation of the policy of chapter 90.58 RCW to satisfy the statewide interest, the department may develop and adopt by rule an alternative to the local government's master program proposal. The department has adopted by rule an alternative master program for shorelines of statewide significance within the jurisdiction of those local governments listed in subsection (2) of this section.

(2) As set forth in subsection (1)(a) and (b) of this section, the department has adopted by rule a master program, alternative master program or portion thereof for the local governments listed below. This listing shall be updated periodically so as to remove reference to local governments ((~~who~~)) that have complied with the requirements

of chapter 90.58 RCW and this chapter, having prepared and submitted a shoreline master program that has been approved by the department.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-26-080 Master programs required of local governments. (1) The following local governments, listed alphabetically by county, are required to develop, periodically review, and administer a shoreline master program:

Adams County.

Asotin County.
- Asotin, city of.
- Clarkston, city of.

Benton County.
- Benton City, city of.
- Kennewick, city of.
- Prosser, city of.
- Richland, city of.
- West Richland, city of.

Chelan County.
- Cashmere, city of.
- Chelan, city of.
- Entiat, town of.
- Leavenworth, city of.
- Wenatchee, city of.

Clallam County.
- Forks, city of.
- Port Angeles, city of.
- Sequim, city of.

Clark County.
- Battle Ground, city of.
- Camas, city of.
- LaCenter, city of.
- Ridgefield, city of.
- Vancouver, city of.
- Washougal, city of.
- *Woodland, city of.

Columbia County.
- Dayton, city of.
- Starbuck, town of.

Cowlitz County.
- Castle Rock, city of.
- Kalama, city of.
- Kelso, city of.
- Longview, city of.
- *Woodland, city of.

Douglas County.
- Bridgeport, town of.
- *Coulee Dam, city of.

East Wenatchee, city of.
Rock Island, town of.

Ferry County.
Republic, town of.

Franklin County.
((~~Mesa, town of.~~))
Pasco, city of.

Garfield County.

Grant County.
Coulee City, city of.
*Coulee Dam, city of.
Electric City, city of.
Grand Coulee, city of.
Krupp, town of.
Moses Lake, city of.
Soap Lake, city of.
Wilson Creek, town of.

Grays Harbor County.
Aberdeen, city of.
Cosmopolis, city of.
Elma, city of.
Hoquiam, city of.
McCleary, town of.
Montesano, city of.
Ocean Shores, city of.
Westport, city of.

Island County.
Coupeville, town of.
Langley, city of.
Oak Harbor, city of.

Jefferson County.
Port Townsend, city of.

King County.
Auburn, city of.
Beaux Arts Village, town of.
Bellevue, city of.
Black Diamond, city of.
*Bothell, city of.
Burien, city of.
Carnation, town of.
Covington, city of.
Des Moines, city of.
Duvall, city of.
Enumclaw, city of.
Federal Way, city of.
Hunts Point, town of.
Issaquah, city of.
Kenmore, city of.
Kent, city of.
Kirkland, city of.
Lake Forest Park, city of.
Maple Valley, city of.
Medina, city of.

Mercer Island, city of.
*Milton, city of.
Normandy Park, city of.
North Bend, city of.
*Pacific, city of.
Redmond, city of.
Renton, city of.
Sammamish, city of.
Sea-Tac, city of.
Seattle, city of.
Shoreline, city of.
Skykomish, town of.
Snoqualmie, city of.
Tukwila, city of.
Woodinville, city of.
Yarrow Point, town of.

Kitsap County.
Bremerton, city of.
Port Orchard, city of.
Poulsbo, city of.
Bainbridge Island, city of.

Kittitas County.
Cle Elum, city of.
Ellensburg, city of.
South Cle Elum, town of.

Klickitat County.
Bingen, town of.
Goldendale, city of.
White Salmon, town of.

Lewis County.
Centralia, city of.
Chehalis, city of.
Morton, city of.
Napavine, city of.
Pe Ell, town of.
Toledo, city of.
Vader, city of.
Winlock, city of.

Lincoln County.
Odessa, town of.
Reardan, town of.

Mason County.
Shelton, city of.

Okanogan County.
Brewster, town of.
Conconully, town of.
*Coulee Dam, city of.
((~~Elmer City, town of.~~))
Okanogan, city of.
Omak, city of.
Oroville, town of.
Pateros, town of.
Riverside, town of.

Tonasket, town of.
Twisp, town of.
Winthrop, town of.

Pacific County.
Ilwaco, town of.
Long Beach, town of.
Raymond, city of.
South Bend, city of.

Pend Oreille County.
Cusick, town of.
Ione, town of.
Metaline, town of.
Metaline Falls, town of.
Newport, city of.

Pierce County.
Bonney Lake, city of.
Buckley, city of.
Dupont, city of.
Eatonville, town of.
Fife, city of.
Gig Harbor, city of.
Lakewood, city of.
*Milton, city of.
Orting, city of.
*Pacific, city of.
Puyallup, city of.
Roy, city of.
Ruston, town of.
South Prairie, town of.
Steilacoom, town of.
Sumner, city of.
Tacoma, city of.
University Place, city of.
Wilkeson, town of.

San Juan County.
Friday Harbor, town of.

Skagit County.
Anacortes, city of.
Burlington, city of.
Concrete, town of.
Hamilton, town of.
La Conner, town of.
Lyman, town of.
Mount Vernon, city of.
Sedro Woolley, city of.

Skamania County.
North Bonneville, city of.
Stevenson, town of.

Snohomish County.
Arlington, city of.
*Bothell, city of.
Brier, city of.
Darrington, town of.

Edmonds, city of.
Everett, city of.
Gold Bar, town of.
Granite Falls, town of.
Index, town of.
Lake Stevens, city of.
Lynnwood, city of.
Marysville, city of.
Monroe, city of.
Mountlake Terrace, city of.
Mukilteo, city of.
Snohomish, city of.
Stanwood, city of.
Sultan, town of.
Woodway, town of.

Spokane County.
Latah, town of.
Liberty Lake, town of.
Medical Lake, town of.
Millwood, town of.
Rockford, town of.
Spokane, city of.
Spokane Valley, city of.
Waverly, town of.

Stevens County.
Chewelah, city of.
Kettle Falls, city of.
Marcus, town of.
Northport, town of.

Thurston County.
Bucoda, town of.
Lacey, city of.
Olympia, city of.
Tenino, town of.
Tumwater, city of.

Wahkiakum County.
Cathlamet, town of.

Walla Walla County.
Prescott, city of.
Waitsburg, town of.
Walla Walla, city of.

Whatcom County.
Bellingham, city of.
Blaine, city of.
Everson, city of.
Ferndale, city of.
Lynden, city of.
Nooksack, city of.
Sumas, city of.

Whitman County.
Albion, town of.
Colfax, city of.
Malden, town of.

Palouse, city of.
Pullman, city of.
Rosalia, town of.
Tekoa, city of.

Yakima County.
Grandview, city of.
Granger, town of.
((~~Mabton, city of.~~))
Naches, town of.
Selah, city of.
Toppenish, city of.
Union Gap, city of.
Wapato, city of.
Yakima, city of.
((~~Zillah, city of.~~))
* Cities and towns located in more than one county.

(2) Cities and towns that are located in multiple counties have been assigned to a single county for tracking, grant, and deadline purposes:

(a) Bothell, located in King and Snohomish counties, is assigned to Snohomish County.

(b) Coulee Dam, located in Douglas, Grant, and Okanogan counties, is assigned to Okanogan County.

(c) Milton, located in King and Pierce counties, is assigned to Pierce County.

(d) Pacific, located in King and Pierce counties, is assigned to King County.

(e) Woodland, located in Clark and Cowlitz counties, is assigned to Cowlitz County.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-26-090 Locally initiated review—Periodic review—Public involvement and approval procedures. (1) ((~~Locally initiated master program review.~~

~~Each local government should review its shoreline master program and make amendments deemed necessary to reflect changing local circumstances, new information or improved data. Local governments are encouraged to consult department guidance for applicable new information on emerging topics such as sea level rise.~~)) **Applicability.** This section outlines the process and requirements necessary to complete:

(a) A master program periodic review; and

(b) A locally initiated master program amendment.

(2) **Periodic review** ((~~requirements~~)).

(a) Following the completion of comprehensive updates required by RCW 90.58.080(2), each local government shall conduct a review of ((~~their~~)) its master program at least once every ((~~eight~~)) 10 years on a schedule established in the act, RCW 90.58.080(4). Following the review, local governments shall, if necessary, revise their master programs. This review and revision is referred to in this section as the periodic review.

((~~(b)~~)) (i) **Purpose.** The purpose of the periodic review is to ensure that master programs do not fall out of compliance over time through inaction:

(A) To assure that the master program complies with applicable law (chapter 90.58 RCW) and implementing rules in effect at the time of the review;

(B) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW pursuant to RCW 36.70A.480, if applicable, and other local requirements; and

(C) To incorporate revisions to reflect changed circumstances, new information, or improved data and reflect changing shorelines as described in WAC 173-22-052.

(ii) **Timing.** Deadlines for periodic review. ((~~Local governments must take action to review, and if necessary, revise their master programs according to the schedule established in RCW 90.58.080 (4)(b).~~)) Deadlines for completion of periodic review are as follows:

Table WAC 173-26-090.1
Deadlines for Completion of Periodic Review

Reviews must be completed on or before June 30th of:	Affected counties and the cities and towns within:
((~~2019/2027*~~)) 2019/2029*	King, Kitsap, Pierce, Snohomish.
((~~2020/2028*~~)) 2020/2030*	Clallam, Clark, Island, Jefferson, ((~~Kitsap~~)) Lewis, Mason, San Juan, Skagit, Thurston, Whatcom.
((~~2021/2029*~~)) 2021/2031*	Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, ((~~Lewis,~~)) Skamania, Spokane, Walla Walla, Yakima.
((~~2022/2030*~~)) 2022/2032*	Adams, Asotin, Columbia, Ferry, ((~~Franklin,~~)) Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, ((~~Walla Walla,~~)) Whitman.

*And every ((~~eight~~)) 10 years thereafter.

((~~(c) Taking~~)) (iii) **Legislative action.** ((~~(i)~~)) The periodic review must be accomplished through legislative action consistent with (b)(v) of this subsection and must be followed by department review and approval as required by RCW 90.58.090. ((~~Legislative action means the adoption of a resolution, motion, or ordinance following notice and a public hearing including, at a minimum, findings that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore. Legislative findings that no revisions are needed are referred to in this section as "findings of adequacy."~~

~~(ii) Legislative action includes two components. It includes a review of the shoreline master program and it includes the adoption of either findings of adequacy or any amendments necessary to bring the program into compliance with the requirements of the act.~~

~~(iii) Legislative actions concluding the periodic review must be followed by department approval.~~

~~(d) The required minimum scope of review.~~

~~(i) The purpose and scope of the periodic review as established by the act is:~~

~~(A) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and~~

~~(B) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.~~

~~(ii) The review process provides the method for bringing shoreline master programs into compliance with the requirements of the act that have been added or changed since the last review and for responding to changes in guidelines adopted by the department, together with a review for consistency with amended comprehensive plans and regulations. Local governments should also incorporate amendments to reflect changed circumstances, new information, or improved data. The review ensures that shoreline master programs do not fall out of compliance over time through inaction.~~

~~(iii)~~)) (iv) **Scope.** The periodic review is distinct from the comprehensive updates required by RCW 90.58.080(2). The presumption in the comprehensive update process was that all master programs needed to be revised to comply with the full suite of ((~~ecology~~)) department guidelines. By contrast, the periodic review addresses changes in requirements of the act and guidelines ((~~requirements~~)) since the comprehensive update or the last periodic review, and ((~~changes~~)) revisions for consistency with ((~~revised~~)) changes to comprehensive plans and regulations, together with any ((~~changes~~)) revisions deemed necessary to reflect changed circumstances, new information or improved data. ((~~There is no minimum requirement to comprehensively revise shoreline inventory and characterization reports or restoration plans.~~

~~(3) Procedures for conducting periodic reviews.~~

~~(a) Public participation program.~~

~~(i) In conducting the periodic review, the department and local governments, pursuant to RCW 90.58.130, shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, tribes, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program. Local governments may follow the public participation procedures under either the standard local process outlined in WAC 173-26-100, or the optional joint review process outlined in WAC 173-26-104.~~

~~(ii) Counties and cities shall establish and broadly disseminate to the public a public participation program identifying procedures whereby review of the shoreline master program will be considered by the local governing body consistent with RCW 36.70A.140. Such procedures shall provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments.~~

~~The public participation program should include a schedule for the periodic review and identify when legislative action on the review and update component are proposed to occur. The public participation program should also inform the public of when to comment on the scope of the review and proposed changes to the master program. Counties and~~

~~cities may adjust the public participation program to best meet the intent of the participation requirement.~~))

(b) Steps in periodic review and amendment process.

(i) **Process overview.** This section provides a generalized process for conducting a master program periodic review and preparing an amendment. Local governments may modify the timing of various steps, integrate the process into other planning activities, add steps to the process, or work jointly with other jurisdictions or regional efforts, provided the provisions of this chapter are met.

The department will provide a master program periodic review checklist to help local governments identify issues to address. The checklist will not create new or additional requirements beyond the provisions of the act and its implementing rules. The checklist is intended to aid the review of the master program and identify necessary revisions.

(ii) **Public participation plan.** Local governments shall establish and broadly disseminate to the public a public participation plan identifying procedures whereby review of the shoreline master program will be considered by the local governing body. The public participation plan shall:

(A) Include at least one opportunity to provide input on the scope of the periodic review;

(B) Include a schedule and identify when legislative action on the review and amendment component is proposed to occur; and

(C) Identify whether the periodic review will use the standard adoption process of WAC 173-26-100 or the joint review process of WAC 173-26-104 and demonstrate compliance with the procedures outlined in the selected process.

(iii) **Review and analysis to determine need for revisions.**

((~~(i)~~)) (A) Review amendments to the act and ((~~shoreline master program guidelines~~)) implementing rules.

Local governments must review amendments to chapter 90.58 RCW and ((~~department guidelines~~)) implementing rules (chapters 173-18, 173-20, 173-22, 173-26, and 173-27 WAC) that have occurred since the last master program ((~~was last amended,~~)) periodic review and determine ((~~if local amendments~~)) whether revisions are needed to maintain compliance. The department will maintain a checklist of legislative and rule amendments to assist local governments with this review. The department will provide technical assistance to ensure local governments address applicable changes to the act and ((~~master program guidelines~~)) implementing rules.

((~~(ii)~~)) (B) Review relevant comprehensive plan((~~s~~)) and development regulations.

(I) Pursuant to RCW 36.70A.481, regulations applicable to shorelands shall be consistent with the provisions of chapter 90.58 RCW. Local governments must review changes to ((~~the~~)) their comprehensive plan and development regulations to determine ((~~if~~)) whether those changes, as they apply in shoreline jurisdiction, remain consistent with the shoreline master program policies and regulations ((~~remain consistent with them~~)).

(II) WAC 173-26-191 (1)(e) and 173-26-211(3) provide guidance on determining internal consistency. It is the responsibility of the local government to ((~~assure~~)) ensure consistency between the master program and other elements of the comprehensive plan and development regulations. Local governments should document the consistency analysis as part of the periodic review and as necessary to support proposed changes.

((~~(iii) Additional review and analysis. Local governments should consider during their periodic review whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data as described under subsection (1) of this section.~~))
(III) If the master program applies to shorelines of statewide significance, ensure that the other comprehensive plan policies affecting shoreline jurisdiction are consistent with the objectives of RCW 90.58.020, 90.58.090(5), and 90.58.340.

(C) Review changes to local circumstances, new information, and improved data. During the interim between periodic reviews, shorelines may change, new information will become available, and local and state priorities may shift.

(I) Local governments must consider changes in local circumstances, new information, and improved data that are readily available or provided to local governments by the department. This may include, but is not limited to, review of local watershed plans, salmon recovery plans, Ecology Clean Water Act Section 303(d) actions, including water cleanup plans (Total Maximum Daily Loads (TMDLs) and their implementation plans, and advance restoration plans), new Water Quality Assessment listings including, but not limited to, Category 5 listings, department of fish and wildlife identified priority habitat and species data, current relevant agency guidance, and model language for critical areas protection provided by the department.

(II) Local governments should consider whether the significance of the changed circumstances, new information, or improved data considered in (I) warrants ((~~amendments~~)) revisions to the master program. Local governments should document this analysis as part of the periodic review and as necessary to support proposed revisions.

(III) Local governments shall review the list of shorelines and shorelines of statewide significance contained within the master program to ensure that those lists remain current and accurate over time. This review and subsequent confirmation of lakes and streams constituting the shorelines of the state shall be submitted to ecology along with updated geospatial data sufficient for identifying these waters on the state hydrology dataset. Data must adhere to department requirements for the submittal of geospatial data. This mapping information will be integrated into the department's statewide public facing shoreline mapping resources.

(D) Review and evaluate master program implementation and effectiveness. Consistent tracking of master program implementation and periodic evaluation of such tracking information shall be used to inform appropriate master program amendments to improve shoreline management over time. The department shall provide written technical guidance to support the local government evaluation efforts required by this section.

(I) During the periodic review scheduled for 2029 to 2032, local governments shall establish and begin using a system to track all shoreline project authorizations consistent with WAC 173-26-191 (2)(a)(iii)(D) and 173-27-195.

(II) During the next scheduled periodic review following establishment of that tracking system, and for each periodic review thereafter, local governments shall conduct a review and evaluation of master program implementation and effectiveness. This process should include coordination with the department and could involve a joint effort by local governments, state resource agencies, tribes, and other parties. At a minimum, local governments shall evaluate whether activities approved by shoreline authorizations:

• Were reviewed and approved consistent with the procedures defined in the master program and chapter 173-27 WAC;

• Resulted in unanticipated development or changed conditions that are inconsistent with the purpose and management policies of established shoreline environment designations;

• Led to cumulative impacts on shoreline ecological functions;

• Were largely consistent with the public access policies of the master program and the act; and

• Were largely consistent with the preferred use policy objectives of the master program and the act.

(III) Local governments should consider whether the results of the evaluation conducted in (II) warrant revisions to the master program. Local governments should document this analysis as part of the periodic review and as necessary to support proposed revisions.

(E) Address the impact of sea level rise and increased storm severity. Local governments required to plan for sea level rise pursuant to WAC 173-26-246(2) must meet the requirements of WAC 173-26-246(3) during each periodic review, in addition to the review and analysis requirements established in this section.

(F) If the master program applies to shorelines of statewide significance, document that the master program policies and regulations affecting those shorelines of statewide significance continue to optimize the policy and objectives of the act consistent with RCW 90.58.020 and WAC 173-26-251.

(iv) **Draft revisions.**

(A) Where the review conducted in (b)(iii) of this subsection identifies revisions necessary to bring the master program into compliance with the requirements of the act or implementing rules, the local government must incorporate those revisions.

(B) Local governments should consider the information, analyses, and assumptions that informed the comprehensive update of their master program pursuant to WAC 173-26-201 (3)(d). Where the proposed periodic review amendment is inconsistent with any of these, the local government shall conduct an analysis and/or provide documentation as necessary to demonstrate that the master program, as proposed for revision, remains consistent with RCW 90.58.020 and applicable guidelines. For example, a proposed revision may allow a type of shoreline development not currently allowed under the master program. This new allowance could challenge the assumptions made regarding the cumulative impacts of reasonably foreseeable development under WAC 173-26-201 (3)(d)(iii). In such case, the local government shall provide an addendum to the cumulative impacts analysis that demonstrates how the amended master program will achieve no net loss of shoreline ecological functions.

(C) Consistent with the local-state partnership established by RCW 90.58.050, local governments shall coordinate and collaborate with department personnel throughout the master program review and preparation of these draft revisions. Local governments shall provide draft master program provisions to the department for informal guidance and technical assistance prior to local legislative action or formal submittal.

(D) Local governments shall make draft amendments available for public review as outlined in the public participation plan in (b)(ii) of this subsection.

((~~(c)~~)) (v) **Take legislative action.** Local governments must take legislative action to conclude the periodic review process. Legislative action means the adoption of a resolution or ordinance declaring

legislative findings including, at a minimum, that a review and evaluation have occurred and identifying the revisions made or that a master program amendment was not needed. Legislative findings that no revisions are needed are referred to in this section as "findings of adequacy." Legislative action for the periodic review must meet the following requirements:

(A) The legislative action shall include two components:

(I) Documentation of the review of the shoreline master program as required by RCW 90.58.080(4) and this section;

(II) The adoption of either findings of adequacy or any amendments necessary to bring the program into compliance with the requirements of the act and its implementing rules.

((~~(i) At the end of the review process, counties and cities must take legislative action declaring the review process complete.~~

~~(ii)~~)) (B) The notice of hearing for legislative actions that are intended to address the periodic review process must state that the actions to be considered are part of the periodic review process under RCW 90.58.080(4).

((~~(iii) The findings for any legislative action on the periodic review process~~)) (C) The legislative findings must state that the action is intended to satisfy the requirements of RCW 90.58.080(4).

((~~(iv) A local government that determines after review that amendments are not needed shall adopt a resolution, motion, or ordinance declaring findings of adequacy. Findings of adequacy are a local written determination that no revisions to a shoreline master program are needed to comply with the requirements of RCW 90.58.080(4).~~

~~(d)~~)) (vi) **Submittal to the department.**

((~~(i)~~)) (A) A local government that determines amendments are needed shall submit the amendments to the department consistent with WAC 173-26-110.

((~~(ii)~~)) (B) A local government that determines amendments are not needed shall submit the following in lieu of the requirements of WAC 173-26-110:

((~~(A)~~)) (I) A resolution, motion, or ordinance declaring findings of adequacy.

((~~(B)~~)) (II) Evidence of compliance with applicable public notice and consultation requirements.

((~~(C)~~)) (III) Copies of all public, agency and tribal comments received during any applicable public comment periods, or where no comments have been received, a statement to that effect.

((~~(D)~~)) (IV) A completed checklist demonstrating that review elements have been considered, and are either inapplicable or ((~~have already been addressed through previous locally initiated amendments prior to the scheduled periodic review~~)) already addressed in the master program.

((~~(c)~~)) (vii) **State process for approving periodic reviews.**

((~~(i)~~)) (A) The department must issue a formal approval of any amendment or findings of adequacy. Department approval is necessary to affirmatively conclude the periodic review process, to confirm that state review of local action has occurred, and to establish a definitive appeal window consistent with RCW 90.58.190. Where the local government legislative action includes a master program amendment, department approval is necessary for the amended master program to take effect.

((~~(ii)~~)) (B) Amendment. Where the local government ((~~final~~)) legislative action includes a master program amendment((~~s~~)), local gov-

ernments and the department shall follow applicable ((~~adoption~~)) approval procedures described in WAC 173-26-120.

((~~(iii)~~)) (C) Findings of adequacy. Where the local government ((~~final~~)) legislative action is to adopt findings of adequacy, the department shall follow applicable ((~~adoption~~)) approval procedures described in WAC 173-26-120. The department shall review the findings of adequacy solely for consistency with RCW 90.58.080(4) and this section.

(3) **Locally initiated amendment of master programs.**

(a) Locally initiated master program reviews and amendment. Local governments may initiate review and propose a master program amendment separately from the comprehensive updates required by RCW 90.58.080(2) and the periodic reviews required by RCW 90.58.080(4). Any master program amendment not intended to meet the statutory requirements of a comprehensive master program update or a periodic review, shall be considered and referred to in this section as a locally initiated amendment.

(i) **Schedule.** Locally initiated amendments may be conducted at the discretion of the local government and are not subject to any minimum or maximum frequency, except that:

(A) A local government out of compliance with the periodic review schedule defined in WAC 173-26-090 (2)(b) shall not conduct a locally initiated amendment that does not incorporate the required minimum scope of the periodic review, as defined in WAC 173-26-090; and

(B) Only one master program amendment may be processed per WAC 173-26-120 at a time.

(ii) **Scope.** Locally initiated master program amendments can address issues deemed necessary to reflect changes to the comprehensive plan or development regulations, changing local circumstances, new information or improved data that have been identified outside the scheduled periodic review. This is an intentionally broad category and circumstances will vary widely. Examples of changes that could trigger the need for amendment include zoning code revisions, annexation of new shoreline areas, physical changes to the shoreline through natural occurrence (e.g., channel migration, major flood or landslide events) or restoration projects (e.g., levee setback) that significantly shift the location of the ordinary high water mark, implementation challenges, clarification of issues addressed by administrative interpretations or moratoria, and similar issues.

(A) With the exception of (a)(i) of this subsection, the scope of a locally initiated amendment is at the discretion of the local government.

(B) Local governments are encouraged to consolidate unrelated topics into a single amendment effort where it is practical to do so, in order to address outstanding issues including, but not limited to, identified implementation challenges, administrative interpretations, and/or changes to other local policies, plans, or regulations made since the effective date of the master program.

(C) Local governments shall consult department guidance for applicable new information on emerging topics.

(b) Procedures for conducting locally initiated amendments.

(i) **Process.** Local governments conducting a locally initiated amendment may follow the standard local process for amending shoreline master programs defined in WAC 173-26-100, or the joint review process defined in WAC 173-26-104.

(ii) **Documentation and analysis required.**

(A) Local governments shall clearly document the scope, intent, and necessity for the proposed revisions to the master program and provide such documentation to the department consistent with the submittal requirements of WAC 173-26-110(1).

(B) Local governments should consider the information, analyses, and assumptions regarding shoreline issues of concern that informed the comprehensive update of its master program pursuant to WAC 173-26-201 (3)(d). Where the proposed locally initiated amendment is inconsistent with any of these, the local government shall conduct an analysis and/or provide documentation as necessary to demonstrate that the master program, as proposed for amendment, remains consistent with RCW 90.58.020 and applicable guidelines. For example, a locally initiated amendment may revise the master program to allow a type of shoreline development not currently allowed under the effective master program. This new allowance would challenge the assumptions made regarding the cumulative impacts of reasonably foreseeable development under WAC 173-26-201 (3)(d)(iii). In such case, the local government shall provide an addendum to the cumulative impacts analysis that demonstrates how the amended master program will achieve no net loss of shoreline ecological functions.

(C) Local governments are encouraged to consult with department staff for guidance on documentation and analysis required under this section.

(iii) **Local adoption and state review process.**

(A) After local legislative action adopting the amendment through resolution or ordinance, the locally initiated amendment must be submitted to the department pursuant to WAC 173-26-110.

(B) The department shall follow the applicable review and adoption procedures of WAC 173-26-120.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-26-100 Standard local process for approving/amending shoreline master programs. This section establishes local principles and procedures for approving new master programs and preparing comprehensive master program updates required by RCW 90.58.080(2). A local government that proposes periodic review or locally initiated master program amendments may follow these standard procedures or the ((~~optional~~)) joint review process outlined in WAC 173-26-104.

((~~Prior to submittal of a new or amended master program to the department, local government shall solicit public and agency comment during the drafting of proposed new or amended master programs. The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. Recognizing that the department must approve all master programs before they become effective, early and continuous consultation with the department is encouraged during the drafting of new or amended master programs. For local governments planning under chapter 36.70A RCW, local citizen involvement strategies should be implemented that ensure early and continuous public participation consistent with WAC 365-196-600.~~)) (1) **Principles for public involvement.** Local governments shall implement the following principles in developing or amending master programs:

(a) Pursuant to RCW 90.58.130, local governments shall make all reasonable efforts to inform, fully involve, and encourage participation of all interested persons and private entities; tribes; and agencies of the federal, state, and local government having interests and responsibilities relating to shorelines of the state and local master program, or any special expertise with respect to any environmental impact. This should include adjacent local governments with jurisdiction over common shorelines of the state, where applicable.

(b) Local governments shall provide for early and continual public participation through broad dissemination of informative materials, draft proposals, and alternatives; opportunity for written comments; public meetings after effective notice; provision for open discussion; and consideration of and response to public comments.

(c) The degree of public and agency involvement sought by the local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered by the proposal.

(d) Recognizing that the department must approve all master programs before they become effective, early and continual consultation with the department is required during the drafting of new or amended master programs.

(e) Local governments planning under the Growth Management Act should implement local public involvement strategies consistent with WAC 365-196-600.

(f) Communication with state agencies. Prior to undertaking substantial work, local governments shall notify state agencies with an interest in shoreline management to identify state interests, relevant regional and statewide efforts, available information, and methods for coordination and input. Local governments should contact the department for a list of agencies to be notified, as needed.

(g) Communication with tribes. Prior to undertaking substantial work, local governments shall notify tribes to identify tribal interests, relevant tribal efforts, available information, and methods for coordination and input; and solicit tribal knowledge. Local governments should contact the individual tribes, the governor's office of Indian affairs, or coordinating bodies such as the Northwest Indian Fisheries Commission, for a list of tribes to be notified, as needed.

(h) Communication equity. Local governments shall identify potentially impacted overburdened communities and vulnerable populations as defined by RCW 70A.02.010 and include outreach and engagement strategies to reach identified communities and populations.

(2) **Procedures.** At a minimum, local government shall:

((~~(1)~~)) (a) Prior to commencing the amendment process, notify the department of intent to develop an amendment under the standard local process.

(b) Prior to submittal of a new or amended master program to the department, solicit public and agency feedback and involvement consistent with the principles in subsection (1) of this section.

(c) Prior to submittal of a new or amended master program to the department:

(i) Conduct at least one public hearing to consider the draft proposal;

((~~(2)~~)) (ii) Publish notice of the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. This shall at a minimum include publication in the local government's official paper of record, and an affidavit of publication shall be retained for the record. The hearing notice shall include:

((~~(a)~~)) (A) Reference to the authority(s) under which the action(s) is proposed;

((~~(b)~~)) (B) A statement or summary of the proposed ((~~changes~~)) revisions to the master program;

((~~(c)~~)) (C) The date, time, and location of the hearing, and the manner in which interested persons may present their views; and

((~~(d)~~)) (D) Reference to the availability of the draft proposal for public review((~~;~~)).

((~~(3) Consult with and solicit the comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state;~~

~~(4)~~)) (d) Where amendments are proposed to a county or regional master program ((~~which~~)) that has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions;

((~~(5)~~)) (e) Solicit comments on the draft proposal from the department prior to local approval through legislative action. For local governments planning under the Growth Management Act, the local government shall notify both the department and the department of commerce of its intent to adopt shoreline policies or regulations, pursuant to RCW 36.70A.106;

((~~(6)~~)) (f) Comply with chapter 43.21C RCW, the State Environmental Policy Act (SEPA). Adoption of shoreline master program policies and regulations are "actions" as defined under SEPA. Local governments must comply with SEPA when adopting new or amended master program provisions; ((~~and~~

~~(7) Approve the proposal and submit for final agency approval as outlined in WAC 173-26-110~~)) (g) Take local legislative action to adopt the proposal;

(h) Submit the master program amendment to the department. After taking local legislative action to adopt the amendment, submit a complete amendment package to ecology for final department review and decision as outlined in WAC 173-26-110 and 173-26-120.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-26-104 Optional joint review process for amending shoreline master programs. This section establishes ((~~an optional~~)) a joint review process a local government may elect to use for ((~~master program~~)) either periodic review amendments ((~~other than comprehensive updates~~)) or locally initiated amendments. The process combines the local public involvement requirements of RCW 90.58.130 and the state public comment period((~~s~~)) required by RCW 90.58.090. Recognizing that ((~~the optional review~~)) this process requires close coordination in conducting a joint public review, early and ((~~continuous~~)) continual consultation with ((~~the department~~)) ecology is required during the drafting of ((~~amendments~~)) master program revisions. The department and local government should work collaboratively to address local in-

terests while ensuring proposed ((~~amendments~~)) revisions are consistent with the policy of RCW 90.58.020 and applicable guidelines.

Minimum procedural requirements:

(1) **Local government solicits early tribal, public, and agency feedback.**

(a) Prior to commencing the amendment process, ((~~local governments shall~~)) notify the department of intent to develop an amendment under the ((~~optional~~)) joint review process.

((~~The department will provide shoreline master program amendment checklists to help local governments identify issues to address. The checklists will not create new or additional requirements beyond the provisions of this chapter. The checklists are intended to aid in the preparation and review of master program amendments.~~))

(b) Prior to initial submittal of ((~~a~~)) an amended master program ((~~amendment~~)) to the department under subsection (3)(a) of this section, local governments shall solicit tribal, public, and agency ((~~comment during the drafting of proposed amendments.~~

~~(i) The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal.~~

~~(ii) Local government shall make all reasonable effort to consult with and solicit comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state, where applicable.~~

~~(iii) For local governments planning under chapter 36.70A RCW, local citizen involvement strategies should be implemented to ensure early and continuous public participation consistent with WAC 365-196-600~~)) feedback and involvement consistent with the principles of WAC 173-26-100(1).

(c) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions.

(2) **Local government and ecology conduct joint public comment period and public hearing.**

At a minimum, local governments and the department shall conduct the following steps:

(a) ((~~Local governments planning under the Growth Management Act shall notify the department of commerce of its intent to adopt shoreline policies or regulations, pursuant to RCW 36.70A.106.~~

~~(b) Local governments shall comply with chapter 43.21C RCW, the State Environmental Policy Act.~~

~~(c) Local governments and the department will provide a formal public comment period.~~

~~(i)~~)) Provide a public comment period of at least ((~~thirty~~)) 30 days. The local government will provide reasonable notice of and opportunity for written comment to all parties of record who expressed interest regarding the proposal. The department will provide notice to the state interested parties list of persons, groups, agencies, and tribes that have requested in writing notice of proposed ((~~master programs or~~)) amendments generally or for a specific subject matter.

((~~(ii)~~)) (b) Conduct at least one joint ((~~local/state~~)) local-state public hearing to consider the draft proposal. The local government will publish notice of the joint ((~~local/state~~)) local-state hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:

((~~(A)~~)) (i) Reference to the authority(s) under which the action(s) is proposed;

((~~(B)~~)) (ii) The date, time, and location of the hearing, and the manner in which interested persons may present their views;

((~~(C)~~)) (iii) A statement or summary of the proposed changes to the master program; and

((~~(D)~~)) (iv) Reference to the availability of the draft proposal for public review.

((~~(d)~~)) (c) Local governments shall make available to the public and shall accept comment on the following materials, when applicable to the proposed amendment:

(i) Amended text clearly identifying the proposed changes;

(ii) Any amended environment designation map(s), showing both existing and proposed designations, with justification for changes;

(iii) A summary of proposed ((~~amendments~~)) revisions together with explanatory text indicating the scope and intent of the proposal; and

(iv) ((~~An initial submittal checklist and~~)) Any other supporting material indicating how the proposed amendment is consistent with the policy of RCW 90.58.020 and applicable guidelines, including a draft of the periodic review checklist, if applicable.

((~~(e)~~)) (d) Local governments shall prepare a response to public comments.

(i) Within ((~~thirty~~)) 30 days after the close of the joint public comment period, the local government shall document the submitted comments and prepare a written response to the public comments. The response may identify changes to the proposed amendment ((~~in response to public~~)) that result from comments. Any proposed changes shall be evaluated by the local government for consistency with the policy of RCW 90.58.020 and applicable guidelines.

(ii) A local government may request additional time to prepare responses. Such requests will be accompanied by estimates of additional time needed.

(3) **Local government obtains initial determination from the department.**

(a) Submit proposed amendment to ecology. After conducting the joint public comment period, and prior to local government adoption, the local government shall submit the proposed amendment to the department for initial review and determination. ((~~In addition to providing the public comment record of materials,~~)) Initial submittal shall include:

(i) Comment period and public hearing record of materials as described in subsection (2)(a) through (c) of this section;

(ii) Documentation of all public comments received during the comment period;

((~~(ii)~~)) (iii) Local jurisdiction responses to public comments;

((~~(iii)~~)) (iv) Description of any proposed amendments as a result of the public testimony, with findings supporting the consistency of the proposed amendments with the policy of RCW 90.58.020 and applicable guidelines; and

((~~(iv)~~)) (v) Updated text and map amendments.

(b) Ecology to provide initial determination. The department shall provide the local government an initial determination of whether or not the proposal is consistent with the policy of RCW 90.58.020 and applicable guidelines.

(i) The department will provide the initial determination within ((~~thirty~~)) 60 days of submittal. For complex proposals, the department may indicate to the local government that a longer review ((~~period of up to forty-five days~~)) is needed.

(ii) If the department's initial determination is that the proposal is consistent with applicable laws and rules, the department will provide a written statement of initial concurrence.

(iii) If the department concludes that the proposal is not consistent with applicable laws and rules, the department will provide a written statement describing the specific areas of concern.

(4) **Locally approve the proposal.** After receiving the initial determination from the department, the local government ((~~adopts the amendment through resolution or ordinance and submits it for final agency approval as outlined in WAC 173-26-110~~)) shall consider the initial determination provided and address any inconsistencies identified prior to local adoption.

(a) Local governments planning under the Growth Management Act shall notify the department of commerce of the intent to adopt shoreline policies or regulations, pursuant to RCW 36.70A.106;

(b) Local governments shall comply with chapter 43.21C RCW, the State Environmental Policy Act (SEPA). Adoption of shoreline master program policies and regulations are "actions" as defined under SEPA. Local governments must comply with SEPA when adopting new or amended shoreline master program provisions;

(c) Take local legislative action to adopt the proposal.

(5) **Submit the master program amendment to the department.** After taking local legislative action to adopt the amendment, submit a complete amendment package to ecology for final department review and decision as outlined in WAC 173-26-110 and 173-26-120.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-26-110 Submittal to department of proposed master programs/amendments. A master program or amendment proposed by local government shall be submitted to the department for its review and formal action. Submittals may be in digital format. A complete submittal shall include the following, where applicable:

(1) Amendment summary. A summary of proposed amendments together with explanatory text indicating the scope and intent of the proposal, including any referenced staff reports, records of the hearing, and/or other materials that document the need for the proposed revisions to the master program;

(2) Legislative action. Documentation (i.e., signed resolution or ordinance) that the proposal has been approved by the local government;

((~~(2)~~)) (3) Master program text. If the proposal includes text amending a master program document of record, it shall be submitted in a form that can replace or be easily incorporated within the existing document. Amended text shall show strikeouts for deleted text and underlining for new text, clearly identifying the proposed ((~~changes. At~~

~~the discretion of the department, strikeouts and underlined text may not be required provided the new or deleted portions of the master program are clearly identifiable~~)) revisions;

((~~(3) Amended~~)) (4) Master program maps, diagrams, tables, and illustrations. If the proposal includes revisions to environment designation map(s), ((~~showing~~)) diagrams, tables, or other illustrations, show both existing and proposed. Revised environment designation((~~s, together with~~)) maps shall include text description of corresponding boundaries ((~~described in text~~)) for each change of environment designation. All proposals for changes in environment designation ((~~and redesignation~~)) shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local ((~~citizenry~~)) community as reflected in the locally adopted comprehensive land use plan. All master program maps must be provided in a static format such as a portable document format (PDF) or image format, as well as the spatial geodatabase or other geospatial file type that adhere to departmental requirements for the submittal of geospatial data, and must be at a spatial resolution to facilitate implementation of the master program at the parcel scale;

((~~(4) A summary of proposed amendments together with explanatory text indicating the scope and intent of the proposal, staff reports, records of the hearing, and/or other materials which document the necessity for the proposed changes to the master program;~~))

(5) SEPA documentation. Evidence of compliance with chapter 43.21C RCW, the State Environmental Policy Act (SEPA), specific to the proposal, including a record of names and addresses of parties notified of the SEPA action;

(6) Public notice documentation. Evidence of compliance with the public notice and consultation requirements of either WAC 173-26-100 or 173-26-104, including the affidavit of publication for the required notice of public hearing;

(7) Public engagement pursuant to RCW 90.58.130. Documentation of the outreach actions, opportunities for engagement, comments received, and local government responses to comments:

(a) Copies of all public, agency and tribal comments received((~~, including~~));

(b) A summary of issues identified by the public, interested parties, groups, agencies, and tribes and written response as to how the proposal addresses the identified issues:

(i) If no comments were received, a statement to that effect should be made;

(ii) Identify and summarize any revisions made in response to comments.

(c) A record of names and mailing or email addresses of interested parties ((~~involved in~~)) that expressed interest in or provided comment during the local government review process ((~~or, where no comments have been received, a comment to that effect~~)).

(8) ((~~A summary of amendments made in response to comments received.~~

~~(9) A copy~~)) Checklist and supporting materials. A completed, final version of the ((~~applicable~~)) master program submittal checklist, if applicable, and supporting materials:

(a) For comprehensive master program updates prepared under RCW 90.58.080(2), a checklist completed in accordance with WAC 173-26-201 (3)(a) and (h) and copies of the inventory and characterization, use analysis, restoration plan, and cumulative impacts analysis.

(b) For periodic reviews prepared under RCW 90.58.080(4), a checklist and supplemental reports and materials completed in accordance with WAC 173-26-090(2), including documentation of consistency with WAC 173-26-246(3) for those local governments required to plan for sea level rise.

(c) For locally initiated amendments, ((~~a checklist and any~~)) supporting material demonstrating consistency with RCW 90.58.020 and applicable guidelines, including any supplemental reports prepared pursuant to WAC 173-26-090(3).

((~~(10) For comprehensive master program updates, copies of the inventory and characterization, use analysis, restoration plan and cumulative impacts analysis.~~))

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-26-120 State process for approving/amending shoreline master programs. New master programs, comprehensive master program updates, periodic review amendments, and locally initiated master program amendments shall become effective when approved by the department as established by RCW 90.58.090. The department shall strive to issue a decision on a submitted master program within 180 days of its determination that the submittal is complete.

Department review and approval of master programs and amendments ((~~by the department~~)) shall follow the procedures set forth below. ((~~The state public comment period under subsection (2) of this section does not apply to master programs adopted under the optional joint review process of WAC 173-26-104.~~))

(1) **Formal review for completeness((~~:~~)).**

((~~(a)~~)) The department shall review the submitted master program or amendment for compliance with either WAC 173-26-100 or 173-26-104, and 173-26-110.

(a) If the submittal is determined to be complete, the department shall notify the local government in writing when it determines that a complete submittal has been received.

(b) If the submittal is determined to be incomplete, the department will identify the deficiencies and so notify the local government in writing. The review process will not begin until the department determines the submittal is complete.

(2) **State** ((~~public~~)) **comment period((~~:~~)).**

A state public comment period is required for all master program updates and amendments processed under the procedures of WAC 173-26-100. The state public comment period does not apply to master program amendments adopted under the joint review process of WAC 173-26-104, provided all procedural requirements are documented in the submittal provided for in WAC 173-26-110.

For local governments that have followed WAC 173-26-100, the department shall follow the procedures below:

(a) The department shall provide notice and offer consultation to tribes once the master program or amendment submittal is determined to be complete. This will occur prior to department decision making or commitment to actions.

(b) The department shall provide reasonable notice of and opportunity for written comment to all parties of record who expressed in-

terest regarding the local government proposal and provided contact information. Parties of record who expressed interest shall include:

(i) Parties that provided written comment during the local government adoption process;

(ii) Parties that verbalized their comment during a local government public hearing regarding the master program amendment; and ((~~to~~))

(iii) All persons, groups, and agencies((~~, and tribes~~)) that have requested in writing notice of proposed master programs or amendments generally or for a specific subject matter.

(c) The comment period shall be at least ((~~thirty~~)) 30 days, unless the department determines that a lack of complexity or controversy surrounding the proposal supports a shorter period.

((~~(b) For master program or amendment proposals involving local governments planning under chapter 36.70A RCW, the department shall provide notice to the department of commerce of its intent to begin formal review of the local government proposal.~~

~~(c)~~)) (d) At the department's discretion, it may conduct a public hearing during the comment period, to be held in the jurisdiction proposing the master program or amendment.

((~~(d)~~)) (i) If the department conducts a hearing pursuant to subsection ((~~(c)~~)) (d) of this section, it shall publish notice of the hearing in at least one newspaper of general circulation in the area affected by the master program. The public notice shall include:

((~~(i)~~)) (A) A description of the proposed master program or amendment;

((~~(ii)~~)) (B) Reference to the authority under which the action is proposed;

((~~(iii)~~)) (C) The dates, times, and locations of the public hearing, and the manner in which interested persons may obtain copies of the proposal and present their views.

(ii) For master program or amendment proposals involving department adoption by rule, the notice of the hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(e) Within ((~~fifteen~~)) 15 days after the close of the department's public comment period, the department shall ((~~request of~~)) provide the local government ((~~submitting the proposal a review of the issues if any, identified by the public, interested parties, groups, agencies, and tribes, and~~)) with the comments received and a summary of the issues identified during the tribal consultation and the public comment period. The department shall provide an opportunity for the local government to submit a written response as to how the proposal addresses the identified issues consistent with the policy of RCW 90.58.020 and the applicable guidelines or propose additional revisions to address the identified issues.

(i) The local government shall submit its response to the department within ((~~forty-five~~)) 45 days of the date of the department's letter requesting a response.

(ii) The local government may request in writing additional time to prepare a response. The request should be submitted within the original 45-day period.

(iii) If no response is received by the department and no request for additional time is received within the ((~~forty-five~~)) 45-day period, the department may proceed with action on the proposal according to subsection (3) of this section. ((~~Within the forty-five-day period,~~

~~the local government may request in writing additional time to prepare a response.~~))

(3) ((~~Approval:~~)) **Department review.**

(a) Review process. Within ((~~thirty~~)) 30 days after receipt of the local government's written response pursuant to subsection (2) ((~~(e)~~)) (f) of this section, or for jurisdictions that followed WAC 173-26-104, after determination of completeness pursuant to subsection (1)((~~(a)~~)) of this section, the department shall:

(i) Make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 ((~~and~~)), the applicable guidelines, and implementing rules. The written findings and conclusions shall be provided to the local government and made available to all interested persons, parties, tribes, groups, and agencies of record on the proposal;

(ii) For amendments adopted under WAC 173-26-100, demonstrate consideration of comments received and provide a response to the issues identified in subsection (2)((~~(e)~~)) (f) of this section((~~; and~~

~~(iii) Either approve the proposal as submitted, recommend specific changes necessary to make the proposal consistent with chapter 90.58 RCW policy and its applicable guidelines, or deny the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government and made available to all interested persons, parties, tribes, groups, and agencies of record on the proposal.~~

~~(A) In reaching its determination of consistency with the policy of RCW 90.58.020 and the applicable guidelines, the department shall approve those parts of a master program relating to shorelines unless it determines that the submitted parts are not consistent with the policy of RCW 90.58.020 and the applicable guidelines.~~

~~(B) The department shall approve those parts of a master program relating to shorelines of statewide significance only after determining the program provides for optimum implementation of the statewide interest as set forth in the policy of RCW 90.58.020 and the applicable guidelines.~~)), if applicable.

(b) Review criteria. The department shall review the proposed master program or amendment solely for compliance with the requirements of chapter 90.58 RCW.

(i) Shorelines of statewide significance. The department shall approve those parts of a master program relating to shorelines of statewide significance only after determining that the program provides for optimum implementation of the statewide interest as set forth in the policy of RCW 90.58.020 and the applicable guidelines, including WAC 173-26-251.

(ii) Shorelines. In reaching its determination of consistency with the policy of RCW 90.58.020 and the applicable guidelines, the department shall approve those parts of a master program relating to shorelines unless it determines that the submitted parts are not consistent with the policy of RCW 90.58.020 and the applicable guidelines.

(iii) Critical areas. The department shall approve the provisions of a master program relating to critical areas provided the following criteria are met:

(A) The provisions are consistent with RCW 90.58.020 and the applicable shoreline guidelines and implementing rules; and

(B) The provisions ensure no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by these guidelines, and described in WAC 173-26-206.

(iv) General. The department shall evaluate whether the master program amendment promotes achievement of the policy of the act and the requirements of chapter 173-26 WAC.

(A) New master programs and master program comprehensive updates are subject to the process and approval criteria established in WAC 173-26-201.

(B) Master program periodic review and locally initiated amendments may be approved by the department provided all of the following criteria are met:

(I) The master program, as amended, will not foster uncoordinated and piecemeal development of the state's shorelines;

(II) The amendment is consistent with all applicable policies and standards of the act and promotes achievement of the policies of the master program and the act;

(III) Procedural requirements for the amendment, as established in WAC 173-26-090, have been satisfied;

(IV) Analytical requirements and substantive standards of the master program guidelines, where they reasonably apply to the proposed amendment, have been satisfied; and

(V) Implementation of the amended master program will not result in a net loss of shoreline ecological functions.

(4) **Department decision.** The department must decide to: (a) approve the proposal as submitted; (b) conditionally approve the proposal to require changes and recommend specific changes necessary to make the proposal consistent with chapter 90.58 RCW policy and its applicable guidelines and implementing rules; or (c) deny the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and its applicable guidelines and implementing rules.

(a) Approve as submitted. If the department approves the new master program, comprehensive master program update, periodic review amendment, or locally initiated amendment as locally adopted and submitted, without any required changes or recommended modifications, that is the department's final action.

(b) Conditional approval. If the department requires changes and/or recommends changes to the proposal((~~, within thirty days after the department provides the written findings and conclusions to the local government pursuant to this subsection (3),~~)) as part of a conditional approval, pursuant to the review and analysis required by subsection (3) of this section, that is not the department's final action. The department's approval (final action) will occur after the local government accepts the department's changes or agreed-upon alternative language. The local government must review the following options and provide the department with an initial response within 30 days of the department's notification to the local government of required changes and/or recommended revisions. The local government may:

(i) Agree to the ((~~proposed changes by written notice to the department. The department shall provide written notice of the local government acceptance to all parties of record~~)) department's changes. The local government shall approve those changes through local legislative action (resolution or ordinance) after the initial response is provided to the department and submit documentation of such approval to the department in order to receive the department's approval (final action); or

(ii) Submit an alternative proposal. The local government may propose alternative revisions to address the consistency issue(s) identified by the department.

(A) Local governments shall coordinate with department personnel during development of the alternative proposal for informal review and guidance. The local government shall approve the alternative proposal via resolution or ordinance after the alternative language is agreed-upon and submit documentation of such approval to the department.

(B) If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally proposed by the department in ((~~this~~)) subsection (3) of this section and with the policy of RCW 90.58.020 ((~~and the~~)), applicable guidelines, and implementing rules, it shall approve the alternative changes ((~~and provide written notice to all parties of record~~)), and that will be the department's final action.

(C) If the department determines the alternative proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may either deny the alternative proposal or at the request of local government start anew with the review and approval process beginning in WAC 173-26-120.

(c) Deny. The department shall deny the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines and implementing rules, and that will be the department's final action.

(5) **Department notice of final action.**

(a) Notice of the department's final action shall be in the form of a letter sent to the local government.

(i) The department's written notice to the local government must conspicuously and plainly state that it is the department's final decision and that there will be no further modifications to the proposal.

(ii) The written findings and conclusions will be provided to the local government as part of the final action.

(iii) The final action letter, conditional approval (if applicable), and written findings and conclusions will be made available to all interested persons, parties, groups, and agencies of record on the proposal.

(b) The department is required to publish a newspaper notice announcing the department's final action to approve or deny a master program or amendment. This notice is in the form of a legal advertisement, and it begins the appeal period associated with the department's decision. This notice must be completed for all master program or amendment final actions.

(i) Promptly after approval or ((~~disapproval~~)) denial of a local government's shoreline master program or amendment, the department shall publish a notice consistent with RCW 36.70A.290 that the shoreline master program or amendment has been approved or ((~~disapproved. This notice must be filed for all shoreline master programs or amendments~~)) denied.

(ii) If the notice is for a local government ((~~that does not fully plan~~)) partially planning under RCW 36.70A.040, the department must, on the day the notice is published, notify the legislative authority of the applicable local government by telephone or electronic means, followed by written communication as necessary, to ensure that the local government has received the full written decision of the approval or ((~~disapproval~~)) denial.

((~~(d)~~)) (6) **Effective date.**

((~~(i)~~)) (a) A master program or amendment ((~~thereto~~)) takes effect in such form as it is approved ((~~or adopted by rule~~)) by the department. The effective date is ((~~fourteen~~)) 14 days from the date of the department's written notice of final action to the local government stating the department has approved ((~~or rejected~~)) the proposal.

((~~(ii)~~)) (b) For master programs or amendment thereto adopted by rule, the effective date is governed by RCW 34.05.380.

((~~(iii) The department's written notice to the local government must conspicuously and plainly state that it is the department's final decision and that there will be no further modifications to the proposal.~~))

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-26-130 Appeal procedures for master programs. (1) For local governments fully planning under chapter 36.70A RCW, appeals shall be to the growth management hearings board and must be filed within 60 days of the date the department publishes notice of its final action under RCW 90.58.090(8) as provided in RCW 36.70A.290 and 90.58.190.

(2) For local governments ((~~not~~)) partially planning under chapter 36.70A RCW, all petitions for review shall be filed with the state shorelines hearings board within ((~~thirty~~)) 30 days of the date the department publishes notice of its final ((~~decision~~)) action under RCW 90.58.090(8) as provided in RCW 90.58.190.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-26-140 Shoreline master program administrative interpretation. As required by RCW 36.70B.110(11), each local government planning under chapter 36.70A RCW shall adopt procedures for administrative interpretation of its development regulations, which include shoreline master programs. Any local government partially planning under chapter 36.70A RCW may adopt procedures for administrative interpretation of its shoreline master program.

When developing and adopting procedures for administrative interpretation of its shoreline master program, local governments shall include provisions requiring consultation with the department and a process consistent with WAC 173-27-075 to ((~~insure~~)) ensure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and the applicable guidelines.

AMENDATORY SECTION (Amending WSR 11-05-064, filed 2/11/11, effective 3/14/11)

WAC 173-26-150 Local government annexation—Shoreline environment predesignation in planning jurisdictions. Cities and towns plan-

ning under the Growth Management Act, chapter 36.70A RCW, may within adopted urban growth areas predesignate environments on shorelines located outside of existing city boundaries. Shoreline environment predesignations shall be consistent with the policy of chapters 36.70A and 90.58 RCW and their applicable guidelines and rules.

Such predesignation shall be conducted under a city's or town's authority to plan for growth within adopted urban growth areas.

Cities and towns not planning under the Growth Management Act, chapter 36.70A RCW, may predesignate environments on shorelines located outside their existing incorporated boundaries. Shoreline environment predesignations shall be consistent with the policy of chapter 90.58 RCW and its applicable guidelines and rules.

Environment predesignations shall be approved by the department according to the procedures set forth in this chapter for amendment of a shoreline master program. No additional procedures are required by the department at the time of annexation. The shoreline environment designation for a predesignated shoreline area shall take effect ((~~concurrent~~)) concurrently with annexation.

AMENDATORY SECTION (Amending WSR 04-01-117, filed 12/17/03, effective 1/17/04)

WAC 173-26-171 Authority, purpose and effects of guidelines.

(1) **Authority.** RCW 90.58.090 authorizes and directs the department to adopt "guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100" for development of local master programs for regulation of the uses of "shorelines" and "shorelines of statewide significance." RCW 90.58.200 authorizes the department and local governments "to adopt such rules as are necessary and appropriate to carry out the provisions of" the Shoreline Management Act. RCW 90.58.630 authorizes and directs the department to "update its shoreline master program guidelines to require shoreline master programs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment."

(2) **Purpose.** The general purpose of the guidelines is to implement the "cooperative program of shoreline management between local government and the state." Local government shall have the primary responsibility for initiating the planning required by the Shoreline Management Act and "administering the regulatory program consistent with the policy and provisions" of the act. "The department shall act primarily in a supportive and review capacity with an emphasis on providing assistance to local government and ((~~insuring~~)) ensuring compliance with the policy and provisions" of the act. RCW 90.58.050.

In keeping with the relationship between state and local governments prescribed by the act, the guidelines have three specific purposes:

(a) To assist local governments in developing and amending master programs;

(b) To serve as standards for the regulation of shoreline use and development in the absence of a master program along with the policy and provisions of the act; and((~~,~~))

(c) To be used along with the policy of RCW 90.58.020, as criteria for state review of local master programs under RCW 90.58.090.

(3) **Effect.**

(a) The guidelines are guiding parameters, standards, and review criteria for local master programs. The guidelines allow local governments substantial discretion to adopt master programs reflecting local circumstances and other local regulatory and nonregulatory programs related to the policy goals of shoreline management as provided in the policy statements of RCW 90.58.020, WAC 173-26-176 and 173-26-181. The policy of RCW 90.58.020 and these guidelines constitute standards and criteria to be used by the department in reviewing the adoption and amendment of local master programs under RCW 90.58.090 and by the growth management hearings board and shorelines hearings board adjudicating appeals of department decisions to approve, ((~~reject~~)) deny, or modify proposed master programs and amendments under RCW 90.58.190.

(b) Under RCW 90.58.340, the guidelines, along with the policy of the act and the master programs, also shall be standards of review and criteria to be used by state agencies, counties, and public and municipal corporations in determining whether the use of lands under their respective jurisdictions adjacent to the shorelines of the state are subject to planning policies consistent with the policies and regulations applicable to shorelines of the state.

(c) The guidelines do not regulate development on shorelines of the state in counties and cities where approved master programs are in effect. In local jurisdictions without approved master programs, development on the shorelines of the state must be consistent with the policy of RCW 90.58.020 and the applicable guidelines under RCW 90.58.140.

(d) As provided in RCW 90.58.060, the department is charged with periodic review and update of these guidelines to address technical and procedural issues that arise as from the review of shoreline master programs ((~~(SMPs)~~)), as well as compliance of the guidelines with statutory provisions. As a part of this process, ecology will compile information concerning the effectiveness and efficiency of these guidelines and the master programs adopted pursuant thereto with regard to accomplishment of the policies of the Shoreline Management Act and the corresponding principles and specific requirements set forth in these guidelines.

AMENDATORY SECTION (Amending WSR 04-01-117, filed 12/17/03, effective 1/17/04)

WAC 173-26-176 General policy goals of the act and guidelines for shorelines of the state. (1) The guidelines are designed to assist local governments in developing, adopting, and amending master programs that are consistent with the policy and provisions of the act. Thus, the policy goals of the act are the policy goals of the guidelines. The policy goals of the act are derived from the policy statement of RCW 90.58.020 ((~~and~~)), the description of the elements to be included in master programs under RCW 90.58.100, and the direction given in RCW 90.58.630.

(2) The policy goals for the management of shorelines harbor potential for conflict. The act recognizes that the shorelines and the waters they encompass are "among the most valuable and fragile" of the state's natural resources. They are valuable for economically productive industrial and commercial uses, recreation, navigation, residential amenity, scientific research, and education. They are fragile because they depend upon balanced physical, biological, and chemical

systems that may be adversely altered by natural forces (earthquakes, volcanic eruptions, landslides, storms, droughts, floods) and human conduct (industrial, commercial, residential, recreation, navigational). Unbridled use of shorelines ultimately could destroy their utility and value. The prohibition of all use of shorelines also could eliminate their human utility and value. Thus, the policy goals of the act relate both to utilization and protection of the extremely valuable and vulnerable shoreline resources of the state. The act calls for the accommodation of "all reasonable and appropriate uses" consistent with "protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life" and consistent with "public rights of navigation." The act's policy of achieving both ((~~shoreline~~)) the utilization and protection of shorelines is reflected in the provision that "permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and the public's use of the water." RCW 90.58.020.

(3) The act's policy of protecting ecological functions, fostering reasonable utilization and maintaining the public right of navigation and corollary uses encompasses the following general policy goals for shorelines of the state. The statement of each policy goal is followed by the statutory language from which the policy goal is derived.

(a) **The utilization of shorelines for economically productive uses that are particularly dependent on shoreline location or use.**

RCW 90.58.020:

"*The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration and preservation*."

"*It is the policy of the state to provide for the management of the shorelines by planning for and fostering all reasonable and appropriate uses*."

"*Uses shall be preferred which are. . .unique to or dependent upon use of the state's shoreline*."

"*Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state*."

RCW 90.58.100:

"*(2) The master programs shall include, when appropriate, the following:*

(a) An economic development element for the location and design of industries, projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;. . .

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shorelines use element.

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;. . ."

(b) **The utilization of shorelines and the waters they encompass for public access and recreation.**

RCW 90.58.020:

"*The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally.*"

"*Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority for. . .development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state.*"

RCW 90.58.100:

"*(2) The master programs shall include, when appropriate, the following:*

(b) A public access element making provisions for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;. . ."

*****

"*(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.*"

(c) **Protection and restoration of the ecological functions of shoreline natural resources.**

RCW 90.58.020:

"*The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation.*"

"*This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life. . .*"

"*To this end uses shall be preferred which are consistent with the control of pollution and prevention of damage to the natural environment.*"

"*Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area. . .*"

RCW 90.58.100:

"*(2) The master programs shall include, when appropriate, the following:*

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;. . ."

(d) **Protection of the public right of navigation and corollary uses of waters of the state.**

RCW 90.58.020:

"*This policy contemplates protecting. . .generally public rights of navigation and corollary rights incidental thereto.*"

"*Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical,. . .any interference with the public's use of the water.*"

(e) **The protection and restoration of buildings and sites having historic, cultural and educational value.**

RCW 90.58.100:

"*(2) The master programs shall include, when appropriate, the following:*

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;. . ."

(f) **Planning for public facilities and utilities correlated with other shorelines uses.**

RCW 90.58.100:

"*(2) The master programs shall include, when appropriate, the following:*

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element."

(g) **Prevention and minimization of flood damages.**

RCW 90.58.100:

"*(2) The master programs shall include, when appropriate, the following:*

(h) An element that gives consideration to the statewide interest in the prevention and minimization of flood damages."

(h) **Recognizing and protecting private property rights.**

RCW 90.58.020:

"*The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership;. . .and, therefore coordinated planning is necessary. . .while, at the same time, recognizing and protecting private rights consistent with the public interest.*"

(i) **Preferential accommodation of single-family uses.**

RCW 90.58.020:

"*Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures. . .*"

RCW 90.58.100:

"*(6) Each master program shall contain standards governing the protection of single-family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single-family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single-family residences occupied prior to January 1, 1992, where the proposed meas-*

ure is designed to minimize harm to the shoreline natural environment."

(j) **Coordination of shoreline management with other relevant local, state, and federal programs.**

RCW 90.58.020:

"*In addition. . .*" the legislature ". . .*finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state.*"

". . .*and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state. . .*"

"*There is, ((~~therefor~~)) therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.*"

RCW 90.58.100:

"*In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:*

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered."

(k) **Increasing the resilience of people, property, and the environment to the impact of sea level rise and increased storm severity.**

RCW 90.58.630:

"*. . . to require shoreline master programs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment.*"

AMENDATORY SECTION (Amending WSR 04-01-117, filed 12/17/03, effective 1/17/04)

WAC 173-26-186 Governing principles of the guidelines. The governing principles listed below are intended to articulate a set of foundational concepts that underpin the guidelines, guide the development of the planning policies and regulatory provisions of master programs, and provide direction to the department in reviewing and approving master programs. These governing principles, along with the policy statement of RCW 90.58.020, other relevant provisions of the act, the regulatory reform policies and provisions of RCW 34.05.328, and the policy goals set forth in WAC 173-26-176 and 173-26-181 should

be used to assist in interpretation of any ambiguous provisions and reconciliation of any conflicting provisions of the guidelines.

(1) **Supremacy of the act.** The guidelines are subordinate to the act. Any inconsistency between the guidelines and the act must be resolved in accordance with the act.

(2) **Role of the guidelines.** The guidelines are intended to reflect the policy goals of the act, as described in WAC 173-26-176 and 173-26-181.

(3) **Addressing the policy goals.** All relevant policy goals must be addressed in the planning policies of master programs.

(4) **Means of achieving the planning policies.** The planning policies of master programs (as distinguished from the development regulations of master programs) may be achieved by a number of means, only one of which is the regulation of development. Other means, as authorized by RCW 90.58.240, include, but are not limited to: The acquisition of lands and easements within shorelines of the state by purchase, lease, or gift, either alone or in concert with other local governments; and accepting grants, contributions, and appropriations from any public or private agency or individual. Additional other means may include, but are not limited to, public facility and park planning, watershed planning, voluntary salmon recovery projects and incentive programs, hazard mitigation planning, and climate adaptation planning.

(5) **Regulation of development of private property.** The policy goals of the act, implemented by the planning policies of master programs, may not be achievable by development regulation alone. Planning policies should be pursued through the regulation of development of private property only to an extent that is consistent with all relevant constitutional and other legal limitations (where applicable, statutory limitations such as those contained in chapter 82.02 RCW and RCW 43.21C.060) on the regulation of private property. Local government should use a process designed to ((~~assure~~)) ensure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. A process established for this purpose, related to the constitutional takings limitation, is set forth in a publication entitled((~~,~~)) "*State of Washington, Attorney General's Advisory Memorandum and Recommended Process for ((~~Evaluation of~~)) Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property*," first published in February 1992. The attorney general is required to review and update this process on at least an annual basis to maintain consistency with changes in case law by RCW 36.70A.370.

(6) **Territorial boundaries of planning and regulatory functions.** The territorial jurisdictions of the master program's planning function and regulatory function are legally distinct. The planning function may, and in some circumstances must, look beyond the territorial limits of shorelines of the state((~~.~~)), as stated in RCW 90.58.340. In some circumstances, consideration of the planning function of the master program in areas outside of shoreline jurisdiction may be important to meeting the objectives of the act. For example, planning for areas adjacent to current shoreline jurisdiction may be needed to effectively address the impact of sea level rise and increased storm severity established by RCW 90.58.630. The regulatory function is limited to the territorial limits of shorelines of the state, RCW 90.58.140(1), as defined in RCW 90.58.030(2).

(7) **Integration with comprehensive planning.** The planning policies and regulatory provisions of master programs and the comprehen-

sive plans and development regulations, adopted under RCW 36.70A.040 shall be integrated and coordinated in accordance with RCW 90.58.340, 36.70A.480, 34.05.328 (1)(h), and section 1, chapter 347, Laws of 1995.

(8) **Protection of the shoreline environment.** Through numerous references to and emphasis on the maintenance, protection, restoration, and preservation of "fragile" shoreline "natural resources," "public health," "the land and its vegetation and wildlife," "the waters and their aquatic life," "ecology," and "environment," the act makes protection of the shoreline environment an essential statewide policy goal consistent with the other policy goals of the act. It is recognized that shoreline ecological functions may be impaired not only by shoreline development subject to the substantial development permit requirement of the act but also by past actions, unregulated activities, and development that is exempt from the act's permit requirements. The principle regarding protecting shoreline ecological systems is accomplished by these guidelines in several ways, and in the context of related principles. These include:

(a) Assess shoreline conditions. Local government is guided in its review and amendment of local master programs ((~~so that it uses~~)) to use a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by affected shorelines.

(b) ((~~Local~~)) Achieve no net loss. Master programs shall include policies and regulations designed to achieve no net loss of those ecological functions.

(i) ((~~Local~~)) Master programs shall include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline; local government shall design and implement such regulations and mitigation standards in a manner consistent with current scientific and technical information and all relevant constitutional and other legal limitations on the regulation of private property.

(ii) ((~~Local~~)) Master programs shall include regulations and mitigation standards ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline.

(c) Restore lost ecological functions. For ((~~counties and cities~~)) local governments containing any shorelines with impaired ecological functions, master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.

(d) Evaluate cumulative effects. Local ((~~master programs~~)) governments shall evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the act. To ensure no net loss of ecological functions and protection of other shoreline functions and/or uses, master programs shall contain poli-

cies, programs, and regulations that address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts among development opportunities. Evaluation of such cumulative impacts should consider:

(i) Current trends and circumstances affecting the shorelines and relevant natural processes;

(ii) Reasonably foreseeable future development and use of the shoreline; and

(iii) Beneficial and detrimental effects of any established regulatory programs under other local, state, and federal laws.

It is recognized that methods of determining reasonably foreseeable future development may vary according to local circumstances, including demographic and economic characteristics and the nature and extent of local shorelines.

(e) Identify other opportunities for recovery. The guidelines are not intended to limit the use of regulatory incentives, voluntary modification of development proposals, ((~~and~~)) or voluntary mitigation measures that are designed to restore as well as protect shoreline ecological functions.

(f) Plan for sea level rise and increased storm severity. Local governments required to plan for sea level rise and increased storm severity shall ensure that they protect shoreline ecological functions as they adapt to rising sea levels. Local governments should seek to implement projects that increase climate resilience and protect and restore habitat.

(9) **Local discretion.** To the extent consistent with the policy and use preference of RCW 90.58.020, this chapter (chapter 173-26 WAC), and these principles, local governments have reasonable discretion to balance the various policy goals of this chapter, in light of other relevant local, state, and federal regulatory and nonregulatory information, data, and programs, and to modify master programs to reflect changing circumstances.

(10) **Integration of information.** Local governments, in adopting and amending master programs and the department in its review capacity shall, to the extent feasible, as required by RCW 90.58.100(1):

"*(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;*

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered."

(11) **Statewide and public interest.**

(a) **Statewide interest.** In reviewing and approving local government actions under RCW 90.58.090, the department shall ((~~insure~~)) ensure that the state's interest in shorelines is protected, including compliance with the policy and provisions of RCW 90.58.020. While the

state's interest may vary depending on the geographic region, type of shoreline, and local conditions, the following statewide interests and objectives should be considered during the review and implementation of master programs:

(i) **Protection of the shoreline environment.** Through numerous references to and emphasis on the maintenance, protection, restoration, and preservation of "fragile" shoreline "natural resources," "public health," "the land and its vegetation and wildlife," "the waters and their aquatic life," "ecology," and "environment," the act makes protection of the shoreline environment an essential statewide policy goal consistent with the other policy goals of the act;

(ii) **Fostering water-dependent uses and developments.** Pursuant to RCW 90.58.020, "Uses shall be preferred that are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline;"

(iii) **Public access to shorelines of the state.** Pursuant to RCW 90.58.020, "The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally;"

(iv) **Flood prevention and minimization of flood damage.** Pursuant to RCW 90.58.100 (2)(h), master programs should include provisions that give "consideration to the statewide interest in the prevention and minimization of flood damages;"

(v) **Salmon recovery.** The legislature has established salmon and steelhead run recovery as a statewide interest as detailed in chapter 77.85 RCW because the listing of these species threatens the sport, commercial, and tribal fishing industries, as well as the economic well-being and vitality of vast areas of the state;

(vi) **Promoting ecological benefit, including kelp and seagrass conservation and recovery.** The state has an interest in the restoration and enhancement of shorelines of the state as described in RCW 79.135.440;

(vii) **Aquaculture.** Aquaculture is an activity of statewide interest. When properly managed, it can result in long-term benefit and protect the resources and ecology of the shoreline; and

(viii) **Climate change response.** As described in chapter 70A.05 RCW, the state has an interest in adapting to climate change through implementation of the state's integrated climate change response strategy.

(b) **Public interest.** In RCW 90.58.020, the legislature declares that:

"*. . . unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to 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. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.*"

While the public interest may vary depending on the geographic region, type of shoreline, and local conditions, the following public interests and objectives should be considered during the review and implementation of master programs:

(i) The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines; physical and visual access to the shorelines of the state for substantial numbers of the public;

(ii) Maintenance and enhancement of the public's ability to navigate waters of the state;

(iii) Conservation and wise use of our lands to protect the environment;

(iv) Preparing for climate impact scenarios; fostering resiliency to climate impacts and natural hazards; protecting and enhancing environmental, economic, and human health and safety; and advancing environmental justice;

(v) Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water; and

(vi) Reduction or minimization of hazards (flood, coastal, erosion, climate).

(c) **Shorelines of statewide significance.** The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. To this end, master programs shall give preference to uses as outlined in RCW 90.58.020 and WAC 173-26-251.

AMENDATORY SECTION (Amending WSR 11-05-064, filed 2/11/11, effective 3/14/11)

WAC 173-26-191 Master program contents. (1) **Master program concepts.** The following concepts are the basis for effective shoreline master programs.

(a) **Master program policies and regulations.** Shoreline master programs are both planning and regulatory tools. The combined policies and regulations of a master program are the local expression of the Shoreline Management Act, chapter 90.58 RCW.

(i) Master programs serve a planning function in ((~~several~~)) the following ways. ((~~First,~~))

(A) They balance and integrate the objectives and interests of local citizens. Therefore, the preparation and amending of master programs shall involve active public participation, as called for in WAC 173-26-201(3), 173-26-090, 173-26-100, and 173-26-104. ((~~Second,~~))

(B) They address the full variety of conditions on the shoreline. ((~~Third,~~))

(C) They consider and, where necessary to achieve the objectives of chapter 90.58 RCW, influence planning and regulatory measures for adjacent land. For jurisdictions planning under chapter 36.70A RCW, the Growth Management Act, the requirements for consistency between shoreline and adjacent land planning are more specific and are described in RCW 90.58.340, 36.70A.481, and WAC 173-26-191 (1)(e). ((~~Fourth, master programs~~))

(D) They address conditions and opportunities of specific shoreline segments by classifying the shorelines into "environment designations" as described in WAC 173-26-211.

(ii) Master program policies. The results of shoreline planning are summarized in shoreline master program policies that establish broad shoreline management directives.

(A) The policies are the basis for regulations that govern use and development along the shoreline.

(B) Master program policies along with the provisions of chapter 90.58 RCW and its implementing rules shall be used in the interpretation of master program regulations.

(C) Some master program policies may not be fully attainable by regulatory means due to the constitutional and other legal limitations on the regulation of private property. The policies may be pursued by other means as provided in RCW 90.58.240. ((~~Some~~))

(iii) Master program regulations. Master program regulations place specific controls on uses and development activities to ensure implementation of the master program policies adopted pursuant to chapter 90.58 RCW. "Implementation" in this context has an affirmative meaning, regulations should have a sufficient scope and detail to fully carry out the goals, policies, standards, and direction contained within the master program policies and the policy of the act.

(A) Most development requires a shoreline permit or authorization prior to construction. A local government evaluates a permit or authorization application with respect to the shoreline master program policies and regulations and can approve((~~s a permit~~)) it only after determining that the development and use conforms to them.

(B) Except where specifically provided in statute, the master program regulations apply to all uses and development within shoreline jurisdiction, whether or not a shoreline permit is required, and are implemented through an administrative process established by the local government pursuant to RCW 90.58.050 and 90.58.140 and enforcement pursuant to RCW 90.58.210 through 90.58.230.

(b) **Master program elements.** Local jurisdictions must include the following elements from the act in their master program, when appropriate, but these do not need to be discrete sections of a master program. The elements may be addressed throughout master program provisions rather than used as a means to organize the master program.

(i) RCW 90.58.100(2) states that the master programs shall, when appropriate, include the following elements:

"*(a) An economic development element for the location and design of industries, projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of shorelines of the state;*

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;

(h) An element that gives consideration to the statewide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter."

(ii) RCW 90.58.610 and 36.70A.480 address the required master program elements that ensure the protection of critical areas and associated shoreline ecological functions.

(iii) RCW 90.58.630 requires an element that addresses the impact of sea level rise and increased storm severity.

(iv) The Growth Management Act (chapter 36.70A RCW) also uses the word "element" for discrete components of a comprehensive plan. ((~~To avoid confusion~~)) However, "master program elements" refers to the ((~~definition in~~)) required components of a master program per the Shoreline Management Act ((~~as~~)) provisions cited above and is not related to or dictated by chapter 36.70A RCW. ((~~Local jurisdictions are not required to address the master program elements listed in the Shoreline Management Act as discrete sections. The elements may be addressed throughout master program provisions rather than used as a means to organize the master program.~~))

(c) **Shorelines of statewide significance.** The Shoreline Management Act identifies certain shorelines as "shorelines of statewide significance" and raises their status by setting use priorities and requiring "optimum implementation" of the act's policy. WAC 173-26-251 describes methods to provide for the priorities listed in RCW 90.58.020 and to achieve "optimum implementation" as called for in RCW 90.58.090((~~(4)~~)) (5).

(d) **Shoreline environment designations.** Shoreline management must address a wide range of physical conditions and development settings along shoreline areas. Effective shoreline management requires that the shoreline master program prescribe different sets of environmental protection measures, allowable use provisions, and development standards for each of these shoreline segments.

The method for local government to account for different shoreline conditions is to assign an environment designation to each distinct shoreline section in its jurisdiction. The environment designation assignments provide the framework for implementing shoreline policies and regulatory measures specific to the environment designation. WAC 173-26-211 presents guidelines for environment designations in greater detail.

(e) **Consistency with comprehensive planning and other development regulations.** Shoreline management is most effective and efficient when accomplished within the context of comprehensive planning. For cities and counties planning under the Growth Management Act, chapter 36.70A RCW requires mutual and internal consistency between the comprehensive plan elements and implementing development regulations (including master programs). The requirement for consistency is amplified in WAC 365-196-500.

(i) The Growth Management Act also calls for coordination and consistency of comprehensive plans among local jurisdictions. RCW 36.70A.100 states:

"*The comprehensive plan of each county or city that is adopted pursuant to RCW 36.70A.040 shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to RCW 36.70A.040 of*

other counties or cities with which the county or city has, in part, common borders or related regional issues."

Since master program goals and policies are an element of the local comprehensive plan, the requirement for internal and intergovernmental plan consistency may be satisfied by watershed-wide or regional planning.

Legislative findings provided in section 1, chapter 347, Laws of 1995 (see RCW 36.70A.470 notes) state:

"*The legislature recognizes by this act that the growth management act is a fundamental building block of regulatory reform. The state and local governments have invested considerable resources in an act that should serve as the integrating framework for all other land-use related laws. The growth management act provides the means to effectively combine certainty for development decisions, reasonable environmental protection, long-range planning for cost-effective infrastructure, and orderly growth and development*."

And RCW 36.70A.480(1) (The Growth Management Act) states:

"*For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the ((~~fourteen~~)) 15 goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations*."

Furthermore, RCW 36.70A.481 states:

"*Nothing in RCW 36.70A.480 shall be construed to authorize a county or city to adopt regulations applicable to shorelands as defined in RCW 90.58.030 that are inconsistent with the provisions of chapter 90.58 RCW*."

(ii) The Shoreline Management Act addresses the issue of consistency in RCW 90.58.340, which states:

"*All state agencies, counties, and public and municipal corporations shall review administrative and management policies, regulations, plans, and ordinances relative to lands under their respective jurisdictions adjacent to the shorelines of the state so as the [to] achieve a use policy on said land consistent with the policy of this chapter, the guidelines, and the master programs for the shorelines of the state. The department may develop recommendations for land use control for such lands. Local governments shall, in developing use regulations for such areas, take into consideration any recommendations developed by the department as well as any other state agencies or units of local government. [1971 ex.s. c 286 § 34.]*"

(iii) Pursuant to the statutes cited above, the intent of these guidelines is to assist local governments in preparing and amending master programs that fit within the framework of applicable comprehensive plans((~~,~~)); facilitate consistent, efficient review of projects and permits((~~,~~)); and effectively implement the Shoreline Management Act. ((~~It should be noted the ecology's~~)) However, the department's authority under the Shoreline Management Act is limited to review of shoreline master programs based solely on consistency with the act ((~~and~~)), these guidelines, and other implementing rules. It is the responsibility of the local government to ((~~assure~~)) ensure consistency between the master program and other elements of the comprehensive plan and development regulations.

((~~Several~~)) The following sections in these guidelines include methods to achieve the consistency required by both the Shoreline Management Act and the Growth Management Act.

((~~First,~~)) (A) WAC 173-26-191 (2)(b) and (c) describe the required elements of a master program and optional methods to integrate master programs and other development regulations and the local comprehensive plan.

((~~Second,~~)) (B) WAC 173-26-221 through 173-26-251 translate the broad policy goals in the Shoreline Management Act into more specific policies. They also provide a more defined policy basis on which to frame local shoreline master program provisions and to evaluate the consistency of applicable sections of a local comprehensive plan with the Shoreline Management Act.

((~~Finally,~~)) (C) WAC 173-26-211(3) presents specific methods for testing consistency between shoreline environment designations and comprehensive plan land use designations.

(2) **Basic requirements.** This chapter describes the basic components and content required in a master program. A master program must be sufficient and complete to implement the Shoreline Management Act and the provisions of this chapter. A master program shall contain policies and regulations as necessary for reviewers to evaluate proposed shoreline uses and developments for conformance to the Shoreline Management Act.

As indicated in WAC 173-26-020, for this chapter and master program implementation:

• The terms "shall," "must," and "are required" and the imperative voice, mean a mandate; the action is required;

• The term "should" means that the particular action is required unless there is a demonstrated, compelling reason, based on a policy of the Shoreline Management Act and this chapter, for not taking the action; and

• The term "may" indicates that the action is within discretion and authority, provided it satisfies all other provisions in this chapter.

(a) **Master program contents.** Master programs shall include the following contents:

(i) **Master program policies.** Master programs shall provide clear, consistent policies that translate broad statewide policy goals set forth in WAC 173-26-176 and 173-26-181 into local directives. Policies are statements of intent directing or authorizing a course of action or specifying criteria for regulatory and nonregulatory actions by a local government. Master program policies provide a comprehensive foundation for the shoreline master program regulations, which are more specific, standards used to evaluate shoreline development. Master program policies also are to be pursued and provide guidance for public investment and other nonregulatory initiatives to assure consistency with the overall goals of the master program.

Shoreline policies shall be developed through an open comprehensive shoreline planning process. For governments planning under the Growth Management Act, the master program policies are considered a shoreline element of the local comprehensive plan and shall be consistent with the planning goals of RCW 36.70A.020, as well as the Shoreline Management Act's general and special policy goals set forth in WAC 173-26-176 and 173-26-181.

At a minimum, shoreline master program policies shall:

(A) Be consistent with state shoreline management policy goals and specific policies listed in this chapter and the policies of the Shoreline Management Act;

(B) Address the master program elements of RCW 90.58.100;

(C) Address critical area protection consistent with RCW 90.58.610 and 36.70A.480;

(D) Include policies for environment designations as described in WAC 173-26-211. The policies shall be accompanied by ((~~a map or~~)) an official map and physical description of the schematic environment designation boundaries in sufficient detail to compare with comprehensive plan land use designations; ((~~and~~

~~(D)~~)) (E) Be designed and implemented in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property; and

(F) Include policies that address the impact of sea level rise and increased storm severity as required by RCW 90.58.630 and WAC 173-26-246, if applicable.

(ii) **Master program regulations.** RCW 90.58.100 states:

"*The master programs provided for in this chapter, when adopted or approved by the department shall constitute use regulations for the various shorelines of the state.*"

In order to implement the directives of the Shoreline Management Act, master program regulations shall:

(A) Be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies;

(B) Include environment designation regulations that apply to specific environments consistent with WAC ((~~173-26-210~~)) 173-26-211;

(C) Include general regulations, use regulations that address issues of concern in regard to specific uses, and shoreline modification regulations; ((~~and~~))

(D) ((~~Design and implement regulations and~~)) Implement the policies of the act and the master program, including mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property; and

(E) Include provisions that ensure that authorized and permitted development within and use of the shorelines of the state will not result in a net loss of shoreline ecological function.

(iii) **Administrative provisions.**

(A) **Statement of applicability.** The Shoreline Management Act's provisions are intended to provide for the management of all development and uses within its jurisdiction, whether or not a shoreline permit is required. Many activities that may not require a substantial development permit, such as clearing vegetation or construction of a residential bulkhead, can, individually or cumulatively, adversely impact adjacent properties, shoreline ecological functions, and natural resources, including those held in public trust.

Local governments have the authority and responsibility to enforce master program regulations on all uses and development in the shoreline area. There has been, historically, some public confusion regarding the Shoreline Management Act's applicability in this regard. Therefore, all master programs shall include the following statement:

"Except when specifically ((~~exempted~~)) excluded from review or permitting by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and this master program."

In addition to the requirements of the act, permit review, implementation, and enforcement procedures affecting private property must be conducted in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property. Administrative procedures should include provisions ((~~insuring~~)) ensuring that these requirements and limitations are considered and followed in all such decisions.

While the master program is a comprehensive use regulation applicable to all land and water areas within the jurisdiction described in the act, its effect is generally on future development and changes in land use. Local government may find it necessary to regulate existing uses to avoid severe harm to public health and safety or the environment and in doing so should be cognizant of constitutional and other legal limitations on the regulation of private property. In some circumstances existing uses and properties may become nonconforming with regard to the regulations and master programs should include provisions to address these situations in a manner consistent with achievement of the policy of the act ((~~and~~)), consistent with constitutional and other legal limitations, and consistent with nonconforming provision requirements of WAC 173-26-221(3).

(B) **Conditional use and variance provisions.**

RCW 90.58.100(5) states:

"*Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).*"

All master programs shall include standards for reviewing conditional use permits and variances ((~~which~~)) that conform to chapter 173-27 WAC.

(C) **Administrative permit review and enforcement procedures.**

RCW 90.58.140(3) states:

"*The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.*"

Local governments may include administrative, enforcement, and permit review procedures in the master program or the procedures may be defined by a local government ordinance separate from the master program. In either case, these procedures shall conform to the Shoreline Management Act, specifically RCW 90.58.140, 90.58.143, 90.58.210 and 90.58.220 and to chapter 173-27 WAC. Master programs shall include all applicable definitions from RCW 90.58.030 and 90.58.065, WAC 173-26-020 and 173-27-030, and chapter 173-22 WAC.

((~~Adopting review and enforcement procedures separate from the master program allows local governments to more expeditiously revise their shoreline permit review procedures and to integrate them with other permit processing activities.~~))

(D) **Documentation of ((~~project review actions and changing conditions in shoreline areas~~)) shoreline project authorizations and master program evaluation.**

(I) Master programs ((~~or other local permit review ordinances addressing shoreline project review shall include a mechanism for documenting~~)) shall identify a system for tracking all project review actions and authorizations in shoreline ((~~areas~~)) jurisdiction, regardless of whether a shoreline permit or exemption from the substantial development permit process is required, consistent with the requirements of WAC 173-27-195 and the transmittal data sheet requirements of WAC 173-27-990 and 173-27-995.

(II) Master programs shall define a process and timeline for using tracked authorization information to periodically evaluate program implementation and effectiveness with respect to the policy objectives of the act, consistent with the requirements of WAC 173-26-090 (2)(b)(iii)(D)(II).

(III) Local governments shall also identify a process and timeline for ((~~periodically~~)) reviewing and evaluating the cumulative effects of authorized activities, development, and uses on shoreline conditions.

(IV) This process and effort identified in this section should include coordination with ecology and could involve a joint effort by local governments, state resource agencies, ((~~affected Indian~~)) tribes, and other parties.

(b) **((~~Including other documents in a master program by reference.~~)) All elements, policies, and regulations required by the Shoreline Management Act and these guidelines must be contained within each master program.** To promote consistency with the Shoreline Management Act and clarity for local government, master programs must contain all governing provisions within the master program. Shoreline master program provisions sometimes address similar issues as other comprehensive plan elements and development regulations, such as the zoning code and critical area ordinance; however, master programs are uniquely subject to the policy and procedure requirements of the Shoreline Management Act. Pursuant to RCW 90.58.610 and 36.70A.480 (3)(a), the policies, goals, and provisions of chapter 90.58 RCW and its implementing rules are the sole basis for determining compliance of a master program, except as the master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

(i) Nothing in this section removes, eliminates, or diminishes the requirements of other applicable local government codes and regulations such as floodplain development, building codes, and stormwater management regulations which still apply within shoreline jurisdiction but are implemented with authorities other than the Shoreline Management Act, outside of the master program and its permit system.

(ii) For the purposes of completeness and consistency of master programs, local governments ((~~may include other locally adopted policies and regulations within their master programs. For example, a local government may include its critical area ordinance in the master program to provide for compliance with the requirements of RCW 90.58.090(4), provided the critical area ordinance is also consistent with this chapter. This can ensure that local master programs are consistent with other regulations.~~

~~Shoreline master programs may include other policies and regulations by referencing a specific, dated edition. When including referenced regulations within a master program, local governments shall ensure that the public has an opportunity to participate in the formulation of the regulations or in their incorporation into the master program, as called for in WAC 173-26-201 (3)(b)(i). In the approval proc-~~

~~ess the department will review the referenced development regulation sections as part of the master program. A copy of the referenced regulations shall be submitted to the department with the proposed master program or amendment. 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.~~)) must include all required master program provisions directly within the master program rather than through an incorporation by reference or hard references to other ordinances or local codes.

(iii) Critical areas protections. Critical areas ordinance provisions adopted to meet the requirements of the Growth Management Act (chapter 36.70A RCW) often include reasonable use allowances, permit processes, and procedures that conflict with the requirements of the Shoreline Management Act and are not appropriate for direct incorporation by reference into master programs.

(A) Critical areas ordinances adopted pursuant to chapter 36.70A RCW do not apply in shoreline jurisdiction once a master program has been comprehensively updated per RCW 90.58.080(2);

(B) Pursuant to RCW 90.58.610 and 36.70A.480 (3)(d) critical areas within shorelines of the state must be protected directly through and solely by the master program under the authorities of chapter 90.58 RCW and not through the procedural or substantive requirements of the Growth Management Act (chapter 36.70A RCW).

(C) Pursuant to RCW 36.70A.480(4), master programs must provide a level of protection to critical areas that ensures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by the guidelines contained in chapter 173-26 WAC;

(D) Pursuant to RCW 36.70A.480 (3)(e), the provisions of RCW 36.70A.172 do not apply to the adoption or subsequent amendment of master program critical area protection provisions and shall not be used to determine compliance of a master program with chapter 90.58 RCW and applicable guidelines;

(E) Critical areas within shoreline jurisdiction shall be protected consistent with the guideline requirements of WAC 173-26-221(2).

(iv) **Floodplain development regulations.** Floodplain development regulations adopted for compliance with the National Flood Insurance Program (NFIP) and chapter 86.16 RCW are not necessary or appropriate for inclusion within master programs.

(A) Nothing in this section removes, eliminates, or diminishes the requirements of other applicable local government codes and regulations. For communities participating in the National Flood Insurance Program (NFIP), all development within the special flood hazard area (SFHA) is still subject to the community's adopted flood damage prevention ordinance and applicable NFIP regulations, in accordance with 44 C.F.R. Part 60 minimum standards which are implemented outside of the master program and its permit system.

(B) Shoreline jurisdiction is influenced by the location of floodways and the presence of 100-year floodplain, as defined in RCW 90.58.030; however, the floodway and floodplain regulatory requirements under the act that apply to master programs are not dictated by the National Flood Insurance Program or chapter 86.16 RCW. The master program should not be implementing other state and federal project review and permitting requirements.

(C) Pursuant to RCW 90.58.100 (2)(h), master programs shall include provisions that give consideration to the statewide interest in the prevention and minimization of flood damage. This objective shall be met with the critical area protection principles and standards for frequently flooded areas contained in WAC 173-26-221(2) and flood hazard reduction modification provisions contained in WAC 173-26-231.

(c) **Incorporating master program provisions into ((~~other~~)) comprehensive plans and development regulations.** Pursuant to RCW 36.70A.480(1), once locally adopted and approved by ecology master program policies are considered an element of the local government's comprehensive plan and all other components of the master program are considered a part of the local government's development regulations. While master program provisions do not need to be embedded directly into other plans and regulations, a local government((~~s~~)) may ((~~integrate~~)) elect to include master program policies and regulations ((~~into their~~)) in its comprehensive plan policies and implementing development regulations rather than preparing a discrete master program in a single document, provided that:

(i) The master program provisions are clearly identified to ensure proper implementation using the pathways provided under the Shoreline Management Act rather than the Growth Management Act.

(ii) All master program provisions are adopted and amended pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in chapter 36.70A RCW for the adoption of a comprehensive plan or development regulations.

(iii) The master program can be clearly identified and located for proper implementation consistent with RCW 90.58.140 and chapter 173-27 WAC. Master program provisions that are ((~~integrated into such~~)) located in such comprehensive plans and development regulations shall be clearly identified so that the department can review these provisions for approval and evaluate development proposals for compliance.

(iv) The master program provisions must be available for public inspection. RCW 90.58.120 requires that all adopted regulations, designations, and master programs be available for public inspection at the department or the applicable county or city. Local governments shall identify all documents which contain master program provisions and which provisions constitute part of the master program. Clear identification of master program provisions is also necessary so that interested persons and entities may be involved in master program preparation and amendment, as called for in RCW 90.58.130.

Local governments integrating all or portions of their master program provisions into other plans and regulations shall submit to the department a listing and copies of all provisions that constitute the master program.

(v) The master program shall also be sufficiently complete and defined to provide:

((~~(i)~~)) (A) Clear directions to applicants applying for shoreline permits and exemptions; and

((~~(ii)~~)) (B) Clear evaluation criteria and standards to the local governments, the department, other agencies, and the public for reviewing permit applications with respect to state and local shoreline management provisions.

(d) **((~~Multijurisdictional~~)) Coalition master programs and multijurisdictional coordination.** Two or more adjacent local governments are encouraged to jointly prepare master programs, periodic reviews, and amendments.

(i) **Coalition or partnership master programs.** Coalition and partnership master programs are created jointly and adopted or incorporated by reference as the master program of multiple local governments. Master program coalitions or partnerships form to combine efforts, maximize grant efficiency, and take advantage of their proximity and similar development patterns and pressures.

(A) Jointly proposed master programs may offer opportunities to effectively and efficiently manage natural resources, such as drift cells or watersheds, that cross jurisdictional boundaries.

(B) Local governments jointly preparing master programs shall provide the opportunity for public participation locally in each jurisdiction, ((~~as called for in WAC 173-26-201 (3)(b), and submit the multijurisdictional master program to the department for approval~~)) simultaneously under a single outreach and engagement process.

(C) A coalition or partnership master program shall be transmitted to ecology as a single master program submittal with evidence of the participation and local adoption of each of the members. The department will review and approve under a single final action decision.

(ii) Multijurisdictional coordination. Local governments are encouraged to combine and consolidate master program planning efforts even if they are not creating a coalition or partnership master program. This coordination can occur anytime when collaboration will lead to efficiencies and consistencies amongst adjacent local governments or along shared shorelines of the state.

(A) During periodic review processes. Local governments are encouraged to work together as they review changed local circumstances, new information, and improved data as it applies on the regional or county scale.

(B) During critical area protection planning. Local governments may work together to identify and assemble the most current, accurate, and complete scientific and technical information available for the development, review, and updating of master program critical area protection provisions.

(C) During the ecology grant application process. Local governments are encouraged to work collaboratively under combined grant agreements provided for shoreline planning, as well as standard grant cycles for master program periodic reviews.

(iii) Pursuant to RCW 90.58.110, ecology may designate that a coalition or partnership be created amongst two or more adjacent local governments or that a group of local governments coordinate on master program planning efforts when it will lead to efficiencies and consistencies in the public and statewide interest. When a coalition, partnership, or coordinating group is mandated by ecology, the local governments involved will be notified as part of the grant opportunity process pursuant to RCW 90.58.080(5). It shall be the duty of the notified local governments to work together within the statutory deadlines provided in RCW 90.58.080(4).

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-26-201 Process to prepare or amend shoreline master programs. (1) **Applicability.** This section outlines the process to prepare a comprehensive shoreline master program adoption or update pursuant to RCW 90.58.080(2). ((~~This section also establishes approval~~

~~criteria for shoreline master program amendments.~~)) A comprehensive shoreline master program adoption is the development of a new master program. A comprehensive master program update means a master program that fully achieves the procedural and substantive requirements of the department guidelines effective January 17, 2004, as now or hereafter amended pursuant to the timeline contained in RCW 90.58.080(2). The process contained within this section is distinct from the periodic review process pursuant to RCW 90.58.080(4) and locally initiated master program amendments which are both addressed in WAC 173-26-090.

(a) All master programs ((~~amendments~~)) are subject to the minimum procedural rule requirements of WAC 173-26-010 through 173-26-160, and approval by the department as provided in RCW 90.58.090.

(b) Comprehensive master program adoptions and updates shall fully achieve the procedural and substantive requirements of these guidelines.

(c) Master program ((~~amendments~~)) comprehensive adoption or updates may be approved by the department provided:

(i) The proposed ((~~amendment~~)) master program will not foster uncoordinated and piecemeal development of the state's shorelines;

(ii) The ((~~amendment~~)) master program is consistent with all applicable policies and standards of the act;

(iii) All procedural rule requirements for public notice and consultation have been satisfied; and

(iv) Master program guidelines' analytical requirements and substantive standards have been satisfied((~~, where they reasonably apply to the amendment~~)). All comprehensive master program ((~~amendments~~)) adoptions and updates must demonstrate that implementation of the ((~~amendment~~)) master program will not result in a net loss of shoreline ecological functions.

(2) **Basic concepts.**

(a) **Use of scientific and technical information.** To satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1), local governments shall incorporate the following two steps into their master program development and ((~~amendment~~)) update process.

First, identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern. The context, scope, magnitude, significance, and potential limitations of the scientific information should be considered. At a minimum, make use of and, where applicable, incorporate all available scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science. Local governments should also contact relevant state agencies, universities, ((~~affected Indian~~)) tribes, port districts and private parties for available information. While adequate scientific information and methodology necessary for development of a master program should be available, if any person, including local government, chooses to initiate scientific research with the expectation that it will be used as a basis for master program provisions, that research shall use accepted scientific methods, research procedures and review protocols. Local governments are encouraged to work interactively with neighboring jurisdictions, state resource agencies, ((~~affected Indian~~)) tribes, and other local government entities such as port districts to address technical issues beyond the scope of existing information resources or locally initiated research.

Local governments should consult the technical assistance materials produced by the department. When relevant information is available and unless there is more current or specific information available, those technical assistance materials shall constitute an element of scientific and technical information as defined in these guidelines and the use of which is required by the act.

Second, base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available. Local governments should be prepared to identify the following:

(i) Scientific information and management recommendations on which the master program provisions are based;

(ii) Assumptions made concerning, and data gaps in, the scientific information; and

(iii) Risks to ecological functions associated with master program provisions. Address potential risks as described in WAC 173-26-201 (3)(d).

The requirement to use scientific and technical information in these guidelines does not limit a local jurisdiction's authority to solicit and incorporate information, experience, and anecdotal evidence provided by interested parties as part of the master program amendment process. Such information should be solicited through the public participation process described in WAC 173-26-201 (3)(b). Where information collected by or provided to local governments conflicts or is inconsistent, the local government shall base master program provisions on a reasoned, objective evaluation of the relative merits of the conflicting data.

(b) **Adaptation of policies and regulations.** Effective shoreline management requires the evaluation of changing conditions and the modification of policies and regulations to address identified trends and new information. Local governments should monitor actions taken to implement the master program and shoreline conditions to facilitate appropriate updates of master program provisions to improve shoreline management over time. In reviewing proposals to amend master programs, the department shall evaluate whether the change promotes achievement of the policies of the master program and the act. As provided in WAC 173-26-171 (3)(d), ecology will periodically review these guidelines, based in part on information provided by local government, and through that process local government will receive additional guidance on significant shoreline management issues that may require amendments to master programs.

(c) **Protection of ecological functions of the shorelines.** This chapter implements the act's policy on protection of shoreline natural resources through protection and restoration of ecological functions necessary to sustain these natural resources. The concept of ecological functions recognizes that any ecological system is composed of a wide variety of interacting physical, chemical and biological components, that are interdependent in varying degrees and scales, and that produce the landscape and habitats as they exist at any time. Ecological functions are the work performed or role played individually or collectively within ecosystems by these components.

As established in WAC 173-26-186(8), these guidelines are designed to ((~~assure~~)) ensure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and to plan for restoration of ecological functions where they have been impaired. Managing shorelines for protection of their natural resources depends on sustaining the functions provided by:

• Ecosystem-wide processes such as those associated with the flow and movement of water, sediment and organic materials; the presence and movement of fish and wildlife and the maintenance of water quality.

• Individual components and localized processes such as those associated with shoreline vegetation, soils, water movement through the soil and across the land surface and the composition and configuration of the beds and banks of water bodies.

The loss or degradation of the functions associated with ecosystem-wide processes, individual components and localized processes can significantly impact shoreline natural resources and may also adversely impact human health and safety. Shoreline master programs shall address ecological functions associated with applicable ecosystem-wide processes, individual components and localized processes identified in the ecological systems analysis described in WAC 173-26-201 (3)(d)(i).

Nearly all shoreline areas, even substantially developed or degraded areas, retain important ecological functions. For example, an intensely developed harbor area may also serve as a fish migration corridor and feeding area critical to species survival. Also, ecosystems are interconnected. For example, the life cycle of anadromous fish depends upon the viability of freshwater, marine, and terrestrial shoreline ecosystems, and many wildlife species associated with the shoreline depend on the health of both terrestrial and aquatic environments. Therefore, the policies for protecting and restoring ecological functions generally apply to all shoreline areas, not just those that remain relatively unaltered.

Master programs shall contain policies and regulations that ((~~assure~~)) ensure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources. To achieve this standard while accommodating appropriate and necessary shoreline uses and development, master programs should establish and apply:

• Environment designations with appropriate use and development standards; and

• Provisions to address the impacts of specific common shoreline uses, development activities and modification actions; and

• Provisions for the protection of critical areas within the shoreline; and

• Provisions for mitigation measures and methods to address unanticipated impacts.

When based on the inventory and analysis requirements and completed consistent with the specific provisions of these guidelines, the master program should ensure that development will be protective of ecological functions necessary to sustain existing shoreline natural resources and meet the standard. The concept of "net" as used herein, recognizes that any development has potential or actual, short-term or long-term impacts and that through application of appropriate development standards and employment of mitigation measures in accordance with the mitigation sequence, those impacts will be addressed in a manner necessary to ((~~assure~~)) ensure that the end result will not diminish the shoreline resources and values as they currently exist. Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions.

Master programs shall also include policies that promote restoration of ecological functions, as provided in WAC 173-26-201 (2)(f), where such functions are found to have been impaired based on analysis described in WAC 173-26-201 (3)(d)(i). It is intended that local government, through the master program, along with other regulatory and nonregulatory programs, contribute to restoration by planning for and fostering restoration and that such restoration occur through a combination of public and private programs and actions. Local government should identify restoration opportunities through the shoreline inventory process and authorize, coordinate and facilitate appropriate publicly and privately initiated restoration projects within their master programs. The goal of this effort is master programs which include planning elements that, when implemented, serve to improve the overall condition of habitat and resources within the shoreline area of each city and county.

(d) **Preferred uses.** As summarized in WAC 173-26-176, the act establishes policy that preference be given to uses that are unique to or dependent upon a shoreline location. Consistent with this policy, these guidelines use the terms "water-dependent," "water-related," and "water-enjoyment," as defined in WAC 173-26-020, when discussing appropriate uses for various shoreline areas.

Shoreline areas, being a limited ecological and economic resource, are the setting for competing uses and ecological protection and restoration activities. Consistent with RCW 90.58.020 and WAC 173-26-171 through 173-26-186, local governments shall, when determining allowable uses and resolving use conflicts on shorelines within their jurisdiction, apply the following preferences and priorities in the order listed below, starting with (d)(i) of this subsection. For shorelines of statewide significance, also apply the preferences as indicated in WAC 173-26-251(2).

(i) Reserve 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. Local governments should ensure that these areas are reserved consistent with constitutional limits.

(ii) Reserve shoreline areas for water-dependent and associated water-related uses. Harbor areas, established pursuant to Article XV of the state Constitution, and other areas that have reasonable commercial navigational accessibility and necessary support facilities such as transportation and utilities should be reserved for water-dependent and water-related uses that are associated with commercial navigation unless the local governments can demonstrate that adequate shoreline is reserved for future water-dependent and water-related uses and unless protection of the existing natural resource values of such areas preclude such uses. Local governments may prepare master program provisions to allow mixed-use developments that include and support water-dependent uses and address specific conditions that affect water-dependent uses.

(iii) Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.

(iv) Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.

(v) Limit nonwater-oriented uses to those locations where the above described uses are inappropriate or where nonwater-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.

Evaluation pursuant to the above criteria, local economic and land use conditions, and policies and regulations that assure protection of shoreline resources, may result in determination that other uses are considered as necessary or appropriate and may be accommodated provided that the preferred uses are reasonably provided for in the jurisdiction.

(e) **Environmental impact mitigation.**

(i) To assure no net loss of shoreline ecological functions, master programs shall include provisions that require proposed individual uses and developments to analyze environmental impacts of the proposal and include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the master program and other applicable regulations. To the extent Washington's State Environmental Policy Act of 1971 (SEPA), chapter 43.21C RCW, is applicable, the analysis of such environmental impacts shall be conducted consistent with the rules implementing SEPA, which also address environmental impact mitigation in WAC 197-11-660 and define mitigation in WAC 197-11-768. Master programs shall indicate that, where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority, with (e)(i)(A) of this subsection being top priority.

(A) Avoiding the impact altogether by not taking a certain action or parts of an action;

(B) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

(C) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(D) Reducing or eliminating the impact over time by preservation and maintenance operations;

(E) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

(F) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

(ii) In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

Consistent with WAC 173-26-186 (5) and (8), master programs shall also provide direction with regard to mitigation for the impact of the development so that:

(A) Application of the mitigation sequence achieves no net loss of ecological functions for each new development and does not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the act.

(B) When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based

on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

(f) **Shoreline restoration planning.** Consistent with principle WAC 173-26-186 (8)(c), master programs shall include goals, policies and actions for restoration of impaired shoreline ecological functions. These master program provisions should be designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program. The approach to restoration planning may vary significantly among local jurisdictions, depending on:

- The size of the jurisdiction;
- The extent and condition of shorelines in the jurisdiction;
- The availability of grants, volunteer programs or other tools for restoration; and
- The nature of the ecological functions to be addressed by restoration planning.

Master program restoration plans shall consider and address the following subjects:

(i) Identify degraded areas, impaired ecological functions, and sites with potential for ecological restoration;

(ii) Establish overall goals and priorities for restoration of degraded areas and impaired ecological functions;

(iii) Identify existing and ongoing projects and programs that are currently being implemented, or are reasonably assured of being implemented (based on an evaluation of funding likely in the foreseeable future), which are designed to contribute to local restoration goals;

(iv) Identify additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources for those projects and programs;

(v) Identify timelines and benchmarks for implementing restoration projects and programs and achieving local restoration goals;

(vi) Provide for mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals.

(3) **Steps in preparing ((~~and amending~~)) a master program or update.**

(a) **Process overview.** This section provides a generalized process to prepare or comprehensively ((~~amend~~)) update a shoreline master program. Local governments may modify the timing of the various steps, integrate the process into other planning activities, add steps to the process, or work jointly with other jurisdictions or regional efforts, provided the provisions of this chapter are met.

The department will provide a shoreline master program ((~~amendment~~)) comprehensive update checklist to help local governments identify issues to address. The checklist will not create new or additional requirements beyond the provisions of this chapter. The checklist is intended to aid the preparation and review of master program ((~~amendments~~)) comprehensive updates. Local governments shall submit the completed checklist with the proposed master program ((~~amendments~~)) or update.

(b) **Participation process.**

(i) **Participation requirements.** Local government shall comply with the provisions of RCW 90.58.130 which states:

"*To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:*

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments."

Additionally, the provisions of WAC 173-26-100 apply and include provisions to assure proper public participation and, for local governments planning under the Growth Management Act, the provisions of RCW 36.70A.140 also apply.

At a minimum, all local governments shall be prepared to describe and document their methods to ensure that all interested parties have a meaningful opportunity to participate.

(ii) **Communication with state agencies.** Before undertaking substantial work, local governments shall notify applicable state agencies to identify state interests, relevant regional and statewide efforts, available information, and methods for coordination and input. Contact the department for a list of applicable agencies to be notified.

(iii) **Communication with ((~~affected Indian~~)) tribes.** Prior to undertaking substantial work, local governments shall notify ((~~affected Indian~~)) tribes to identify tribal interests, relevant tribal efforts, available information and methods for coordination and input. Contact the individual tribes or coordinating bodies such as the Northwest Indian Fisheries Commission, for a list of ((~~affected Indian~~)) tribes to be notified.

(c) **Inventory shoreline conditions.** Gather and incorporate all pertinent and available information, existing inventory data and materials from state and federal agencies, individuals and nongovernmental entities with expertise, ((~~affected Indian~~)) tribes, watershed management planning, port districts and other appropriate sources. Ensure that, whenever possible, inventory methods and protocols are consistent with those of neighboring jurisdictions and state efforts. The department will provide, to the extent possible, services and resources for inventory work. Contact the department to determine information sources and other relevant efforts. Map inventory information at an appropriate scale. The department may provide an inventory of shoreline conditions to the local jurisdiction.

Local governments shall be prepared to demonstrate how the inventory information was used in preparing their local master program ((~~amendments~~)) or comprehensive update.

Collection of additional inventory information is encouraged and should be coordinated with other watershed, regional, or statewide inventory and planning efforts in order to ensure consistent methods and data protocol as well as effective use of fiscal and human resources. Local governments should be prepared to demonstrate that they have coordinated with applicable interjurisdictional shoreline inventory and

planning programs where they exist. Two or more local governments are encouraged to jointly conduct an inventory in order to increase the efficiency of data gathering and comprehensiveness of inventory information. Data from interjurisdictional, watershed, or regional inventories may be substituted for an inventory conducted by an individual jurisdiction, provided it meets the requirements of this section.

Local government shall, at a minimum, and to the extent such information is relevant and reasonably available, collect the following information:

(i) Shoreline and adjacent land use patterns and transportation and utility facilities, including the extent of existing structures, impervious surfaces, vegetation and shoreline modifications in shoreline jurisdiction. Special attention should be paid to identification of ecologically intact blocks of upland vegetation, developed areas with largely intact riparian vegetation, water-oriented uses and related navigation, transportation and utility facilities.

(ii) Existing aquatic and terrestrial wildlife habitats; native aquatic vegetation; riparian and associated upland plant communities; and critical areas, including wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, geologically hazardous areas, and frequently flooded areas. See also WAC 173-26-221.

(iii) Altered and degraded areas and sites with potential for ecological restoration.

(iv) Areas of special interest, such as priority habitats, ecologically intact late successional native plant communities, developing or redeveloping harbors and waterfronts, previously identified toxic or hazardous material clean-up sites, dredged material disposal sites, or eroding shorelines, to be addressed through new master program provisions.

(v) Conditions and regulations in shoreland and adjacent areas that affect shorelines, such as surface water management and land use regulations. This information may be useful in achieving mutual consistency between the master program and other development regulations.

(vi) Existing and potential shoreline public access sites, including public rights of way and utility corridors.

(vii) General location of channel migration zones, and ((~~flood plains~~)) floodplains.

(viii) Gaps in existing information. During the initial inventory, local governments should identify what additional information may be necessary for more effective shoreline management.

(ix) If the shoreline is rapidly developing or subject to substantial human changes such as clearing and grading, past and current records or historical aerial photographs may be necessary to identify cumulative impacts, such as bulkhead construction, intrusive development on priority and critical habitats, and conversion of harbor areas to nonwater-oriented uses.

(x) If archaeological or historic resources have been identified in shoreline jurisdiction, consult with the state historic preservation office and local ((~~affected Indian~~)) tribes regarding existing archaeological and historical information.

(xi) Information specific to the aquatic environment for siting in-water uses and development, such as sediment contamination, intertidal property ownership, aquaculture operations, shellfish beds, shellfish protection districts, and areas that meet department of health shellfish water quality certification requirements.

(d) **Analyze shoreline issues of concern.** Before establishing specific master program provisions, local governments shall analyze the

information gathered in (c) of this subsection and as necessary to ensure effective shoreline management provisions, address the topics below, where applicable.

(i) **Characterization of functions and ecosystem-wide processes.**

(A) Prepare a characterization of shoreline ecosystems and their associated ecological functions. The characterization consists of three steps:

(I) Identify the ecosystem-wide processes and ecological functions based on the list in (d)(i)(C) of this subsection that apply to the shoreline(s) of the jurisdiction.

(II) Assess the ecosystem-wide processes to determine their relationship to ecological functions present within the jurisdiction and identify which ecological functions are healthy, which have been significantly altered and/or adversely impacted and which functions may have previously existed and are missing based on the values identified in (d)(i)(D) of this subsection; and

(III) Identify specific measures necessary to protect and/or restore the ecological functions and ecosystem-wide processes.

(B) The characterization of shoreline ecological systems may be achieved by using one or more of the approaches below:

(I) If a regional environmental management plan, such as a watershed plan or coastal erosion study, is ongoing or has been completed, then conduct the characterization either within the framework of the regional plan or use the data provided in the regional plan. This methodology is intended to contribute to an in-depth and comprehensive assessment and characterization.

(II) If a regional environmental management plan has not been completed, use available scientific and technical information, including flood studies, habitat evaluations and studies, water quality studies, and data and information from environmental impact statements. This characterization of ecosystem-wide processes and the impact upon the functions of specific habitats and human health and safety objectives may be of a generalized nature.

(III) One or more local governments may pursue a characterization which includes a greater scope and complexity than listed in (d)(i)(B)(I) and (II) of this subsection.

(C) Shoreline ecological functions include, but are not limited to:

In rivers and streams and associated ((~~flood plains~~)) floodplains:

Hydrologic: Transport of water and sediment across the natural range of flow variability; attenuating flow energy; developing pools, riffles, gravel bars, nutrient flux, recruitment and transport of large woody debris and other organic material.

Shoreline vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, sediment removal and stabilization; attenuation of high stream flow energy; and provision of woody debris and other organic matter.

Hyporheic functions: Removing excessive nutrients and toxic compound, water storage, support of vegetation, and sediment storage and maintenance of base flows.

Habitat for native aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction; resting, hiding and migration; and food production and delivery.

In lakes:

Hydrologic: Storing water and sediment, attenuating wave energy, removing excessive nutrients and toxic compounds, recruitment of large woody debris and other organic material.

Shoreline vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, sediment removal and stabilization; and providing woody debris and other organic matter.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

In marine waters:

Hydrologic: Transporting and stabilizing sediment, attenuating wave and tidal energy, removing excessive nutrients and toxic compounds; recruitment, redistribution and reduction of woody debris and other organic material.

Vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, sediment removal and stabilization; and providing woody debris and other organic matter.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

Wetlands:

Hydrological: Storing water and sediment, attenuating wave energy, removing excessive nutrients and toxic compounds, recruiting woody debris and other organic material.

Vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, removing and stabilizing sediment; and providing woody debris and other organic matter.

Hyporheic functions: Removing excessive nutrients and toxic compound, storing water and maintaining base flows, storing sediment and support of vegetation.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

(D) The overall condition of habitat and shoreline resources are determined by the following ecosystem-wide processes and ecological functions:

The distribution, diversity, and complexity of the watersheds, marine environments, and landscape-scale features that form the aquatic systems to which species, populations, and communities are uniquely adapted.

The spatial and temporal connectivity within and between watersheds and along marine shorelines. Drainage network connections include ((~~flood plains~~)) floodplains, wetlands, upslope areas, headwater tributaries, and naturally functioning routes to areas critical for fulfilling life history requirements of aquatic and riverine-dependent species.

The shorelines, beaches, banks, marine near-shore habitats, and bottom configurations that provide the physical framework of the aquatic system.

The timing, volume, and distribution of woody debris recruitment in rivers, streams and marine habitat areas.

The water quality necessary to maintain the biological, physical, and chemical integrity of the system and support survival, growth, reproduction, and migration of individuals composing aquatic, riverine and lacustrine communities.

The sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage, and transport.

The range of flow variability sufficient to create and sustain lacustrine, fluvial, aquatic, and wetland habitats, the patterns of sediment, nutrient, and wood routing. The timing, magnitude, duration, and spatial distribution of peak, high, and low flows, and duration of ((~~flood plain~~)) floodplain inundation and water table elevation in meadows and wetlands.

The species composition and structural diversity of plant communities in river and stream areas and wetlands that provides summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of woody debris sufficient to sustain physical complexity and stability.

(E) Local governments should use the characterization and analysis called for in this section to prepare master program policies and regulations designed to achieve no net loss of ecological functions necessary to support shoreline resources and to plan for the restoration of the ecosystem-wide processes and individual ecological functions on a comprehensive basis over time.

(ii) **Shoreline use analysis and priorities.** Conduct an analysis to estimate the future demand for shoreline space and potential use conflicts. Characterize current shoreline use patterns and projected trends to ensure appropriate uses consistent with chapter 90.58 RCW and WAC 173-26-201 (2)(d) and 173-26-211(5).

If the jurisdiction includes a designated harbor area or urban waterfront with intensive uses or significant development or redevelopment issues, work with the Washington state department of natural resources and port authorities to ensure consistency with harbor area statutes and regulations, and to address port plans. Identify measures and strategies to encourage appropriate use of these shoreline areas in accordance with the use priorities of chapter 90.58 RCW and WAC 173-26-201 (2)(d) while pursuing opportunities for ecological restoration.

(iii) **Addressing cumulative impacts in developing master programs.** The principle that regulation of development shall achieve no net loss of ecological function requires that master program policies and regulations address the cumulative impacts on shoreline ecological functions that would result from future shoreline development and uses that are reasonably foreseeable from proposed master programs. To comply with the general obligation to assure no net loss of shoreline ecological function, the process of developing the policies and regulations of a shoreline master program requires assessment of how proposed policies and regulations cause and avoid such cumulative impacts.

Evaluating and addressing cumulative impacts shall be consistent with the guiding principle in WAC 173-26-186 (8)(d). An appropriate evaluation of cumulative impacts on ecological functions will consider the factors identified in WAC 173-26-186 (8)(d)(i) through (iii) and the effect on the ecological functions of the shoreline that are

caused by unregulated activities, development and uses exempt from permitting, effects such as the incremental impact of residential bulkheads, residential piers, or runoff from newly developed properties. Accordingly, particular attention should be paid to policies and regulations that address platting or subdividing of property, laying of utilities, and mapping of streets that establish a pattern for future development that is to be regulated by the master program.

There are practical limits when evaluating impacts that are prospective and sometimes indirect. Local government should rely on the assistance of state agencies and appropriate parties using evaluation, measurement, estimation, or quantification of impact consistent with the guidance of RCW 90.58.100(1) and WAC 173-26-201 (2)(a). Policies and regulations of a master program are not inconsistent with these guidelines for failing to address cumulative impacts where a purported impact is not susceptible to being addressed using an approach consistent with RCW 90.58.100(1).

Complying with the above guidelines is the way that master program policies and regulations should be developed to assure that the commonly occurring and foreseeable cumulative impacts do not cause a net loss of ecological functions of the shoreline. For such commonly occurring and planned development, policies and regulations should be designed without reliance on an individualized cumulative impacts analysis. Local government shall fairly allocate the burden of addressing cumulative impacts.

For development projects and uses that may have unanticipatable or uncommon impacts that cannot be reasonably identified at the time of master program development, the master program policies and regulations should use the permitting or conditional use permitting processes to ensure that all impacts are addressed and that there is no net loss of ecological function of the shoreline after mitigation.

Similarly, local government shall consider and address cumulative impacts on other functions and uses of the shoreline that are consistent with the act. For example, a cumulative impact of allowing development of docks or piers could be interference with navigation on a water body.

(iv) **Shorelines of statewide significance.** If the area contains shorelines of statewide significance, undertake the steps outlined in WAC 173-26-251.

(v) **Public access.** Identify public access needs and opportunities within the jurisdiction and explore actions to enhance shoreline recreation facilities, as described in WAC 173-26-221(4).

(vi) **Enforcement and coordination with other regulatory programs.** Local governments planning under the Growth Management Act shall review their comprehensive plan policies and development regulations to ensure mutual consistency. In order to effectively administer and enforce master program provisions, local governments should also review their current permit review and inspection practices to identify ways to increase efficiency and effectiveness and to ensure consistency.

(vii) **Water quality and quantity.** Identify water quality and quantity issues relevant to master program provisions, including those that affect human health and safety. Review data and information specific to shellfish areas. Identify measures to protect water quality for human health as described in WAC 173-26-221((~~(6)~~)) (7). At a minimum, consult with appropriate federal, state, tribal, and local agencies.

(viii) **Vegetation conservation.** Identify how existing shoreline vegetation provides ecological functions and determine methods to en-

sure protection of those functions. Identify important ecological functions that have been degraded through loss of vegetation. Consider the amount of vegetated shoreline area necessary to achieve ecological objectives. While there may be less vegetation remaining in urbanized areas than in rural areas, the importance of this vegetation, in terms of the ecological functions it provides, is often as great or even greater than in rural areas due to its scarcity. Identify measures to ensure that new development meets vegetation conservation objectives.

(ix) **Special area planning.** Some shoreline sites or areas require more focused attention than is possible in the overall master program development process due to complex shoreline ecological issues, changing uses, or other unique features or issues. In these circumstances, the local government is encouraged to undertake special area planning. Special area planning also may be used to address: Public access, vegetation conservation, shoreline use compatibility, port development master planning, ecological restoration, or other issues best addressed on a comprehensive basis.

The resultant plans may serve as the basis for facilitating state and local government coordination and permit review. Special area planning shall provide for public and ((~~affected Indian~~)) tribe participation and compliance with all applicable provisions of the act and WAC 173-26-090 through 173-26-120.

(e) **Establish shoreline policies.** Address all of the elements listed in RCW 90.58.100(2) and all applicable provisions of these guidelines in policies. These policies should be reviewed for mutual consistency with the comprehensive plan policies. If there are shorelines of statewide significance, ensure that the other comprehensive plan policies affecting shoreline jurisdiction are consistent with the objectives of RCW 90.58.020 and 90.58.090(4).

(f) **Establish environment designations.** Establish environment designations and identify permitted uses and development standards for each environment designation.

Based on the inventory in (c) of this subsection and the analysis in (d) of this subsection, assign each shoreline segment an environment designation.

Prepare specific environment designation policies and regulations.

Review the environment designations for mutual consistency with comprehensive plan land use designations as indicated in WAC 173-26-211(3).

In determining the boundaries and classifications of environment designations, adhere to the criteria in WAC 173-26-211(5).

(g) **Prepare other shoreline regulations.** Prepare other shoreline regulations based on the policies and the analyses described in this section as necessary to assure consistency with the guidelines of this chapter. The level of detail of inventory information and planning analysis will be a consideration in setting shoreline regulations. As a general rule, the less known about existing resources, the more protective shoreline master program provisions should be to avoid unanticipated impacts to shoreline resources. If there is a question about the extent or condition of an existing ecological resource, then the master program provisions shall be sufficient to reasonably assure that the resource is protected in a manner consistent with the policies of these guidelines.

(h) **Submit for review and approval.** Local governments are encouraged to work with department personnel during preparation of the mas-

ter program and to submit draft master program provisions to the department for informal advice and guidance prior to formal submittal.

Local governments shall submit the completed checklist, as described in WAC 173-26-201 (3)(a), with their master program amendments proposed for adoption. Master program review and formal adoption procedures are described in Parts I and II of this chapter.

NEW SECTION

WAC 173-26-206 No net loss of shoreline ecological function. Ecological functions means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. This section describes how master programs implement the acts' policy on protection of shoreline natural resources through protection and restoration of ecological functions necessary to sustain these natural resources. The concept of ecological functions recognizes that any ecological system is composed of a wide variety of interacting physical, chemical, and biological components that are interdependent in varying degrees and scales and that produce the landscape and habitats as they exist at any time.

(1) **Applicability.** The protection of shoreline ecological functions is accomplished through the application of the policy of the act and these guidelines at both the planning level when developing, updating, and amending master programs and through the application of the mitigation sequence during implementation of the master program policies and regulations designed to protect ecological functions.

(a) Shoreline ecological function protection shall be integrated into the master program and implemented during project review. These provisions apply throughout shoreline jurisdiction and shall be met for all activities, developments, and uses regardless of the permit pathway required.

(b) These provisions also apply to review during compliance, violation investigation, and enforcement actions.

(2) **Principles.** As described in WAC 173-26-186(8), protection of the shoreline environment is an essential statewide policy goal of the act. It is recognized that shoreline ecological functions may be impaired not only by shoreline development subject to the substantial development permit requirement of the act but also by past actions, unregulated activities, and development that is exempt from the acts' permit requirements. The principle regarding protecting shoreline ecological functions shall be accomplished by master programs using an interdisciplinary system of policies and regulations addressing the following:

(a) **Protect existing shoreline ecological functions.** Protect the identified existing shoreline ecological functions located in water and within the shorelands. Master programs shall include density, lot size, and impervious surface limitations by shoreline environment designation. Master programs cannot rely on zoning codes or other regulations outside of the master program for these standards.

(b) **Achieve no net loss.** All new uses or developments have potential or actual short-term or long-term impacts and through application of appropriate development standards and employment of mitigation measures in accordance with the mitigation sequence, those impacts will be addressed in a manner necessary to ensure that the end result

will not diminish the shoreline resources and values as they currently exist. As established in WAC 173-26-186(8), these guidelines are designed to ensure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and to plan for restoration of ecological functions where they have been impaired. Managing shorelines for protection of their natural resources depends on sustaining the functions provided by:

(i) Ecosystem-wide processes such as those associated with the flow and movement of water, sediment, and organic materials; the presence and movement of fish and wildlife; and the maintenance of water quality;

(ii) Individual components and localized processes such as those associated with shoreline vegetation, soils, water movement through the soil and across the land surface, and the composition and configuration of the beds and banks of water bodies; and

(iii) Adequate separation between the shoreline natural resource and the proposed development or use. If the existing buffer is degraded and not performing essential functions, it may not be adequate to protect the shoreline from all uses, densities, and intensities of development allowed under the master program. In these cases, the buffer may need to be expanded or enhanced to ensure that proposed uses and developments will not adversely impact the shoreline or result in a net loss of shoreline ecological function.

(c) **Identify other opportunities for recovery.** The guidelines are not intended to limit the use of regulatory incentives, voluntary modification of development proposals, and/or voluntary mitigation measures that are designed to restore as well as protect shoreline ecological functions.

(3) **Master program components required to achieve no net loss of shoreline ecological functions.** No net loss of shoreline ecological function is the principle from which many master program regulatory standards derive and is not a performance standard that can be varied. Master programs contain policies and regulations that ensure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources. To achieve this standard while accommodating appropriate and necessary shoreline uses and development, master programs establish and apply:

(a) Environment designations with appropriate use and development standards consistent with WAC 173-26-211;

(b) Provisions for the protection of critical areas within the shoreline consistent with WAC 173-26-221(2);

(c) Shoreline buffers as prescribed in WAC 173-26-221(5);

(d) Provisions that conserve vegetation within shoreline jurisdiction consistent with WAC 173-26-221(6);

(e) Water quality protection standards as prescribed in WAC 173-26-221(7);

(f) Provisions to address impacts of specific common shoreline modifications pursuant to WAC 173-26-231;

(g) Provisions to address the impacts of specific common shoreline uses pursuant to WAC 173-26-241; and

(h) Provisions that require the application of mitigation sequencing as defined by WAC 173-26-020(11), including mitigation measures and methods to address unforeseen impacts.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-26-211 Environment designation system. (1) **Applicability.** This section applies to the establishment of environment designation boundaries and provisions as described in WAC 173-26-191 (1)(d).

(2) **Basic requirements for environment designation classification and provisions.**

(a) Master programs shall contain a system to classify shoreline areas into specific environment designations. This classification system shall be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section. Each master program's classification system shall be consistent with that described in WAC 173-26-211 (4) and (5) unless the alternative proposed provides equal or better implementation of the act.

(b) The environment designation classification system shall be developed during the comprehensive update to the master program using the process defined in WAC 173-26-201 (3)(f). Subsequent changes to the classification system and/or the designation of any area(s) within shoreline jurisdiction may be made only via amendment to the master program, as part of either a periodic review amendment or a locally initiated amendment pursuant to WAC 173-26-090. Where a proposed change is inconsistent with any of the information, analyses, and assumptions that informed development of the environment designation classification system pursuant to WAC 173-26-201 (3)(f), the local government shall conduct an analysis and/or provide documentation as necessary to demonstrate that the master program, as proposed for amendment, remains consistent with RCW 90.58.020 and applicable guidelines.

(c) An up-to-date and accurate map of the shoreline area delineating the environment designations and their boundaries shall be prepared and maintained in the local government office that administers shoreline permits. If it is not feasible to accurately designate individual parcels on a map, the master program text shall include a clear basis for identifying the boundaries, physical features, explicit criteria, or "common" boundary descriptions to accurately define and distinguish the environments on the ground. The master program should also make it clear that in the event of a mapping error, the jurisdiction will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.

((~~(c)~~)) (d) To facilitate consistency with land use planning, local governments planning under chapter 36.70A RCW are encouraged to illustrate shoreline designations on the comprehensive plan future land use map as described in WAC 365-196-400 (2)(d).

((~~(d)~~)) (e) Pursuant to RCW 90.58.040, the map ((~~should~~)) shall clearly illustrate what environment designations apply to all shorelines of the state as defined in RCW 90.58.030 (2)(c) within the local government's jurisdiction in a manner consistent with WAC 173-26-211 (4) and (5).

((~~(e)~~)) (f) The map and the master program should note that all areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned a "rural conservancy" designation, or "urban conservancy" designation if within a municipality or urban

growth area, or the comparable environment designation of the applicable master program until the shoreline can be redesignated through a master program amendment. The local government must amend the master program to map and assign a shoreline environment designation to the previously unmapped shorelands within three years or at the next master program periodic review.

((~~(f)~~)) (g) The following diagram summarizes the components of the environment designation provisions.

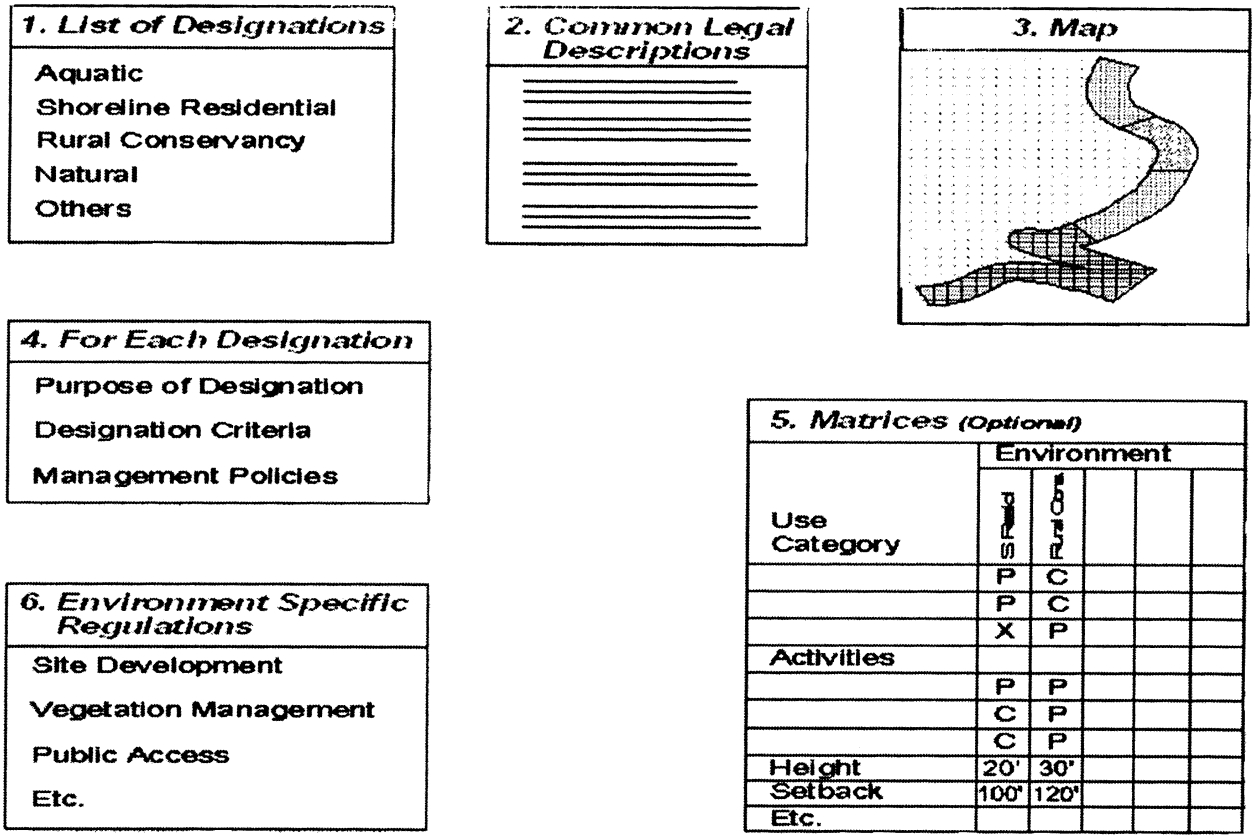

Diagram summarizing the components of the environment designation provisions.
(This is for illustration purposes only and does not supplement or add to the language in the chapter text.)

(3) **Consistency between shoreline environment designations and the local comprehensive plan.** As noted in WAC 173-26-191 (1)(e), RCW 90.58.340 requires that policies for lands adjacent to the shorelines be consistent with the Shoreline Management Act, implementing rules, and the applicable master program. Conversely, local comprehensive plans constitute the underlying framework within which master program provisions should fit. The Growth Management Act, where applicable, designates shoreline master program policies as an element of the comprehensive plan and requires that all elements be internally consistent. Chapter 36.70A RCW also requires development regulations to be consistent with the comprehensive plan.

The following criteria are intended to assist local governments in evaluating the consistency between master program environment designation provisions and the corresponding comprehensive plan elements and development regulations. In order for shoreline designation provisions, local comprehensive plan land use designations, and development regulations to be internally consistent, all three of the conditions below should be met:

(a) **Provisions not precluding one another.** The comprehensive plan provisions and shoreline environment designation provisions should not preclude one another. To meet this ((~~criteria~~)) criterion, the provisions of both the comprehensive plan and the master program must be able to be met. Further, when considered together and applied to any one piece of property, the master program use policies and regulations and the local zoning or other use regulations should not conflict in a manner that all viable uses of the property are precluded.

(b) **Use compatibility.** Land use policies and regulations should protect preferred shoreline uses from being impacted by incompatible uses. The intent is to prevent water-oriented uses, especially water-dependent uses, from being restricted on shoreline areas because of impacts to nearby nonwater-oriented uses. To be consistent, master programs, comprehensive plans, and development regulations should prevent new uses that are not compatible with preferred uses from locating where they may restrict preferred uses or development.

(c) **Sufficient infrastructure.** Infrastructure and services provided in the comprehensive plan should be sufficient to support allowed shoreline uses. Shoreline uses should not be allowed where the comprehensive plan does not provide sufficient roads, utilities, and other services to support them. Infrastructure plans must also be mutually consistent with shoreline designations. Where they do exist, utility services routed through shoreline areas shall not be a sole justification for more intense development.

(4) **General environment designation provisions.**

(a) **Requirements.** For each environment designation, the shoreline master program shall describe:

(i) **Purpose statement.** The statement of purpose shall describe the shoreline management objectives of the designation in a manner that distinguishes it from other designations.

(ii) **Classification criteria.** Clearly stated criteria shall provide the basis for classifying or reclassifying a specific shoreline area with an environment designation.

(iii) **Management policies.** These policies shall be in sufficient detail to assist in the interpretation of the environment designation regulations and, for jurisdictions planning under chapter 36.70A RCW, to evaluate consistency with the local comprehensive plan.

(iv) **Regulations.** Environment-specific regulations shall address the following where necessary to account for different shoreline conditions:

(A) Types of shoreline uses permitted, conditionally permitted, and prohibited;

(B) Building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards; and

(C) Other topics not covered in general use regulations that are necessary to assure implementation of the purpose of the environment designation.

(b) **The recommended classification system.** The recommended classification system consists of six basic environments: "High-intensity," "shoreline residential," "urban conservancy," "rural conservancy," "natural," and "aquatic" as described in this section and WAC 173-26-211(5). Local governments should assign all shoreline areas an environment designation consistent with the corresponding designation criteria provided for each environment. In delineating environment designations, local government should assure that existing shoreline ecological functions are protected with the proposed pattern and in-

tensity of development. Such designations should also be consistent with policies for restoration of degraded shorelines.

(c) **Alternative systems.**

(i) Local governments may establish a different designation system or may retain their current environment designations, provided it is consistent with the purposes and policies of this section and WAC 173-26-211(5).

(ii) Local governments may use "parallel environments" where appropriate. Parallel environments divide shorelands into different sections generally running parallel to the shoreline or along a physical feature such as a bluff or railroad right of way. Such environments may be useful, for example, to accommodate resource protection near the shoreline and existing development further from the shoreline. Where parallel environments are used, developments and uses allowed in one environment should not be inconsistent with ((~~the~~)) achieving the purposes of the other.

(iii) Areas designated in a local comprehensive plan as "limited areas of more intensive rural development," as provided for in chapter 36.70A RCW, may be designated an alternative shoreline environment, provided it is consistent with the objectives of the Growth Management Act and this chapter. "Master planned resorts" as described in RCW 36.70A.360 may be designated an alternative shoreline environment, provided the applicable master program provisions do not allow significant ecological impacts.

(iv) Lands that may otherwise qualify for designation as rural conservancy and that are designated as "mineral resource lands" pursuant to RCW 36.70A.170 and WAC 365-190-070 may be assigned a designation within the "rural conservancy" environment that allows mining and associated uses in addition to other uses consistent with the rural conservancy environment.

(v) Local governments may assign an "aquatic" environment designation to wetlands.

(5) **The designations.**

(a) **"Natural" environment.**

(i) **Purpose.** The purpose of the "natural" environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low-intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, local government should include planning for restoration of degraded shorelines within this environment.

(ii) **Management policies.**

(A) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.

(B) The following new uses should not be allowed in the "natural" environment:

• Commercial uses.

• Industrial uses.

• Nonwater-oriented recreation.

• Multiunit residential.

• Roads, utility corridors, and parking areas that can be located outside of "natural" designated shorelines.

(C) Single-family residential development may be allowed as a conditional use within the "natural" environment if the density and

intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.

(D) Commercial forestry may be allowed as a conditional use in the "natural" environment provided it meets the conditions of the State Forest Practices Act and its implementing rules and is conducted in a manner consistent with the purpose of this environment designation.

(E) Agricultural uses of a very low intensity nature may be consistent with the natural environment when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.

(F) Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.

(G) New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.

(H) 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. That is, each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

(iii) **Designation criteria.** A "natural" environment designation should be assigned to shoreline areas if any of the following characteristics apply:

(A) The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;

(B) The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or

(C) The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

Such shoreline areas include largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats. Shorelines inside or outside urban growth areas may be designated as "natural."

(D) Ecologically intact shorelines, as used here, means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments ((~~which~~)) that could be lost or significantly reduced by human development. Whether or not a shoreline is ecologically intact is determined on a case-by-case basis.

The ((~~term~~)) phrase "ecologically intact shorelines" applies to all shoreline areas meeting the above criteria ranging from larger reaches that may include multiple properties to small areas located within a single property.

(E) Areas with significant existing agriculture lands should not be included in the "natural" designation, except where the existing agricultural operations involve very low intensity uses where there is no significant impact on natural ecological functions, and where the intensity or impacts associated with such agriculture activities is unlikely to expand in a manner inconsistent with the "natural" designation.

(b) **"Rural conservancy" environment.**

(i) **Purpose.** The purpose of the "rural conservancy" environment is to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities. Examples of uses that are appropriate in a "rural conservancy" environment include low-impact outdoor recreation uses((~~,~~)); timber harvesting on a sustained-yield basis((~~,~~)); agricultural uses((~~,~~)); aquaculture((~~,~~)); low-intensity, single-family residential development; and other natural resource-based, low-intensity uses.

(ii) **Management policies.**

(A) Uses in the "rural conservancy" environment should be limited to those ((~~which~~)) that sustain the shoreline area's physical and biological resources and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.

(B) Except as noted, commercial and industrial uses and multiunit residential development should not be allowed. Agriculture, commercial forestry, and aquaculture when consistent with provisions of this chapter may be allowed. Low-intensity, water-oriented commercial and industrial uses may be permitted in the limited instances where those uses have located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the use.

(C) Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant adverse impacts to the shoreline are mitigated.

(D) Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the rural conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-241 (3)((~~(h)~~)) (g) and when located consistent with mineral resource lands designation criteria pursuant to RCW 36.70A.170 and WAC 365-190-070.

((~~(B)~~)) (E) Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.

((~~(C)~~)) (F) Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied, consistent with WAC 173-26-231. New development should be designed and located to preclude the need for such work.

((~~(D)~~)) (G) Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the environment. As a general matter, meeting this provision will require density, lot coverage, vegetation conservation and other provisions.

Scientific studies support density or lot coverage limitation standards that assure that development will be limited to a maximum of ((~~ten~~)) 10 percent total impervious surface area within the lot or parcel, will maintain the existing hydrologic character of the shoreline. However, an alternative standard developed based on scientific information that meets the provisions of this chapter and accomplishes the purpose of the environment designation may be used.

Master programs may allow greater lot coverage to allow development of lots legally created prior to the adoption of a master program prepared under these guidelines. In these instances, master programs shall include measures to assure protection of ecological functions to the extent feasible such as requiring that lot coverage is minimized and vegetation is conserved.

((~~(E)~~)) (H) New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with these guidelines to ensure that the natural shoreline functions are protected. Such shoreline modification should not be inconsistent with planning provisions for restoration of shoreline ecological functions.

(iii) **Designation criteria.** Assign a "rural conservancy" environment designation to shoreline areas outside incorporated municipalities and outside urban growth areas, as defined by RCW 36.70A.110, if any of the following characteristics apply:

(A) The shoreline is currently supporting lesser-intensity resource-based uses, such as agriculture, forestry, or recreational uses, or is designated agricultural or forest lands pursuant to RCW 36.70A.170;

(B) The shoreline is currently accommodating residential uses outside urban growth areas and incorporated cities or towns;

(C) The shoreline is supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or ((~~flood plains~~)) floodplains or other flood-prone areas;

(D) The shoreline is of high recreational value or with unique historic or cultural resources; or

(E) The shoreline has low-intensity water-dependent uses.

((~~Areas designated in a local comprehensive plan as "limited areas of more intensive rural development," as provided for in chapter 36.70A RCW, may be designated an alternate shoreline environment, provided it is consistent with the objectives of the Growth Management Act and this chapter. "Master planned resorts" as described in RCW 36.70A.360 may be designated an alternate shoreline environment, provided the applicable master program provisions do not allow significant ecological impacts.~~

~~Lands that may otherwise qualify for designation as rural conservancy and which are designated as "mineral resource lands" pursuant to RCW 36.70A.170 and WAC 365-190-070 may be assigned a designation within the "rural conservancy" environment that allows mining and associated uses in addition to other uses consistent with the rural conservancy environment.~~))

(c) **"Aquatic" environment.**

(i) **Purpose.** The purpose of the "aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.

(ii) **Management policies.**

(A) Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.

(B) The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

(C) In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.

(D) All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation((~~,~~)); to consider impacts to public views((~~,~~)); and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

(E) Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201 (2)(e) as necessary to assure no net loss of ecological functions.

(F) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

(G) Local governments should reserve shoreline space for shoreline preferred uses. Such planning should consider the need for upland and in-water uses((~~,~~)) in shoreline jurisdiction and potential impacts on water quality, navigation, presence of aquatic vegetation, existing shellfish protection districts and critical habitats and corridors, aesthetics, public access and views.

(H) Uses and developments that were originally established outside of an aquatic environment designation that fall within the aquatic environment due to shoreline change should be managed in alignment with the above policies to avoid adverse impacts to water quality, critical habitats, navigation, and passage of fish and wildlife.

(iii) **Designation criteria.** Assign an "aquatic" environment designation to lands waterward of the ordinary high-water mark.

((~~Local governments may designate submerged and intertidal lands with shoreland designations (e.g., "high-intensity" or "rural conservancy") if the management policies and objectives for aquatic areas are met. In this case, the designation system used must provide regulations for managing submerged and intertidal lands that are clear and consistent with the "aquatic" environment management policies in this chapter. Additionally, local governments may assign an "aquatic" environment designation to wetlands.~~))

(d) **"High-intensity" environment.**

(i) **Purpose.** The purpose of the "high-intensity" environment is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

(ii) **Management policies.**

(A) In regulating uses in the "high-intensity" environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses.

(B) Nonwater-oriented uses should not be allowed except ((~~as part of mixed use developments. Nonwater-oriented uses may also be allowed in limited situations where they~~)):

(I) When proposed as part of a project that includes a mix of water-dependent, water-oriented, and nonwater-dependent developments, where the nonwater-oriented components do not conflict with or limit opportunities for water-oriented uses; or

(II) On sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning, as described in WAC 173-26-201 (3)(d)(ii) and (ix)((~~.~~)); or

(III) If an analysis of water-dependent use needs as described in WAC 173-26-201 (3)(d)(ii) demonstrates that the needs of existing and envisioned water-dependent uses for the planning period are met, then provisions allowing for a mix of water-dependent and nonwater-dependent uses may be established((~~. If those shoreline areas also provide~~)) consistent with a cumulative impacts analysis demonstrating no net loss of shoreline ecological functions((~~, apply standards to assure no net loss of those functions~~)).

((~~(B)~~)) (C) Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed. Reasonable long-range projections of regional economic need should guide the amount of shoreline designated "high-intensity." However, consideration should be given to the potential for displacement of nonwater-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.

((~~(C)~~)) (D) Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply in accordance with any relevant state and federal law.

((~~(D)~~)) (E) Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221 (4)(d).

((~~(E)~~)) (F) Aesthetic objectives should be implemented by means such as sign-control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

(iii) **Designation criteria.** Assign a "high-intensity" environment designation to shoreline areas within incorporated municipalities, urban growth areas, and industrial or commercial "limited areas of more intensive rural development," as described by RCW 36.70A.070, if they currently support high-intensity uses related to commerce, transportation, or navigation; or are suitable and planned for high-intensity water-oriented uses.

(e) **"Urban conservancy" environment.**

(i) **Purpose.** The purpose of the "urban conservancy" environment is to protect and restore ecological functions of open space, ((~~flood plain~~)) floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

(ii) **Management policies.**

(A) Uses that preserve the natural character of the area or promote preservation of open space, ((~~flood plain~~)) floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.

(B) Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "urban conservancy" designation. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

(C) Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

(D) Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

(E) Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the urban conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-241 (3)((~~(h)~~)) (g) and when located consistent with mineral resource lands designation criteria pursuant to RCW 36.70A.170 and WAC 365-190-070.

(iii) **Designation criteria.** Assign an "urban conservancy" environment designation to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area, that are not generally suitable for water-dependent uses, and that lie in incorporated municipalities, urban growth areas, or commercial or industrial "limited areas of more intensive rural development" if any of the following characteristics apply:

(A) They are suitable for water-related or water-enjoyment uses;

(B) They are open space, ((~~flood plain~~)) floodplain, or other sensitive areas that should not be more intensively developed;

(C) They have potential for ecological restoration;

(D) They retain important ecological functions, even though partially developed; or

(E) They have the potential for development that is compatible with ecological restoration.

Lands that may otherwise qualify for designation as urban conservancy and ((~~which~~)) that are designated as "mineral resource lands" pursuant to RCW 36.70A.170 and WAC 365-190-070 may be assigned a designation within the "urban conservancy" environment that allows mining and associated uses in addition to other uses consistent with the urban conservancy environment.

(f) **"Shoreline residential" environment.**

(i) **Purpose.** The purpose of the "shoreline residential" environment is to accommodate single-family residential development and appurtenant structures ((~~that are~~)) while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

(ii) **Management policies.**

(A) Standards for density or minimum frontage width, development and use setbacks, lot coverage and impervious surface limitations, buffers, shoreline stabilization, vegetation conservation and restoration, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

Local governments may establish two or more different "shoreline residential" environments to accommodate different shoreline densities or conditions, provided both environments adhere to the provisions in this chapter.

(B) ((~~Multifamily and multilot~~)) Multiunit residential and recreational developments should provide public access and joint use for community recreational facilities.

(C) Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

(D) Commercial development should be limited to water-oriented uses.

(iii) **Designation criteria.** Assign a "shoreline residential" environment designation to shoreline areas inside urban growth areas, as defined in RCW 36.70A.110, incorporated municipalities, "rural areas of more intense development," or "master planned resorts," as described in RCW 36.70A.360, if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-26-221 General master program provisions. The provisions of this section shall be applied throughout shoreline jurisdiction, either generally to all shoreline areas or to shoreline areas that meet the specified criteria of the provision without regard to environment designation. These provisions address certain elements as required by RCW 90.58.100(2) and implement the principles as established in WAC 173-26-186.

(1) **Archaeological ((~~and~~)), historic, and cultural resources.** Archaeological, historic, and cultural resources are nonrenewable resources that contribute to our sense of history and place.

(a) **Applicability.** ((~~The following provisions apply to archaeological and historic resources that are either recorded at the state department of archaeology and historic preservation and/or by local jurisdictions or have been inadvertently uncovered.~~)) Shoreline features of historic, cultural, archaeological, or scientific value as determined by the Washington department of archaeology and historic preservation (DAHP) should be protected to prevent the destruction of, or damage to, any site having archaeological, historic, cultural, or scientific value through coordination and consultation with the tribes and appropriate local, state, and federal authorities. Archaeological sites located both in and outside shoreline jurisdiction are subject to chapter 27.44 RCW (Indian graves and records) and chapter 27.53 RCW (Archaeological sites and ((~~records~~)) resources) and development or uses that may impact such sites shall comply with chapter 25-48 WAC as well as the provisions of this chapter.

(b) **Principles.** Shorelines can be the location of significant archaeological, historic, and cultural resources. The following principles apply to archaeological, historic, and cultural resources that are either recorded at DAHP and/or by local governments or have been inadvertently uncovered.

(i) Due to the limited and irreplaceable nature of ((~~the resource(s)~~)) these resources, prevent the destruction of or damage to

any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including ((~~affected Indian tribes, and the department of archaeology and historic preservation~~)) tribes and DAHP.

(ii) Archaeological and cultural sites could be adversely impacted by new development, uses, or shoreline modifications that include, but are not limited to, filling, grading, dredging, compaction, construction of buildings or impervious surfaces, and tree removal.

(iii) Local governments may work with tribes, DAHP, and the department to identify sites with a high likelihood of containing cultural resources or to maintain an inventory of all known significant local historic, cultural, and archaeological sites in observance of applicable state and federal laws protecting such information from public disclosure.

(iv) If cultural resources are discovered during construction, irreversible damage to the resource may occur, and significant and costly project delays are likely to occur. Establishing an early identification process can reduce the likelihood of these problems.

(v) In coordination with DAHP and tribes, the local government should identify areas designated as traditional cultural properties. A "traditional cultural property" is a property that has traditional cultural significance. It is associated with the cultural practices or beliefs of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community. Because the location of these sites is uncertain and not on a public register, local governments should cooperate with the cultural resource officers of any potentially affected tribal governments to establish a protocol to identify cultural resources and procedures to protect any cultural resources that are identified or discovered during development activity. Local governments may establish a cultural resource data-sharing agreement with the department of archaeology and historic preservation to help identify sites with potential cultural historic or archaeological significance.

(c) **Standards.** ((~~Local shoreline~~)) Pursuant to RCW 90.58.100 (2)(g), master programs shall include, when appropriate, provisions for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values. Master programs shall include policies and regulations to protect archaeological, historic, ((~~archaeological,~~)) and cultural features and qualities of shorelines and implement the following standards. A local government may reference historic inventories or regulations. Contact the department of archaeology and historic preservation and ((~~affected Indian~~)) tribes for additional information.

(i) **Noticing.** When development is proposed on property containing identified archaeological, historic, or cultural resources, appropriate tribes and DAHP should be notified and provided time to assess the site and make recommendations for the preservation of the identified resources. Applicants should be encouraged to make substantial development plans known well in advance of application, so that appropriate tribes, DAHP, and others may have ample time to assess the site and make arrangements to preserve archaeological, historical, and cultural values as applicable.

(ii) **Archaeological, historic, or cultural resource site assessment.** Require that shoreline permits that include ground disturbance issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with tribes.

Require that an archaeological, historic, or cultural resource site assessment be conducted by a qualified professional archaeologist, historic preservation professional, or tribal designee, for development on properties or sites known to contain an archaeological, historic, or cultural resource(s). If needed, require the preparation of a cultural resource management plan (CRMP).

(iii) **Inadvertent discovery.** While shorelines are known as the location of significant numbers of cultural resources, shorelines are dynamic places where changes in sea levels, channel migration, flooding events, soil deposition, and erosion allow for unknown numbers of cultural resources currently unidentified and unmapped to be discovered. If archaeological, historic, or cultural resources of potential significance are inadvertently discovered in the process of development on shorelines, work on that portion of the development site shall be stopped immediately, and the discovery shall be reported as soon as possible.

(A) Require that developers and property owners immediately stop work and notify the local government, ((~~the department of archaeology and historic preservation and affected Indian~~)) DAHP, and tribes if archaeological resources are uncovered during excavation. The permit decision shall provide the applicant with appropriate contact information for this notification to ensure that they have necessary information to meet this requirement.

((~~(ii) Require that permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.~~)) (B) The local government shall then coordinate with DAHP, the tribe(s), and other appropriate agencies to require that an immediate site assessment be conducted by a professional archaeologist, historic preservation professional, or tribal designee, as applicable. The site assessment shall be distributed to DAHP and the tribe(s) to review to determine the significance of the discovery.

(I) If the site has been determined not to be significant by the above listed agencies or governments, or if the above listed agencies or governments have failed to respond within the applicable review period following receipt of the site assessment, such stopped work may resume.

(II) Upon receipt of a positive determination of a site's significance, the local government may require a CRMP, description and evaluation of the resources, analysis of potential adverse impacts, and description of actions proposed to avoid impacts.

(iv) **Historic structures.** Historic structures are buildings, structures, sites, districts, and objects typically associated with listing in the National Register of Historic Places, the Washington Heritage Register, or local historic listings or designations. Within shoreline jurisdiction these may be historic canneries, fishing structures or processing facilities; recreational cabins, lodges, or camps; transportation infrastructure such as bridges; maritime heritage locations; and homes, businesses, and institutions that represent the European American, African American, Asian/Pacific Islander, Hispanic, Native American, and other heritages.

(A) Development pressures within shoreline jurisdiction can result in demolition of historic structures during redevelopment of these areas.

(B) Local governments should address historic preservation in coordination with their other associated obligations under the act and

in coordination with their comprehensive plan goal to preserve lands, sites, and structures with historical or archaeological significance.

(C) Local governments should identify these structures using federal, state, and local resources, such as the National Register of Historic Places, the Washington Heritage Register, properties identified by DAHP to be eligible for listing, and properties listed in a local register of historic places.

(D) Master program use allowances and preferences may limit options for alternative uses within historic structures. Local governments should consider these factors when developing, updating, or amending master programs to ensure that the master program is fostering the preservation of these structures consistent with the policy of the act.

(2) **Critical areas in shoreline jurisdiction.**

(a) **Applicability.** This section applies to the classification, designation, and protection of critical areas located within shorelines of the state.

(i) Pursuant to the provisions of RCW 90.58.090(4) and 36.70A.480(3) ((~~as amended by chapter 107, Laws of 2010 (EHB 1653), shoreline~~)), master programs must provide for ((~~management of~~)) the protection of designated critical areas ((~~designated as such pursuant to RCW 36.70A.170 (1)(d)~~)) located within the shorelines of the state with policies and regulations that:

((~~(i)~~)) (A) Are consistent with the policy of the act, these guidelines, and the specific provisions of this ((~~subsection (2) critical areas and subsection (3) of this section flood hazard reduction, and these guidelines~~)) section; and

((~~(ii)~~)) (B) Provide a level of protection to critical areas within the shoreline ((~~area that assures~~)) jurisdiction that ensures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources and ensures public health and safety. "Protection" in this context means:

(I) Preserve the functions and values of the natural environment;

(II) Safeguard the public from hazards to health and safety;

(III) Prevent new uses and development from causing the degradation of functions and values or public health and safety.

(ii) The provisions of this section shall be applied throughout shoreline jurisdiction to shoreline areas that meet the specified criteria of one or more critical areas without regard to shoreline environment designation. Protections for critical areas in shoreline jurisdiction are implemented through the master program policies and regulations as outlined below. These provisions address certain elements as required by RCW 90.58.100(2) and implement the principles established in WAC 173-26-186(8) and the following policy of the Shoreline Management Act (RCW 90.58.020):

"This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto."

((~~The provisions of this section and subsection (3) of this section, flood hazard reduction, shall be applied to critical areas within the shorelines of the state. RCW 36.70A.030 defines critical areas as:~~

~~"*"Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable waters; (c) fish and wildlife habitat con-*~~

~~*servation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.*"~~

~~The provisions of WAC 365-190-080 through 365-190-130, to the extent standards for certain types of critical areas are not provided by this section and subsection (3) of this section flood hazard reduction, and to the extent consistent with these guidelines are also applicable to and provide further definition of critical area categories and management policies.~~)) (iii) At a minimum, master programs must include critical areas provisions that apply to the following areas and ecosystems located within shoreline jurisdiction:

(A) Wetlands, also known as associated wetlands;

(B) Geologically hazardous areas, including erosion and landslide hazards;

(C) Fish and wildlife habitat conservation areas, including nonshoreline water bodies, critical saltwater habitat, critical freshwater habitat, and other priority habitats and species;

(D) Floodways and frequently flooded areas; and

(E) Critical aquifer recharge areas.

In addition, local governments may identify additional shoreline areas that warrant special critical area protections to achieve no net loss of ecological functions and safeguard the public from hazards to health and safety. This may include critical areas designations for locations where a combination of geologically hazardous areas, fish and wildlife habitat conservation areas, and frequently flooded areas are present within shoreline jurisdiction, such as channel migration zones and sea level rise zones.

(iv) All wetlands associated with streams, lakes, and tidal waters that are subject to the provisions of the act are included as shorelines of the state and subject to the provisions of this section. As defined in RCW 90.58.030 (2)(d) and the designation provisions of chapter 173-22 WAC, these wetlands are known as "associated wetlands."

(v) Local governments may extend shoreline jurisdiction to include lands necessary for buffers for critical areas located within shoreline jurisdiction. As provided in RCW 90.58.030 (2)((~~(f)~~)) (d) (ii) ((~~and~~)), 36.70A.480, ((~~as amended by chapter 321, Laws of 2003 (ESHB 1933)~~)) and WAC 173-22-040(4), any ((~~city or county~~)) local government may ((~~also~~)) include in its master program a definition of shoreline jurisdiction that includes all or portions of critical areas and their buffers that extend beyond the standard 200 feet from ordinary high water mark.

(A) These areas are referred to as "land necessary for buffers for critical areas"((~~, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that~~)) and may include the following:

(I) Critical areas that are located partially within shoreline jurisdiction, with the exception of associated wetlands, which are always located wholly in shoreline jurisdiction;

(II) Buffers for any of the critical areas designated pursuant to this section and located within, or partially within, shorelines of the state;

(III) Buffers on shorelines of the state only where such shorelines of the state are themselves designated as critical areas, consistent with RCW 36.70A.480(5).

(B) If a local government includes land necessary for buffers for critical areas in the master program, forest practices regulated under chapter 76.09 RCW on those extended shorelands are not subject to the master program, except ((~~conversion~~)) if the land is converted to non-

forest land use((~~, on lands subject to the provision of WAC 173-26-241 (3)(e) are not subject to additional regulations~~)).

(C) If a local government does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized above, then the local ((~~jurisdiction~~)) government shall continue to regulate those critical area((~~s and required~~)) buffers located outside of shoreline jurisdiction through the local critical areas ordinance pursuant to RCW 36.70A.060(2).

((~~In addition to critical areas defined under chapter 36.70A RCW and critical saltwater and freshwater habitats as described in these guidelines, local governments should identify additional shoreline areas that warrant special protection necessary to achieve no net loss of ecological functions.~~)) (vi) Critical areas within shorelines of the state are protected through the shoreline master program pursuant to chapter 90.58 RCW and are not subject to the procedural and substantive requirements of the Growth Management Act (chapter 36.70A RCW), including the provisions of RCW 36.70A.172. Pursuant to RCW 90.58.610 and 36.70A.480:

(A) The adoption or update to a local critical area ordinance is not an update to the shoreline master program; and

(B) Master program provisions for critical areas in shorelines of the state shall be based solely on the Shoreline Management Act and these guidelines.

(vii) Shorelines of the state shall not be considered critical areas, except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(12) and this section. The protection of the ecological function of shorelines of the state is addressed separately from the critical areas provisions pursuant to WAC 173-26-206.

(b) **Principles for the protection of critical areas in shoreline jurisdiction**. ((~~Local~~)) Master programs((~~, when addressing critical areas,~~)) shall implement the following principles:

(i) ((~~Shoreline master programs shall adhere to the standards established in the following sections, unless it is demonstrated through scientific and technical information as provided in RCW 90.58.100(1) and as described in WAC 173-26-201 (2)(a) that an alternative approach provides better resource protection.~~

~~(ii) In addressing issues related to critical areas, use scientific and technical information, as described in WAC 173-26-201 (2)(a). The role of ecology in reviewing master program provisions for critical areas in shorelines of the state will be based on the Shoreline Management Act and these guidelines.~~)) The classification and designation of critical areas is intended to ensure the long-term conservation and protection of critical areas and to preclude land uses and developments that are incompatible with critical areas. Precluding incompatible uses and development does not mean a prohibition of all uses or development. Rather, it means governing changes in land uses, new activities, or development that could adversely affect critical areas. For each type of critical area, master programs shall include development regulations that govern changes in land uses and new activities by prohibiting clearly inappropriate actions and restricting, allowing, or conditioning other activities as appropriate.

(ii) When preparing, reviewing, or amending master program critical area protection provisions, local governments shall use the most current, accurate, and complete scientific and technical information available and rely on guidance provided by the department.

(iii) In protecting and restoring critical areas within shoreline jurisdiction, integrate the full spectrum of planning and regulatory measures, including the comprehensive plan, interlocal watershed plans, salmon recovery plans, kelp and eelgrass recovery plans, local development regulations, and state, tribal, and federal programs.

(iv) The planning objectives of ((~~shoreline management~~)) master program provisions for critical areas shall be:

(A) The protection of existing shoreline ecological functions, including critical area functions and ecosystem-wide processes ((~~and~~));

(B) The restoration of degraded ecological functions and ecosystem-wide processes; and

(C) The safeguarding of the public from hazards to health and safety.

(v) The master program regulatory provisions for critical areas shall protect existing ecological functions and ecosystem-wide processes through the application of mitigation sequencing at the project level. Critical areas protection standards shall protect not only the inherent ecological function of the individual critical area but also what its presence provides for shoreline ecological function.

((~~(v) Promote human uses and values that are compatible with the other objectives of this section, such as public access and aesthetic values, provided that impacts to ecological functions are first avoided, and any unavoidable impacts are mitigated.~~

~~(c)~~)) (vi) The policy and regulatory framework of the master program shall first avoid impacts to critical areas with appropriate shoreline environment designations and associated use allowances, restrictions, and prohibitions that avoid directing or encouraging development intensities and densities that cannot be accomplished consistent with critical area protections.

(vii) There are qualitative differences between and among critical areas. Some areas are critical because they are essential to shoreline ecosystem processes. Some are critical because of the values they represent to the public interest. Others are critical because development in or near them presents a risk to public health and safety. Certain critical areas may simultaneously support ecological functions while also being hazardous for some shoreline uses. Therefore, measures to ensure protection differ among the different types of critical areas and uses. Impacts or risk associated with some uses can be mitigated or reduced by engineering or design. In other cases, risk cannot be effectively reduced except by avoidance of the critical area. Classification and designation of critical areas shall recognize the differences among these areas. Master programs shall include appropriate regulatory and nonregulatory actions that protect public health and safety, avoid risk, maintain critical area functions and values, and protect the ecological function of shorelines of the state.

(viii) Local governments must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(c) **General standards for the protection of critical areas in shoreline jurisdiction.** Critical areas protection policies and regulations shall be contained directly in the master program and shall be applied through the shoreline permit and authorization system pursuant to chapter 173-27 WAC. Critical areas ordinances adopted pursuant to chapter 36.70A RCW may not be incorporated by reference into the master program to meet these requirements. Policies and regulations for critical areas in shoreline jurisdiction shall be based on the Shore-

line Management Act and these guidelines. The following general standards shall be applied to all critical areas in shoreline jurisdiction:

(i) Critical areas must be designated and protected wherever the applicable environmental conditions exist. Critical areas may overlap each other, and requirements to protect critical areas apply in addition to the requirements of the shoreline environment designation in which they are located and all other applicable standards of the master program.

(ii) Master programs shall preclude new uses and developments that are incompatible with critical areas. This should be achieved with a combination of critical areas protection standards; shoreline environment designation criteria and management policies; and use regulations, including allowances, conditional use permit requirements, and use prohibitions.

(iii) Provided that impacts to ecological functions are first avoided, master programs shall promote human uses and values that are compatible with the other objectives of the act and this section, such as water-dependent uses, public access, and aesthetic values. Compensatory mitigation must be provided for any unavoidable impacts identified as part of the mitigation sequence.

(iv) Protective buffer standards for critical areas shall be sized based on the protection of existing critical area functions and the area necessary for a functioning buffer to protect the critical area from the impacts associated with allowed uses. Critical area buffer reduction and common-line setbacks are not appropriate critical area protection provisions for a master program.

(v) Critical area hazard reduction and protection provisions are master program performance standards, and critical area buffer widths are dimensional standards. Master programs must clearly require avoidance of critical area impacts and shall not allow incompatible uses or developments within or adjacent to critical areas. However, master programs may include allowances for minor intrusions into or through protected critical areas or buffers only as necessary to meet other policy objectives of the act such as the accommodation of water-dependent development or for water-oriented uses, after the application of the mitigation sequence.

(vi) Master programs shall not include reasonable use allowances, waivers, or administrative approval processes to vary the critical areas protection provisions of the master program. Per RCW 90.58.100(5) and WAC 173-27-170, the only way to vary the provisions of a master program is through permits for variances. Shoreline variance permits ensure that strict implementation of a master program will not create unnecessary hardships or thwart the policy of the act and are only allowed if extraordinary circumstances are shown, and the public interest will not suffer.

(vii) Master programs should allow for the repair and maintenance of existing development located within critical areas and their buffers, provided that no net loss of shoreline ecological function can be demonstrated. Master programs may allow for the replacement of existing development located within critical areas and their buffers consistent with the nonconforming allowances of WAC 173-26-221(3), provided any associated hazards can be mitigated and the project can demonstrate no net loss of shoreline ecological function.

(viii) Master programs shall allow the replacement of existing water-dependent development and new water-dependent development necessary to maintain preferred water-dependent uses located within critical areas where the development cannot be relocated, provided any as-

sociated hazards can be mitigated and the project can demonstrate no net loss of shoreline ecological function.

(ix) Master programs shall include provisions that foster and facilitate authorization of appropriate critical areas enhancement and restoration projects.

(d) **Critical area identification for master program planning.** Many existing data sources can identify, in advance of the development review process, the likely presence of critical areas. When developing and reviewing the master programs, local governments shall use available information to avoid directing new growth to areas with a high probability of conflicts between new development and protecting critical areas.

(e) **Critical area-specific standards.** When preparing, reviewing, or amending master program provisions for critical areas, local governments should implement the following standards and ((~~use scientific and technical information, as provided for in WAC 173-26-201 (2)(a).~~

~~Provisions for frequently flooded areas are included in WAC 173-26-221(3)~~)) rely upon department guidance and model language.

(i) **Wetlands.**

(A) **Definitions.**

(I) **"Wetlands"** or **"wetland areas"** means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands;

(II) **"Associated wetlands"** means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act pursuant to the designation criteria found in chapter 173-22 WAC and subject to determination by ecology.

(B) **Wetland shoreline function.** Wetlands in shoreline jurisdiction perform many beneficial functions including, but not limited to, reducing erosion, siltation, flooding, ground and surface water pollution. They are essential for nutrient and biogeochemical cycling and provide wildlife, plant, and fisheries habitats. Destruction or impairment of shoreline associated wetlands can impair shoreline functions directly, immediately, at the site of the impact as well as over time, and at a distance from the impact along the shoreline. Impacts to shoreline associated wetlands may result in increased public and private costs, property losses along the shoreline, and result in a net loss of shoreline ecological function.

(C) **Wetland protection policies.** Master program provisions shall include wetland protection policies designed to protect wetland area, wetland functions and values, and maintain the ecological functions provided to the shoreline by associated wetlands. The ecological functions of shorelines provided by wetlands are affected by processes occurring in shorelands and aquatic areas, therefore effective protection must integrate management of shoreland and submerged areas.

(D) **Wetland buffers.** Master programs must include wetland buffers consistent with or more protective than the department's moderate-risk approach to protecting wetland functions found in Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands (Granger et al., 2005), as amended. Buffers are vegetated areas adjacent to wetlands that can reduce impacts from adjacent land uses through various physical, chemical, and/or biological processes. The scientific literature is clear that buffers are necessary to protect wetland functions and values. Buffers also provide their own habitat, water quality and quantity, and climate change mitigation (e.g., carbon sequestration) values independent of wetlands.

(I) Buffers are among the most important tools we have for protecting wetlands at the site level in Washington. The literature consistently reports that the primary factors to evaluate in determining appropriate buffer widths are:

• The wetland type and the functions needing protection;

• The types of adjacent land use and their expected impacts;

• The characteristics of the buffer area (slope, soils, vegetation).

(II) Ecology's buffer recommendations are based on the assumption that the buffer area is well vegetated with native species appropriate to the ecoregion. If the required buffer area does not consist of native vegetation adequate to provide the necessary protection, then either the buffer area should be planted with sufficient native vegetation, or the buffer width should be increased.

(III) Requirements for buffer zone widths and management shall consider the ecological functions of the wetland, the characteristics and setting of the wetland, shoreline and buffer, the potential impacts associated with the adjacent existing and allowed land uses, and other relevant factors.

(E) **Wetland identification.** Local governments must consult with the department's most current, accurate, and applicable wetland guidance. Master programs must include the following wetland identification requirements:

(I) Associated wetlands shall be identified pursuant to the definitions found in chapter 173-22 WAC and department guidance;

(II) When new uses or developments are proposed on a site that includes, is likely to include, or is adjacent to a wetland or wetland buffer, a wetland report, prepared by a qualified professional, shall be required;

(III) Wetlands must be delineated and mapped using the current approved federal wetlands delineation manuals and supplements;

(IV) Wetland delineation must be performed by a qualified professional and result in a wetland boundary clearly marked in the field and an accurate ground-verified map of the boundaries;

(V) Required wetland delineation maps should be created using either a professional survey or using an equivalent method such as global positioning system (GPS) with submeter accuracy. The map must include an indication of where the wetlands extend off site; and

(VI) Wetlands shall be categorized based on the rarity, irreplaceability, or sensitivity to disturbance of a wetland and the functions the wetland provides using the Washington state wetland rating system, Eastern or Western Washington version, as appropriate.

(F) **Wetland ((~~use~~)) protection standards and regulations.** Local governments should consult the department's technical guidance documents on wetlands. ((~~Regulations shall address the following uses to achieve, at a minimum, no net loss of wetland area and functions, in-~~

~~cluding lost time when the wetland does not perform the function~~)) Protection standards and regulations for wetlands in shoreline jurisdiction are intended to achieve, at a minimum, no net loss of shoreline and wetland functions, and no loss of wetland area, including lost time when the wetland does not perform the function. Master programs shall protect wetlands by:

(I) Ensuring uses or development that result in an ecological impact on the physical, chemical, or biological characteristics of wetlands shall not be allowed unless proposed as part of a water-dependent use that cannot be located elsewhere, or a restoration or enhancement project;

(II) Not allowing the following within a wetland or wetland buffer located within shoreline jurisdiction:

• The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;

• The dumping, discharging, or filling with any material, including discharges of stormwater and domestic, commercial, or industrial wastewater;

• The draining, flooding, or disturbing of the water level, duration of inundation, or water table;

• The driving of pilings;

• The placing of obstructions;

• The construction, reconstruction, ((~~demolition,~~)) or expansion of any structure;

((~~• Significant vegetation removal, provided that~~)) (III) Not allowing the removal of vegetation from wetlands or within wetland buffers, except the removal of listed noxious weeds, or as part of a restoration and enhancement project, or unless these activities are ((~~not~~)) part of a forest practice governed under chapter 76.09 RCW and its rules;

((~~• Other uses or development that results in an ecological impact to the physical, chemical, or biological characteristics of wetlands; or~~

~~• Activities reducing the functions of buffers described in (c)(i)(D) of this subsection.~~

~~(B) **Wetland rating or categorization.** Wetlands shall be categorized based on the rarity, irreplaceability, or sensitivity to disturbance of a wetland and the functions the wetland provides. Local governments should either use the Washington state wetland rating system, Eastern or Western Washington version as appropriate, or they should develop their own, regionally specific, scientifically based method for categorizing wetlands. Wetlands should be categorized to reflect differences in wetland quality and function in order to tailor protection standards appropriately. A wetland categorization method is not a substitute for a function assessment method, where detailed information on wetland functions is needed.~~

~~(C) **Alterations to wetlands.** Master program provisions addressing alterations to wetlands shall be consistent with the policy of no net loss of wetland area and functions, wetland rating, scientific and technical information, and the mitigation priority sequence defined in WAC 173-26-201 (2)(e).~~

~~(D) **Buffers.** Master programs shall contain requirements for buffer zones around wetlands. Buffer requirements shall be adequate to ensure that wetland functions are protected and maintained in the long term. Requirements for buffer zone widths and management shall take into account the ecological functions of the wetland, the characteris-~~

~~tics and setting of the buffer, the potential impacts associated with the adjacent land use, and other relevant factors.~~

~~(E) **Mitigation.** Master programs shall contain wetland mitigation requirements that are consistent with WAC 173-26-201 (2)(e) and which are based on the wetland rating.~~

~~(F) **Compensatory mitigation.** Compensatory mitigation shall be allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible.~~

~~Requirements for compensatory mitigation must include provisions for:~~

~~(I) Mitigation replacement ratios or a similar method of addressing the following:~~

~~• The risk of failure of the compensatory mitigation action;~~

~~• The length of time it will take the compensatory mitigation action to adequately replace the impacted wetland functions and values;~~

~~• The gain or loss of the type, quality, and quantity of the ecological functions of the compensation wetland as compared with the impacted wetland.~~

~~(II) Establishment of performance standards for evaluating the success of compensatory mitigation actions;~~

~~(III) Establishment of long-term monitoring and reporting procedures to determine if performance standards are met; and~~

~~(IV) Establishment of long-term protection and management of compensatory mitigation sites.~~

~~Credits from a certified mitigation bank may be used to compensate for unavoidable impacts.~~)) (IV) Including provisions that implement and apply the mitigation sequence. Address the requirement to provide compensatory mitigation when the bulk, dimensional, and performance standards for wetland protection are not being met, either to accommodate a water-dependent use or through a shoreline variance. Any unavoidable alterations to wetlands or wetland buffers in shoreline jurisdiction must be mitigated through the application of mitigation sequencing, consistent with the policy of no net loss of shoreline and wetland functions, wetland area, wetland rating, scientific and technical information, department wetland mitigation guidance, and the mitigation sequence defined in WAC 173-26-020(32). Compensatory mitigation requirements must include provisions for mitigation replacement ratios or a similar method of addressing the following: The risk of failure of the compensatory mitigation action; the length of time it will take the compensatory mitigation action to adequately replace the impacted wetland and shoreline functions and values; the gain or loss of the type, quality, and quantity of the ecological functions of the compensation wetland as compared with the impacted wetland;

(V) Only if no net loss of shoreline ecological function is demonstrated may credits from a certified wetland mitigation bank be used to compensate for unavoidable impacts to wetlands located within shoreline jurisdiction;

(VI) Master programs should include provisions regarding wetland signage and protective fencing requirements;

(VII) Master programs may allow buffer averaging provisions, provided they are consistent with ecology guidance;

(VIII) Master programs shall not include buffer reduction allowances except as authorized using the impact minimization measures listed in ecology's wetland guidance;

(IX) Master programs shall not include exemptions from wetlands protection provisions for small or isolated wetlands, as these allow-

ances are not consistent with the mitigation sequence and can result in a net loss of shoreline ecological function.

(ii) **Geologically hazardous areas.** ((~~Development in designated geologically hazardous areas shall be regulated in accordance with the following:~~

~~(A) Consult designation criteria for geologically hazardous areas, WAC 365-190-120.~~

~~(B) Do not allow new development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development.~~

~~(C) Do not allow new development that would require structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result. The stabilization measures shall conform to WAC 173-26-231.~~

~~(D) Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible, and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed in strict conformance with WAC 173-26-231 requirements and then only if no net loss of ecological functions will result.~~

~~(iii) **Critical saltwater habitats.**~~

~~(A) **Applicability.** Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association. Critical saltwater habitats require a higher level of protection due to the important ecological functions they provide. Ecological functions of marine shorelands can affect the viability of critical saltwater habitats. Therefore, effective protection and restoration of critical saltwater habitats should integrate management of shorelands as well as submerged areas.~~

~~(B) **Principles.** Master programs shall~~)) Geologically hazardous areas are critical areas because their susceptibility to erosion or other geological events renders them unsuitable for siting commercial, residential, or industrial development consistent with public health or safety concerns. Geologically hazardous areas feature natural processes that contribute to the shoreline ecological function and ecosystem-wide processes.

(A) **Definition.** Geologically hazardous areas are susceptible to erosion, sliding, unstable slope collapse, bluff or bank slumping, channel avulsion, earthquake, avalanches, volcanic eruption, overland debris flows or other geological events. Areas that are susceptible to one or more of the following types of shoreline hazards shall be classified as a geologically hazardous area within shoreline jurisdiction:

(I) Erosion hazard areas contain soils which may experience significant erosion and are likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils. Erosion hazard areas may also include coastal erosion-prone areas and channel migration zones;

(II) Landslide hazard areas are subject to landslides based on a combination of geologic, topographic, and hydrologic factors.

(B) **Geologically hazardous area shoreline functions.** Natural processes drive the erosion and geomorphic movement that characterize these areas.

(I) When located in shoreline jurisdiction, geologically hazardous areas are important in sustaining sediment supply, accreting beaches, recruiting large woody debris, providing habitat substrate, supporting and maintaining ecosystem processes and shoreline ecological functions;

(II) Geologically hazardous areas may affect anadromous fisheries in a variety of ways. Steep slopes along shorelines can include feeder bluffs that benefit salmon habitat. While erosion and mass wasting slide events that occur naturally can block streams or overload them with sediment in the short term, the focus should be on maintaining natural sediment loads and ecosystem functions.

(C) **Geologically hazardous area protection policies.** Erosion and landslide hazard areas must be managed to protect existing ecological functions and ecosystem-wide processes, to safeguard the public from hazards to health and safety, and if possible to restore degraded ecological functions and processes. The ecological functions of geologically hazardous areas affect and are affected by ecosystem processes of shorelands and submerged aquatic areas. Therefore, effective protection and restoration of geologically hazardous areas and the functions they provide must integrate management of shorelands as well as submerged areas. Some geological hazards can be reduced or mitigated by engineering, design, or modified construction in a manner that does not degrade ecological function. When technology cannot reduce risks to acceptable levels, building in erosion and landslide hazard areas must be avoided.

(D) **Geologically hazardous area identification and mapping.** Local governments must consult with the department of natural resources' Washington geological survey, military department's emergency management division, the department of fish and wildlife, and ecology to acquire the most current, accurate, and complete scientific and technical information available for identifying and mapping erosion and landslide hazard areas and the ecological functions they provide.

(E) **Geologically hazardous area protection standards and regulations.** Master programs shall include erosion and landslide hazard areas protection regulations designed to protect people from the hazardous area and protect the ecological functions and values these areas provide. Local governments shall protect erosion and landslide hazard areas located within shoreline jurisdiction by:

(I) Establishing adequate buffers to separate incompatible uses and development from geological hazardous areas to ensure protection of shoreline ecological functions, as well as human health and safety. Erosion and landslide hazard buffers shall be appropriate to minimize risk from the hazards and based on conditions at the site;

(II) Requiring geotechnical studies prepared by a qualified professional to evaluate the ecological function, hazard and risk posed, and effectiveness of the proposal to avoid, minimize, and mitigate both the hazard and impacts to the critical area and shoreline ecological functions;

(III) Not allowing new development that could increase the geologic hazard to people and existing improvements or that would be at risk to disturbance or destruction from erosion or landslide hazard conditions during the life of the development;

(IV) Not allowing the subdivision of land or creation of new lots within geologically hazardous areas or their buffers;

(V) Not allowing new development or uses in designated erosion or landslide hazard areas that would adversely affect the ecosystem pro-

cesses and shoreline functions supported by the geologically hazardous area;

(VI) Not allowing new nonwater dependent uses and development that would require shoreline stabilization over the life of the development;

(VII) Allowing stabilization of an erosion or landslide hazard or stabilization measures to protect existing primary residential structures from erosion or geomorphic movement only when relocation of the existing structure is demonstrated to be infeasible, and only if no net loss of ecological functions will result. All shoreline stabilization proposals must also be consistent with the shoreline modification provisions in WAC 173-26-231(4).

(iii) **Fish and wildlife habitat conservation areas.** Fish and wildlife habitat conservation areas are areas that sustain needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species or habitats will persist over the long term. Within shoreline jurisdiction fish and wildlife habitat conservation areas include nonshoreline water bodies, critical saltwater habitats, critical freshwater habitats, and may include other priority habitats and species with primary association with shoreline areas.

(A) **Definitions.**

(I) "Nonshoreline water bodies" are streams or stream segments with a mean annual flow less than 20 cubic feet per second, naturally occurring lakes and ponds under 20 acres, and their submerged aquatic beds that are located within shoreline jurisdiction but are not water bodies that constitute shorelines pursuant to WAC 173-18-040 and 173-20-030. These would include Type F, Type Np, and Type Ns Waters if using the definition within WAC 222-16-030 and fish presence verification system identified in WAC 222-16-0301.

(II) "Critical saltwater habitats" means all native kelp and seagrass beds; spawning and holding areas for forage fish, such as herring, smelt, and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, pocket estuaries, lagoons, low marshes, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

(III) "Critical freshwater habitats" are freshwater systems that contain unique or essential functions necessary to support priority fish and wildlife life-history stages. These are areas with a diversity of channel types such as pools, riffles, glides, side channels, braided, woody debris or wood jams and structures, and anastomosed channels; overhanging vegetation, steep riverbanks/bluffs composed of clay or loose sand, and large interstitial areas in cobble or boulder substrate; beaver dams and associated pools; upwellings and thermal refugia areas; native aquatic vegetation beds. They are areas where endangered, threatened, and sensitive species have a primary association.

(IV) "Priority habitat" means a habitat type with unique or significant value to one or more species. A priority habitat may be described by a unique vegetation type or by a dominant plant or habitat forming species that is of primary importance to fish and wildlife (such as oak woodlands, kelp or seagrass meadows). A priority habitat may also be described by a successional stage (such as old growth or mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wild-

life. A priority habitat may contain priority and/or nonpriority fish and wildlife.

An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- Shellfish bed.

(V) "Priority species" means those fish and wildlife species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

• Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 220-610-010), threatened (WAC 220-200-100(1)), or sensitive (WAC 220-200-100(2)). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 220-610-110.

• Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

• Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

• Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

(VI) "Primary association" means the habitat elements and places used by an individual organism, subpopulation, or population of a species for at least one essential life-history stage, particularly during sensitive periods when the species is most vulnerable. These may include, but are not limited to, habitat elements and places where an individual spawns/breeds, nests/incubates eggs, rears, forages, migrates, shelters from extreme events, avoids predators, holds/rests/roosts, aggregates/concentrates, or metamorphosizes. This also includes habitat elements and places within the natural range of a population or subpopulation that contribute to connectivity/gene flow and reproduction with recruitment rates that provide for population resilience.

(VII) "Kelp" means any of the 22 species of the order Laminariales in Washington waters including, but not limited to, species in the genera *Macrocystis* and *Nereocystis*, and any newly discovered species.

(B) **Fish and wildlife habitat conservation areas shoreline functions.** Functions provided by fish and wildlife habitat conservation areas in shoreline jurisdiction depend on the type and scale of the water body they are associated with. Shoreline functions include, but are not limited to, supporting rare or vulnerable ecological systems, communities, and habitats or habitat elements; providing essential habitat connectivity, breeding habitat, seasonal ranges, movement corridors; and areas that sustain relatively high population densities or species richness.

(I) Nonshoreline water bodies passing through or draining into marine, rivers and lakes can provide clean, cool water in the shallowest reaches, and off-channel low flow spaces essential for habitat refugia. Sediment transport, nutrient cycling, and habitat functions of marine, lake, river and stream shorelines depend both on continuity and connectivity along the length of the shoreline provided by these nonshoreline water bodies and on the conditions of the surrounding uplands on either side of river channel and lake basin.

(II) Critical saltwater habitats typically sustain high biodiversity, species richness, and population densities that contribute to the overall shoreline ecological function. The distinct location and aggregation of habitat elements, substrate, beach forms, and vegetation of these areas provide for breeding and nursery habitats for listed fish, the stop-over, resting and refueling habitats for migratory birds and the seasonal transitions essential for the viability of threatened and endangered species. Critical saltwater habitats require a higher level of protection due to the important ecological functions they provide. Ecological functions of marine shorelands can affect the viability of critical saltwater habitats. Therefore, effective protection and restoration of critical saltwater habitats should integrate management of shorelands as well as submerged areas.

(III) Critical freshwater habitats contribute to shoreline ecological function by providing a diversity of substrate and channel types that support high biodiversity, species richness, and densities. They may contain a unique assemblage of features that support rare, threatened and endangered species. These habitats contain a high diversity of channel type per length of shoreline, such as pools, riffles, glides, side channels, braided, woody debris or wood jams and structures, and anastomosed channels; overhanging vegetation, steep riverbanks/bluffs composed of clay or loose sand, and large interstitial areas in cobble or boulder substrate; beaver dams and associated pools; thermal refugia areas; and native aquatic vegetation beds. Critical freshwater habitats also include water bodies planted with game fish by a governmental or tribal entity.

(IV) Other priority habitats include unique biodiverse habitats and their location within shoreline jurisdiction support the viability of priority species through regulation of water quality and temperature, serving as nesting, breeding or foraging habitat, providing a source of recruitment for large woody debris, stabilizing slopes, and contributing terrestrial insects and organic matter to the aquatic food web.

(V) Many ecological functions of lake, river, and stream corridors depend both on continuity and connectivity along the length of the shoreline and on the conditions of the surrounding lands on either side of river channel and lake basin. Environmental degradation caused by development such as improper stormwater sewer or industrial outfalls, unmanaged clearing and grading, or runoff from buildings and parking lots within the watershed, can degrade ecological functions in

lakes and downstream. Likewise, gradual destruction or loss of riparian and associated upland native plant communities, alteration of runoff quality and quantity along the lake basin and stream corridor resulting from incremental floodplain and lake basin development can raise water temperatures and alter hydrographic conditions, degrading ecological functions. This makes the corridor inhospitable for invertebrate and vertebrate aquatic, amphibian and terrestrial wildlife species and susceptible to catastrophic flooding, droughts, landslides and channel changes. These conditions also threaten human health, safety, and property. Long stretches of lake, river, and stream shorelines have been significantly altered or degraded in this manner. Therefore, effective management of lake basins and river and stream corridors depends on:

• Planning for protection, and restoration where appropriate, throughout the lake basin and along the entire length of the corridor from river headwaters to the mouth; and

• Regulating uses and development within lake basins and stream channels, associated channel migration zones, wetlands, and the floodplains, to the extent such areas are in the shoreline jurisdictional area, as necessary to ensure no net loss of ecological functions, including where applicable the associated hyporheic zone, results from new development.

(C) **Fish and wildlife habitat conservation area protection policies.** Master program provisions shall include fish and wildlife habitat conservation area protection policies designed to protect each type of habitat conservation area identified within shoreline jurisdiction. The ecological functions of shorelines provided by fish and wildlife habitat conservation areas are affected by processes occurring in shorelands and aquatic areas, therefore effective protection must integrate management of shoreland and submerged areas. Master programs shall implement the following fish and wildlife habitat conservation area policies:

(I) Protect fish and wildlife habitat conservation areas as necessary to ensure sustained, long-term population viability, avoidance of isolated subpopulations and habitats, and no net loss of shoreline ecological functions;

(II) Coordinate protection standards for nonshoreline water bodies, critical saltwater habitat, critical freshwater habitat, and priority habitat and species with other critical areas protection standards and the protection standards for shorelines of the state pursuant to WAC 173-26-206;

(III) Identify and protect existing connections between fish and wildlife habitat conservation areas, other critical areas, and the shorelines of the state;

(IV) Include provisions that foster and facilitate authorization of appropriate restoration and enhancement projects;

(V) Master programs shall also include the standards and regulations of (c)(iii)(E) through (G) of this subsection, as applicable pursuant to the identification and mapping completed in (c)(iii)(D) of this subsection.

(D) **Fish and wildlife habitat conservation areas identification and mapping.** Local governments must consult with the department of natural resources, the department of fish and wildlife, and ecology to acquire the most current, accurate, and complete scientific and technical information available to identify and map fish and wildlife habitat conservation areas located within their shoreline jurisdiction and the ecological functions they provide. Master programs should in-

clude a site evaluation process to determine presence of fish and wildlife habitat conservation areas on a project-by-project site specific basis.

(I) Nonshoreline water bodies identification and mapping. Each master program must include a water typing system and illustrative map of identified streams as necessary to apply the master program protective standards and regulations.

(II) Critical saltwater habitat identification and mapping. Local governments shall map and protect native kelp and seagrass beds, forage fish spawning and holding areas, and priority species habitat. Consult with department materials on how to delineate critical saltwater habitats.

(III) Critical freshwater habitat identification and mapping. Local governments shall, in conjunction with state resource agencies and tribes, identify and map applicable critical freshwater habitats and the seasonal ranges and habitat elements with which federal and state-listed endangered, threatened, and priority species have a primary freshwater association and which, if altered, may reduce the likelihood that a species will maintain its population and reproduce over the long term.

(IV) Other priority habitat identification and mapping. Local governments shall consult the department of fish and wildlife, department of ecology, and tribes to identify and map other priority habitats and the priority species with which they have a primary association.

(E) **Nonshoreline water bodies protection standards and regulations.**

(I) Establish adequate buffer zones that extend from the ordinary high water mark of each bank of nonshoreline water bodies into the shorelands to separate incompatible uses from nonshoreline streams, lakes, and ponds. Buffer requirements shall be adequate to ensure that the existing functions are protected and maintained in the long term.

(II) Requirements for buffer zone widths and management shall consider the ecological functions of the nonshoreline streams and lakes, the characteristics and setting of the buffer, the potential impacts associated with the adjacent land use, and other relevant factors.

(F) **Critical saltwater and critical freshwater habitats protection standards and regulations.**

(I) Include policies and regulations to protect critical saltwater and critical freshwater habitats and ((~~should~~)) implement planning policies and programs to restore such habitats.

(II) The inclusion of commercial aquaculture in the critical saltwater habitat definition does not limit its regulation as a use. ((~~Reserving shoreline areas for protecting and restoring ecological functions should be done prior to reserving shoreline areas for uses described in WAC 173-26-201 (2)(d)(i) through (v). Planning for critical saltwater habitats shall incorporate the participation of state resource agencies to assure consistency with other legislatively created programs in addition to local and regional government entities with an interest such as port districts. Affected Indian tribes shall also be consulted. Local governments should review relevant comprehensive management plan policies and development regulations for shorelands and adjacent lands to achieve consistency as directed in RCW 90.58.340. Local governments should base management planning on information provided by state resource agencies and affected Indian tribes~~

~~unless they demonstrate that they possess more accurate and reliable information.~~

~~The management planning should include an evaluation of current data and trends regarding the following:~~

~~• Available inventory and collection of necessary data regarding physical characteristics of the habitat, including upland conditions, and any information on species population trends;~~

~~• Terrestrial and aquatic vegetation;~~

~~• The level of human activity in such areas, including the presence of roads and level of recreational types (passive or active recreation may be appropriate for certain areas and habitats);~~

~~• Restoration potential;~~

~~• Tributaries and small streams flowing into marine waters;~~

~~• Dock and bulkhead construction, including an inventory of bulkheads serving no protective purpose;~~

~~• Conditions and ecological functions in the near-shore area;~~

~~• Uses surrounding the critical saltwater habitat areas that may negatively impact those areas, including permanent or occasional upland, beach, or over-water uses; and~~

~~• An analysis of what data gaps exist and a strategy for gaining this information.~~

~~The management planning should address the following, where applicable:~~

~~• Protecting a system of fish and wildlife habitats with connections between larger habitat blocks and open spaces and restoring such habitats and connections where they are degraded;~~

~~• Protecting existing and restoring degraded riparian and estuarine ecosystems, especially salt marsh habitats;~~

~~• Establishing adequate buffer zones around these areas to separate incompatible uses from the habitat areas;~~

~~• Protecting existing and restoring degraded near-shore habitat;~~

~~• Protecting existing and restoring degraded or lost salmonid, shorebird, waterfowl, or marine mammal habitat;~~

~~• Protecting existing and restoring degraded upland ecological functions important to critical saltwater habitats, including riparian and associated upland native plant communities;~~

~~• Improving water quality;~~

~~• Protecting existing and restoring degraded sediment inflow and transport regimens; and~~

~~• Correcting activities that cause excessive sediment input where human activity has led to mass wasting.~~

~~Local governments, in conjunction with state resource agencies and affected Indian tribes, should classify critical saltwater habitats and protect and restore seasonal ranges and habitat elements with which federal-listed and state-listed endangered, threatened, and priority species have a primary association and which, if altered, may reduce the likelihood that a species will maintain its population and reproduce over the long term.~~

~~Local governments, in conjunction with state resource agencies and affected Indian tribes, should determine which habitats and species are of local importance.~~

~~Local governments shall protect kelp and eelgrass beds, forage fish spawning and holding areas, and priority species habitat identified by the department of natural resources' aquatic resources division, the department of fish and wildlife, the department, and affected Indian tribes as critical saltwater habitats.~~

~~Comprehensive saltwater habitat management planning should identify methods for monitoring conditions and adapting management practices to new information.~~

~~(C) **Standards.**~~)) (III) All proposed over-water and near-shore developments in marine and estuarine waters require an inventory of the site and adjacent beach sections to assess the presence of critical saltwater habitats and functions. All proposed developments waterward of the ordinary high water mark, in or adjacent to critical freshwaters habitats, require an inventory of the site and adjacent upstream and downstream channels to assess the presence of critical freshwater habitats and functions. The methods and extent of the inventory shall be consistent with accepted research methodology. At a minimum, local governments should consult with department technical assistance materials for guidance prior to project approval or development authorization.

(IV) New docks, piers, ((~~bulkheads,~~)) hard shoreline stabilization, bridges, fill, floats, jetties, utility crossings, ((~~and~~)) other human-made structures, and shoreline modifications shall not intrude into or over critical saltwater or critical freshwater habitats ((~~except when all of the conditions below are met:~~

~~• The public's need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;~~

~~• Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;~~

~~• The project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.~~

~~• The project is consistent with the state's interest in resource protection and species recovery.~~

~~Private, noncommercial docks for individual residential or community use may be authorized provided that:~~

~~• Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible;~~

~~• The project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.~~

~~Until an inventory of critical saltwater habitat has been done, shoreline master programs shall condition all over-water and near-shore developments in marine and estuarine waters with the requirement for an inventory of the site and adjacent beach sections to assess the presence of critical saltwater habitats and functions. The methods and extent of the inventory shall be consistent with accepted research methodology. At a minimum, local governments should consult with department technical assistance materials for guidance.~~

~~(iv) **Critical freshwater habitats.**~~

~~(A) **Applicability.** The following applies to master program provisions affecting critical freshwater habitats within shorelines of the state designated under chapter 36.70A RCW, including those portions of streams, rivers, wetlands, and lakes, their associated channel migration zones, and flood plains designated as such in the master program.~~

~~(B) **Principles.** Many ecological functions of lake, river and stream corridors depend both on continuity and connectivity along the length of the shoreline and on the conditions of the surrounding lands on either side of river channel and lake basin. Environmental degrada-~~

~~tion caused by development such as improper stormwater sewer or industrial outfalls, unmanaged clearing and grading, or runoff from buildings and parking lots within the watershed, can degrade ecological functions in lakes and downstream. Likewise, gradual destruction or loss of riparian and associated upland native plant communities, alteration of runoff quality and quantity along the lake basin and stream corridor resulting from incremental flood plain and lake basin development can raise water temperatures and alter hydrographic conditions, degrading ecological functions. This makes the corridor inhospitable for invertebrate and vertebrate aquatic, amphibian and terrestrial wildlife species and susceptible to catastrophic flooding, droughts, landslides and channel changes. These conditions also threaten human health, safety, and property. Long stretches of lake, river and stream shorelines have been significantly altered or degraded in this manner. Therefore, effective management of lake basins and river and stream corridors depends on:~~

~~(I) Planning for protection, and restoration where appropriate, throughout the lake basin and along the entire length of the corridor from river headwaters to the mouth; and~~

~~(II) Regulating uses and development within lake basins and stream channels, associated channel migration zones, wetlands, and the flood plains, to the extent such areas are in the shoreline jurisdictional area, as necessary to assure no net loss of ecological functions, including where applicable the associated hyporheic zone, results from new development.~~

~~As part of a comprehensive approach to management of critical freshwater habitat and other lake, river and stream values, local governments should integrate master program provisions, including those for shoreline stabilization, fill, vegetation conservation, water quality, flood hazard reduction, and specific uses, to protect human health and safety and to protect and restore lake and river corridor ecological functions and ecosystem-wide processes.~~

~~Applicable master programs shall contain provisions to protect hydrologic connections between water bodies, water courses, and associated wetlands. Restoration planning should include incentives and other means to restore water connections that have been impeded by previous development.~~

~~Master program provisions for lake basins and river and stream corridors should, where appropriate, be based on the information from comprehensive watershed management planning where available.~~

~~(C) **Standards.** Master programs shall implement the following standards within shoreline jurisdiction:~~

~~(I) Provide for the protection of ecological functions associated with critical freshwater habitat as necessary to assure no net loss of ecological functions.~~

~~(II) Integrate protection of critical freshwater, riparian and associated upland habitat, protection with flood hazard reduction and other lake, wetland, river and stream management provisions.~~

~~(III) Include provisions that facilitate authorization of appropriate restoration projects.~~

~~(IV) Provide for the implementation of the principles identified in (c)(iv)(B) of this subsection.~~

~~(3) ***Flood hazard reduction.***~~

~~(a) **Applicability.** The following provisions apply to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of nonstructural measures, such as set-~~

~~backs, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program. Additional relevant critical area provisions are in WAC 173-26-221(2)~~)).

((~~(b) **Principles.**~~))

(V) Establish adequate buffer zones to separate incompatible uses from critical saltwater and critical freshwater habitat areas with adequacy evaluated based on the width, ecological condition of the buffer, and the extent to which the buffer protects and maintains functions and values. Local governments should consult with department technical assistance materials for guidance on establishing buffers;

(VI) Identify and protect existing connections between critical saltwater habitats, estuarine and marsh ecosystems, and freshwater riparian habitats. Protect larger habitat blocks and open spaces that can provide corridors connecting these habitats.

(G) **Other priority habitat and species protection standards and regulations.** Other priority habitats and species are those not associated with nonshoreline water bodies, critical freshwater habitats, or critical saltwater habitats that can occur within shoreline jurisdiction, such as shrub-steppe, Oregon white oak woodlands, westside prairies, herbaceous balds, inland dunes, and juniper savannahs. When other priority habitats are identified by the local government through the process included in (c)(iii)(D) of this subsection, they must be protected through application of the following standards:

(I) Identify and protect existing connections between these other priority habitats and the shoreline to allow for unimpeded movement of sediment, organic materials, nutrients, and species;

(II) Consult with ecology, the department of fish and wildlife, and the department of natural resources to obtain current information and recommendations;

(III) Establish buffer zones or other development restrictions to separate incompatible uses from these habitats that adequately protect and maintain the critical habitat and shoreline functions.

(iv) **Frequently flooded areas.** Frequently flooded areas are floodways, floodplains, and other areas identified by the local government as subject to flooding from coastal waters, high groundwater, surface flows, or precipitation. A local government may have unique risks it may want to address in its frequently flooded area provisions due to the potential for tsunamis, high tides with strong winds, channel migration, sea level rise, or extreme weather events.

(A) **Definitions.**

(I) **Frequently flooded areas.** Frequently flooded areas are lands in the floodplain subject to at least a one percent or greater chance of flooding in any given year, and may include additional areas subject to flooding due to high groundwater, tides, sea level rise, channel migration, or extreme weather events. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface.

(II) **Floodway.** Floodway means the area, as identified in a master program, that either:

• Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or

• Consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regular-

ity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(III) **Floodplain.** Floodplain is synonymous with 100-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

(B) **Frequently flooded areas shoreline functions.** These areas may be hazardous to human health and safety but contribute to shoreline ecological functions and ecosystem-wide processes.

(I) Such functions include providing water storage and slowing down-stream and down-slope flows. They can filter pollutants from runoff, capture and drain overbank, overland, and coastal flood waters to slow flow velocities, and reduce erosion. They deliver sediment, woody debris, and organic materials to water bodies as floods recede. Frequently flooded areas provide for the unique water and moisture requirements of submerged, emergent, and riparian vegetation communities. The off-channel flow conditions, episodic wetted conditions, and seasonal vegetation communities provide essential habitat for various life stages of priority species.

(II) Frequently flooded areas protection addresses flooding that can directly impact salmonid habitat quality and availability. Restoring floodplain connectivity improves off-channel rearing habitat vital for young salmonids (smolts). Flood control levees often channelize flood flows that can lead to channel erosion and high turbidity from high velocity flows. Floodplains are also hydrologically connected to adjacent streams, rivers, and wetlands. Impervious surface coverage, vegetation removal, and other alterations can affect water quality, stream flows, and other ecosystem functions vital to salmon habitat.

(C) **Frequently flooded area identification and mapping.** Local governments must identify and map frequently flooded areas including floodways and floodplains. Local governments may also identify, designate and map other areas as frequently flooded areas such as channel migration zones, coastal flooding areas, sea level rise zones, and high groundwater areas. Floodplains and other frequently flooded areas provide vital habitat for salmon and other important species. Relevant information may be found in updates to salmon recovery plans, watershed plans, channel migration zone studies, sea level rise vulnerability assessments, and other sources.

(I) Floodways shall be identified and mapped using either the most current adopted Federal Emergency Management Agency floodway maps or as locally identified per the definitions found in RCW 90.58.030 (2)(b).

(II) Floodplains shall be identified and mapped to include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

(III) The local government may identify, map, and include as shorelands, subject to the master program, all or a portion of the 100-year floodplain that extends beyond the standard shoreline jurisdiction per RCW 90.58.030 (2)(d)(i).

(IV) The local government may identify and map additional areas that have flooded during past events, areas located within an identified channel migration zone or sea level rise zone, and areas projected to flood under future conditions using locally available information or other information as appropriate, in consultation with the department.

(D) **Frequently flooded area protection policies.** Master programs shall include frequently flooded area protection policies and regulations designed to protect existing ecological functions and ecosystem-wide processes, and to safeguard the public from hazards to health and safety. Effective protection and restoration of frequently flooded areas must integrate management of shorelands as well as submerged areas located waterward of the ordinary high water mark.

(I) Pursuant to RCW 90.58.100 (2)(h) the local government shall give consideration to the statewide interest in the prevention and minimization of flood damage.

(II) Flooding of rivers, streams, and other shorelines is a natural process that is affected by factors and land uses occurring throughout the watershed. Past land use practices have disrupted hydrological processes and increased the rate and volume of runoff, thereby exacerbating flood hazards and reducing ecological functions. Flood hazard reduction measures are most effective when integrated into comprehensive strategies that recognize the natural hydrogeological and biological processes of water bodies. Over the long term, the most effective means of flood hazard reduction is to prevent or remove development in flood-prone areas, to manage stormwater within the flood plain, and to maintain or restore river and stream system's natural hydrological and geomorphological processes.

((~~Structural flood hazard reduction measures, such as diking, even if effective in reducing inundation in a portion of the watershed, can intensify flooding elsewhere. Moreover, structural flood hazard reduction measures can damage ecological functions crucial to fish and wildlife species, bank stability, and water quality. Therefore, structural flood hazard reduction measures shall be avoided whenever possible. When necessary, they shall be accomplished in a manner that assures no net loss of ecological functions and ecosystem-wide processes.~~))

(III) The dynamic physical processes of rivers, including the movement of water, sediment and wood, cause the river channel in some areas to move laterally, or "migrate," over time. This is a natural process in response to gravity and topography and allows the river to release energy and distribute its sediment load. The area within which a river channel is likely to move over a period of time is referred to as the channel migration zone (CMZ) ((~~or the meander belt~~)). Scientific examination as well as experience has demonstrated that interference with this natural process often has unintended consequences for human users of the river and its valley such as increased or changed flood, sedimentation and erosion patterns. It also has adverse effects on fish and wildlife through loss of critical habitat for river and riparian dependent species. Failing to recognize the process often leads to damage to, or loss of, structures and threats to life safety.

(IV) Applicable shoreline master programs should include provisions to limit development and shoreline modifications that would result in interference with the process of channel migration that may cause significant adverse impacts to property or public improvements and/or result in a net loss of ecological functions associated with the rivers and streams. ((~~(See also (c) of this subsection.)~~

~~The channel migration zone should be established to identify those areas with a high probability of being subject to channel movement based on the historic record, geologic character and evidence of past migration. It should also be recognized that past action is not a perfect predictor of the future and that human and natural changes may alter migration patterns. Consideration should be given to such changes that may have occurred and their effect on future migration patterns.~~

~~For management purposes, the extent of likely migration along a stream reach can be identified using evidence of active stream channel movement over the past one hundred years. Evidence of active movement can be provided from historic and current aerial photos and maps and may require field analysis of specific channel and valley bottom characteristics in some cases. A time frame of one hundred years was chosen because aerial photos, maps and field evidence can be used to evaluate movement in this time frame.~~

~~In some cases, river channels are prevented from normal or historic migration by human-made structures or other shoreline modifications. The definition of channel migration zone indicates that in defining the extent of a CMZ, local governments should take into account the river's characteristics and its surroundings. Unless otherwise demonstrated through scientific and technical information, the following characteristics should be considered when establishing the extent of the CMZ for management purposes:~~

~~• Within incorporated municipalities and urban growth areas, areas separated from the active river channel by legally existing artificial channel constraints that limit channel movement should not be considered within the channel migration zone.~~

~~• All areas separated from the active channel by a legally existing artificial structure(s) that is likely to restrain channel migration, including transportation facilities, built above or constructed to remain intact through the one hundred-year flood, should not be considered to be in the channel migration zone.~~

~~• In areas outside incorporated municipalities and urban growth areas, channel constraints and flood control structures built below the one hundred-year flood elevation do not necessarily restrict channel migration and should not be considered to limit the channel migration zone unless demonstrated otherwise using scientific and technical information.~~

~~Master programs shall implement the following principles:~~

~~(i) Where feasible, give preference to nonstructural flood hazard reduction measures over structural measures.~~

~~(ii) Base shoreline master program flood hazard reduction provisions on applicable watershed management plans, comprehensive flood hazard management plans, and other comprehensive planning efforts, provided those measures are consistent with the Shoreline Management Act and this chapter.~~

~~(iii) Consider integrating master program flood hazard reduction provisions with other regulations and programs, including (if applicable):~~

~~• Stormwater management plans;~~

~~• Flood plain regulations, as provided for in chapter 86.16 RCW;~~

~~• Critical area ordinances and comprehensive plans, as provided in chapter 36.70A RCW; and~~

~~• The National Flood Insurance Program.~~

~~(iv) Assure that flood hazard protection measures do not result in a net loss of ecological functions associated with the rivers and streams.~~

~~(v) Plan for and facilitate returning river and stream corridors to more natural hydrological conditions. Recognize that seasonal flooding is an essential natural process.~~

~~(vi) When evaluating alternate flood control measures, consider the removal or relocation of structures in flood-prone areas.~~

~~(vii) Local governments are encouraged to plan for and facilitate removal of artificial restrictions to natural channel migration, restoration of off channel hydrological connections and return river processes to a more natural state where feasible and appropriate.~~

~~(c) **Standards.** Master programs shall implement the following standards within shoreline jurisdiction:~~

~~(i) Development in flood plains should not significantly or cumulatively increase flood hazard or be inconsistent with a comprehensive flood hazard management plan adopted pursuant to chapter 86.12 RCW, provided the plan has been adopted after 1994 and approved by the department. New~~)) (V) Development in floodplains should not significantly or cumulatively increase flood hazard or be inconsistent with a comprehensive flood hazard management plan adopted pursuant to chapter 86.12 RCW, provided the plan has been adopted after 1994 and approved by the department.

(VI) Local governments should plan for projected frequently flooded areas that are influenced by lateral channel migration, changes to precipitation or hydrologic patterns, increased storm intensity and overland runoff, compound coastal flooding from sea level rise, elevated high tides, storm and wind waves, and elevated groundwater levels as identified through locally completed vulnerability assessments and data provided by federal and state resource agencies, including ecology.

(VII) Allow new structural flood hazard reduction measures in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to ensure no net loss, and that appropriate vegetation conservation actions are undertaken.

(VIII) Development in incorporated municipalities and designated urban growth areas, as defined in chapter 36.70A RCW, may be allowed as appropriate or necessary within a frequently flooded area where existing structures or development prevent active channel movement and flooding.

(IX) Actions to protect or restore the ecosystem-wide processes or ecological functions of frequently flooded areas, including those with development components provided that the primary purpose is restoration and enhancement, should be allowed, fostered, and encouraged by the master program.

(X) Mitigation necessary to compensate for unavoidable impacts to the shoreline ecological function provided by frequently flooded areas must address the impacted functions and process in the affected reach of the watershed or drift cell.

(E) **Frequently flooded area protection standards and regulations.** Land use practices and development decisions can disrupt the hydrological processes of the floodplain and increase the rate and volume of runoff, thereby exacerbating natural flood hazards and reducing eco-

logical functions. Master programs shall protect frequently flooded areas located within shoreline jurisdiction by:

(I) Establishing shoreline environment designation and use regulations for the aquatic and shoreland areas that foster compatible uses and direct incompatible uses away from frequently flooded areas to reduce risk to public health and safety and ensure protection of shoreline ecological functions;

(II) Including floodways within the aquatic shoreline environment designation and considering the presence of the floodplain and other locally identified frequently flooded areas when determining the shoreline environment designation of all shoreland areas;

(III) Ensuring that new development within frequently flooded areas is located and designed to minimize risk from flooding to people and property during the life of the development;

(IV) Not allowing the establishment of new nonwater dependent uses or development ((~~or new uses in shoreline jurisdiction~~)) in frequently flooded areas, including the subdivision of land, ((~~should not be established~~)) when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures ((~~within the channel migration zone or floodway. The following uses and activities may be appropriate and/or necessary within the channel migration zone or floodway:~~

~~• Actions that protect or restore the ecosystem-wide processes or ecological functions.~~

~~• Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.~~

~~• Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.~~

~~• Mining when conducted in a manner consistent with the environment designation and with the provisions of WAC 173-26-241 (3)(h).~~

~~•~~)) over the life of the proposed development. Exceptions may be made for the limited instances where flood hazard reduction measures are necessary to protect allowed uses where no alternative locations are available, and no net loss of ecological functions will result. The limited cases where new development is allowed in frequently flooded areas should be reviewed for compatibility with the community's comprehensive flood hazard management plan adopted pursuant to chapter 86.12 RCW, if available, applicable, current, or relevant;

(V) Not allowing the subdivision of land or creation of new lots that would allow more nonwater dependent development within frequently flooded areas. Lot creation through short plats, long plats, binding site plans, and other land use actions that change parcel or lot boundaries shall only be authorized in instances where all new lots or parcels provide adequate space for future development and uses that are free from flooding hazards, without the use of flood hazard reduction measures. This requirement shall not apply to open space lots or tracts that are created for the sole purpose of isolating a frequently flooded area from buildable lots and that have no development potential through recorded covenant or other standard that ensures the lot remains in perpetual open space;

(VI) Allowing, fostering, and encouraging actions and developments with the primary purpose of protecting or restoring the shoreline ecosystem-wide processes or ecological functions provided by frequently flooded areas;

(VII) Allowing agricultural activities occurring on agricultural lands that contain frequently flooded areas, provided that no new restrictions to channel movement occur;

(VIII) Allowing the installation, maintenance, and replacement of bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected ((section)) reach of watershed or drift cell((.

• Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.

• Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.

• Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.

•));

(IX) Allowing development in incorporated municipalities and designated urban growth areas, as defined in chapter 36.70A RCW, where existing structures prevent active channel movement and flooding((.

•));

(X) Establishing that measures to reduce shoreline erosion within frequently flooded areas may be allowed, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream((.

(ii) Allow new structural flood hazard reduction measures in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with WAC 173-26-221(5).

Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan approved by the department that evaluates cumulative impacts to the watershed system.

(iii) Place new structural flood hazard reduction measures landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration, or as noted below. Provided that such flood hazard reduction projects be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.

(iv) Require that new structural public flood hazard reduction measures, such as dikes and levees, dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is

~~disproportionate and unreasonable to the total long-term cost of the development.~~

~~(v) Require that the removal of gravel for flood management purposes be consistent with an adopted flood hazard reduction plan and with this chapter and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.~~)) consistent with the erosion control and shoreline stabilization provisions in WAC 173-26-231;

(XI) Any gravel removal, dredging, or excavation proposed for flood management purposes must be reviewed for consistency with an adopted flood hazard reduction plan and with this chapter and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

(v) **Critical aquifer recharge areas.** Critical aquifer recharge areas are places where the prevailing geologic conditions allow for high infiltration rates from rainfall, snowmelt, drainage from lakes, wetlands, and streams into the ground to replenish potable groundwater aquifers.

(A) **Definition.** Critical aquifer recharge areas are lands with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination.

(B) **Critical aquifer recharge area shoreline functions.** Some aquifers may also have critical recharging effects on streams, lakes, and wetlands that provide critical fish and wildlife habitat. Protecting adequate recharge of these aquifers may provide additional benefits in maintaining fish and wildlife habitat conservation areas and protection of shoreline ecological functions.

(C) **Critical aquifer recharge area identification and mapping.** Where aquifers and their recharge areas have been studied, local governments should use this information as the basis for classifying and designating these areas. Where no specific studies have been done, local governments may use existing soil and surficial geologic information to determine where recharge areas exist. To determine the threat to groundwater quality, existing land use activities and their potential to contaminate should be evaluated.

(D) **Critical aquifer recharge area protection policies.** Potable water is an essential life sustaining element for people and many other species. Preventing contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people and ecosystems. The water table of groundwater aquifers within shoreline jurisdiction are typically close to the surface and shallow. They require frequent recharge to maintain their storage volume. Therefore, they are susceptible to reduction in storage volume and contamination from uses in shorelands and adjacent aquatic areas. Master program shall include critical aquifer recharge area designations, policies, and regulations that manage these areas to prevent uses and development that pose a high risk for polluting sensitive aquifers and impacting their functions.

(E) **Critical aquifer recharge area protection standards and regulations.** Master program provisions shall include critical aquifer recharge areas protection policies and regulations designed to protect the functions and values of a community's drinking water by preventing

pollution and maintaining supply. Critical aquifer recharge areas shall be regulated in accordance with the provisions of WAC 365-190-100 and the following:

(I) Local governments shall consult with the department of commerce, department of health, and ecology to incorporate the most recent and effective, best management practices to protect groundwater resources for allowed uses in or adjacent to critical aquifer recharge areas;

(II) Local governments shall identify wells or aquifer systems in shoreline jurisdiction along tidally influenced marine waters that are currently or projected to be vulnerable to saltwater intrusion with sea level rise;

(III) Master programs shall consider information relevant to critical aquifer recharge area protection from available water supply planning studies, streamflow restoration plans, and watershed plans;

(IV) Master programs shall manage these areas to prevent uses and development that pose a high risk for polluting sensitive aquifers and impacting their functions.

(vi) **Additional critical areas designation options.** Where conditions exist, or are projected to exist, that meet the definition of two or more types of critical areas, local governments may designate additional, distinct critical areas and apply protection standards to address the full suite of functions and/or hazards unique to these areas. Examples of such compound critical areas include:

(A) **Channel migration zones.**

(I) **Description.** The area within which a river channel is likely to move is referred to as the channel migration zone (CMZ).

"Channel migration" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its catchment area.

"Channel migration zone (CMZ)" means a management area delineated for the purposes of predicting channel movement overtime, to inform appropriate uses and risk reduction strategies as part of shoreline management.

(II) **Functions and values.** As rivers migrate, they create new side channels and oxbow lakes providing essential breeding and rearing habitat for fish and wildlife. Channel avulsion and erosion recruit large woody debris, cobble, and gravel into the water body, creating pools, rivers and complex habitat for fish and aquatic species. Migration of river channels helps maintain the connection between the river and floodplain necessary for species movement, sediment transport and nutrient cycling. The episodic movement of the river creates new wetted areas while allowing other areas to dry out, creating a shifting mosaic of different habitats that promotes biodiversity. Disruption of this natural process may have adverse effects on the ecological functions of the river and its valley.

(III) **Hazards.** Channel migration is a natural process in response to gravity and topography and allows the river to release energy and redistribute its sediment and organic material load. Interference with this natural process often has unintended consequences for human users. Failing to recognize and protect CMZs may lead to threats to human health and safety and loss of structures.

(IV) **Identification and mapping of channel migration zones.** In order to apply protective policies and standards to a CMZ, the local government must delineate and map the CMZ at the parcel scale. CMZ de-

lineations shall conform to accepted technical standards and must be prepared by qualified professional geologists, engineering geologists, or hydrogeologists who have at least five years of professional expertise related to regional and local fluvial geomorphology and processes. The local government must consult with the department to confirm that an appropriate methodology was used consistent with the requirement to use current, accurate, and complete scientific and technical information.

(V) **Protection policies and standards.** Master programs may designate a CMZ as a critical area and include provisions for geologically hazardous areas, fish and wildlife habitat conservation areas, and frequently flooded area protections as appropriate.

(B) **Sea level rise zones.**

(I) **Description.** A sea level rise zone is the area that is projected to be exposed to sea level rise hazards based on modeling of future conditions. These may encompass areas where related hazards such as tidal inundation, coastal storm flooding, emergent and shallow groundwater, and coastal erosion exist now or are projected to occur in the future, or areas where saltwater habitats are projected to migrate.

(II) **Functions and values.** The areas projected to be exposed to sea level rise hazards provide many of the ecological functions described in (e)(i) through (v) of this subsection, including habitat provisioning, nutrient cycling, buffering flooding and erosion, and others. These functions may be lost or degraded if they are not able to shift landward and adjust to rising water levels over time due to structures along the shoreline or other factors.

(III) **Hazards.** Over time, sea level rise will increase the extent, frequency, and severity of coastal, storm surge, and groundwater flooding and erosion. Development that is not sited to avoid impacts or designed to accommodate impacts from these hazards may be damaged or fail, threatening human health and safety and the shoreline environment. Failing to plan for the exacerbated flooding and erosive conditions from sea level rise will result in property losses along the marine shoreline, increased public and private costs, and adverse effects on shoreline ecological functions.

(IV) **Identification and mapping of sea level rise zones.** A local government may use the hazard mapping described in WAC 173-26-246(6) to establish a sea level rise zone. If a local government chooses to use other mapping, they must consult with the department to confirm that it is consistent with the requirement to use current, accurate, and complete scientific and technical information.

(V) **Protection policies and standards.** Master programs may designate sea level rise zones as a critical area and include provisions for geologically hazardous areas, fish and wildlife habitat conservation areas, and frequently flooded areas, as appropriate, consistent with the requirements for sea level rise policies and regulations in WAC 173-26-246 (8) and (9).

(3) **Nonconforming uses, developments, and lots.** Nonconforming uses, developments, and lots were either established before the master program was originally adopted or were legally established consistent with previous master program provisions. These uses, developments, and lots have subsequently become nonconforming due to master program updates or amendments or as the result of changed shoreline conditions (e.g., change in location of the ordinary high water mark).

(a) **Applicability.** This section establishes master program requirements for addressing and accommodating nonconforming uses, developments, and lots.

(i) Master programs must include locally tailored provisions addressing nonconforming uses, nonconforming development, and nonconforming lots. The default provisions of WAC 173-27-080 shall no longer apply after the master program is amended for consistency with this section.

(ii) Projects where nonconforming standards apply are still subject to regular shoreline permit review processes identified in chapter 173-27 WAC.

(b) **Definitions.**

(i) "Nonconforming development" or "nonconforming structure" means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks or buffers, area, bulk, height, or density standards due to subsequent changes to the master program or the location of the ordinary high water mark;

(ii) "Nonconforming use" means an existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program;

(iii) "Nonconforming lot" means a lot that was lawfully established prior to the effect date of the act or the applicable master program, but which does not contain sufficient space outside of required buffers, setback, and other dimensional standards to site an allowed use and/or development.

(c) **Principles.** Master programs shall include policies and provisions that implement the following principles:

(i) Address the types of nonconformities common to the local jurisdiction. This should include an evaluation of the extent to which the master program or changing conditions are resulting in uses, developments, and lots that do not conform to the master program provisions;

(ii) For local governments with nonconforming uses, developments, and lots in areas exposed to sea level rise, ensure consistency between nonconforming provisions and provisions that address the impact of sea level rise as required by WAC 173-26-246 by comparing policies and regulations and reconciling inconsistencies;

(iii) Any allowances for the nonconforming structures, uses, or lots must first demonstrate that conformance with the current standards is not feasible, then apply the mitigation sequence to the project siting and design;

(iv) Encourage ecological restoration, enhancement, and improvements on nonconforming lots and projects proposing alterations to nonconforming development or expansions of nonconforming uses;

(v) Encourage property owners to bring nonconforming development into conformance with current master program. If this is not feasible due to existing site constraints, encourage other means of minimizing or reducing the impacts of the conforming use or development over time. This includes moving nonconforming structures farther from hazards, critical areas, or the OHWM; and

(vi) Master program nonconforming policies, regulations, and allowances, in concert with all other master program allowances, must still be consistent with the policy of the act and the no net loss of shoreline ecological function principle.

(d) **Standards.** When preparing provisions for nonconforming development, uses, and lots, master programs shall include regulations that address the following:

(i) **Nonconforming development.**

(A) Nonconforming structures and development may continue as legal nonconforming structures;

(B) A structure for which a variance has been issued should be considered a legal nonconforming structure, and the standards of this section should be applied as they apply to any other nonconformities;

(C) Establish thresholds for determining and definitions for applying provisions for repair, and replacement of nonconforming structures and developments. Consider including percentage of structure, cost thresholds, timelines, or a combination of those factors;

(D) Establish criteria for determining when a structure/development is no longer eligible for nonconforming allowances due to abandonment, deterioration, or other reasons. Criteria may include time frames, structure habitability or usability, or other factors;

(E) Nonconforming structures may be maintained and repaired;

(F) Master programs may contain provisions for expansion of nonconforming development, subject to mitigation sequencing, no net loss requirements, avoidance of critical areas, and a cumulative impacts analysis;

(G) Nonconforming residential structures in hazardous areas may be expanded or replaced only when avoidance is infeasible, the risk is mitigated, and no net loss of shoreline ecological functions and processes is achieved;

(H) Expansion of nonconforming development may be allowed only when necessary to support a conforming use;

(I) Master programs may allow replacement of nonconforming structures. Allowances for replacement of nonconforming structures shall require replacement structures be brought into conformance with master program provisions, such as buffers, to the maximum extent feasible;

(ii) **Nonconforming uses.**

(A) Uses that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses;

(B) Expansion and intensification of nonconforming uses should only be allowed through a shoreline conditional use permit to allow for the consideration of cumulative effects; use compatibility; and the adequacy of existing buffer space to buffer the shoreline from the proposed use;

(C) A structure that is being or has been used for a legally established nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A proposal that meets the conditional use criteria in WAC 173-27-160 may be approved only upon additional findings that:

(I) No reasonable alternative conforming use is practical; and

(II) The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the pre-existing use;

(D) Establish abatement criteria and clear time frames for establishing nonconforming uses as abandoned. For example, if a nonconforming use is discontinued for 12 consecutive months or for 12 months during any two-year period, the nonconforming use shall expire, and any subsequent use shall be conforming. Water-dependent uses should not be considered discontinued when they are inactive due to dormancy,

or where the use includes phased or rotational operations as part of typical operations;

(iii) **Nonconforming lots.** Master programs may contain locally tailored provisions for nonconforming lots subject to mitigation sequencing, no net loss requirements, avoidance of critical areas, and a cumulative impacts analysis. Consider allowed uses, shoreline environment designations, and presence of critical areas;

(iv) **Ecological improvement.** Allowances for modifications to sites with nonconforming development or uses should require ecological improvements on-site. This could include restoration of buffer functions, restoration of near shore functions (such as increasing light penetration of overwater structures), or other ecological restoration;

(v) **Floating homes and floating on-water residences.** Master programs shall address floating homes and floating on-water residences consistent with RCW 90.58.270;

(vi) **Option for addressing legal status of existing shoreline structures.** Pursuant to RCW 90.58.620, master programs may classify some structures as conforming, even if they do not meet the bulk or dimensional standards of the applicable master program. Provided the local government can demonstrate that this classification will not create a risk of degrading shoreline natural resources or ecological functions, the following may be allowed within a master program:

(A) Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet the setback or buffer; area; bulk; height; or density standards may be considered a conforming structure. However, the nonconforming development allowances provided within the master program will not apply to these structures if they are considered conforming;

(B) Redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the applicable master program and the following:

(I) Mitigation sequence is applied, and no net loss of shoreline ecological functions is demonstrated;

(II) The structure is not located within a critical area or its buffer, except where the replacement structure can be relocated away from the critical area and critical area restoration, or enhancement is provided; and

(C) Nothing in this subsection:

(I) Restricts the ability of a master program to limit redevelopment, expansion, or replacement of over-water structures or structures located in hazardous areas, such as floodplains and geologically hazardous areas; or

(II) Affects the application of other federal, state, or local government requirements to residential structures.

(4) **Public access.**

(a) **Applicability.** Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Public access provisions below apply to all shorelines of the state unless stated otherwise.

(b) **Principles.** Local master programs shall:

(i) Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.

(ii) Protect the rights of navigation and space necessary for water-dependent uses.

(iii) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.

(iv) Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.

(c) **Planning process to address public access.** Local governments should plan for an integrated shoreline area public access system that identifies specific public needs and opportunities to provide public access. Such a system can often be more effective and economical than applying uniform public access requirements to all development. ((~~This~~))

(i) Local governments should maintain and update shoreline public access plans as necessary to ensure that plans remain current and relevant.

(ii) Public access planning should be integrated with other relevant comprehensive plan elements, especially transportation and recreation.

(iii) The planning process shall also comply with all relevant constitutional and other legal limitations that protect private property rights.

(iv) Where a port district or other public entity has incorporated public access planning into its master plan through an open public process, that plan may serve as a portion of the local government's public access planning, provided it meets the provisions of this chapter. The planning may also justify more flexible off-site or special area public access provisions in the master program. Public participation requirements in WAC 173-26-201 (3)(b)(i) apply to public access planning.

(v) Public access planning should encourage equitable access opportunities for the public, including prioritizing the creation of new public access where it provides access for overburdened communities and vulnerable populations as defined by RCW 70A.02.010.

(vi) At a minimum, the public access planning should result in public access requirements for shoreline permits, recommended projects, port master plans, and/or actions to be taken to develop public shoreline access to shorelines on public property. The planning should identify a variety of shoreline access opportunities and circulation for pedestrians (including disabled persons), bicycles, and vehicles between shoreline access points, consistent with other comprehensive plan elements.

(d) **Standards.** Shoreline master programs should implement the following standards:

(i) Based on the public access planning described in (c) of this subsection, establish policies and regulations that protect and enhance both physical and visual public access. The master program shall address public access on public lands. The master program should seek to increase the amount and diversity of public access to the state's shorelines consistent with the natural shoreline character, property rights, public rights under the Public Trust Doctrine, and public safety.

(ii) Require that shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts, include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environ-

ment. Where public access planning as described in WAC 173-26-221 (4)(c) demonstrates that a more effective public access system can be achieved through ((~~alternate~~)) alternative means, such as focusing public access at the most desirable locations, local governments may institute master program provisions for public access based on that approach in lieu of uniform site-by-site public access requirements.

(iii) Provide standards for the dedication and improvement of public access in developments for water-enjoyment, water-related, and ((~~nonwater-dependent~~)) nonwater-oriented uses and for the subdivision of land into more than four parcels. In these cases, public access should be required except:

(A) Where the local government provides more effective public access through a public access planning process described in WAC 173-26-221 (4)(c)((~~.~~));

(B) Where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable((~~.~~));

In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, local governments shall consider ((~~alternate~~)) alternative methods of providing public access, such as off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access((~~.~~));

(C) For individual single-family residences not part of a development planned for more than four parcels.

(iv) Public access provided in the public interest as a requirement for water-related, water-enjoyment, or nonwater oriented development or as part of a subdivision action shall remain available for the life of the development and must include installation and maintenance of clear public access signage and parking, if not otherwise available.

(v) Adopt provisions, such as maximum height limits, setbacks, and view corridors, to minimize the impacts to existing views from public property or substantial numbers of residences. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

((~~(v)~~)) (vi) Assure that public access improvements do not result in a net loss of shoreline ecological functions.

(5) **Shoreline buffers.**

(a) **Applicability.** Shoreline buffers are the management areas landward of the ordinary high water mark of the shoreline water body, within the shorelands, where development is limited to water-oriented or public access facilities to protect shoreline ecological functions while still fostering appropriate shoreline uses consistent with the act.

(b) **Purpose.** The purpose of the shoreline buffer is to protect existing shoreline ecological functions and provide space for those functions to protect the shoreline water body from the impacts of new uses and development.

(c) **Standards.** Master programs shall implement the following standards:

(i) **Shoreline buffer widths.** During master program development, update, and amendments, shoreline buffer widths shall be established by considering existing human development, existing shoreline condi-

tions, the science around the protection of shoreline ecological functions, and protecting the built environment from flooding and erosion. The buffer area provides protection of existing functions by limiting uses and developments to only those necessarily located at the water's edge, such as water-dependent, water-related, and water access components of a project;

(ii) **Shoreline buffer impacts.** Shoreline buffers may be impacted by water-oriented uses, water access, water-dependent recreational facilities, or as approved through a shoreline variance. Impacts of necessary or appropriate development and uses within shoreline buffers shall be mitigated using the mitigation sequence to assess functional impacts and compensate as necessary to achieve no net loss of shoreline ecological function. This may require the buffer to be extended and/or enhanced;

(iii) **Degraded buffers.** When new uses or development, redevelopment, or the expansion of existing developments and uses are proposed on sites with degraded buffers and impaired existing functions, the master program shall require either:

(A) The restoration of the buffer functions as necessary to protect the shoreline water body from the impacts of the projects; or

(B) The expansion of the buffer area to a width that will allow the degraded functions to minimize the impacts of the proposed development or use.

(6) **Shoreline vegetation conservation.** ((~~(a) **Applicability.**~~)) Vegetation conservation includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas.

(a) **Applicability.** Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration or enhancement, and the control of invasive weeds and nonnative species.

(i) Vegetation conservation policies and regulations shall be applied throughout shoreline jurisdiction, within shoreline water bodies and shorelands. Implementation of vegetation conservation policies applies to upland terrestrial, emergent and submerged vegetation.

(ii) Unless otherwise stated, vegetation conservation does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other uses and those other forest practice activities over which local governments have authority.

(iii) As with all master program provisions, vegetation conservation provisions apply even to those shoreline uses and developments that are exempt from the requirement to obtain a permit.

(iv) Like other master program provisions, vegetation conservation standards do not apply retroactively to existing uses and structures, such as existing agricultural practices, unless or until new uses or developments are proposed.

(b) **Principles.**

(i) The intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation ((~~along shorelines~~)) throughout shoreline jurisdiction.

(ii) Vegetation conservation should also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.

(iii) In establishing these vegetation conservation guidelines, ecology has consulted with the state department of fish and wildlife and incorporated applicable shoreline management assistance materials, the science synthesized by the *Riparian Ecosystem, Volume 2*, and applicable management recommendations in *Riparian Ecosystem, Volume 2*.

(A) The statutorily defined shorelands of a shoreline water body includes a minimum of 200 feet from the ordinary high water mark and can be considered to be functionally equivalent to a Riparian Management Zone described with the department of fish and wildlife's *Riparian Ecosystem, Volumes 1 and 2* publications.

(B) Therefore, the vegetation protection and conservation provisions of a master program can manage uses and developments and require compensation for unavoidable impacts to ensure that even development that is allowed or fostered within shorelands will compensate for the functional impacts associated with vegetation removal and increased impervious surface.

(iv) Sustaining different individual functions requires different widths, compositions and densities of vegetation. The importance of the different functions, in turn, varies with the type of shoreline setting. For example, in forested shoreline settings, periodic recruitment of fallen trees, especially conifers, into the stream channel is an important attribute, critical to natural stream channel maintenance. Therefore, vegetated areas along streams which once supported or could in the future support mature trees should be wide enough to accomplish this periodic recruitment process. By contrast, woody vegetation normally classed as trees may not be a natural component of plant communities in some environments, such as in arid climates and on coastal dunes. In these instances, the width of a vegetated area necessary to achieve the full suite of vegetation-related shoreline functions may not be related to vegetation height.

(v) Vegetation conservation areas are not necessarily intended to be closed to use and development but should provide for management of vegetation in a manner adequate to ensure no net loss of shoreline ecological functions.

(vi) Master programs shall include:

(A) Planning provisions that address vegetation conservation and restoration((~~, and~~));

(B) Regulatory provisions that address conservation of vegetation; as necessary to ((~~assure~~)) ensure no net loss of shoreline ecological functions and ecosystem-wide processes, to avoid adverse impacts to soil hydrology, and to reduce the hazard of slope failures or accelerated erosion((~~.~~

~~Local governments should address~~)); and

(C) Provisions that protect the ecological functions and ecosystem-wide processes provided by vegetation as described in WAC 173-26-201 (3)(d)(i) and 173-26-206.

(vii) Local governments may implement ((~~these~~)) shoreline vegetation conservation objectives through a variety of measures, where consistent with Shoreline Management Act policy, including clearing and grading regulations, setback and buffer standards, tree retention requirements, critical area regulations, conditional use requirements for specific uses or areas, mitigation requirements, incentives and nonregulatory programs.

((~~In establishing vegetation conservation regulations, local governments must use available scientific and technical information, as described in WAC 173-26-201 (2)(a). At a minimum, local governments should consult shoreline management assistance materials provided by~~

~~the department and *Management Recommendations for Washington's Priority Habitats*, prepared by the Washington state department of fish and wildlife where applicable.~~)) (c) **Shoreline vegetation functions and values.**

(i) Current scientific evidence indicates that the length, width, and species composition of a shoreline vegetation community contribute substantively to the aquatic ecological functions. Likewise, the biota within the aquatic environment is essential to ecological functions of the adjacent upland vegetation. The ability of vegetated areas to provide critical ecological functions diminishes as the length and width of the vegetated area along shorelines is reduced. When shoreline vegetation is removed, the narrower the area of remaining vegetation, the greater the risk that the functions will not be performed.

((~~In the Pacific Northwest,~~)) (ii) Aquatic environments, as well as their associated upland vegetation and wetlands, provide significant habitat for a myriad of fish and wildlife species. Healthy environments for aquatic species are inseparably linked with the ecological integrity of the surrounding terrestrial ecosystem. For example, a nearly continuous corridor of mature forest characterizes the natural riparian conditions of the Pacific Northwest. Riparian corridors along marine shorelines provide many of the same functions as their freshwater counterparts.

(iii) The most commonly recognized functions of the shoreline vegetation include, but are not limited to:

((~~•~~)) (A) Providing shade necessary to maintain the cool temperatures required by salmonids, spawning forage fish, and other aquatic biota((~~.~~));

((~~•~~)) (B) Providing organic inputs critical for aquatic life((~~.~~));

((~~•~~)) (C) Providing food in the form of various insects and other benthic macroinvertebrates((~~.~~));

((~~•~~)) (D) Stabilizing banks, minimizing erosion, and reducing the occurrence of landslides. The roots of trees and other riparian vegetation provide the bulk of this function((~~.~~));

((~~•~~)) (E) Reducing fine sediment input into the aquatic environment through stormwater retention and vegetative filtering((~~.~~));

((~~•~~)) (F) Filtering and vegetative uptake of nutrients and pollutants from ground water and surface runoff((~~.~~));

((~~•~~)) (G) Providing a source of large woody debris into the aquatic system. Large woody debris is the primary structural element that functions as a hydraulic roughness element to moderate flows. Large woody debris also serves a pool-forming function, providing critical salmonid rearing and refuge habitat. Abundant large woody debris increases aquatic diversity and stabilization((~~.~~));

((~~•~~)) (H) Regulation of microclimate in the stream-riparian and intertidal corridors((~~.~~)); and

((~~•~~)) (I) Providing critical wildlife habitat, including migration corridors and feeding, watering, rearing, and refugia areas.

((~~Sustaining different individual functions requires different widths, compositions and densities of vegetation. The importance of the different functions, in turn, varies with the type of shoreline setting. For example, in forested shoreline settings, periodic recruitment of fallen trees, especially conifers, into the stream channel is an important attribute, critical to natural stream channel maintenance. Therefore, vegetated areas along streams which once supported or could in the future support mature trees should be wide enough to accomplish this periodic recruitment process.~~

~~Woody vegetation normally classed as trees may not be a natural component of plant communities in some environments, such as in arid climates and on coastal dunes. In these instances, the width of a vegetated area necessary to achieve the full suite of vegetation-related shoreline functions may not be related to vegetation height.~~

~~Local governments should identify which ecological processes and functions are important to the local aquatic and terrestrial ecology and conserve sufficient vegetation to maintain them. Such vegetation conservation areas are not necessarily intended to be closed to use and development but should provide for management of vegetation in a manner adequate to assure no net loss of shoreline ecological functions.~~

~~(c)~~)) (iv) Conserving and restoring physical connections between conserved and restored vegetation patches in shoreline environments provides habitat connectivity across parcels, and can significantly contribute to ecosystem wide processes and functions, such as providing habitat for species at regional and statewide or even greater scales.

(d) **Standards.** Master programs shall implement the following standards:

(i) In addition to the shoreline and critical area buffers and setbacks required by these guidelines, master programs shall include planning provisions that address vegetation conservation and restoration, and regulatory provisions that conserve native vegetation throughout shoreline jurisdiction. When preparing, updating, or amending a master program, local governments shall implement the following requirements in shoreline jurisdiction:

(ii) Protect native vegetation within shoreline buffers and setbacks. Vegetation removal, clearing, or grading shall not be allowed within required shoreline buffers or setbacks unless they are:

(A) Necessary to support a water-oriented use or development;

(B) Necessary to provide shoreline access;

(C) Necessary as part of a shoreline restoration or enhancement project which includes a vegetation management plan or habitat management plan; or

(D) Allowed as part of ongoing and routine maintenance.

(iii) Conserve native vegetation in the remainder of shoreline jurisdiction (landward of the shoreline buffer).

(A) Apply the mitigation sequence to avoid, minimize, restore, and compensate for all impacts to native vegetation, including trees.

(B) Establish vegetation conservation standards that implement the principles in WAC 173-26-221 ((~~(5)~~)) (6)(b). Methods to do this ((~~may~~)) should include ((~~setback or buffer requirements,~~)) clearing and grading standards, ((~~regulatory incentives, environment designation standards, or other master program provisions. Selective pruning of trees for safety and view protection may be allowed and the removal of noxious weeds should be authorized.~~

~~Additional vegetation conservation standards for specific uses are included in WAC 173-26-241(3).~~

~~(6)~~)) vegetation replacement ratios, impervious surface limitations based on shoreline environment designation or water body type, and regulatory incentives.

(C) Establish tree retention provisions and ensure that required tree replacement ratios meet or exceed 3:1. Selective pruning of trees may be allowed, provided that the tree's viability and health is not adversely impacted, and tree topping is prohibited.

(iv) Allowances that apply throughout shoreline jurisdiction.

(A) Allow and encourage the removal of noxious weeds identified on the Washington state noxious weed control board's noxious weeds lists. Eradication of all Class A plants is required by law. When revegetation is necessary to discourage reinfestation of noxious weeds or to stabilize bare soils, native plants shall be used. Aquatic herbicides can be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category. Applicators shall comply with all conditions of the aquatic noxious weed control permit.

(B) Vegetation modification for the removal of nonnative or invasive species not included on the Washington state noxious weed control board's noxious weed list, may be authorized either:

(I) As part of a shoreline restoration or habitat enhancement project as a component of an approved vegetation management plan or habitat management plan; or

(II) As part of the associated construction permit (grading or clearing permit). This action is still subject to the mitigation sequence.

(C) Significant nonnative or invasive vegetation removal may require revegetation with native species as both site stabilization and to ensure no net loss of shoreline ecological function.

(D) Master programs may include allowances for hazard tree removal. Such allowances should include requirements for an arborist report and demonstration that the tree poses an imminent threat to a residential structure or accessory structure, place of employment or public assembly, or a road or utility or primary site access.

(e) **Terms.**

(i) Hazard tree means a tree that a qualified arborist has determined to have a structural defect, combination of defects, or disease that qualify the tree as a high or extreme risk to persons or property and where that risk cannot reasonably be mitigated or reduced, and that under the normal range of environmental conditions at the site, is likely to result in the imminent loss of a major structural component of that tree in a manner that will (a) damage a residential structure or accessory structure, place of employment or public assembly or approved parking for a residential structure or accessory structure or place of employment or public assembly, (b) damage a road or utility or (c) prevent emergency access;

(ii) Vegetation management plans are site-specific plans designed to protect, maintain, or enhance native vegetation, and mitigate the impacts of vegetation modifications proposed. Vegetation management plans should be prepared by a qualified professional ecologist, forester, or landscape architect. Vegetation management plans assess current site conditions, analyze proposed vegetation modifications, and proposed vegetation management strategies for protecting, maintaining, or improving the native vegetation community while achieving another management or use objective, such as forest health, invasive species control, and the accommodation of development outside of shoreline and critical area buffers;

(iii) Habitat management plans are site-specific plans prepared by a qualified professional designed to create, enhance, manage, and monitor habitat improvements. Habitat management plans can be used for voluntary restoration and enhancement or as a means to compensate for documented unavoidable impacts. Plans should delineate the project area, evaluate the habitat conditions and significance, identify im-

pacts from the proposed project, demonstrate mitigation sequencing, and establish a monitoring and compliance protocol.

(7) **Water quality, stormwater, and nonpoint pollution.**

(a) **Applicability.** The following section applies to all development and uses in shorelines of the state, as defined in WAC 173-26-020, that affect water quality.

(b) **Principles.** ((~~Shoreline~~)) The water quality, stormwater, and nonpoint pollution provisions of a master programs shall, as stated in RCW 90.58.020, protect against adverse impacts to ((~~the~~)) public health, to the land and its vegetation and wildlife, and to the waters of the state and their aquatic life, through implementation of the following principles:

(i) Prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities((~~.~~));

(ii) Chapter 173-201A WAC establishes the water quality standards for surface waters of the state. Ensure mutual consistency between shoreline management provisions and other regulations that address water quality and stormwater quantity, including public health, stormwater, and water discharge standards. The regulations that are most protective of ecological functions shall apply;

(iii) Water quality degradation can adversely impact the ecological function of a water body and impair its ability to provide drinking water, recreation, or harvest opportunities, and protect aquatic life and human health;

(iv) When updating or implementing a master program, consideration should be given to whether additional protections are needed to support water quality improvement and to ensure that new uses and developments do not degrade high-quality waters or create water quality impairments and support bringing waters back into compliance with the standards.

(A) Prevent impacts to water quality that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.

(B) Prioritize preventing impacts to impaired waters on the state's 303(d) list, or included in a TMDL or other water cleanup plan and reflect this data in the master program water quality protection, use regulations, and provisions intended to encourage and foster shoreline restoration.

(C) Consider Washington's water quality management plan to control nonpoint sources of pollution, February 2026, Ecology Publication #25-10-040, as amended.

(D) Ensure mutual consistency between shoreline management provisions and other regulations that address water quality and stormwater runoff management, including public health, stormwater, and water quality standards. The regulations that are most protective of ecological functions shall apply.

(E) Consider stormwater management program planning. This shall include watershed characterizations, stormwater management action plans, stormwater retrofit prioritization, and watershed scale stormwater plans, if available and applicable.

(c) **Standards.** When preparing, updating, or amending a master program, local governments shall implement the following standards and use scientific and technical information. Shoreline master programs shall include provisions to implement the principles of this section and address the following:

(i) Include shoreline water quality protection policies and regulations designed to achieve no net loss of shoreline ecological functions;

(ii) Rely on ecology's stormwater management manuals for western and eastern Washington, as applicable, along with accompanying resources and guidance to manage stormwater generated from new uses and developments within shoreline jurisdiction; and

(iii) Coordinate and use other master program provisions such as shoreline buffers, vegetation conservation, critical aquifer recharge areas, wetlands, and fish and wildlife habitat conservation protections; shoreline stabilization provisions; channel migration zone protections; use prohibition standards; and regulations that incentivize riparian area restoration as water quality protection standards.

AMENDATORY SECTION (Amending WSR 04-01-117, filed 12/17/03, effective 1/17/04)

WAC 173-26-231 Shoreline modifications. (1) **Applicability.** ((~~Local governments are encouraged to prepare~~)) Master programs must contain provisions that distinguish the relationship between shoreline modifications and shoreline uses. Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, ((~~or~~)) fill, shoreline stabilization, or other shoreline structure, but they ((~~can~~)) also include other actions such as clearing, grading, application of chemicals, or significant vegetation removal. Shoreline modifications ((~~usually~~)) are undertaken in support of or in preparation for a shoreline use((~~,~~)). For example, fill is a type of ((~~(~~))shoreline modification((~~)~~)) that may be required for a cargo terminal, which is an ((~~(~~))industrial use((~~)~~)), or dredging ((~~(~~))may be a shoreline modification((~~)~~)) necessary to allow for a ((~~marina (~~))boating facility use((~~)~~)) such as a marina.

(a) The provisions in this section apply to all shoreline modifications within shoreline jurisdiction.

(b) Master programs shall reflect the following principles and contain standards for each modification type reasonably anticipated to occur within the local government's shoreline jurisdiction.

(2) **General principles applicable to all shoreline modifications.** Master programs shall implement the following principles, which pertain to all modifications within shoreline jurisdiction, whether or not they are listed herein:

(a) Allow structural shoreline modifications only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use ((~~that is in danger of loss or substantial damage~~)) or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.

(b) Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent, except for those modifications and reconfigurations necessary for shoreline ecological restoration or enhancement purposes, which should be fostered, encouraged, and supported.

(c) Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed. This shall include consideration of shoreline environment designation and management policies when determining the ap-

propriateness of each modification type within a given shoreline environment designation.

(d) ((~~Assure~~)) Ensure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on shoreline ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.

(e) Where applicable, base provisions on scientific and technical information and a comprehensive analysis of drift cells for marine waters or reach conditions for river and stream systems. Contact the department for available drift cell characterizations.

(f) Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ((~~ecological~~)) shoreline ecological functions and ecosystem-wide processes.

(g) ((~~Avoid and reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201 (2)(e).~~

~~(3) ***Provisions for specific shoreline modifications.***~~

~~(a) **Shoreline stabilization.**~~

~~(i) **Applicability.** Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.~~

~~Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, planning and regulatory measures to avoid the need for structural stabilization.~~

~~(ii) **Principles.** Shorelines are by nature unstable, although in varying degrees. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the natural resource and ecology of the shoreline. Human use of the shoreline has typically led to hardening of the shoreline for various reasons including reduction of erosion or providing useful space at the shore or providing access to docks and piers. The impacts of hardening any one property may be minimal but cumulatively the impact of this shoreline modification is significant.~~

~~Shoreline hardening typically results in adverse impacts to shoreline ecological functions such as:~~

~~• Beach starvation. Sediment supply to nearby beaches is cut off, leading to "starvation" of the beaches for the gravel, sand, and other fine-grained materials that typically constitute a beach.~~

~~• Habitat degradation. Vegetation that shades the upper beach or bank is eliminated, thus degrading the value of the shoreline for many ecological functions, including spawning habitat for salmonids and forage fish.~~

~~• Sediment impoundment. As a result of shoreline hardening, the sources of sediment on beaches (eroding "feeder" bluffs) are progressively lost and longshore transport is diminished. This leads to lowering of down-drift beaches, the narrowing of the high tide beach, and the coarsening of beach sediment. As beaches become more coarse, less prey for juvenile fish is produced. Sediment starvation may lead to accelerated erosion in down-drift areas.~~

~~• Exacerbation of erosion. The hard face of shoreline armoring, particularly concrete bulkheads, reflects wave energy back onto the beach, exacerbating erosion.~~

~~• Groundwater impacts. Erosion control structures often raise the water table on the landward side, which leads to higher pore pressures in the beach itself. In some cases, this may lead to accelerated erosion of sand-sized material from the beach.~~

~~• Hydraulic impacts. Shoreline armoring generally increases the reflectivity of the shoreline and redirects wave energy back onto the beach. This leads to scouring and lowering of the beach, to coarsening of the beach, and to ultimate failure of the structure.~~

~~• Loss of shoreline vegetation. Vegetation provides important "softer" erosion control functions. Vegetation is also critical in maintaining ecological functions.~~

~~• Loss of large woody debris. Changed hydraulic regimes and the loss of the high tide beach, along with the prevention of natural erosion of vegetated shorelines, lead to the loss of beached organic material. This material can increase biological diversity, can serve as a stabilizing influence on natural shorelines, and is habitat for many aquatic-based organisms, which are, in turn, important prey for larger organisms.~~

~~• Restriction of channel movement and creation of side channels. Hardened shorelines along rivers slow the movement of channels, which, in turn, prevents the input of larger woody debris, gravels for spawning, and the creation of side channels important for juvenile salmon rearing, and can result in increased floods and scour.~~

~~Additionally, hard structures, especially vertical walls, often create conditions that lead to failure of the structure. In time, the substrate of the beach coarsens and scours down to bedrock or a hard clay. The footings of bulkheads are exposed, leading to undermining and failure. This process is exacerbated when the original cause of the erosion and "need" for the bulkhead was from upland water drainage problems. Failed bulkheads and walls adversely impact beach aesthetics, may be a safety or navigational hazard, and may adversely impact shoreline ecological functions.~~

~~"Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement. There is a range of measures varying from soft to hard that include:~~

~~• Vegetation enhancement;~~
~~• Upland drainage control;~~
~~• Biotechnical measures;~~
~~• Beach enhancement;~~
~~• Anchor trees;~~
~~• Gravel placement;~~
~~• Rock revetments;~~
~~• Gabions;~~
~~• Concrete groins;~~
~~• Retaining walls and bluff walls;~~
~~• Bulkheads; and~~
~~• Seawalls.~~

~~Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.~~

~~Structural shoreline stabilization often results in vegetation removal and damage to near-shore habitat and shoreline corridors. Therefore, master program shoreline stabilization provisions shall also be consistent with WAC 173-26-221(5), vegetation conservation, and where applicable, WAC 173-26-221(2), critical areas.~~

~~In order to implement RCW 90.58.100(6) and avoid or mitigate adverse impacts to shoreline ecological functions where shoreline alterations are necessary to protect single-family residences and principal appurtenant structures in danger from active shoreline erosion, master programs should include standards setting forth the circumstances under which alteration of the shoreline is permitted, and for the design and type of protective measures and devices.~~

~~(iii) **Standards.** In order to avoid the individual and cumulative net loss of ecological functions attributable to shoreline stabilization, master programs shall implement the above principles and apply the following standards:~~

~~(A) New development should be located and designed to avoid the need for future shoreline stabilization to the extent feasible. Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur using geotechnical analysis of the site and shoreline characteristics. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas should not be allowed.~~

~~(B) New structural stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:~~

~~(I) To protect existing primary structures:~~

~~• New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.~~

~~• The erosion control structure will not result in a net loss of shoreline ecological functions.~~

~~(II) In support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply:~~

~~• The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.~~

~~• Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.~~

~~• The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves.~~

~~• The erosion control structure will not result in a net loss of shoreline ecological functions.~~

~~(III) In support of water-dependent development when all of the conditions below apply:~~

~~• The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.~~

~~• Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.~~

~~• The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.~~

~~• The erosion control structure will not result in a net loss of shoreline ecological functions.~~

~~(IV) To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW when all of the conditions below apply:~~

~~• Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.~~

~~• The erosion control structure will not result in a net loss of shoreline ecological functions.~~

~~(C) An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.~~

~~• The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.~~

~~• Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.~~

~~• Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure.~~

~~• Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.~~

~~• For purposes of this section standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.~~

~~(D) Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.~~

~~(E) When any structural shoreline stabilization measures are demonstrated to be necessary, pursuant to above provisions.~~

~~• Limit the size of stabilization measures to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.~~

~~• Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions; WAC 173-26-221(4). Where feasible, incorporate ecological restoration and public access improvements into the project.~~

~~• Mitigate new erosion control measures, including replacement structures, on feeder bluffs or other actions that affect beach sediment-producing areas to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, local governments should coordinate shoreline management efforts. If beach erosion is threatening existing development, local governments should adopt master program provisions for a beach management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.~~

~~(F) For erosion or mass wasting due to upland conditions, see WAC 173-26-221 (2)(c)(ii).~~

~~(b)~~)) Where shoreline modifications to address erosion or flooding are warranted and permissible, nature-based solutions should be prioritized over other types of interventions. In order to be classified as a nature-based solution, projects must demonstrate how they are aligned with local shoreline processes.

(3) **Planning for specific shoreline modifications.** All shoreline modifications shall be reviewed against the principles described in subsection (2) of this section. Local governments should carefully consider where to allow specific shoreline modifications to ensure consistency with the policy of the act, the applicable master program, and the shoreline environment designation management policies. Local governments should consult with department guidance when preparing or amending master program shoreline modification provisions.

(a) Shoreline modifications that should be considered include:

(i) **Shoreline access.** Access modifications provide public or private physical or visual access to the shoreline and include stairs, trails, viewing platforms, and the like. Specify where and what types of access modifications or structures are allowed. Criteria can include, but are not limited to, shoreline environment designations, bluff height, hazards, erosion rates, and visual impacts. Physical shoreline access may not be practical, feasible, safe, or appropriate in all shoreline environments due to dynamic shoreline processes, cumulative impacts, or where the ecological impacts cannot be mitigated;

(ii) **Boat launches.** A boat launch is an inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or by hand. Boat launches can be public or private. Boat launches can impact coastal processes similar to a groin by breaking water and sediment flow, displacing vegetation, and inviting more intensive use of the shoreline;

(iii) **Grading and excavation.** Grading is the process of reshaping the land's surface, often using heavy equipment such as a bulldozer, in order to obtain a desired slope. Grading is often done in preparation or as part of an authorized shoreline development and should be reviewed together with the use and other development components of the project. Grading provision shall apply to the entirety of shoreline jurisdiction, including areas landward of buffers and setbacks. Best management practices should be used to control erosion, sedimentation, and runoff;

(iv) **Mooring buoys.** Mooring buoys are overwater or in-water structures that include an anchor, anchor line, and surface float. Commercial buoys are typically used to temporarily moor a commercial vessel awaiting tide changes or loading or offloading materials. Recreational buoys are used as semi-permanent moorage for recreational vessels. Consider identifying the number, spacing, distance from shore, system design, and ecological siting considerations for mooring buoys. Require coordination with the department of natural resources for all mooring buoy proposals on state-owned aquatic lands. Mooring buoy siting should consider potential impacts to navigation, recreational access and uses, and tribal fisheries;

(v) **On-site sewage systems (OSS).** Often referred to as septic systems, on-site sewage systems (OSS) treat wastewater from private residences and other buildings. OSS are common in rural and low-density areas without public sewer systems. OSS can include tanks, pipes, drain fields, reserve drain fields, and other associated components. Local governments are encouraged to coordinate among planning and health departments to ensure that new OSS comply with the requirements of the master program and health code;

(vi) **Outfalls and drainage dispersion systems.** An outfall is a pipe that discharges stormwater or a piped stream to the shoreline water body. Drainage dispersion systems are designed to slow and spread stormwater runoff, promoting infiltration and reducing the volume entering storm drains, while also helping to remove pollutants. Stormwater management within shoreline jurisdiction that provide treatment and drainage dispersion systems should be preferred over piped outfalls that discharge directly into shoreline water bodies;

(vii) **Scientific data-collection or monitoring devices.** Scientific data-collection or monitoring devices that are installed in-water or on shorelands and are intended to collect data or monitor conditions in or near the water are an appropriate use of shorelines of the state. Master programs should include provisions fostering installation of scientific data-collection or monitoring devices;

(viii) **Vertical evacuation structures.** A vertical evacuation structure is a building or tower specially designed to resist earthquake and tsunami forces, and its height allows people to evacuate above the level of tsunami inundation. Evacuation structures may need to exceed the 35-foot height limit otherwise applied to development by the master program, provided that the view of a substantial number of residences are not obstructed by the siting of the structure;

(ix) **Upland retaining walls.** Upland retaining walls are structures constructed on shorelands for the purpose of stabilizing steep slopes, creating flat areas, or other purposes unrelated to wave- or current-based shoreline erosion. Upland retaining walls shall be located outside of shoreline and critical area buffers except when necessary to stabilize a slope within a shoreline adjacent geologically hazardous area. Upland retaining walls intended to create flat areas for landscaping or development envelopes for construction shall be sited landward of shoreline buffers and outside wetland buffers;

(x) **Vegetation modifications.** Vegetation modification is the clearing, removal, or enhancement of existing vegetation within shoreline jurisdiction. Vegetation contributes to the shoreline ecological function. Vegetation modification shall only be allowed consistent with the master program shoreline vegetation conservation standards. Vegetation removal, clearing, or grading occurring landward of required shoreline buffers or setbacks and outside of critical areas and their buffers may be authorized as part of a development proposal in

support of an authorized shoreline use provided the ecological functional impact of the vegetation modification is considered in the application of mitigation sequencing and all vegetation related impacts are fully minimized and compensated.

(b) The following shoreline modifications must be addressed within master programs, if applicable within the local government's shoreline jurisdiction:

(i) **Piers and docks.** Piers are raised structures that rise above the body of water and extend out from its shore, typically supported by piles or pillars, and provide above-water access to offshore areas. Docks are structures extending along the shore or out from the shore into a body of water, to which boats may be moored. Common uses of docks and piers include fishing, boat docking, access for both passengers and cargo, and water-related recreation.

(A) New piers and docks shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section.

(B) Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.

(C) New pier or dock construction, excluding docks accessory to single-family residences, should be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses. If a port district or other public or commercial entity involving water-dependent uses has performed a needs analysis or comprehensive master plan projecting the future needs for pier or dock space, and if the plan or analysis is approved by the local government and consistent with these guidelines, it may serve as the necessary justification for pier design, size, and construction. The intent of this provision is to allow ports and other entities the flexibility necessary to provide for existing and future water-dependent uses.

(D) Where new piers or docks are allowed, master programs should contain provisions to require new residential development of two or more adjacent dwellings to provide joint use or community dock facilities((~~, when feasible,~~)) rather than allow individual docks for each residence. Joint use dock provisions are intended to reduce the number of adjacent single-use docks and are applicable where multiple adjacent shoreline properties can combine their shoreline access to a single point. Community dock facilities provide water access to the public, group, or community as defined by a subdivision to ensure that the subdivision of shoreline property provides shared water access to the full set of parcels, lots, or tracts created by the subdivision.

(E) Piers and docks, including those accessory to single-family residences, shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas ((~~resources~~)) such as ((~~eelgrass~~)) native kelp and seagrass beds ((~~and~~)), fish habitats, and wetlands; and processes such as currents ((~~and~~)), littoral drift, lake waves, and riverine flood stage flow velocity. ((~~See WAC 173-26-221 (2)(c)(iii) and (iv).~~))

(F) Master programs should require that structures be made of materials that have been approved by applicable state agencies.

((~~(e)~~)) (G) Piers and docks are commonly proposed on state-owned aquatic lands. All projects proposed on department of natural resources-managed state owned aquatic lands must be accompanied by an Aquatic Use Authorization, using JARPA Attachment E or equivalent documentation that the applicant can use to pursue a regulatory permit for a project on state-owned aquatic lands.

(ii) **Fill.** Fill means the addition of soil, sand, rock, gravel, sediment, earth-retaining structure, or other material to an area waterward of the OHWM; in wetlands; or on shorelands in a manner that raises the elevation or creates dry land.

(A) Fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

(B) Fills waterward of the ordinary high-water mark shall be allowed only when necessary to support:

(I) A water-dependent use((~~,~~));

(II) Public access((~~,~~));

(III) Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan((~~,~~));

(IV) Disposal of dredged material considered suitable under, and conducted in accordance with the ((~~dredged material management program of the department of natural resources,~~)) interagency dredge material management program;

(V) Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible((~~,~~));

(VI) A mitigation action((~~,~~));

(VII) Environmental restoration((~~,~~));

(VIII) A beach nourishment or enhancement project.

(C) Fills waterward of the ordinary high-water mark for any use except ecological restoration should require a conditional use permit.

((~~(d)~~)) (D) Fill in wetlands shall not be allowed. Consistent with the master program critical area protection standards of WAC 173-26-221(2), wetlands area and function shall be protected from impacts such as the placement of fill within wetlands.

(iii) **Breakwaters, jetties, groins, and weirs.** Breakwater means a barrier built out into a body of water to protect a coast or harbor from the force of waves. Weir means a low dam built across a river to raise the level of water upstream or regulate its flow. Jetty means a human-made structure that protrudes from land out into water. A jetty may serve as a breakwater, a walkway, or both; or, in pairs, as a means of constricting a channel. Groin means a rigid hydraulic structure built perpendicularly from an ocean shore or a river bank, interrupting water flow and limiting the movement of sediment. It is usually made out of wood, concrete, or stone. These structures are designed to modify the water waves or flow or otherwise impede or alter the water course. As such breakwaters, jetties, groins, and weirs impact shoreline processes. Local governments should carefully consider where to allow such structures to ensure consistency with the policy of the act, the master program, and the shoreline environment designation management policies.

(A) Breakwaters, jetties, groins, and weirs located waterward of the ordinary high-water mark shall be allowed only where necessary to

support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

(B) Breakwaters, jetties, groins, weirs, and similar structures should require a conditional use permit, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.

(C) Breakwaters, jetties, groins, and weirs shall be designed to ((~~protect~~)) avoid impacts to critical areas and shall provide for mitigation according to the sequence ((~~defined in WAC 173-26-201 (2)(e)~~)).

((~~(e)~~)) (iv) **Beach and dunes management.** Washington's beaches and their associated dunes are sensitive ecological areas that require careful management. Much of the state's dune ecosystems lie along the Pacific Ocean coast ((~~between Point Grenville and Cape Disappointment, and as~~)), coinciding with shorelines of statewide significance, which are mandated to be managed from a statewide perspective by the act. ((~~Beaches and dunes within shoreline jurisdiction shall be managed to~~)) Other dune areas lie along the Strait of Juan de Fuca or in the Salish Sea. Beach and dune management provisions should:

(A) Conserve, protect, ((~~where appropriate develop,~~)) and where appropriate restore the resources and benefits of coastal beaches. ((~~Beaches and dunes should also be managed to~~))

(B) Reduce the hazard to human life and property from natural or human-induced actions associated with these areas.

((~~Shoreline master programs in coastal marine areas shall~~)) (C) Provide for diverse and appropriate use of beach and dune areas consistent with their ecological, recreational, aesthetic, and economic values, and consistent with the natural limitations of beaches, dunes, and dune vegetation ((~~for development~~)). ((~~Coastal~~)) Master programs shall institute development setbacks from the shoreline to prevent impacts to the natural, functional, ecological, and aesthetic qualities of the dune.

(D) "Dune modification" is the removal or addition of material to a dune, the reforming or reconfiguration of a dune, or the removal or addition of vegetation that will alter the dune's shape or sediment migration. Dune modification may be proposed for a number of purposes, including protection of property, flood and storm hazard reduction, erosion prevention, and ecological restoration.

((~~Coastal~~)) (E) Dune modification shall be allowed only consistent with state and federal flood protection standards and when it will not result in a net loss of shoreline ecological functions or significant adverse impacts to other shoreline resources and values.

((~~Dune modification to protect views of the water shall be allowed only on properties subdivided and developed prior to the adoption of the master program and where the view is completely obstructed for residences or water-enjoyment uses and where it can be demonstrated that the dunes did not obstruct views at the time of original occupancy, and then only in conformance with the above provisions.~~

~~(f)~~)) (v) **Dredging and dredge material disposal.** Dredging ((~~and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.~~)) is the removal of material from the bed of a shoreline water body waterward of the ordinary high water mark. Dredge material disposal is the release of dredge material into a shoreline water body or the placement of dredge material onto shorelands.

(A) New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

(B) Dredging for the purpose of establishing, expanding, ((~~or~~)) relocating, or reconfiguring navigation channels and basins should be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.

(C) Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged ((~~and/or~~)) areas limited to the existing authorized location, depth, and width.

(D) Dredging ((~~waterward of the ordinary high-water mark~~)) for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions. ((~~When allowed, the site where the fill is to be placed must be located waterward of the ordinary high-water mark.~~)) The project must be either associated with a MTCA or CERCLA habitat restoration project or((~~, if approved through a shoreline conditional use permit, any~~)) other significant habitat enhancement project.

(E) Master programs should include provisions for uses of suitable dredge material that benefit shoreline resources and ecological functions, provided that the use does not negatively impact critical areas, including wetlands, floodplains, critical saltwater habitats, critical freshwater habitats and channel migration zones. Where applicable, master programs should provide for the implementation of adopted regional interagency dredge material management plans or watershed management planning.

((~~Disposal of dredge material on shorelands or wetlands within a river's channel migration zone shall be discouraged. In the limited instances where it is allowed, such disposal shall require a conditional use permit. This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.~~

~~(g)~~)) (F) Shoreline permits and local review are not required in order to dispose of dredge materials at a disposal site approved through the cooperative planning process referenced in RCW 79.105.500, provided the dredge material disposal proponent obtains a valid site use authorization from the dredged material management program pursuant to RCW 90.58.140(12).

(vi) **Shoreline restoration and habitat ((~~and natural systems~~)) enhancement projects.** Shoreline restoration and habitat ((~~and natural systems~~)) enhancement projects include those activities proposed and conducted specifically for the primary purpose of establishing, restoring, or enhancing shoreline ecological functions or habitat for priority species in shoreline((~~s~~)) jurisdiction. Shoreline restoration and habitat enhancement are appropriate uses of the shoreline and shorelands and shall not require a conditional use permit.

(A) Master programs ((~~should~~)) shall include provisions fostering shoreline restoration and habitat ((~~and natural system~~)) enhancement projects. Such projects may include shoreline modification actions such as modification of vegetation, removal of nonnative or invasive plants, nature-based shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character, process, and shoreline ecological functions ((~~of the shoreline~~)), and mitigation sequencing is followed.

(B) Master program provisions ((~~should assure~~)) shall ensure that the projects address legitimate restoration or habitat enhancement needs and priorities ((~~and facilitate implementation of the restoration plan developed pursuant to WAC 173-26-201 (2)(f)~~)). Local governments should rely on local watershed restoration plans, ecology water cleanup plans (including TMDLs and their implementation plans, and advance restoration plans), salmon recovery plans, and the master program restoration plan as sources of local and regional needs and priorities.

(C) Master programs shall include policies and regulations that encourage and foster critical areas restoration and enhancement.

(vii) **In-stream structures.** "In-stream structure" means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

(A) In-stream structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources including, but not limited to, fish and fish passage, wildlife and water resources, critical areas, hydrogeological processes, and natural scenic vistas.

(B) The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

(4) **Shoreline stabilization.** The definitions, principles, and standards of this section shall apply to development that includes the repair, maintenance, replacement, expansion, or construction of new shoreline stabilization. Each master program shall include regulations that apply the following shoreline stabilization definitions, principles, and standards.

(a) **Definitions.**

(i) "Shoreline stabilization" means actions taken to reduce or control erosion resulting from natural processes, including currents, tides, wave action, stream flow or velocity, and wind, which act over time to wear down and transport shoreline materials. Shoreline stabilization is an erosion-control measure that involves structural alterations at or near the ordinary high water mark that can include nature-based stabilization or hard stabilization methods. Shoreline stabilization does not include nonstructural erosion control measures;

(ii) "Hard stabilization" means structural erosion control measures that rely on static, rigid structures designed to fix the shoreline in place and resist or deflect erosive forces. These measures are intended to prevent shoreline movement and typically do not adjust or respond dynamically to changing shoreline processes or sediment transport. Hard structural stabilization techniques include, but are not limited to:

(A) Bulkhead;

(B) Seawall;

(C) Riprap;

(D) Groin or breakwater;

(iii) "Nature-based stabilization" means structural erosion-control measures that are designed to function dynamically with natural shoreline processes to reduce erosion while maintaining or enhancing

ecological functions. Nature-based stabilization emphasizes process-based, adaptive, and dynamic approaches that dissipate wave energy, accommodate sediment transport, and allow controlled shoreline movement, rather than fixing the shoreline in a static position. Specific nature-based stabilization approaches vary based on the shoreline environment and must be appropriately scaled to align with local shoreline processes while minimizing ecological impacts. Measures that primarily rely on static elements, like riprap rock, concrete, steel, or other hard stabilization, including traditional revetments or bulkheads, shall not be considered nature-based stabilization, even if vegetation or other natural elements are incorporated as secondary features. Nature-based stabilization techniques may include, but are not limited to:

(A) Vegetation enhancement;

(B) Dune restoration or enhancement;

(C) Shoreline slope re-grading to natural profiles;

(D) Biotechnical measures;

(E) Beach nourishment;

(F) Wood placement or anchor trees;

(G) Gravel/cobble placement;

(H) Dynamic revetments;

(iv) "Nonstructural erosion control" means actions taken to avoid, minimize, or manage erosion risks without alteration at or near the ordinary high water mark and without shoreline stabilization measures. These measures reduce exposure to erosion hazards through land-use decisions, development location or design, and site management practices. Nonstructural erosion control measures may include development setbacks, upland vegetation enhancement, relocation or removal of at-risk structures, land-use controls, site design modifications, drainage and groundwater management, and similar practices. Nonstructural erosion control measures are a means to avoid and minimize the need for structural shoreline stabilization.

(b) **Principles**. Shorelines are by nature unstable, although in varying degrees. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the natural resource and ecology of the shoreline. The impacts of hardening any one property may seem minimal but cumulatively the impact of this shoreline modification can be significant. Master programs must protect the ecological functions of the shoreline from the impacts of stabilization.

(i) Hard stabilization can result in adverse impacts to shoreline ecological functions, including sediment impoundment and beach starvation, beach or channel scour, channel restrictions, loss of shoreline vegetation, decrease in large woody debris and other organic material inputs, habitat degradation, and loss of critical saltwater and freshwater habitat.

(ii) The hard face of some shoreline stabilization structures, particularly vertical walls, bulkheads, and rock revetments, reflect wave and stream energy, which can lead to scouring and lowering of the substrate, coarsening, and ultimate failure of the structure when the footings of bulkheads are exposed and undermined. Failed bulkheads and walls adversely impact shoreline aesthetics, may be a safety or navigational hazard, and may adversely impact shoreline ecological functions. Master programs must ensure that any shoreline stabilization that is allowed is suitable for the environment for which it is proposed and that plans are made to maintain and eventually decommission stabilization structures at the end of their lifespan.

(iii) Nature-based stabilization reduces or eliminates shoreline erosion risk with less adverse impacts to the shoreline ecological function and processes. Nature-based stabilization measures must be designed to function dynamically with natural shoreline processes to reduce erosion while maintaining or enhancing ecological functions. Nature-based stabilization emphasizes process-based, adaptive, and dynamic approaches that dissipate wave energy, accommodate sediment transport, and allow controlled shoreline movement, rather than fixing the shoreline in a static position.

(iv) Nature-based stabilization proposals for new, expanded, or replacement measures may be allowed waterward of the ordinary high-water mark only when necessary to improve shoreline ecological functions or restore shoreline processes, provided the design maintains or enhances sediment transport and shoreline processes, is limited to the minimum extent necessary, does not increase shoreline armoring or expand the stabilization footprint beyond the existing structure except as necessary to support the nature-based design, and is appropriate for site-specific coastal conditions.

(v) Shoreline stabilization provisions shall conform to the following preference hierarchy that must first prioritize avoidance through nonstructural erosion control measures and then prioritize nature-based stabilization over hard stabilization:

(A) Nonstructural erosion control measures, such as development setbacks, relocation, redesign, and land-use controls, shall be considered first to avoid or minimize exposure to erosion hazards without stabilizing the shoreline at or near the ordinary high water mark;

(B) Where nonstructural erosion control measures are demonstrated to be infeasible or insufficient, nature-based stabilization approaches that function dynamically with natural shoreline processes and maintain or enhance ecological functions shall be prioritized;

(C) Hard structural stabilization, consisting of static, fixed shoreline armoring, may be considered only as a last resort where nonstructural erosion control measures and nature-based stabilization approaches are demonstrated to be infeasible or inadequate to address erosion risks, and only when designed as the minimum necessary to achieve protection while minimizing impacts to shoreline processes and ensuring no net loss of shoreline ecological functions.

(vi) Limit the size of stabilization measures to the minimum necessary to abate the shoreline erosion hazard to an existing development, structure, or infrastructure.

(vii) Hard shoreline stabilization cannot be authorized on vacant lots without development or in locations where an existing residence or primary structure is not in danger of loss or damage from shoreline erosion, except as necessary to protect public infrastructure, essential public facilities such as roads, bridges, ferry terminals, and new or existing water-dependent uses.

(viii) Shoreline stabilization often results in vegetation removal and damage to nearshore or in-stream habitat and can disconnect shoreline habitat corridors. Therefore, master program provisions related to shoreline stabilization shall also be consistent with WAC 173-26-221(6), vegetation conservation, and where applicable, WAC 173-26-221(2), critical areas.

(ix) Shoreline stabilization is not an appropriate solution to mitigate the impacts of flooding, which is addressed in subsection (5) of this section flood hazard reduction modifications. When both shoreline erosion and flooding or inundation hazards are present, the

standards of this shoreline stabilization section and the flood hazard reduction modifications standards must be applied.

(x) Ensure that shoreline stabilization measures do not restrict appropriate public access to the shoreline or reduce public access opportunities on public lands. Shoreline stabilization projects on public lands shall incorporate ecological restoration and public access improvements into the project.

(xi) Shoreline stabilization measures should not adversely affect beach sediment producing areas and should not be allowed on feeder bluffs. If total avoidance is not possible, the shoreline stabilization alternative chosen should minimize impacts to sediment conveyance systems and processes.

(xii) Where sediment conveyance systems cross parcel or jurisdictional boundaries, local governments are encouraged to coordinate shoreline management efforts. If beach erosion is threatening existing development, local governments may adopt master program provisions for a beach management district or other institutional mechanism to provide comprehensive mitigation for the cumulative adverse impacts.

(xiii) In order to implement RCW 90.58.100(6) and avoid or mitigate adverse impacts to shoreline ecological functions where shoreline alterations are necessary to protect single-family residences and principal appurtenant structures in danger from active shoreline erosion, master programs should include standards setting forth the circumstances under which alteration of the shoreline is permitted, and for the design and type of protective measures and devices. A principal appurtenant structure does not include a fence or residential accessory structures not meeting the definition of appurtenance in WAC 173-27-030(4).

(c) **Standards.** In order to avoid the individual and cumulative net loss of ecological functions attributable to shoreline stabilization, master programs shall implement the above principles and apply the following standards:

(i) Master programs should make a clear distinction between shoreline modifications intended to protect against shoreline erosion (shoreline stabilization measures) and those intended to reduce the risk or impacts from flooding (flood hazard reduction measures);

(ii) Shoreline stabilization measures cannot result in additional dryland or increase the shoreland area landward of the stabilization measure. In other words, shoreline stabilization measures cannot be used to move the ordinary high water mark or the visible edge of the upland property waterward of its existing location to create additional useable area or increase space for new use or development;

(iii) All shoreline stabilization. All shoreline stabilization proposals shall be supported with documentation demonstrating that the proposed stabilization mitigates the identified erosion hazard, represents the minimum intervention necessary to protect the existing legally established primary structure, new water-dependent structure, or essential public facility, and constitutes the least ecologically damaging alternative. This documentation shall be submitted in the form of a geotechnical report consistent with the requirements of (d) of this subsection that integrates the following three analyses:

(A) The demonstration of need shall be established through a shoreline erosion analysis, consistent with the requirements of (d) of this subsection;

(B) An alternatives analysis shall document the application of the erosion control preference hierarchy, which must first prioritize avoidance through nonstructural erosion control measures, and then

prioritize nature-based stabilization over hard stabilization. Each alternative shall be evaluated using a consistent set of criteria to enable transparent comparison among alternatives and to identify the least ecologically damaging alternative that effectively addresses the identified erosion hazard, consistent with the principles of (b)(iv) and (e) of this subsection;

(C) An ecological impact analysis that documents application of the mitigation sequence and demonstrates no net loss of shoreline ecological functions consistent with the requirements of (f) of this subsection.

(iv) New and expanded shoreline stabilization. New shoreline stabilization can be allowed only when all of the following criteria are met:

(A) The proposal is consistent with the requirements of (c)(i) of this subsection;

(B) The type of shoreline stabilization proposed is allowed by the shoreline environment designation it is located in; and

(C) The shoreline stabilization is proposed to protect one of the following:

(I) A legally established single-family residence or its appurtenant structures;

(II) A legally established existing water-dependent development or use;

(III) New water-dependent development and uses;

(IV) New or legally established existing public access, public infrastructure, or essential public facilities;

(V) Restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW.

(D) Hard shoreline stabilization measures shall not be authorized except when a report confirms that there is a significant possibility that an existing primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard stabilization measures, or where waiting until the need is immediate would foreclose the opportunity to use measures that would avoid impacts on ecological functions. When nature-based stabilization is proposed to address documented erosion, the requirement to demonstrate danger to the primary structure within three years can be waived because nature-based stabilization may need to be implemented earlier before erosion has reached a critical threshold.

(E) New and expanded hard shoreline stabilization can only be authorized in locations at or landward of the existing ordinary high water mark. Nature-based shoreline stabilization measures can be considered in locations waterward of the existing ordinary high water mark when necessary.

(v) Stabilization that should be prohibited. New shoreline stabilization shall not be allowed in the following circumstances:

(A) Along feeder bluffs. Feeder bluffs play an essential role in marine ecosystems by delivering sediment to beaches. Additionally, feeder bluffs typically have high erosion rates and serious slope stability issues that cannot be safely mitigated with hard stabilization at the toe of the eroding bluff;

(B) Along accretion shoreforms. By definition, these areas are not eroding;

(C) In locations where the site, its on-site sewage system, or its access are experiencing or likely to experience regular flooding that is not being addressed or mitigated as part of the project.

(vi) Repair and maintenance of legally established existing shoreline stabilization.

(A) "Shoreline stabilization maintenance" includes those usual or routine acts to prevent a decline, lapse, or cessation from a lawfully established condition of existing shoreline stabilization.

(B) "Shoreline stabilization repair" means minor actions necessary to fix damage to lawfully established shoreline stabilization.

(C) Existing shoreline stabilization can be repaired and maintained without meeting the requirements of (d), (e), and (f) of this subsection, provided the repair and maintenance is limited to minor actions within the footprint of the existing structure and does not include reconstruction, replacement, or lateral or vertical expansion.

(I) Repair and maintenance are minor actions intended to maintain existing useable and functional shoreline stabilization.

(II) Shoreline stabilization maintenance and repair actions must be taken prior to substantial decay or destruction, which results in stabilization failure or the reestablishment of the ordinary high water mark landward of the existing stabilization.

(D) Shoreline stabilization maintenance and repair activities require consideration of less ecologically impactful alternatives and shall not result in any waterward or lateral expansion of existing hard shoreline stabilization.

(vii) Replacement of existing shoreline stabilization.

(A) For purposes of this provision, "replacement" means the construction of new shoreline stabilization to perform the erosion-control function of existing shoreline stabilization that can no longer adequately serve its purpose. If any portion of the existing shoreline stabilization is beyond repair, the entire project shall be reviewed as a replacement.

(B) Replacement is an opportunity to consider changing shoreline conditions, plan for resilience, implement less ecologically impactful alternatives, and ensure that health and safety concerns are addressed.

(C) Existing hard stabilization can be replaced with nature-based stabilization, without providing the three-year risk demonstration and nature-based stabilization measures used to replace existing hard stabilization can be allowed waterward of the ordinary high-water mark when necessary. All other documentation requirements of (d), (e), and (f) of this subsection still apply.

(D) Hard stabilization may be replaced with another hard stabilization when needed to protect an existing legally established primary structure, road, essential public facility or water-dependent development provided:

(I) Hard stabilization is supported through the demonstration of need, alternatives analysis, and ecological impact analysis consistent with the requirements of (d), (e), and (f) of this subsection, respectively.

(II) The replacement hard stabilization shall be constructed landward of the current ordinary high water mark and shall not encroach waterward of the existing structure, except when a vertical wall fronting an existing vertical or near-vertical wall is proposed, it may be considered a replacement and may be allowed to extend waterward of the existing wall only as necessary for construction of new footings and when not more than one cubic yard of fill per one foot of wall may be used as backfill.

(E) When existing shoreline stabilization has failed or deteriorated such that an ordinary high water mark has been established, by

the presence and action of water, landward of the existing stabilization, then the replacement must be relocated at or landward of the current ordinary high water mark.

(F) Where existing hard stabilization is present, erosion rate for the purpose of demonstrating need may be estimated using pre-stabilization shoreline change data, comparable nearby unarmored shorelines, historical topographic or LiDAR analyses, toe scour, and evidence of end effects or adjacent shoreline retreat. Beach profile change, toe scour, and end effects should be interpreted with consideration that these conditions may be significantly influenced by the presence of existing hard stabilization.

(G) Vertical extensions of hard stabilization are unlikely to address shoreline erosion and should not be proposed unless demonstrated to mitigate the identified erosion risk.

(viii) Emergency shoreline stabilization.

(A) An "emergency" is an unanticipated and imminent threat that requires immediate action within a time too short to allow full compliance with the permit timelines of the Shoreline Management Act and applicable master program.

(B) Emergency construction shall not include development of new permanent shoreline stabilization where none previously existed. New permanent shoreline stabilization may not be authorized as an emergency action or through after-the-fact permitting.

(C) Only temporary actions necessary to abate an emergency may be authorized without the full application of the principles and standards the act and master program. Temporary measures may include sandbags, supersacks, storm shields for windows and doors, or the like. Upon abatement of the emergency situation, all emergency actions and construction shall be removed, and any ecological functions impacted shall be restored.

(D) If permanent protection is necessary, the temporary measure should be the minimum necessary until a permanent structure can be designed and permitted in compliance with the master program.

(d) **Geotechnical report.** All master programs must contain standards requiring a geotechnical report to demonstrate the need for shoreline stabilization and to evaluate the effectiveness and impacts of the proposed stabilization measure. The report must be prepared by a qualified professional with demonstrated expertise in shoreline processes and a valid professional engineering or professional geologist license in the state of Washington. At a minimum, the geotechnical report must address the following components:

(i) Analysis of the site describing the physical and geomorphic setting of the site and surrounding shoreline, including shoreline type; surface and subsurface geologic conditions; soil and sediment characteristics; bluff stratigraphy, where applicable; landslide hazards; groundwater influences; beach morphology; sediment sources; existing shoreline modifications; and regional shoreline processes;

(ii) Evaluation of site-specific hydrodynamic and morpho-dynamic processes affecting shoreline stability including, but not limited to, site elevations, beach profile, beach substrate, tides and/or water levels, wave conditions, storm conditions, sediment transport patterns, relative sea level rise rates, and projected inundation;

(iii) Evaluation of historical shoreline change using available data such as aerial photographs, topographic surveys, LiDAR analyses, beach profile monitoring. Where existing stabilization is present, erosion rates may be estimated using pre-stabilization shoreline change data, similar nearby unarmored shorelines, beach profile

change, toe scour, and evidence of end effects, recognizing that such indicators may be influenced by the presence of the existing structure;

(iv) Demonstrate the need for shoreline stabilization, including the cause of erosion, the timescales on which erosion occurring (episodic, chronic, etc.), and estimated erosion rate relative to setback distance(s) from the foundation of primary structure;

(v) The report must clearly identify the primary hazard threatening the structure or infrastructure and the timeframe over which the hazard may affect the development. The geotechnical report should clearly identify that erosion is posing a risk to the existing structure;

(vi) Evaluate shoreline stabilization alternatives consistent with an alternatives analysis in accordance with (e) of this subsection. Demonstrate that the proposed chosen alternative will effectively mitigate the erosion hazard and protect the structure. The report must identify the least ecologically damaging alternative that effectively addresses the identified erosion hazard;

(vii) Include a plan map of existing site conditions and a cross-section of the proposed shoreline stabilization relative to the site-specific conditions identified in (d)(ii) of this subsection. All elevations shall be referenced to a standard vertical datum, such as mean lower low water (MLLW) or the North American Vertical Datum of 1988 (NAVD88);

(viii) Demonstrate that the proposed design minimizes the size and extent of shoreline stabilization and that the project will not result in unmitigated adverse impacts to shoreline ecological functions and processes in accordance with (f) of this subsection.

(e) **Alternatives analysis.** All master programs must include standards requiring that all geotechnical reports include an alternatives analysis documenting that a full range of shoreline stabilization options has been evaluated. After completing the geotechnical report requirements in (d)(i) through (v) of this subsection, if the report identifies that erosion poses a risk to a legally established primary structure or critical infrastructure that requires protection, the report must include an alternatives analysis.

(i) Shoreline stabilization alternatives shall be evaluated in accordance with the preference hierarchy established in (b)(v) of this subsection, prioritizing measures that avoid or minimize shoreline stabilization. Alternatives shall first consider nonstructural measures, followed by nature-based approaches, with hard stabilization considered only as a last resort where less impactful options are not feasible or effective.

(ii) Each alternative must be evaluated by applying a consistent set of criteria to allow transparent comparison among alternatives. At a minimum, each alternative must be evaluated based on the following criteria:

(A) Technical feasibility is based on site-specific geologic, hydrologic, and shoreline process conditions;

(B) Demonstration of effectiveness in addressing the identified erosion drivers, including the ability of alternatives to address the root causes of erosion and protect the threatened structure or infrastructure;

(C) Consistency with site conditions and shoreline processes, including compatibility with shoreline type, sediment dynamics, wave exposure, water level, and other site-specific characteristics;

(D) Impacts and benefits to shoreline ecological functions and processes, including effects on sediment transport, nearshore habitats, and shoreline processes, and other site-specific ecological functions;

(E) Longevity and resilience under future conditions, including expected performance under projected sea level rise, changing storm conditions, long-term shoreline change, or channel migration over a time frame consistent with the anticipated life of the structure or infrastructure being protected;

(F) Maintenance requirements and adaptive capacity, including anticipated maintenance intervals, monitoring needs, and the ability of the design to adapt to changing shoreline conditions;

(G) Cost considerations, including installation and long-term environmental impacts/management costs, evaluated as one factor among others and not as the sole basis for selecting an alternative.

(iii) The report must clearly document the comparative evaluation of alternatives and the basis for eliminating alternatives determined to be infeasible or ineffective.

(iv) The report must demonstrate that the selected alternative effectively addresses the identified erosion hazard and represents the least ecologically damaging alternative that adequately protects the legally established primary structure or infrastructure.

(f) **Ecological impact analysis.** All proposals for new, expanded, or replacement shoreline stabilization must demonstrate that the project will not result in a net loss of shoreline ecological functions over the life of the shoreline stabilization structure. The ecological impact analysis must compare the alternatives evaluated in (e) of this subsection and identify the least ecologically damaging alternative that effectively addresses the identified erosion hazard. Consistent with the mitigation sequence, proposals shall include:

(i) Site-specific assessment of shoreline ecological functions and identify any critical areas;

(ii) Demonstrate avoidance of impacts where feasible;

(iii) Minimize unavoidable impacts to shoreline ecological functions and processes;

(iv) Provide compensatory mitigation for unavoidable impacts as necessary to achieve no net loss of shoreline ecological functions.

(5) **Flood hazard reduction.** Flood hazard reduction measures are shoreline modifications with a primary purpose of addressing the impacts of flooding, minimizing flood damage or reducing flood hazard. Flooding refers to water temporarily covering areas that are normally dry land. Flooding is a natural process that provides ecological benefits including habitat creation and transport of nutrients and organic material throughout systems. Flooding can also create a hazard for people and development. Principles and standards specific to flood hazard reduction measures that involve modifying the shoreline are described in this subsection, including structural measures, such as dikes, levees, floodwalls, channel realignment, and the relocation and/or elevation of structures. Other nonstructural flood hazard reduction measures such as setbacks, use restrictions, wetland restoration, and dike removal are implemented by other sections of the master program. Principles and standards for frequently flooded area ecological protection through master programs are described in WAC 173-26-221(2).

(a) **Principles.** Master programs shall implement the following principles:

(i) Flooding of rivers, streams, lakes, coastal areas and other shorelines is a natural process that is affected by factors and land uses occurring throughout the watershed. Land use practices and development decisions have disrupted the hydrological processes of the floodplain and has increased the rate and volume of runoff, thereby exacerbating natural flood hazards and reducing ecological functions;

(ii) Where feasible, give preference to nonstructural flood hazard reduction measures over structural measures;

(iii) Base shoreline master program flood hazard reduction provisions on applicable watershed management plans, comprehensive flood hazard management plans, and other comprehensive planning efforts, provided those measures are consistent with the Shoreline Management Act and this chapter;

(iv) Ensure that flood hazard protection measures do not result in a net loss of shoreline ecological function;

(v) Plan for and facilitate returning river and stream corridors to more natural hydrological conditions;

(vi) Recognize that seasonal flooding is an essential natural process;

(vii) When evaluating alternate flood hazard reduction measures, consider the removal or relocation of structures in flood-prone areas;

(viii) Local governments are encouraged to plan for and facilitate removal of artificial restrictions to natural channel migration, restoration of off channel hydrological connections and return river processes to a more natural state where feasible and appropriate;

(ix) Pursuant to RCW 90.58.100 (2)(h), master programs shall include provisions that give consideration to the statewide interest in the prevention and minimization of flood damage;

(x) Flood hazard reduction modifications are most effective when integrated into comprehensive strategies that recognize the natural hydrogeological and biological processes of water bodies. Over the long term, the most effective means of flood hazard reduction is to prevent development from being sited in hazardous areas, to relocate existing development out of the hazardous area, to manage stormwater within the floodplain, and to maintain or restore river and stream systems' natural hydrological and geomorphological processes;

(xi) Structural flood hazard reduction measures can damage ecological functions crucial to fish and wildlife species, bank stability, and water quality and should be avoided whenever possible. When structural flood hazard reduction measures are necessary, they shall be accomplished in a manner that ensures no net loss of shoreline ecological functions and ecosystem-wide processes. In all cases where flood hazard reduction measures are needed, nonstructural alternatives and ecological restoration shall be explored to the greatest extent possible prior to the implementation of new structural flood hazard reduction efforts;

(xii) It is preferred that new structures not be sited in areas vulnerable to flooding. For existing development, relocating, removing, and elevating structures are preferred over modifying the shoreline;

(xiii) Nature-based flood reduction measures are the preferred approach to address flooding when shoreline modifications are necessary;

(xiv) Nonstructural flood hazard reduction measures, such as setbacks, land use controls, wetland restoration, dike removal, and use relocation should be considered and addressed prior to or incorporated

into projects that include structural flood hazard reduction modifications.

(b) **Standards.**

(i) Shoreline modifications intended to reduce flood hazards may include berms, levees, dikes, bioswales, floodwalls, and other similar structures. These structures have the primary purpose of protecting property or assets from impacts of flooding and are different from shoreline stabilization structures intended to mitigate erosion and channel migration.

(ii) Allow new structural flood hazard reduction measures in shoreline jurisdiction only when:

(A) It can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, water-dependent uses, or public infrastructure;

(B) Nonstructural measures are not feasible;

(C) Impacts to shoreline processes and priority species and habitats can be successfully mitigated so as to ensure no net loss of shoreline ecological function; and

(D) Appropriate vegetation conservation actions are undertaken consistent with WAC 173-26-221(6).

(iii) Require an alternatives analysis to confirm that no other less ecologically impactful alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis prepared by a qualified professional.

(iv) Structural flood hazard reduction measures should be consistent with an adopted comprehensive flood hazard management plan approved by the department that evaluates cumulative impacts to the watershed system.

(v) Place new structural flood hazard reduction measures landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration. In coastal areas, flood hazard reduction measures should be placed as far landward from the shoreline as feasible in order to avoid interference with shoreline ecological functions and processes.

(vi) Public flood hazard reduction measures, such as dikes and levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

(vii) Require that the removal of gravel for flood management purposes be consistent with an adopted flood hazard reduction plan and with this chapter and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

(viii) Proposed flood hazard reduction measures, including adaptive management of nature-based solutions, must demonstrate that they will effectively address the flood hazard for the life of the structure and the development they are intended to protect.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-26-241 Shoreline uses. (1) **Applicability.** The provisions in this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction. Master programs should include these, where applicable, and should include specific use provisions for other common uses and types of development in the jurisdiction. All uses and developments must be consistent with the provisions of the environment designation in which they are located and the general regulations of the master program.

(2) **General use provisions.**

(a) **Principles.** Shoreline master programs shall implement the following principles:

(i) Establish a system of use regulations and environment designation provisions consistent with WAC 173-26-201 (2)(d) and 173-26-211 that gives preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas.

(ii) Ensure that all shoreline master program provisions concerning proposed development of property are established, as necessary, to protect the public's health, safety, and welfare, as well as the land and its vegetation and wildlife, and to protect property rights while implementing the policies of the Shoreline Management Act.

(iii) Reduce use conflicts by including provisions to prohibit or apply special conditions to those uses ((~~which~~)) that are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline. In implementing this provision, preference shall be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.

(iv) Establish use regulations designed to assure no net loss of ecological functions associated with the shoreline.

(v) For local governments required to plan for sea level rise, ensure that existing and planned shoreline uses are compatible with sea level rise projections and expected future conditions. Comparison between identified sea level rise vulnerabilities and shoreline uses is required by WAC 173-26-246(7).

(b) **Provisions applicable to all shoreline uses.** Master programs shall include provisions to ensure appropriate water-dependent, water-enjoyment, and water-related uses can occur in and near the water, while limiting those that are nonwater-oriented or inconsistent with the control of pollution and prevention of damage to the natural environment.

(i) All uses proposed in shoreline jurisdiction shall demonstrate mitigation sequencing, including avoidance of impacts by locating as far from the ordinary high water mark as feasible.

(ii) Only those components of a project that meet the definition of water-oriented may be authorized within required shoreline buffers or setbacks.

(iii) Only those components of a project that meet the definition of water-dependent may be authorized waterward of the ordinary high water mark.

(iv) All uses allowed within required buffers and waterward of the ordinary high water mark shall demonstrate how mitigation sequenc-

ing will be applied to achieve no net loss of shoreline ecological functions.

(c) **Conditional uses.**

(i) Master programs shall define the types of uses and development that require shoreline conditional use permits pursuant to RCW 90.58.100(5). Requirements for a conditional use permit may be used for a variety of purposes, including:

((~~•~~)) (A) To effectively address unanticipated uses that are not classified in the master program as described in WAC 173-27-030((~~.~~));

((~~•~~)) (B) To address cumulative impacts((~~.~~));

((~~•~~)) (C) To provide the opportunity to require specially tailored environmental analysis or design criteria for types of uses or developments that may otherwise be inconsistent with a specific environment designation within a master program or with the Shoreline Management Act policies.

((~~In these cases,~~)) (ii) Allowing a given use as a conditional use could provide greater flexibility within the master program than if the use were prohibited outright.

((~~(ii)~~)) (iii) If master programs permit the following types of uses and developments, they should require a conditional use permit:

(A) Uses and development that may significantly impair or alter the public's use of the water areas of the state((~~.~~));

(B) Uses and development ((~~which~~)) that, by their intrinsic nature, may have a significant ecological impact on shoreline ecological functions or shoreline resources depending on location, design, and site conditions((~~.~~));

(C) Developments and uses in critical saltwater habitats((~~.~~));

(D) New commercial geoduck aquaculture as described in subsection (3)(b) of this section.

((~~(iii)~~)) (iv) The provisions of this section are minimum requirements and are not intended to limit local government's ability to identify other uses and developments within the master program as conditional uses where necessary or appropriate.

(3) **((~~Standards~~)) Provisions for specific shoreline uses**. Master programs shall establish a comprehensive program of use regulations for shorelines and shall incorporate provisions for specific uses consistent with the following as necessary to assure consistency with the policy of the act and where relevant within the jurisdiction.

(a) **Agriculture.**

(i) For the purposes of this section, the terms agricultural activities, agricultural products, agricultural equipment and facilities and agricultural land shall have the specific meanings as provided in RCW 90.58.065 and WAC 173-26-020.

(ii) Master programs shall not require modification of or limit agricultural activities occurring on agricultural lands. In jurisdictions where agricultural activities occur, master programs shall include provisions addressing new agricultural activities on land not meeting the definition of agricultural land, conversion of agricultural lands to other uses, and other development on agricultural land that does not meet the definition of agricultural activities.

(iii) Nothing in this section limits or changes the terms of the current exception to the definition of substantial development. A substantial development permit is required for any agricultural development not specifically exempted by the provisions of RCW 90.58.030 (3)(e)(iv) and WAC 173-27-040.

(iv) Master programs shall use definitions ((~~consistent with the definitions~~)) found in ((~~WAC 173-26-020(3)~~)) RCW 90.58.065.

(v) New agricultural activities are activities that meet the definition of agricultural activities but are proposed on land not currently in agricultural use. Master programs shall include provisions for new agricultural activities to ((~~assure~~)) ensure that:

(A) Specific uses and developments in support of agricultural use are consistent with the environment designation in which the land is located((~~.~~))*;*

(B) Agricultural uses and development in support of agricultural uses, are located and designed to assure no net loss of ecological functions and to not have a significant adverse impact on other shoreline resources and values((~~.~~))*;*

(I) Measures appropriate to meet these requirements include provisions addressing water quality protection, and vegetation conservation, as described in WAC ((~~173-26-220 (5) and (6)~~)) 173-26-221 best management practices identified in *Washington's Water Quality Management Plan and Voluntary Clean Water Guidance*.

(II) Requirements for buffers for new agricultural development shall be based on scientific and technical information and management practices adopted by the applicable state agencies necessary to preserve the ecological functions and qualities of the shoreline environment.

(vi) Master programs shall include provisions to ((~~assure~~)) ensure that development on agricultural land that does not meet the definition of agricultural activities((~~, and the conversion of agricultural land to nonagricultural uses, shall be consistent with the environment designation, and the general and specific use regulations applicable to the proposed use and do not result in a net loss of ecological functions associated with the shoreline~~)) is subject to the master program and its permit system.

(vii) County participation in the voluntary stewardship program does not change applicability of the Shoreline Management Act or requirements of the master program.

(viii) When agricultural lands are converted to nonagricultural uses, the master program provisions for the new use and any proposed development shall apply.

(b) **Aquaculture.**

(i) General provisions.

(A) Aquaculture is the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery.

This activity is of statewide interest. Properly managed, it can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Local government should consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions.

(B) Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and, in marine waters, salinity. The technology associated with some forms of present-day aquaculture is still in its formative stages and experimental. Local shoreline master programs should therefore recognize the necessity for some latitude in the development of

this use as well as its potential impact on existing uses and natural systems.

(C) Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline. Impacts to ecological functions shall be mitigated according to the mitigation sequence described in WAC 173-26-201 (2)(e).

(D) Local government should ensure proper management of upland uses to avoid degradation of water quality of existing shellfish areas.

(ii) Siting considerations for commercial geoduck aquaculture.

In addition to the siting provisions of (b)(i) of this subsection, commercial geoduck aquaculture should only be allowed where sediments, topography, land and water access support geoduck aquaculture operations without significant clearing or grading.

(iii) Shoreline substantial development permits for geoduck aquaculture.

As determined by Attorney General Opinion 2007 No. 1, the planting, growing, and harvesting of farm-raised geoduck clams requires a substantial development permit if a specific project or practice causes substantial interference with normal public use of the surface waters, but not otherwise.

(iv) Conditional use permits for commercial geoduck aquaculture.

(A) Conditional use permits are required for new commercial geoduck aquaculture only. Where the applicant proposes to convert existing nongeoduck aquaculture to geoduck aquaculture, the requirement for a conditional use permit is at the discretion of local government.

(B) All subsequent cycles of planting and harvest shall not require a new conditional use permit.

(C) Conditional use permits must take into account that commercial geoduck operators have a right to harvest geoduck once planted.

(D) A single conditional use permit may be submitted for multiple sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and within the same shoreline permitting jurisdiction.

(E) Local governments should minimize redundancy between federal, state and local commercial geoduck aquaculture permit application requirements. Measures to consider include accepting documentation that has been submitted to other permitting agencies, and using permit applications that mirror federal or state permit applications.

(F) In addition to complying with chapter 173-27 WAC, the application must contain:

(I) A narrative description and timeline for all anticipated geoduck planting and harvesting activities if not already contained in the federal or state permit application or comparable information mentioned above.

(II) A baseline ecological survey of the proposed site to allow consideration of the ecological effects if not already contained in the federal or state permit application or comparable information mentioned above.

(III) Measures to achieve no net loss of ecological functions consistent with the mitigation sequence described in WAC-173-26-201 (2)(e).

(IV) Management practices that address impacts from mooring, parking, noise, lights, litter, and other activities associated with geoduck planting and harvesting operations.

(G) Local governments should provide public notice to all property owners within ((~~three hundred~~)) 300 feet of the proposed project boundary, and notice to tribes with usual and accustomed fishing rights to the area.

(H) Commercial geoduck aquaculture workers oftentimes need to accomplish on-site work during low tides, which may occur at night or on weekends. Local governments must allow work during low tides but may require limits and conditions to reduce impacts, such as noise and lighting, to adjacent existing uses.

(I) Local governments should establish monitoring and reporting requirements necessary to verify that geoduck aquaculture operations are in compliance with shoreline limits and conditions set forth in conditional use permits and to support cumulative impacts analysis.

(J) Conditional use permits should be reviewed using the best scientific and technical information available.

(K) Local governments should apply best management practices to accomplish the intent of the limits and conditions.

(L) In order to avoid or limit impacts from geoduck aquaculture siting and operations and achieve no net loss of ecological functions, local governments should consider the following:

(I) The practice of placing nursery tanks or holding pools or other impervious materials directly on the intertidal sediments.

(II) Use of motorized vehicles, such as trucks, tractors and forklifts below the ordinary high water mark.

(III) Specific periods when limits on activities are necessary to protect priority habitats and associated species. The need for such measures should be identified in the baseline ecological survey conducted for the site.

(IV) Alterations to the natural condition of the site, including significant removal of vegetation or rocks and regrading of the natural slope and sediments.

(V) Installation of property corner markers that are visible at low tide during planting and harvesting.

(VI) Mitigation measures such as buffers between commercial geoduck aquaculture and other fish and wildlife habitat conservation areas as necessary to ensure no net loss of ecological functions.

(VII) Use of predator exclusion devices with minimal adverse ecological effects and requiring that they be removed as soon as they are no longer needed for predator exclusion.

(VIII) Use of the best available methods to minimize turbid runoff from the water jets used to harvest geoducks.

(IX) Number of barges or vessels that can be moored or beached at the site as well as duration limits.

(X) Public rights to navigation over the surface of the water.

(XI) Good housekeeping practices at geoduck aquaculture sites, including worker training and regular removal of equipment, tools, extra materials, and all wastes.

(XII) Where the site contains existing public access to publicly owned lands, consider recommendations from the department of natural resources or other landowning agencies regarding protection of the existing public access.

(c) **Boating facilities.** For the purposes of this chapter, "boating facilities" excludes docks serving four or fewer single-family residences. Shoreline master programs shall contain provisions to as-

sure no net loss of ecological functions as a result of development of boating facilities while providing the boating public recreational opportunities on waters of the state.

Where applicable, shoreline master programs should, at a minimum, contain:

(i) Provisions to ensure that boating facilities are located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses.

(ii) Provisions that assure that facilities meet health, safety, and welfare requirements. Master programs may reference other regulations to accomplish this requirement.

(iii) Regulations to avoid, or if that is not possible, to mitigate aesthetic impacts.

(iv) Provisions for public access in new marinas, particularly where water-enjoyment uses are associated with the marina, in accordance with WAC 173-26-221(4).

(v) Regulations to limit the impacts to shoreline resources from boaters living in their vessels (live-aboard).

(vi) Regulations that assure that the development of boating facilities, and associated and accessory uses, will not result in a net loss of shoreline ecological functions or other significant adverse impacts.

(vii) Regulations to protect the rights of navigation.

(viii) Regulations restricting vessels from extended mooring on waters of the state except as allowed by applicable state regulations and unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

(d) **Commercial development.** Master programs shall first give preference to water-dependent commercial uses over nonwater-dependent commercial uses; and second, give preference to water-related and water-enjoyment commercial uses over nonwater-oriented commercial uses.

The design, layout and operation of certain commercial uses directly affects their classification with regard to whether or not they qualify as water-related or water-enjoyment uses. Master programs shall assure that commercial uses that may be authorized as water-related or water-enjoyment uses are required to incorporate appropriate design and operational elements so that they meet the definition of water-related or water-enjoyment uses.

Master programs should require that public access and ecological restoration be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water-dependent commercial development unless such improvements are demonstrated to be infeasible or inappropriate. Where commercial use is proposed for location on land in public ownership, public access should be required. Refer to WAC 173-26-221(4) for public access provisions.

Master programs should prohibit nonwater-oriented commercial uses on the shoreline unless they meet the following criteria:

(i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or

(ii) Navigability is severely limited at the proposed site; and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

In areas designated for commercial use, nonwater-oriented commercial development may be allowed if the site is physically separated from the shoreline by another property or public right of way.

Nonwater-dependent commercial uses should not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

Master programs shall assure that commercial development will not result in a net loss of shoreline ecological functions or have significant adverse impact to other shoreline uses, resources and values provided for in RCW 90.58.020 such as navigation, recreation and public access.

(e) **Forest practices.** Local master programs should rely on the Forest Practices Act and rules implementing the act and the *Forest and Fish Report* as adequate management of commercial forest uses within shoreline jurisdiction. A forest practice that only involves timber cutting is not a development under the act and does not require a shoreline substantial development permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the act and may require a substantial development permit. In addition, local governments shall, where applicable, apply this chapter to Class IV-General forest practices where shorelines are being converted or are expected to be converted to nonforest uses.

Forest practice conversions and other Class IV-General forest practices where there is a likelihood of conversion to nonforest uses, shall assure no net loss of shoreline ecological functions and shall maintain the ecological quality of the watershed's hydrologic system. Master programs shall establish provisions to ensure that all such practices are conducted in a manner consistent with the master program environment designation provisions and the provisions of this chapter. Applicable shoreline master programs should contain provisions to ensure that when forest lands are converted to another use, there will be no net loss of shoreline ecological functions or significant adverse impacts to other shoreline uses, resources and values provided for in RCW 90.58.020 such as navigation, recreation and public access.

Master programs shall implement the provisions of RCW 90.58.150 regarding selective removal of timber harvest on shorelines of statewide significance. Exceptions to this standard shall be by conditional use permit only.

Lands designated as "forest lands" pursuant to RCW 36.70A.170 shall be designated consistent with either the "natural((~~,~~))" or "rural conservancy((~~,~~))" environment designation.

Where forest practices fall within the applicability of the Forest Practices Act, local governments should consult with the department of natural resources, other applicable agencies, and local timber owners and operators.

(f) **Industry.** Master programs shall first give preference to water-dependent industrial uses over nonwater-dependent industrial uses; and second, give preference to water-related industrial uses over nonwater-oriented industrial uses.

Regional and statewide needs for water-dependent and water-related industrial facilities should be carefully considered in establishing master program environment designations, use provisions, and space allocations for industrial uses and supporting facilities. Lands designated for industrial development should not include shoreline areas with severe environmental limitations, such as critical areas.

Where industrial development is allowed, master programs shall include provisions that assure that industrial development will be located, designed, or constructed in a manner that assures no net loss of shoreline ecological functions and such that it does not have significant adverse impacts to other shoreline resources and values.

Master programs should require that industrial development consider incorporating public access as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property, as provided in WAC 173-26-221(4).

Where industrial use is proposed for location on land in public ownership, public access should be required. Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated. New nonwater-oriented industrial development should be prohibited on shorelines except when:

(i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or

(ii) Navigability is severely limited at the proposed site; and the industrial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

In areas designated for industrial use, nonwater-oriented industrial uses may be allowed if the site is physically separated from the shoreline by another property or public right of way.

(g) ((**In-stream structural uses.** ~~"In-stream structure" means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.~~

~~In-stream structures shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.~~

~~(h)~~)) **Mining.** Mining is the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses. Historically, the most common form of mining in shoreline areas is for sand and gravel because of the geomorphic association of rivers and sand and gravel deposits. Mining in the shoreline generally alters the natural character, resources, and ecology of shorelines of the state and may impact critical shoreline resources and ecological functions of the shoreline. However, in some circumstances, mining may be designed to have benefits for shoreline resources, such as creation of off channel habitat for fish or habitat for wildlife. Activities associated with shoreline mining, such as processing and transportation, also generally have the potential to impact shoreline resources unless

the impacts of those associated activities are evaluated and properly managed in accordance with applicable provisions of the master program.

A shoreline master program should accomplish two purposes in addressing mining. First, identify where mining may be an appropriate use of the shoreline, which is addressed in this section and in the environment designation sections above. Second, ensure that when mining or associated activities in the shoreline are authorized, those activities will be properly sited, designed, conducted, and completed so that it will cause no net loss of ecological functions of the shoreline.

(i) Identification of shoreline areas where mining may be designated as appropriate shall:

(A) Be consistent with the environment designation provisions of WAC 173-26-211 and where applicable WAC 173-26-251(2) regarding shorelines of statewide significance; and

(B) Be consistent with local government designation of mineral resource lands with long-term significance as provided for in RCW 36.70A.170 (1)(c), 36.70A.130, and 36.70A.131; and

(C) Be based on a showing that mining is dependent on a shoreline location in the city or county, or portion thereof, which requires evaluation of geologic factors such as the distribution and availability of mineral resources for that jurisdiction, as well as evaluation of need for such mineral resources, economic, transportation, and land use factors. This showing may rely on analysis or studies prepared for purposes of GMA designations, be integrated with any relevant environmental review conducted under SEPA (chapter 43.21C RCW), or otherwise be shown in a manner consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a).

(ii) Master programs shall include policies and regulations for mining, when authorized, that accomplish the following:

(A) New mining and associated activities shall be designed and conducted to comply with the regulations of the environment designation and the provisions applicable to critical areas where relevant. Accordingly, meeting the no net loss of ecological function standard shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation. It is appropriate, however, to determine whether there will be no net loss of ecological function based on evaluation of final reclamation required for the site. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species.

(B) Master program provisions and permit requirements for mining should be coordinated with the requirements of chapters 78.44 and 77.55 RCW.

(C) Master programs shall assure that proposed subsequent use of mined property is consistent with the provisions of the environment designation in which the property is located and that reclamation of disturbed shoreline areas provides appropriate ecological functions consistent with the setting.

(D) Mining within the active channel or channels (a location waterward of the ordinary high-water mark) of a river shall not be permitted unless:

(I) Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole; and

(II) The mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.

(III) The determinations required by ((~~(h)~~)) (g)(ii)(D)(I) and (II) of this subsection shall be made consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a). Such evaluation of impacts should be appropriately integrated with relevant environmental review requirements of SEPA (chapter 43.21C RCW) and the SEPA rules (chapter 197-11 WAC).

(IV) In considering renewal, extension or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, local government shall require compliance with this subsection (D) to the extent that no such review has previously been conducted. Where there has been prior review, local government shall review previous determinations comparable to the requirements of this section to assure compliance with this subsection (D) under current site conditions.

(V) The provisions of this section do not apply to dredging of authorized navigation channels when conducted in accordance with WAC 173-26-231 (3)((~~(f)~~)) (b)(v).

(E) Mining shall be a prohibited use within any channel migration zone, identified consistent with WAC 173-26-221 (2)(e)(vi)(A), that is within ((~~Shoreline Management Act jurisdiction shall require a shoreline conditional use permit~~)) shoreline jurisdiction.

((~~(i)~~)) (h) **Recreational development.** Recreational development includes commercial ((~~and~~)), public, and private facilities designed and used to provide recreational opportunities ((~~to the public~~)). Master programs should ((~~assure~~)) ensure that shoreline recreational development is given priority and is primarily related to access to, enjoyment and use of the water and shorelines of the state. Commercial recreational development should be consistent with the provisions for commercial development in (d) of this subsection. Provisions related to ((~~public~~)) recreational development shall ((~~assure~~)) ensure that the facilities are located, designed and operated in a manner consistent with the purpose of the environment designation in which they are located and such that no net loss of shoreline ecological functions or ecosystem-wide processes results.

In accordance with RCW 90.58.100(4), master program provisions shall reflect that state-owned shorelines are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses for the public and give appropriate special consideration to the same.

For all jurisdictions planning under the Growth Management Act, master program recreation policies shall be consistent with growth projections and level-of-service standards established by the applicable comprehensive plan.

((~~(j)~~)) (i) **Residential development.**

(i) Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, stormwater runoff, septic systems, introduction of pollutants, and vegetation modification and removal. Residential development also includes multifamily development, multiunit development, and the creation of new residential lots through land division.

(ii) Master programs shall include policies and regulations that assure no net loss of shoreline ecological functions will result from residential development. Such provisions ((~~should~~)) shall include specific regulations for setbacks and buffer areas, density, shoreline ((~~armoring~~)) stabilization, vegetation conservation requirements, and, where applicable, on-site sewage system standards for all residential development and uses and applicable to divisions of land in shoreline jurisdiction.

(iii) Master programs shall include policies and regulations that ensure that residential development is located and designed to avoid impacts from hazards. Residential development, including appurtenant structures and uses, should be:

(A) Sufficiently set back from steep slopes and shorelines vulnerable to erosion so that ((~~structural improvements, including bluff walls and other~~)) shoreline stabilization ((~~structures, are~~)) is not required to protect such structures and uses((~~. (See RCW 90.58.100(6).)~~)) over the life of the development;

(B) Located and designed to minimize risk from flooding to people and property during the life of the development, consistent with the requirements of WAC 173-26-221 (2)(e)(iv)(E)(III), frequently flooded areas; and

(C) Located and designed to avoid areas projected to transition to aquatic environment conditions consistent with the requirements of WAC 173-26-246(9).

(iv) Over-water residences.

(A) New over-water residences, including floating homes, are not a preferred use and should be prohibited. It is recognized that certain existing communities of floating and/or over-water homes exist and should be reasonably accommodated to allow improvements associated with life safety matters and property rights to be addressed provided that any expansion of existing communities is the minimum necessary to assure consistency with constitutional and other legal limitations that protect private property.

(B) A floating home permitted or legally established prior to January 1, 2011, must be classified as a conforming preferred use. For the purposes of this subsection, "conforming preferred use" means that applicable development and shoreline master program regulations may only impose reasonable conditions and mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating homes and floating home moorages by rendering these actions impracticable.

(C) A floating on-water residence legally established prior to July 1, 2014, must be considered a conforming use and accommodated through reasonable shoreline master program regulations, permit conditions, or mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating on-water residences and their moorages by rendering these actions impracticable.

(v) Multiunit residential development. Multiunit residential development refers to two or more attached or detached, stacked, or clustered residences including, but not limited to, multiplexes, townhouses, apartments, or single-family residential development with one or more accessory dwelling units.

(A) ((~~New multiunit residential development, including the subdivision of land for more than four parcels, should provide community and/or public access in conformance to the local government's public access planning and this chapter~~)) Unlike single-family residential, multiunit residential is not a priority use under the act. New multiu-

nit residential development should only be permitted within shoreline environment designations that can support the proposed density and level of intensity of these residential uses and developments, as established via the process defined in WAC 173-26-211 (2)(b).

(B) New multiunit residential development shall not be allowed unless the public interest is served through increased public access and ecological benefit:

(I) New multiunit residential development of four or more units shall provide public access in conformance with the local government's public access planning and WAC 173-26-221(4) and include components that increase the shoreline ecological function within the shoreline buffer provided throughout the project site. Community access that is restrictive to the public may also be allowed but shall not be used to meet the requirement for public access;

(II) New multiunit residential development of three or fewer units shall include components that increase the shoreline ecological function within the shoreline buffer provided throughout the project site.

(C) Private recreational or residential piers and docks serving individual parcels, lots, units, or developable tracts within multiunit residential development shall be prohibited.

(D) Accessory dwelling units (ADUs). Accessory dwelling unit (ADU) means a dwelling unit located on the same parcel as a single-family residence, duplex, triplex, townhome, or other housing unit.

(I) ADUs shall not be considered necessary for reasonable use of a property located within shoreline jurisdiction.

(II) ADUs are accessory to residential development and shall not be considered appurtenances.

(III) New on-site sewage (OSS) or septic systems solely serving one or more ADUs shall not be allowed in shoreline jurisdiction.

(IV) ADUs may be allowed within existing single-family residential structures through the conversion of existing space to create an ADU if no new exterior construction, expansion of the footprint, or additional impervious surface is added.

(vi) Subdivision of land. Subdivision of land includes, but is not limited to, long and short subdivisions, plats and short plats, and unit lot subdivisions.

(A) Any subdivision of land that includes property located within shoreline jurisdiction shall ensure that all lots, parcels, and utility or infrastructure tracts created can be developed consistent with the master program, including buffers, setbacks, and other restrictions as applicable.

(B) Subdivision of land that creates more than four parcels, lots, or units shall provide public access in conformance with the local government's public access planning and WAC 173-26-221(4). Community access that is restrictive to the public may also be allowed but shall not be used to meet the requirement for public access.

(C) Master programs shall include standards for the creation of new residential lots through land division that accomplish the following:

(I) Plats and subdivisions must be designed, configured and developed in a manner that ((~~assures~~)) ensures that no net loss of ecological functions results from the plat or subdivision at full build-out of all lots, parcels, and associated infrastructure.

(II) Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to oth-

er properties or public improvements or a net loss of shoreline ecological functions.

(III) Where piers and docks are allowed, subdivision of land to create two or more residential parcels, lots or units shall provide joint use or community dock facilities, when feasible, rather than allow individual docks for each parcel, lot or unit.

(IV) Implement the provisions of WAC 173-26-211 ((~~and~~)), 173-26-221, and 173-26-246.

((~~(vi) Option for addressing legal status of existing shoreline structures.~~

~~(A) New or amended master programs may include provisions authorizing:~~

~~(I) Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following to be considered a conforming structure: Setbacks, buffers, or yards; area; bulk; height; or density; and~~

~~(II) Redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the master program, including requirements for no net loss of shoreline ecological functions.~~

~~(B) For purposes of this subsection, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures.~~

~~(C) Nothing in this subsection:~~

~~(I) Restricts the ability of a master program to limit redevelopment, expansion, or replacement of over-water structures located in hazardous areas, such as flood plains and geologically hazardous areas; or~~

~~(II) Affects the application of other federal, state, or local government requirements to residential structures.~~

~~(k)~~)) (D) Any subdivision of land that includes property within shoreline jurisdiction shall be designed to manage stormwater at full build-out of all parcels, lots, or tracts without the addition of new outfalls that discharge to shorelines of the state.

(j) **Transportation and parking.** Master programs shall include policies and regulations to provide safe, reasonable, and adequate circulation systems to, and through or over shorelines where necessary and otherwise consistent with these guidelines.

(i) Transportation and parking plans and projects shall be consistent with the master program public access policies, public access plan, and environmental protection provisions.

(ii) Circulation system planning shall include systems for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the master program.

(iii) Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses. Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction.

((~~Parking facilities in shorelines are not a preferred use and~~)) (iv) The use of shorelands for parking lots and facilities is not preferred, even for water-oriented and preferred uses. When feasible, parking should be located outside of shoreline jurisdiction. When in-

feasible, parking shall be allowed only as necessary to support an authorized use and must be sited landward of the primary use and structure.

(v) Shoreline master programs shall include policies and regulations to minimize the environmental and visual impacts of parking facilities.

((~~(l)~~)) (k) **Utilities.** These provisions apply to services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.

(i) Master programs shall include provisions to ((~~assure~~)) ensure that:

(A) All utility facilities are designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth((~~.~~))*;*

(B) Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities, that are nonwater-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available((~~.~~))*;*

(C) Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible and when necessarily located within the shoreline area shall assure no net loss of shoreline ecological functions((~~.~~))*;*

(D) Utilities should be located in existing rights-of-way and corridors whenever possible((~~.~~))*;*

(E) Development of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance which disrupt shoreline ecological functions should be discouraged except where no other feasible alternative exists. When permitted, provisions shall assure that the facilities do not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.

NEW SECTION

WAC 173-26-246 Addressing the impact of sea level rise and increased storm severity. (1) **Purpose.** RCW 90.58.630 directs the department to adopt "shoreline master program guidelines to require shoreline master programs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment." This section contains the guidelines directed by RCW 90.58.630.

(2) **Applicability.** The requirements of this section apply to counties, cities, and towns that have shorelines of the state under their jurisdiction that are exposed to the impact of sea level rise and increased storm severity. The following local governments, listed alphabetically by county, are required to plan, and if necessary, de-

velop or amend relevant master program provisions to address the identified impact:

- Clallam County.
  - Port Angeles, city of.
  - Sequim, city of.
- Grays Harbor County.
  - Aberdeen, city of.
  - Cosmopolis, city of.
  - Hoquiam, city of.
  - Montesano, city of.
  - Ocean Shores, city of.
  - Westport, city of.
- Island County.
  - Coupeville, town of.
  - Langley, city of.
  - Oak Harbor, city of.
- Jefferson County.
  - Port Townsend, city of.
- King County.
  - Burien, city of.
  - Des Moines, city of.
  - Federal Way, city of.
  - Normandy Park, city of.
  - Seattle, city of.
  - Shoreline, city of.
  - Tukwila, city of.
- Kitsap County.
  - Bremerton, city of.
  - Port Orchard, city of.
  - Poulsbo, city of.
  - Bainbridge Island, city of.
- Mason County.
  - Shelton, city of.
- Pacific County.
  - Ilwaco, town of.
  - Long Beach, town of.
  - Raymond, city of.
  - South Bend, city of.
- Pierce County.
  - Dupont, city of.
  - Fife, city of.
  - Gig Harbor, city of.
  - Ruston, town of.
  - Steilacoom, town of.
  - Tacoma, city of.
  - University Place, city of.
- San Juan County.
  - Friday Harbor, town of.
- Skagit County.
  - Anacortes, city of.
  - La Conner, town of.
- Snohomish County.
  - Edmonds, city of.
  - Everett, city of.
  - Lynnwood, city of.
  - Marysville, city of.
  - Mukilteo, city of.

Stanwood, city of.
Woodway, town of.
Thurston County.
Lacey, city of.
Olympia, city of.
Wahkiakum County.
Cathlamet, town of.
Whatcom County.
Bellingham, city of.
Blaine, city of.

(3) **Process requirements.**

(a) To address the impact of sea level rise and increased storm severity, the local governments subject to the requirements of this section must:

(i) Inventory the sea level rise hazards and shoreline assets as outlined in subsection (6) of this section;

(ii) Assess exposure, characterize vulnerability, and analyze the potential impact to future development as outlined in subsection (7) of this section;

(iii) Review the master program based on the inventory, assessment, and analysis, and if needed, amend existing provisions or develop new sea level rise provisions that meet the requirements of subsections (8), (9), and (10) of this section. If the master program already contains provisions that meet these requirements, document how those existing provisions fulfill them.

(b) The inventory, exposure assessment, vulnerability characterization, analysis of potential impacts to future development, policies, and regulations must be reviewed during each periodic review cycle and, if necessary, updated.

(c) Sea level rise vulnerability varies across shorelines of the state, and conditions will change over time. Therefore, details of the process outlined in (a) of this subsection will vary across local governments and will produce a variety of master program provisions and regulatory approaches depending on local circumstances, existing development and use patterns, and reasonably foreseeable future development.

(4) **Basic concepts.**

(a) Sea level rise effects. Sea level rise, along with other changing climate drivers, will cause or exacerbate coastal hazards, including permanent inundation of land as the elevation of daily tides increases, coastal and compound flooding during storms, beach and bluff erosion, and groundwater rise and saltwater intrusion. Sea level rise will cause habitats to shift and other impacts to the shoreline environment. Planning for sea level rise requires considering all hazards and effects that are caused by or associated with sea level rise for which information is available. Throughout this rule, the phrases "planning for sea level rise," "addressing sea level rise," and other similar phrases are intended to encompass all associated coastal hazards and other effects.

(b) Sea level rise and increased storm severity. RCW 90.58.630 specifically requires planning for the combined impact of sea level rise and increased storm severity. Local governments shall achieve this objective by planning for extreme water levels during coastal storms, coupled with projected sea level rise, and by using compound flood modeling where available. Extreme coastal water level events can coincide with coastal storms, when storm surge and waves push water levels higher than normal. Sea level rise increases the frequency, se-

verity, and extent of coastal storm flooding and other impacts by increasing the baseline or starting water level during these events. In some locations, coastal flooding and riverine flooding combine during storm events to cause compound flooding, which may be more extensive and damaging than coastal flooding alone.

(c) Adaptive management of sea level rise policies and regulations. Effectively addressing the impact of sea level rise within a master program requires iterative evaluation of changing conditions and new information. As new context becomes available, it can then be used for updating policies and regulations during future periodic reviews. As sea level rises, both gradual and sudden changes will occur along shorelines. Local governments and the department will work together to monitor the actions taken to implement sea level rise adaptation through shoreline master programs and use monitoring data from the scientific community to guide updates to the sea level rise provisions in master programs over time. The periodic review process provides an established 10-year cycle over which local governments must implement, monitor, evaluate, and, if necessary, adjust sea level rise policies and regulations.

(d) Aligning sea level rise planning. Local governments may undertake climate adaptation planning, including for sea level rise, under many other authorities and initiatives outside of shoreline management, including comprehensive planning, hazard mitigation planning, master planning for portions of the shoreline, and restoration planning.

(i) Other studies, plans, and programs that pertain to sea level rise adaptation can serve as valuable supporting information to help inform the development of master program policies and regulations to address sea level rise.

(ii) For a local government to implement sea level rise policies and regulations that apply to use and development within shoreline jurisdiction, provisions must be included in the master program.

(iii) There are additional and specific internal consistency requirements that exist between comprehensive plans and shoreline master programs that must be met pursuant to RCW 36.70A.480, 90.58.610, and 90.58.340.

(e) Sea level rise adaptation programs. Incorporating sea level rise policies and regulations into master programs is only one of many adaptation actions that local governments may need to undertake. Local governments are encouraged to undertake sea level rise adaptation planning and implementation broadly and across relevant programs and service areas. Pursuant to RCW 90.58.240, local governments may acquire lands and easements, accept grants, and take other actions necessary to achieve the purposes of the act. Pursuant to WAC 173-26-191 (2)(a)(i), master program policies direct or authorize both regulatory and nonregulatory actions and provide guidance for public investment and nonregulatory initiatives. Local governments are encouraged to undertake and support nonregulatory adaptation programs, such as acquisition of land or conservation easements to enable landward migration of habitat, community-driven relocation programs, and other aligned efforts.

(f) Multijurisdictional coordination. Local governments are encouraged to coordinate on sea level rise planning activities during the periodic review.

(g) Terms.

(i) Sea level rise refers to the upward trend in average sea level. Relative sea level rise refers to the change in sea level for a

location, relative to the adjacent land elevation, inclusive of vertical land movement;

(ii) Sea level rise hazards are events or conditions caused or exacerbated by sea level rise that may cause harm to people or damage to assets. Sea level rise hazards include coastal hazards that are exacerbated by rising water levels, including flooding, erosion, and groundwater changes. Flooding hazards include overland coastal flooding from marine water bodies, flooding caused by emergent groundwater, and compound flooding. Compound flooding often refers to events where coastal and riverine flooding combine, and the term may refer to any combination of flood drivers including groundwater and rainfall in addition to coastal and riverine mechanisms;

(iii) In the context of shoreline management, sea level rise vulnerability is the propensity of people, property, and the shoreline environment (including natural resources) to be adversely affected by sea level rise hazards. Vulnerability encompasses the concepts of exposure, sensitivity, and adaptive capacity;

(A) Exposure refers to the presence of people, property, and elements of the shoreline environment in places where they could be adversely affected by sea level rise hazards;

(B) Sensitivity describes the degree to which people, property, and the shoreline environment might be affected by sea level rise hazards;

(C) Adaptive capacity describes the ability to adjust to the hazard or cope with rising sea level;

(iv) Sea level rise adaptation is the process of adjusting to projected sea level and its effects in order to moderate harm and access benefits to people, property, and the shoreline environment;

(v) Sea level rise adaptation strategies are actions taken to achieve an outcome in response to or in anticipation of sea level rise and impacts from related hazards. Sea level rise adaptation strategies are often grouped into categories including avoid, protect, accommodate, and retreat;

(vi) The terms overburdened communities, vulnerable populations, and environmental justice are defined by RCW 70A.02.010.

(5) **Principles for using sea level rise information in shoreline planning.**

(a) To satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1), local governments shall use the most current, accurate, and complete scientific and technical information about sea level rise available to inform master program provisions.

(i) Local governments must consult the technical assistance materials and spatial data provided by the department. These materials shall constitute an element of scientific and technical information as defined in these guidelines and the use of which is required by the act.

(ii) Local governments should also consult locally relevant sea level rise information produced for their jurisdiction, as well as information from other relevant sources such as neighboring jurisdictions, state and federal agencies, universities, tribes, and port districts.

(iii) In addition to the requirement to use scientific and technical information, local governments must solicit and incorporate information relevant to sea level rise that is provided by interested parties during the master program amendment process. Such information

should be solicited through the public participation process described in WAC 173-26-100 or 173-26-104.

(iv) Where information collected by or provided to local governments conflicts or is inconsistent, the local government shall consult with the department to ensure that master program provisions are defensible and based on a reasoned, objective evaluation of the relative merits of the conflicting information.

(v) Information that may inform sea level rise policies and regulations in master programs may include the following:

(A) Sea level rise projections;

(B) Outputs from models;

(C) Spatial data describing the location and types of shoreline assets and features;

(D) Reports and plans, including vulnerability assessments, adaptation plans, hazard mitigation plans, comprehensive flood hazard mitigation plans, and other relevant plans;

(E) Observations of prior events and current conditions, such as local water levels during storms, erosion hotspots, documentation of hazard impacts, and others;

(F) Experiences of community members; and

(G) Indigenous knowledge, if offered in collaboration with tribe(s), explicit consent is provided, and the appropriate information stewardship agreements are in place.

(vi) Climate data, including sea level rise projections and hazard models, are evolving and new information becomes available frequently. However, the process described in subsection (3)(a) of this section should not be restarted just because new information becomes available during the process. New information will be compiled and considered at the start of each master program periodic review. Master programs are consistent with these guidelines if they use the most current, accurate, and complete scientific and technical information available at the start of the periodic review, even if new information becomes available during the periodic review process.

(b) Sea level rise scenarios. Local governments must use, at a minimum, the three scenarios listed in (b)(i) through (iii) of this subsection which correspond to three-time horizons and an intermediate amount of sea level rise. Local governments may evaluate and plan for additional scenarios that correspond with higher amounts of sea level rise and longer time horizons, if desired. Sea level rise planning at the local level must use relative sea level rise, which incorporates localized vertical land movement. The department will provide local governments with the sea level rise hazard data described in subsection (6) of this section that aligns approximately with the following sea level rise scenarios:

(i) Current conditions without projected sea level rise;

(ii) Medium-term sea level rise scenario, defined as the intermediate amount of relative sea level rise approximately 30 years in the future;

(iii) Long-term sea level rise scenario, defined as the intermediate amount of relative sea level rise approximately 70 years or more in the future. It is important to note that assets exposed under a medium-term scenario are also exposed under a long-term scenario.

(6) **Inventory of sea level rise hazards and shoreline assets.** Local governments shall use an inventory of the sea level rise hazards and shoreline assets and features within their jurisdiction to inform the sea level rise policies and regulations in their master programs. This subsection describes what the inventory must include, to the ex-

tent such information is reasonably available at the commencement of the periodic review.

(a) Sea level rise hazards. The department shall provide local governments with the minimum necessary spatial data describing sea level rise hazards to meet the requirements of this subsection, consistent with the basic concepts and principles identified in subsections (4) and (5) of this section. The inventory will include the components listed in (a)(i) and (ii) of this subsection, to the extent such information is relevant and reasonably available;

(i) Current hazards. Spatial data describing the following hazards under current conditions:

(A) Tidal inundation;

(B) Coastal storm flooding;

(C) Emergent and shallow groundwater and saltwater intrusion;

(D) Coastal erosion;

(ii) Future hazards with sea level rise. Spatial data describing the following hazards under sea level rise conditions. For each hazard type, spatial data must reflect the projected conditions corresponding with the medium-term and the long-term sea level rise scenarios defined in subsection (5)(b) of this section. This means that the inventory will include two scenarios for each of the following hazard types;

(A) Tidal inundation. The areas projected to be exposed to tidal water under normal, nonstorm conditions;

(B) Coastal storm flooding. The areas projected to be exposed to flooding during a coastal storm event. At a minimum, this should include hazard mapping for a storm event that corresponds to approximately the 20-year return frequency. If available, spatial data from coastal storm models that incorporate compound flooding and water depth must be used;

(C) Emergent and shallow groundwater and saltwater intrusion. The areas projected to be exposed to groundwater at the surface or near the surface and areas projected to have saltwater intrusion;

(D) Coastal erosion. The areas projected to erode that are adjacent to water bodies subject to sea level rise. In some locations, erosion projections that incorporate sea level rise may be made available. In some locations, data availability may necessitate identifying erosion risk areas based on conditions and extrapolation without incorporation of sea level rise modeling.

(b) Shoreline assets. The department shall provide local governments with the minimum necessary spatial data describing shoreline assets and features located within the hazard areas inventoried per (a) of this subsection, to the extent such information is relevant and reasonably available, including:

(i) The approximate location of existing shoreline jurisdiction;

(ii) Existing shoreline environment designations and adjacent land use or zoning designations;

(iii) Known or approximate locations of critical areas, within and adjacent to shoreline jurisdiction, that may be impacted by sea level rise;

(iv) Information that describes or indicates shoreline ecological functions that may be impacted by sea level rise, such as the locations of important aquatic and terrestrial wildlife habitats, landforms, or other features;

(v) The location of facilities that sustain or could create a risk to water quality and public health, such as wastewater and storm-

water treatment facilities, outfalls, onsite sewage systems, and wells;

(vi) The location of sites that provide public access to the shoreline, such as parks, public piers, street ends, and boat launches;

(vii) The location of sites that support water-dependent uses, such as port facilities, marinas, and docks;

(viii) The location of existing shoreline development and modifications, including buildings, roads, rail, utilities, armoring, and other relevant structures; and

(ix) The location of culturally important or historic areas that may be impacted by sea level rise.

(c) Additional hazard and asset information. Local governments may have spatial data describing shoreline assets, features, and sea level rise hazards that is additional to or more precise than the minimum spatial data provided by the department. If reasonably available, local governments should compile and use this additional information to inform the analyses in subsection (7) of this section, along with the information provided by the department.

(d) The department shall make the hazard and asset inventory data described in (a) and (b) of this subsection publicly available for review and consideration throughout the periodic review process. The local government must also make any additional sea level rise information used during the periodic review publicly available. In the case of information provided to the local government by tribes, the local government and the tribe will agree on the degree to which this information should be made available to the general public.

(7) **Shoreline exposure assessment, vulnerability characterization, and future development analysis.** This subsection describes the assessment local governments are required to conduct to understand the impact of sea level rise and increased storm severity. In circumstances where inventory information described in subsection (6) of this section is incomplete or unavailable, local governments shall rely on the best available information for the following analysis, in coordination with the department.

(a) Assess shoreline exposure. Using the information inventoried in subsection (6) of this section, local governments shall:

(i) Identify the shoreline assets and features inventoried in subsection (6)(b) of this section that are exposed to hazards under current conditions, as described in subsection (6)(a)(i) of this section; and

(ii) Identify the shoreline assets and features identified in subsection (6)(b) of this section that are exposed to future hazards with medium-term and long-term sea level rise, as described in subsection (6)(a)(ii) of this section.

(b) Characterize shoreline vulnerability. Based on the results of the exposure assessment required in (a) of this subsection, local governments shall characterize vulnerability of the shoreline to the impact of sea level rise and increased storm severity. This characterization must include, but is not required to be limited to, the priorities listed in the following:

(i) Identify areas where ecological functions of shorelines and critical areas may be lost or degraded due to the interaction among sea level rise, the local geography, and the built environment;

(ii) Identify the potential impact to water quality and public health due to the projected impact of sea level rise on public wastewater or stormwater facilities, on-site sewage systems, wells, and

other buried infrastructure that could be adversely impacted by rising groundwater or saltwater intrusion;

(iii) Identify existing public access areas and facilities that could be degraded or lost due to the projected impact of sea level rise. This assessment must involve identifying the location of vulnerable public access sites and how the current level of public access may be diminished over time without adaptation actions;

(iv) Identify the potential impact to existing water-dependent uses. The purpose of this analysis is to evaluate how existing water-dependent uses may be impacted and identify if there are barriers or limitations to adaptation that would enable these uses to continue;

(v) Identify the potential impact to existing development. This requires describing how existing shoreline development may be impacted over time with sea level rise. This should include assessment of interdependent development components, such as site access via roads and impacts to essential utilities; and

(vi) Identify environmental justice considerations. Local governments must consider the environmental justice dimensions of shoreline vulnerability, including disproportionate impacts to overburdened communities, vulnerable populations, and people who rely on these areas for cultural resource management or traditional practices. This includes evaluating how sea level rise hazards may affect residents, workers, tribal nations, and others with cultural, historical, or subsistence connections to places projected to be impacted.

(c) Analyze potential future use and development within areas exposed to sea level rise hazards. Local governments shall analyze how sea level rise hazards would affect reasonably foreseeable uses and developments as fostered by the policies and regulations of their current master program. The purpose of this analysis is to understand the risk of current land use and development trajectories and to determine if amendments to the master program are necessary to address these risks.

(i) The local government must analyze the following in areas projected to be exposed to sea level rise hazards and determine the degree to which the current provisions do or do not address the impact of sea level rise and increased storm severity.

(A) Environment designations and allowed uses;

(B) Critical areas and development regulations associated with those areas;

(C) Bulk and dimensional standards that are relevant to sea level rise adaptation, including setbacks and height limits;

(D) Regulations that apply to shoreline stabilization and flood hazard reduction structures;

(E) Regulations governing redevelopment, relocation, replacement, and repair and maintenance of structures; and

(F) Zoning and allowed uses of lands adjacent to shoreline jurisdiction, to ensure that the use policies for adjacent lands are consistent with the act and the guidelines pursuant to RCW 90.58.340, considering projected sea level rise and shifts in shoreline jurisdiction.

(ii) Building on the vulnerability characterization described in (b) of this subsection, the local government must analyze how the master program fosters water-dependent uses, public access, and protects the shoreline environment and public health, in relation to the identified sea level rise hazards. This analysis should identify where future development supporting these priorities can be located to avoid sea level rise hazards and where siting and design standards will be

necessary to ensure that future development can accommodate projected hazards. The analysis should also produce conclusions about where new development should be avoided to allow for habitat to shift landward, where new development can be accommodated without contributing to the loss of shoreline ecological functions, and where there are opportunities for shoreline restoration that will provide resilience benefits.

(iii) This analysis will be iterative. After a local government has reviewed and drafted amendments to their master program per the requirements of subsections (8) and (9) of this section, they shall compare the proposed provisions to the analysis produced in (c)(i) and (ii) of this subsection and demonstrate that the changes are sufficient to ensure that the master program addresses the impact of sea level rise and increased storm severity.

(8) **Principles for sea level rise and increased storm severity policies.** Local governments must demonstrate that master program policies address the following principles, if applicable. Master program sea level rise policies must apply the basic concepts provided in subsection (4) of this section, follow the principles for using sea level rise information in shoreline planning provided in subsection (5) of this section, and to the degree possible under the authorities of the act and guidelines, address existing vulnerabilities and mitigate the risk to new uses and development identified by the analysis described in subsection (7) of this section.

(a) Ensure that shoreline uses and development in areas exposed to sea level rise hazards are planned to align with appropriate sea level rise adaptation strategies. Sea level rise adaptation strategies include those listed in (a)(i) through (v) of this subsection and are not listed in order of priority; each may be appropriate depending on the characteristics of the shoreline, and in most cases, combinations of several strategies concurrently or phased over time will be needed.

(i) Ecological preservation and restoration, which refers to preserving areas with intact ecological processes and restoring areas where processes are degraded to ensure that shoreline ecosystems can adapt and shift as conditions change;

(ii) Avoidance, which refers to planning for new development outside of areas projected to be exposed to sea level rise hazards and restricting new development within areas exposed to sea level rise hazards;

(iii) Relocation, which refers to planning to shift development away from sea level rise hazards to a new location. Relocation may be undertaken by a property owner at any time, but a development proposal would be the trigger under the master program. Removal of structures without relocation may be necessary in highly exposed areas that do not have relocation options, which requires other authorities of the local government beyond shoreline management, such as abatement;

(iv) Accommodation, which refers to requiring design standards in areas exposed to sea level rise such as elevating structures above projected future flood levels and other types of building standards that follow best practices for flood resistant design and construction; and

(v) Protection, which refers to implementing, where appropriate, nature-based and hard shoreline stabilization and flood protection structures.

(b) Ensure that allowed uses of the shoreline are compatible with expected future conditions and adaptation strategies that have been identified for the area.

(c) Continue to foster water-dependent uses, public access, and restoration. Encourage new structures associated with these uses to be sited and designed to accommodate projected impact from sea level rise hazards over the life of the structure or adapt over time to ensure that these uses are sustained into the future. Identify existing structures that may need retrofitting or relocation to remain useable with exposure to sea level rise.

(d) Develop sea level rise adaptation strategies and actions under the master program in coordination with tribes, incorporating mutual consideration of tribal and jurisdictional priorities, issues, and strategies to the fullest extent practicable.

(e) Ensure that sea level rise adaptation under the master program considers potential impacts to overburdened communities and eliminates, reduces, or mitigates harms and equitably distributes benefits of sea level rise adaptation actions to the extent possible. In particular, ensure that equitable public access opportunities are provided as sea level rises.

(f) Manage nonconforming uses and development to increase resilience to sea level rise hazards while protecting shoreline ecological functions.

(g) Increase the resilience of the shoreline through the protection, restoration, or enhancement of ecological functions and ecosystem-wide processes.

(h) Where shoreline modifications are proposed to address sea level rise hazards, manage proposals pursuant to the requirements of WAC 173-26-231, ensuring that any proposed modifications are appropriate and do not result in a net loss of shoreline ecological function.

(9) **Requirements for sea level rise and increased storm severity regulations.** Local governments must demonstrate that their master program contains regulations for shoreline uses and development in areas exposed to sea level rise hazards that meet the following minimum requirements. Master program sea level rise policies must apply the basic concepts provided in subsection (4) of this section, follow the principles for using sea level rise information in shoreline planning provided in subsection (5) of this section, and to the degree possible under the authorities of the act and guidelines, address existing vulnerabilities and mitigate the risk to new uses and development identified by the analysis described in subsection (7) of this section. Depending on local conditions and the structure of their master program, local governments may meet these minimum requirements using any combination of new, existing, or amended master program provisions, including environment designations, allowed uses, shoreline modifications, and development or critical area standards, as long as they collectively achieve the intended level of protection and compliance.

(a) Areas exposed to sea level rise hazards. Master programs must identify the areas that are projected to be exposed to hazards as sea level rises. Local governments must determine if they need spatially explicit regulatory tools for these areas, such as establishing a critical area, a type of environment designation, or a parallel environment designation. Establishing a critical area would allow a local government to extend shoreline jurisdiction to manage the full extent of areas exposed to sea level rise hazards pursuant to WAC 173-22-040 (4)(b). The local government should choose their approach based on the types and extent of projected hazard areas with sea level rise, using the inventory of sea level rise hazards described in subsection (6) of this section.

(b) Local governments must demonstrate that their master programs contain regulations that address findings of the vulnerability characterization and future development analysis described in subsection (7) of this section.

(i) Existing uses and development. If a local government has existing development that is vulnerable to the impact of sea level rise and increased storm severity identified through the characterization described in subsection (7)(b) of this section, their master program must regulate redevelopment, relocation, replacement, and repair and maintenance in areas exposed to sea level rise hazards;

(ii) New uses and development. If the analysis of potential future use and development described in subsection (7)(c) of this section identifies that reasonably foreseeable development may be exposed to projected sea level rise hazards, the master program must regulate new uses and development to reduce risk to people, property, and the shoreline environment.

(c) Minimum requirements for master program regulations. The master program must include provisions requiring consideration of sea level rise and storm conditions in planning, siting, and designing development within areas exposed to sea level rise hazards. The master program must ensure that development standards such as buffers and setbacks and elevation requirements serve to minimize adverse impacts to development and the shoreline environment, and serve to implement appropriate adaptation strategies. Specific requirements are listed in (c)(i) through (xiv) of this subsection. For the purpose of this section, areas subject to "aquatic environment conditions" refers to those areas waterward of the ordinary high water mark that meet the designation criteria for the aquatic shoreline environment designation in WAC 173-26-211 (4)(c).

(i) The master program prohibits new primary structures, except those supporting water-dependent uses, recreation, or public access, in areas projected to transition to aquatic environment conditions under the long-term sea level rise scenario based on data provided by the department in the hazard inventory described in subsection (6) of this section;

(ii) The master program prohibits redevelopment, replacement, or expansion of existing primary structures, except those supporting water-dependent uses, recreation, or public access, in areas projected to transition to aquatic environment conditions under the long-term sea level rise scenario based on data provided by the department in the hazard inventory described in subsection (6) of this section;

(iii) Elevation of structures in areas exposed to sea level rise hazards;

(A) The master program allows elevation of existing primary structures that predate adoption of these provisions and are located in areas projected to transition to aquatic environment conditions only when relocation is not feasible and elevation is consistent with best practices for flood resistant design and construction;

(B) In areas exposed to sea level rise hazards that are outside of areas projected to transition to aquatic environment conditions, the master program may require new and existing structures to be elevated above projected flooding with sea level rise;

(C) If necessary, height limits in the master program may be adjusted to enable elevating structures;

(D) The master program requires consideration of life safety and environmental factors when existing structures are elevated, including ingress and egress, water, and sewage treatment. Local governments

have the authority to restrict structure elevations when life safety and environmental hazards cannot be addressed;

(iv) The master program should encourage essential public facilities, such as mass transit, transmission lines, wastewater treatment plants, and others to incorporate sea level rise into planning, siting, and design of new facilities, and during redevelopment, expansion, relocation, replacement, repair, and maintenance of existing facilities, but should not impose requirements that impede the public services these facilities provide. Many of these types of facilities should not be located within shoreline jurisdiction, except when no other feasible alternative exists, pursuant to WAC 173-26-241 (3)(k);

(v) The master program prohibits new structures and the expansion, replacement, or redevelopment of existing primary structures that require new or expanded onsite sewage systems in areas projected to be exposed to sea level rise hazards during the life of the structure, unless the use is water dependent or provides public access and risks can be effectively mitigated. This prohibition applies to scenarios such as:

(A) New or replacement primary structures that would rely on an on-site sewage system located in an area projected to be exposed to sea level rise hazards;

(B) Expansion of existing primary structures that would trigger on-site sewage system expansion when the system is, or will become, hazard exposed during the remaining lifespan of the structure;

(C) Installation of new on-site sewage systems in projected hazard areas. Replacement systems may be allowed only when necessary to protect public health and the environment, when feasible alternatives that avoid or minimize impacts to ecological functions are used, and when the system is sited as far as practicable from areas projected to be exposed to sea level rise hazards, including potential off site or higher elevation locations.

(vi) The master program includes provisions governing the siting or location of new development for storage, processing, handling, or similar activities involving materials that could adversely affect soil or water quality in areas projected to be exposed to sea level rise hazards, either by prohibiting such activities in these areas or allowing them only when appropriate containment or protective facilities are provided to prevent releases;

(vii) Subdivisions in areas exposed to sea level rise hazards:

(A) The master program requires that plats and subdivisions overlapping areas exposed to sea level rise hazards identify these areas, exclude them from the developable area, and designate them to remain open and undeveloped in perpetuity for hazard accommodation and natural processes.

(B) The master program ensures that subdivision is allowed only when the proposal demonstrates adequate provision of water, sewage treatment, ingress and egress via public and private roadways, and other public requirements over the lifetime of the development that would occur.

(viii) The master program includes provisions governing circumstances when original primary structures, accessory structures, and shoreline stabilization and flood hazard reduction structures must be removed when development is being relocated to provide space for habitat shift and avoid continued impacts to the shoreline environment;

(ix) The master program allows for low-risk development, such as development associated with low intensity public and private recreational use, as an alternative in areas exposed to sea level rise haz-

ards where more intensive development, such as residential or commercial development, is not aligned with projected hazards;

(x) The master program does not allow for expansion or replacement of structures that are nonconforming to buffer and setback standards in areas exposed to sea level rise, unless the structures are in support of water-dependent uses, public access, or restoration. The master program allows these structures to be repaired and maintained. If structures are relocated or sites are redeveloped, they should be brought into conformance to the greatest extent possible;

(xi) The master program includes provisions ensuring that all shoreline modifications in areas exposed to sea level rise are designed for sea level rise over the lifetime of the modification and the development it is associated with, or can be adaptively managed as conditions change over time.

(A) The master program requires that piers, docks, moorage facilities, and other on-water or overwater structures incorporate sea level rise into the design of these facilities.

(B) The master program requires that shoreline stabilization and flood hazard reduction structures meet all of the requirements of WAC 173-26-231.

(xii) The master program does not allow new roads, road expansions, or parking facilities in areas exposed to sea level rise hazards, unless no other option is available, the structures can be built to accommodate or withstand projected sea level rise hazards, and the project is in the public interest. Roads, roadway expansions, and parking are discouraged throughout shoreline jurisdiction, regardless of hazard exposure, pursuant to WAC 173-26-241 (3)(j);

(xiii) The master program encourages design standards that incorporate sea level rise for new and changes to existing outfalls, pipes, drains, and other structures and facilities associated with the conveyance, treatment, and discharge of wastewater and stormwater to protect water quality and public health;

(xiv) Public access sites in areas exposed to sea level rise hazards;

(A) The master program requires that new public access sites are designed to accommodate conditions over the life of the development on the site or adapt over time. This may include resilient design principles such as setting back structures, using moveable structures, orienting access perpendicular to the shoreline, incorporating floodable landscaping, and others.

(B) The master program facilitates and encourages adaptation of existing public access sites as conditions change. This may involve relocating structures away from hazards, realigning paths and roads, implementing nature-based solutions, and extending the site to encompass new areas away from hazards.

(10) **Permitting in areas exposed to sea level rise hazards.** The master program should specify additional submittal requirements for projects proposed in areas exposed to sea level rise hazards, as necessary to ensure that sea level rise policies and regulatory requirements are met at the project scale.

AMENDATORY SECTION (Amending WSR 04-01-117, filed 12/17/03, effective 1/17/04)

WAC 173-26-251 Shorelines of statewide significance. (1) **Applicability.** The following section applies to local governments preparing and amending master programs that include shorelines of statewide significance as defined in RCW 90.58.030.

(a) **Pacific Coast.** The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets.

(b) **Salish Sea intertidal.** Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(i) Nisqually Delta from DeWolf Bight to Tatsolo Point;

(ii) Birch Bay from Point Whitehorn to Birch Point;

(iii) Hood Canal from Tala Point to Foulweather Bluff;

(iv) Skagit Bay and adjacent area from Brown Point to Yokeko Point; and

(v) Padilla Bay from March Point to William Point.

(c) **Salish Sea subtidal.** Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide.

(d) **Lakes.** Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more measured at the ordinary high water mark.

(e) **Rivers.** Those natural rivers or segments thereof as follows:

(i) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second or more;

(ii) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at 200 cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first 300 square miles of drainage area, whichever is longer.

(f) **Shorelands.** Those shorelands associated with (a), (b), (d), and (e) of this subsection.

(2) **Principles.** ((~~Chapter 90.58 RCW raises the status of shorelines of statewide significance in two ways. First, the Shoreline Management Act sets specific preferences for uses of shorelines of statewide significance. RCW 90.58.020 states:~~

~~"*The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:*~~

~~*(1)*~~))

(a) The interest of the people of the state shall be paramount in the management of shorelines of statewide significance, as stated in RCW 90.58.020.

(b) Master programs shall include policies and regulations, with sufficient scope and detail, to give preference to uses of shorelines of statewide significance that accomplish the following, listed in order of preference:

(i) Recognize and protect the statewide interest over local interest;

((~~(2)~~)) (ii) Preserve the natural character of the shoreline;

((~~(3)~~)) (iii) Result in long term over short term benefit;

((~~(4)~~)) (iv) Protect the resources and ecology of the shoreline;

((~~(5)~~)) (v) Increase public access to publicly owned areas of the shorelines;

((~~(6)~~)) (vi) Increase recreational opportunities for the public in the shoreline;

((~~(7)~~)) (vii) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary ((~~"~~

~~Second, the Shoreline Management Act calls for a higher level of effort in implementing its objectives on shorelines of statewide significance. RCW 90.58.090(5) states:~~

~~"*The department shall approve those segments of the master program relating to shorelines of statewide significance only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the statewide interest.*"~~)), those elements being economic development; public access; recreational; circulation or transportation; use; conservation; historical, cultural, scientific, and educational; and an element considering the statewide interest in the prevention and minimization of flood damages.

(c) Pursuant to RCW 90.58.090(5), shorelines of statewide significance must be managed with a higher level of effort to achieve optimum implementation of the policy of the act to satisfy the statewide interest.

Optimum implementation involves:

(i) Special emphasis on statewide objectives and consultation with state agencies and tribes. The state's interests may vary, depending upon the geographic region, type of shoreline, and local conditions((~~. Optimum implementation may involve~~));

(ii) Ensuring that other comprehensive planning policies and regulations support Shoreline Management Act objectives((~~.~~

~~Because shoreline ecological resources are linked to other environments, implementation of ecological objectives requires effective management of whole ecosystems. Optimum implementation places~~));

(iii) A greater imperative on identifying, understanding, ((~~and~~)) managing, protecting, and encouraging restoration of ecosystem-wide processes and ecological functions that sustain resources of statewide importance.

(3) **Master program provisions for shorelines of statewide significance.** Shorelines of statewide significance have been designated related to special economic, ecological, educational, developmental, recreational, and/or aesthetic values. Because shorelines of statewide significance are major resources from which all people of the state derive benefit, local governments that are preparing and amending master program provisions for shorelines of statewide significance shall implement the following:

(a) **Statewide interest.** To recognize and protect statewide interest over local interest, consult with applicable state agencies, ((~~affected Indian~~)) tribes, and statewide interest groups and consider their recommendations in preparing and amending shoreline master program provisions. Recognize and take into account state agencies' policies, programs, and recommendations in developing use regulations. For example, if an anadromous fish species is affected, the Washington state departments of fish and wildlife and ecology and the governor's salmon recovery office((~~, as well as affected Indian tribes, should, at a minimum,~~)). Tribes must be consulted.

(b) **Preserving resources for future generations.** Prepare master program provisions on the basis of preserving the shorelines for future generations. For example, actions that would irreversibly convert resources into ((~~irreversible~~)) uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited. Where natural resources of statewide importance are being diminished over time, master programs shall include provisions to contribute to the restoration of those resources.

(c) **Priority uses.** Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including, but not limited to, parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments that are particularly dependent on their location on or use of the shorelines of the state, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Establish shoreline environment designation policies, boundaries, and use provisions that give preference to those uses described in RCW 90.58.020 (1) through (7). More specifically:

(i) Identify the extent and importance of ecological resources of statewide importance and potential impacts to those resources, both inside and outside the local government's geographic jurisdiction.

(ii) Preserve sufficient shorelands and submerged lands to accommodate current and projected demand for economic resources of statewide importance, such as commercial shellfish beds and navigable harbors. Base projections on statewide or regional analyses((~~,~~)); requirements for essential public facilities((~~,~~)); and comment from related industry associations, ((~~affected Indian~~)) tribes, and state agencies.

(iii) Base public access and recreation requirements on demand projections that take into account the activities of state agencies and the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.

(d) **Resources of statewide importance.** Resources of statewide importance include ecological resources, the physical and aesthetic public value, and water-oriented shoreline economic values. Each master program should establish development standards specific to shorelines of statewide significance that:

(i) Ensure the long-term protection of ecological resources of statewide importance, such as anadromous fish habitats, forage fish spawning and rearing areas, shellfish beds, and unique environments. Standards shall consider incremental and cumulative impacts of permitted development and include provisions to ((~~insure~~)) ensure no net loss of shoreline ecosystems and ecosystem-wide processes((~~.~~))~~;~~

(ii) Provide for the shoreline needs of water-oriented uses and other shoreline economic resources of statewide importance((~~.~~))~~;~~

(iii) Provide for the right of the public to use, access, and enjoy public shoreline resources of statewide importance, including the preservation of the physical and aesthetic shorelines of statewide significance.

(e) **Comprehensive plan consistency.** ((~~Assure that~~)) Ensure that the other comprehensive plan policies affecting shoreline jurisdiction are consistent with the objectives of RCW 90.58.020, 90.58.090(5), and 90.58.340. Other local comprehensive plan provisions ((~~are~~)) must be

consistent with and support as a high priority the policies for shorelines of statewide significance. Specifically, shoreline master programs should include policies that incorporate the priorities and optimum implementation directives of chapter 90.58 RCW into comprehensive plan provisions and implementing development regulations.

(f) Sea level rise and increased storm severity adaptation. Without proactive management, the impact of sea level rise and increased storm severity may jeopardize the ability to manage shorelines in accordance with the goals of the act. For shorelines of statewide significance, local governments must:

(i) Ensure that policies and regulations enable adaption and increase the resilience of shorelines of statewide significance;

(ii) Ensure that the sea level rise planning process required by WAC 173-26-246 is rigorous and thorough; and

(iii) Prioritize adaptation strategies for shorelines of statewide significance that align with the other provisions of this subsection, including preserving shorelines for future generations and protecting resources of statewide importance. Policies and regulations should prioritize long-term resilience over short-term protection, such as by requiring relocation of development rather than protection-in-place, prioritizing large-scale restoration projects, encouraging nature-based solutions, and other measures.

NEW SECTION

WAC 173-26-365 Marine spatial planning. Adopted in 2018, the marine spatial plan (MSP) for Washington's Pacific Coast is a marine planning document designed to address new ocean use and development off Washington's Pacific Coast that have not been previously permitted or approved. The MSP provides data, information, analyses, and maps on ocean uses and resources, provides a framework for evaluating new ocean use proposals, and establishes protections for sensitive areas and fisheries. The current version is available at ecology publication No. 17-06-027.

(1) **Purpose and intent.** The purpose of this section is to ensure master programs are consistent with the MSP. The MSP is authorized by the 2010 Marine Waters Planning and Management Act (chapter 43.372 RCW) and is based on the policies and regulations found in the Ocean Resources Management Act (chapter 43.143 RCW) and the Ocean Management Guidelines (WAC 173-26-360). The MSP applies to Washington coastal waters from Cape Flattery to Cape Disappointment, from ordinary high water on the shoreward side to 700 fathoms offshore.

Local governments within the geographic area of the MSP shall maintain master programs consistent with the information, recommendations, and policies of the MSP, dated 2018, as amended.

(2) **Applicability - Geographic application.** The geographic area of the MSP includes Grays Harbor and Willapa Bay estuaries. The following local governments must include policies, regulations, and permit procedures consistent with the MSP: Clallam County, Jefferson County, Grays Harbor County, Pacific County, Ilwaco, Long Beach, Raymond, South Bend, Cosmopolis, Ocean Shores, Hoquiam, Aberdeen, and Westport. Master programs in the above identified jurisdictions must apply the MSP policies and implementation procedures when a new ocean use is proposed within the geographical boundaries of the MSP that will adversely impact renewable resources, marine life, fishing, aqua-

culture, recreation, navigation, air or water quality, or other existing ocean or coastal uses.

(3) **Definitions.** Master programs for the jurisdictions identified in subsection (2) of this section shall include the following definitions:

(a) Important, sensitive, and unique areas (ISUs): ISUs are specific areas in state waters that meet one or more of the following criteria:

(i) Areas that are environmentally sensitive or contain unique or sensitive species or biological communities that must be conserved and warrant protective measures (RCW 43.372.040 (6)(c));

(ii) Areas with known sensitivity and where the best available science indicates the potential for offshore development to cause irreparable harm to the habitats, species, or cultural resources;

(iii) Areas with features that have limited, fixed and known occurrence;

(iv) Areas with inherent risk or infrastructure that are incompatible with new ocean uses;

(b) New ocean use: In-water ocean use that has not been previously reviewed or permitted;

(c) Offshore development: Any development proposed for siting in the geographical area of the MSP that also meets the definition of a new ocean use.

(4) **ISU protection.** Master programs identified in subsection (2) of this section shall require new ocean uses proposed within the MSP geographical area to be consistent with the ISU protection standards contained in the MSP.

(a) Applicability of ISU protection standards. ISU protection standards apply to any ISU, wherever it is identified in state waters.

(b) ISU designation. The designation of ISUs is habitat and resource based, wherever these habitats or resources occur within state waters. The state maintains maps of ISUs to assist applicants in identifying where ISUs exist. It is the responsibility of applicants to verify whether ISUs exist in their proposed new ocean use project area and to demonstrate protection standards will be met.

(5) **Fisheries use protection.** Master programs identified in subsection (2) of this section shall require new ocean uses proposed within the MSP geographical area to be consistent with the fisheries use protection standards contained in the MSP.

(a) Applicability of fisheries use protection standards. Fisheries use protection standards apply to a new ocean use proposed within the MSP geographical area.

(6) **Additional requirements for new ocean use proposals.** Master programs shall require additional submittal materials as part of an application for new ocean uses. In addition to the submittal requirements for substantial development, conditional use, or variance permits, an applicant proposing a new ocean use must demonstrate:

(a) The occurrence of a preapplication meeting;

(b) Review of site-specific inventories and response to requests for additional data or studies;

(c) Submission of an effects evaluation;

(d) Provision of proposed construction and operation plans; and

(e) Coordination with relevant agencies, the Washington coastal marine advisory council (WCMAC), and the public throughout all aspects of project development and review.

RDS-7310.2

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-020 Purpose. RCW 90.58.140(3) requires local governments to establish a program, consistent with rules adopted by the department of ecology, for the administration and enforcement of the permit system for shoreline management. The local program should be integrated with other local government systems for administration and enforcement of land use regulations. It is the intent of these regulations to provide minimum procedural requirements as necessary to comply with statutory requirements while providing latitude for local government to establish procedural systems based on local needs and circumstances. It is also the intent of these regulations to provide for integration of the shoreline permit into a consolidated environmental review and permit process.

This regulation is drafted to also reflect RCW 90.58.050, which provides that the Shoreline Management Act is intended to establish a cooperative program between local government and the state. According to this provision, local government shall have the primary responsibility for initiating the planning required by the act and administering the regulatory program of shoreline management consistent with the policy and provisions of the act, whereas the department shall act primarily in a supportive and review capacity with an emphasis on providing assistance to local government and on ((~~insuring~~)) ensuring compliance with the policies and provisions of the Shoreline Management Act.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-27-030 Definitions. The definitions and concepts set forth in RCW 90.58.030, chapters 173-20, 173-22, and 173-26 WAC, and the following definitions shall apply within this chapter and to the administration and interpretation of master programs:

(1) "Accessory":

(a) "Accessory dwelling unit" or "ADU" means a dwelling unit located on the same lot as a single-family residence, duplex, triplex, townhome, or other housing unit;

(b) "Accessory structure" means a secondary structure on the same lot or parcel of land as a primary structure that is subordinate or supportive but unnecessary for the primary use of the property. Accessory structure is not synonymous with a normal appurtenance or appurtenant structure. See definition for appurtenant structure;

(c) "Accessory use" means a use or activity that is found on the same lot or parcel as a primary use and is subordinate, customary, and incidental to the primary use;

(2) "Act" means chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended;

((~~(2)~~)) (3) "Applicable master program" means the master program approved or adopted by the department pursuant to RCW 90.58.090(6) or 90.58.190(4) ((~~prior to acceptance of a complete application by local~~

~~government~~)) and in effect at the time of complete permit application determination;

((~~(3)~~)) (4) "Appurtenant structure" or "normal appurtenance" means a structure necessarily connected to the use and enjoyment of a single-family residence. On a statewide basis, normal appurtenance includes a garage, deck, driveway, residential utilities, fence, and on-site sewage systems. Normal appurtenances do not include accessory dwelling units, shoreline stabilization, over-water or in-water structures, or development located waterward of the ordinary high water mark or in a wetland;

(5) "Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property ((~~which~~)) that will be directly under the proposed building or structure((~~÷~~)). Natural or existing topography means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling. Existing topography is prior to any associated site preparation for a proposal and does not include grade changes that were not authorized or otherwise executed in violation of the SMP. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure;

((~~(4)~~)) (6) "Conditional use" means a use, development, or substantial development ((~~which~~)) that is classified as a conditional use or is not classified within the applicable master program. Conditional use requests are reviewed against the criteria for conditional use permits of WAC 173-27-160. A conditional use permit is not a means to authorize a prohibited use;

((~~(5)~~)) (7) "Department" or "ecology" means the Washington state department of ecology;

((~~(6)~~)) (8) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature ((~~which~~)) that interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment;

((~~(7) "Exempt" developments are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program;~~

~~(8)~~)) (9) "Exempt" means a development that is not subject to the shoreline substantial development permit process but that must otherwise comply with the provisions of the act and applicable master program. "Exemption" refers to the authorization granted by the local government that establishes that an activity is exempt from substantial development permit requirements under WAC 173-27-040 and consistent with the policies and regulations of the act and the applicable master program as set forth in RCW 90.58.030 (3)(e), 90.58.147, 90.58.270 (6)(a), 90.58.515, and 90.58.580(3);

(10) "Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish

the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment, services, or materials;

((~~(9)~~)) (11) "Height" is measured from average grade level to the highest point of a structure((~~:~~)), provided((~~,~~)) that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included((~~:~~)), and provided further((~~,~~)) that temporary construction equipment is excluded in this calculation;

((~~(10)~~)) (12) "Local government" means any county, incorporated city, or town ((~~which~~)) that contains within its boundaries any lands or waters subject to chapter 90.58 RCW;

((~~(11) "Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling;~~

~~(12)~~)) (13) "Mitigation sequence" or "mitigation sequencing" means the successive steps implemented to protect shoreline ecological functions. Application of the mitigation sequence achieves no net loss of shoreline ecological functions for each new development or use. These mitigation measures are applied in the following sequence of steps listed in order of priority, meaning that lower-priority measures are applied only after higher-priority measures or where higher-priority measures are determined to be infeasible or inapplicable, with (a) of this subsection being top priority. These steps must be applied and implemented in the order listed:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations;

(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments, and monitoring the compensation provided and taking appropriate corrective measures, as needed;

(14) "Party of record" includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail or email;

((~~(13)~~)) (15) "Permit" means any substantial development, variance, conditional use permit, or revision thereof authorized under chapter 90.58 RCW;

((~~(14)~~)) (16) "Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on

health, safety, or general welfare resulting from a use or development;

((~~(15)~~)) (17) "Shall," means a mandate; the action is required. The terms "must" and "are required" have the same meaning as "shall";

(18) "Should" means that the particular action is required unless there is a demonstrated, compelling reason for not taking the action. A demonstrated, compelling reason shall be established based on a policy of the Shoreline Management Act, the implementing rules, and the applicable master program;

(19) "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels;

((~~(16)~~)) (20) "Transmit" means to send from one person or place to another by mail, electronically through email or external submittal portal, or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for electronic and hand-delivered items, is the date of receipt at the destination;

((~~(17)~~)) (21) "Variance" ((~~is a~~)) means a permit that is strictly limited to ((~~grant~~)) granting relief from ((~~the~~)) one or more specific bulk, dimensional, or performance standards set forth in the applicable master program ((~~and~~)). Variance requests are reviewed against the criteria for variance permits of WAC 173-27-170. A variance is not a means to ((~~vary a use of a shoreline~~)) authorize a prohibited use;

((~~(18)~~)) (22) "Vessel" includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water((~~;~~

~~(19) The definitions and concepts set forth in RCW 90.58.030, and chapters 173-20, 173-22, and 173-26 WAC also apply as used in this chapter~~)).

NEW SECTION

WAC 173-27-035 Shoreline permit system. All projects proposed within shoreline jurisdiction are subject to the policy of the Shoreline Management Act and the applicable master program. Master programs contain provisions for permits for conditional uses and variances as required by RCW 90.58.100(5), and these permits may be needed in addition to a substantial development permit or exemption. The required shoreline permit system consistency review and approval criteria are contained in WAC 173-27-040, 173-27-140, 173-27-150, 173-27-160, and 173-27-170. A proposed project may require more than one type of permit, and projects that are exempt from a substantial development permit may still require a conditional use permit or variance.

(1) **Shoreline permit types.** Implementation of the shoreline permit system shall conform to the following for shoreline substantial development, conditional use, and variance permits:

(a) **Substantial development permit.** Required for all substantial developments not specifically listed as exempt from the substantial development permit process or statutorily excluded from review.

(i) The definition of "development" serves as a threshold in determining whether local governments review and process certain activities with a substantial development permit.

(ii) Developments authorized through a substantial development permit typically are "permitted" activities that are anticipated by

the applicable master program, for which specific development regulations within the master program will ensure compliance with the Shoreline Management Act. However, local governments can add conditions of approval to ensure compliance with Shoreline Management Act policies or master program provisions.

(iii) Proposals requesting a shoreline substantial development permit shall be reviewed for consistency pursuant to WAC 173-27-140 and 173-27-150.

(iv) Local governments review and process substantial development permits and subsequently send to ecology for filing.

(b) **Conditional use permits.** Required for proposals including uses or developments that are listed as conditional uses and for uses that are not classified or contemplated within the applicable master program. Conditional use permits are used to effectively manage unanticipated uses and address cumulative impacts.

(i) A development or use that is listed as a conditional use pursuant to the applicable master program or is an unlisted use must obtain a conditional use permit even if the development or use does not require a substantial development permit.

(ii) Proposals that require a conditional use permit are subject to all of the additional criteria listed in WAC 173-27-160.

(iii) Local governments must submit decisions on conditional use permits to ecology for final review and decision.

(c) **Shoreline variance.** A variance is used to provide relief to the applicant by considering project elements that deviate from the applicable master program's bulk, dimensional, or performance standards (e.g., buffers, setback, height, or lot coverage requirements) in order to reduce a hardship imposed by extraordinary circumstances related to the unique physical character or configuration of the property.

(i) When a proposal does not comply with the bulk, dimensional, or performance standards of the applicable master program, such development or use can only be authorized by approval of a variance.

(ii) Proposals requesting a variance are subject to all of the additional criteria listed in WAC 173-27-170 and must be consistent with the shoreline environment designation and use requirements of the applicable master program.

(iii) Local governments must submit decisions on variance applications to ecology for final review and decision.

(2) **Exemptions from the substantial development permit process.** A letter of exemption is a local government authorization that establishes that an activity meets one or more of the narrowly construed exemptions from the substantial development permit process pursuant to WAC 173-27-040 as set forth by RCW 90.58.030 (3)(e), 90.58.147, 90.58.270 (6)(a), 90.58.515, and 90.58.580(3).

(a) To be authorized, all uses, developments, and activities proposed must be consistent with the policies and provisions of the applicable master program and the Shoreline Management Act. This includes, but is not limited to, consistency with the critical area protection, mitigation sequence, use regulations, shoreline environment designation, and shoreline modification provisions.

(b) Proposals requesting a letter of exemption shall be reviewed for consistency with WAC 173-27-040 and processed in accordance with WAC 173-27-050.

(c) The local government determines whether a proposal is exempt from the substantial development permit process; and whether the exempt use, development, or activity can be approved, approved with con-

ditions, or denied. Local governments transmit letters of exemption to ecology for the state record.

(3) **Proposals and activities that are not development or substantial development.** Some use and project activities proposed within shoreline jurisdiction are subject to the policy of the Shoreline Management Act and the provisions of the applicable master program but are not subject to a shoreline substantial development permit or letter of exemption. These include uses and activities that do not meet the definition of "development" or that are not considered substantial development. Local governments shall still apply the master program policies and regulations to these uses and project activities including, but not limited to, subdivision of land, lot line adjustment, clearing, tree removal, and change of use proposals, as part of any environmental review or other associated permits and approvals.

(a) If a use or project activity does not meet the definition of "development" or is not considered substantial development, and it is determined that the project will not interfere with normal use of waters of the state, then a shoreline substantial development permit or letter of exemption is not required.

(b) Any development of which the total cost or fair market value, whichever is higher, does not exceed the dollar threshold established in RCW 90.58.030 (3)(e) as adjusted for inflation by the office of financial management and where such development does not materially interfere with the normal public use of the water or shorelines of the state is not considered substantial development pursuant to the Shoreline Management Act and the applicable master program. For purposes of determining whether or not the development is "substantial development," the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment, or materials;

(c) Consistency with the master program is required for all new uses and activities authorized within shoreline jurisdiction, including the application of all master program bulk, dimensional, and performance standards, and use allowances.

(d) The applicable master program may establish specific uses or project activities as conditional uses. In such cases, a conditional use permit is still required even if a shoreline substantial development permit or letter of exemption is not required.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-27-040 Developments exempt from substantial development permit requirement. (1) Application and interpretation of exemptions. An exemption from the substantial development permit process is a local government authorization that establishes that an activity meets one or more of the narrowly construed exemptions pursuant to WAC 173-27-040 as set forth by RCW 90.58.030 (3)(e), 90.58.147(3), 90.58.270 (6)(a), 90.58.515, and 90.58.580(3).

(a) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.

(b) The most specific and applicable exemption shall be used. If more than one exemption in subsection (3) of this section could be applicable to a project component, the applicant and local government shall apply the more-specific standards, review, and approval criteria over the more general or less specific.

(c) An exemption from the substantial development permit process is not an exemption from compliance with the act or the ((~~local~~)) applicable master program, nor from any other regulatory requirements.

(d) To be authorized, all uses and developments must be consistent with the policies of the act and provisions of the applicable master program ((~~and the Shoreline Management Act~~)) as documented by the local government in a letter of exemption pursuant to WAC 173-27-050.

(e) A development or use that is listed as a conditional use pursuant to the local master program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance.

((~~(c)~~)) (f) Exempt activities are subject to the mitigation sequence.

(g) The burden of proof that a development or use is exempt from the substantial development permit process is on the applicant.

((~~(d)~~)) (h) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

((~~(e)~~)) (i) Local government may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the act and the local master program.

(2) To apply for an exemption from the substantial development permit process, the project proponent shall provide, at a minimum:

(a) Name, address, email address, and phone number of the property owner and project proponent;

(b) Location of the project site. Include the property address, parcel number, and latitude and longitude coordinates in degree decimals to the fourth decimal place;

(c) Identify the shoreline water body associated with the property;

(d) A general description of the project proposal, including the proposed use or uses; vegetation to be modified, removed, or protected; development components; and staging areas, site access points, and other activities necessary to accomplish the project;

(e) A statement of which exemption(s) apply to the project or each project component and an explanation of how the project is consistent with the applicable specific and narrowly construed exemption provisions of subsection (3) of this section;

(f) Site plans and, if applicable, construction drawings clearly depicting all information necessary to demonstrate consistency with the exemption criteria and master program regulations, including bulk and dimensional standards and shoreline ecological protection requirements, including the location of the following:

(i) All development and activities requested to be authorized by the exemption;

(ii) The ordinary high water mark. This may be an approximate location if the exact location is not necessary to determine the appli-

cable master program provisions or to demonstrate compliance with the exemption criteria;

(iii) The shoreline buffer and/or setbacks;

(iv) All critical areas and critical area buffers;

(v) Existing and proposed vegetation located within shoreline jurisdiction;

(vi) If applicable, include floodway, channel migration zone, and projected sea level rise hazards;

(g) Demonstration of the application of the mitigation sequence to the project, including specific avoidance and minimization measures applied to the project design or construction; any identified impacts to shoreline ecological functions or critical areas; and compensatory mitigation measures, if necessary; and

(h) Any special reports required by the applicable master program, such as geotechnical reports, and shoreline stabilization alternative analysis.

(3) The following developments shall not require substantial development permits and may be authorized through a letter of exemption pursuant to WAC 173-27-050:

(a) ((~~Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;~~

~~(b)~~)) **Normal maintenance or repair of existing structures or developments**, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means ((~~to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes~~)) minor actions necessary to fix damage to lawfully established structures or development. These minor actions must occur prior to substantial decay or destruction to maintain an existing useable and functional structure or development, or within a reasonable period following a fire, storm, or similar event damaging the existing structure or development. Maintenance, repair, and replacement actions allowed through this exemption must demonstrate no net loss and not cause substantial adverse effects to shoreline resources or environment.

(i) Replacement of components of a structure or development may be authorized as repair where such replacement is the common method of

repair for the type of structure or development ((~~and~~)). Maintenance, repair, and limited replacement activities allowed under this exemption shall result in structures or developments that are comparable to the original structure or development.

(ii) In limited circumstances where total replacement is necessary and is the normal form of repair, the replacement ((~~structure or development is~~)) must be comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance ((~~and the replacement does not cause substantial adverse effects to shoreline resources or environment~~)). In limited circumstances, the replacement may be relocated landward or reconfigured, provided this makes the structure more conforming to the applicable master program's protection, restoration, or hazard reduction standards. These limited circumstances include where structures or development are or will be exposed to sea level rise or other hazards, or where ecological functions at the site may be improved by changing the structure or development;

((~~(c) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife;~~

~~(d)~~)) (b) **Shoreline stabilization: New normal structures protective of single-family residences; repair and maintenance of existing shoreline stabilization; and emergency shoreline stabilization actions.** Shoreline stabilization includes those actions taken to address erosion impacts for the sole purpose of protecting existing development from loss or damage from erosion caused by the natural processes of currents, tides, waves, stream flows, or wind wearing down and carrying away material over time.

(i) **Shoreline stabilization protective of single-family residences.** Construction of a new or replacement normal protective shoreline stabilization common to single-family residences is exempt from a substantial development permit if all of the following are met:

(A) The shoreline stabilization is proposed to address erosion impacts for the sole purpose of protecting a legally existing single-family residence from loss or damage by erosion;

(B) The shoreline stabilization does not create dry land;

(C) Hard shoreline stabilization structures shall be constructed landward of the current existing ordinary high water mark. If existing shoreline stabilization has failed or deteriorated such that an ordi-

nary high water mark has been established, by the presence and action of water, landward of the existing stabilization, then the replacement must be relocated at or landward of the ordinary high water mark;

(D) If a vertical or near-vertical wall is constructed or reconstructed, no more than one cubic yard of fill per one foot of wall is allowed for use as backfill. If a vertical wall fronting an existing shoreline stabilization is proposed, it is no farther waterward of the existing bulkhead than is necessary for construction of new footings;

(E) Nature-based stabilization is considered normal protective shoreline stabilization. Some elements of natural-based stabilization may be located waterward of the ordinary high water mark provided it is the minimum necessary;

(F) Demonstrate need, consider alternatives, and analyze ecological impacts as part of new and replacement shoreline stabilization projects consistent with the applicable master program shoreline stabilization provisions.

(ii) **Maintenance and repair of existing shoreline stabilization.** "Shoreline stabilization maintenance" includes those usual or routine acts to prevent a decline, lapse, or cessation from a lawfully established condition of existing shoreline stabilization. "Shoreline stabilization repair" means minor actions necessary to fix damage to lawfully established shoreline stabilization. Minor actions are those intended to maintain existing, useable, and functional shoreline stabilization.

Shoreline stabilization maintenance and repair is exempt from a shoreline substantial development permit if all the following are met:

(A) Shoreline stabilization maintenance proposed includes those actions that are usual or routine to prevent a decline, lapse, or cessation from a lawfully established condition of existing shoreline stabilization;

(B) Shoreline stabilization repair proposed are minor actions demonstrated to be necessary to fix damage to lawfully established shoreline stabilization as necessary to maintain existing useable and functional shoreline stabilization;

(C) Shoreline stabilization maintenance and repair actions must occur prior to substantial decay or destruction or within a reasonable period of time following a fire, storm, or similar event that damaged the stabilization structure;

(D) Shoreline stabilization maintenance and repair actions shall not result in any waterward, lateral, or vertical expansion of existing structural shoreline stabilization.

(iii) **Emergency shoreline stabilization actions.**

(A) An "emergency" is an unanticipated and imminent threat to an existing single-family residence or other legally established development or use that requires immediate action within a time too short to allow full compliance with the permit timelines of the Shoreline Management Act and applicable master program.

(B) Only temporary actions necessary to abate an emergency may be authorized through this emergency exemption. Emergency construction shall not include development of new permanent shoreline stabilization where none previously existed. Temporary measures may include sandbags, supersacks, storm shields for windows and doors, or the like. Upon abatement of the emergency situation, all emergency actions and construction shall be removed, and any ecological functions impacted shall be restored.

(C) Permanent shoreline stabilization may not be authorized by this exemption or through after-the-fact permitting. Even if permanent

protection is necessary, the action that can be authorized through this emergency exemption shall be limited to the minimum necessary temporary measures that can be used to abate the emergency while a permanent solution can be designed and permitted in compliance with the applicable master program;

(c) **Emergency construction necessary to protect property from damage by the elements.** An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with ((~~this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained~~)) the permit timelines of the Shoreline Management Act and applicable master program.

(i) Emergencies are unanticipated events posing an imminent threat to health, safety, or the environment that do not allow time for site-specific design, detailed study, or standard permitting processes. Important considerations are whether structures, utilities, and other key infrastructure are at imminent risk.

(ii) All emergency actions and associated construction shall be consistent with the policies of ((~~chapter 90.58 RCW~~)) the Shoreline Management Act and the ((~~local~~)) applicable master program.

(iii) As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

(iv) Actions taken under this emergency exemption shall be the minimum necessary to abate the emergency.

(v) This exemption does not apply to emergency shoreline stabilization actions necessary to protect existing single-family residences from erosion. See (b)(iii) of this subsection for emergency shoreline stabilization exemption provisions;

((~~(c)~~)) (d) **Construction and practices normal or necessary for farming, irrigation, and ranching activities**((~~, including~~)). Construction and practices normal or necessary for farming, irrigation, and ranching activities includes agricultural service roads and utilities on shorelands((~~, construction of a barn or similar agricultural structure,~~)) and the construction and maintenance of irrigation structures including, but not limited to, head gates, pumping facilities, and irrigation channels((~~: Provided, That a feedlot of any size,~~)).

Normal or necessary farming or ranching activities do not include:

(i) Feedlots of any size. A feedlot is an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed. Feedlots do not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall they include normal livestock wintering operations;

(ii) All processing plants((~~,~~));

(iii) Other activities of a commercial nature((~~,~~));

(iv) Alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation((~~, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock~~

~~feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations~~));

((~~(f)~~)) (e) **Construction or modification of navigational aids such as channel markers and anchor buoys**. Channel markers and anchor buoys are navigational tools indicating the location of a line or marking the channel to facilitate vessel traffic. This exemption does not apply to buoys used for moorage;

((~~(g)~~)) (f) **Single-family residential construction.** Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, ((~~which~~)) provided the following are met:

(i) The residence does not exceed a height of ((~~thirty-five~~)) 35 feet above average grade level and ((~~which~~)) meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to chapter 90.58 RCW((~~.~~));

(ii) "Single-family residence" means a detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership ((~~which~~)) that are a normal appurtenance((~~. An "~~));

(iii) A "normal appurtenance" is a structure or development necessarily connected to the use and enjoyment of a single-family residence ((~~and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis,~~)). Single-family normal appurtenances ((~~include~~)) are limited to a garage((~~,~~)), deck((~~,~~)), driveway((~~,~~)), on-site residential utilities((~~,~~)), fences((~~; installation of a septic tank and drainfield and grading which~~)), and on-site sewage system;

(iv) The initial construction of a single-family residence may include grading that does not exceed ((~~two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;~~

((~~h~~)) 250 cubic yards;

(v) All development associated with this exemption must be on shorelands, landward of the ordinary high water mark, outside of any associated wetlands, and shall not involve placement of fill in any wetland or waterward of the ordinary high water mark;

(vi) Multiunit residential development, accessory uses, accessory structures, and accessory dwelling units are not eligible for this exemption;

(g) **Construction of a private residential pleasure craft dock.** The construction of a dock, including a community dock, designed for pleasure craft only, for the private, noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities, or other ((~~appurtenances~~)) accessory uses or developments. Dollar thresholds in this exemption are established in RCW 90.58.030 (3)(e) as adjusted for inflation by the office of financial management. This ((~~exception~~)) exemption is limited to one dock per waterfront parcel and applies if either:

(i) In salt waters, the fair market value of the dock does not exceed ((~~two thousand five hundred dollars; or~~)) $2,500. For purposes

of this section, salt water shall include the tidally influenced marine and estuarine water areas of the state, including the Pacific Ocean, Strait of Juan de Fuca, Strait of Georgia, and Puget Sound, and all bays and inlets associated with any of the above.

(ii) In fresh waters, the fair market value of the dock does not exceed:

(A) Twenty-eight thousand dollars for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced, and are ((~~located in a county, city, or town that has updated its master program consistent with the master program guidelines in chapter 173-26 WAC as adopted in 2003~~)) designed and sited consistent with an applicable master program that has completed its comprehensive master program update; or

(B) ((~~Ten thousand~~)) Thirteen thousand nine hundred dollars for all other docks constructed in fresh waters.

((~~However,~~)) (iii) If subsequent dock-related construction ((~~occurs~~)) is proposed within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above in ((~~either (h)(ii)(A) or (B) of~~)) this subsection, the subsequent construction ((~~shall be considered a substantial development for the purpose of this chapter.~~

~~For purposes of this section salt water shall include the tidally influenced marine and estuarine water areas of the state including the Pacific Ocean, Strait of Juan de Fuca, Strait of Georgia and Puget Sound and all bays and inlets associated with any of the above~~)) is not eligible for this exemption and shall be considered a substantial development;

((~~(i)~~)) (h) **Irrigation systems.** Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands;

((~~(j)~~)) (i) **Property line or corner marking on state-owned lands.** The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

((~~(k)~~)) (j) **Operation and maintenance of agricultural drainage or diking systems.** Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, ((~~which~~)) that were created, developed, or ((~~utilized~~)) used primarily as a part of an agricultural drainage or diking system. Maintenance and operations activities allowed under this exemption shall remain comparable to the original system including, but not limited to, its size, shape, configuration, location, orientation, depth, and elevation. Maintenance and operation actions must achieve no net loss of shoreline ecological functions and cannot cause substantial adverse effects to shoreline resources or ecological functions;

((~~(l) Any project with a certification from the governor pursuant to chapter 80.50 RCW;~~

~~(m)~~)) (k) **Site exploration and investigation activities.** Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(i) The activity does not interfere with the normal public use of the surface waters;

(ii) The activity will have no significant adverse impact on the environment including, but not limited to, impacts to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(iii) The activity does not involve the installation of any structure((~~, and~~));

(iv) Impacts to vegetation are minimized and do not include any tree removal. Upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

((~~(iv)~~)) (v) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

((~~(v)~~)) (vi) The activity is not subject to the oil and gas exploration permit requirements of RCW 90.58.550;

((~~(n)~~)) (l) **Removal and control of aquatic noxious weeds.** The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW;

((~~(o)~~)) (m) **Watershed restoration projects ((~~as defined herein~~)).** Watershed restoration projects are public or private projects authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan. Watershed restoration plans are developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed.

(i) Local governments shall review ((~~the~~)) watershed restoration projects for consistency with the ((~~shoreline~~)) master program in an expeditious manner and shall issue its decision along with any conditions within ((~~forty-five~~)) 45 days of receiving all materials necessary to review the request for exemption from the applicant.

(ii) No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.

((~~(i) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists~~)) (iii) Qualifying watershed restoration projects must consist of one or more of the following activities:

(A) A project that involves less than ((~~ten~~)) 10 miles of stream reach, in which less than ((~~twenty-five~~)) 25 cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(B) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(C) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than ((~~two hundred~~)) 200 square feet in floor area and is located ((~~above~~)) landward of the ordinary high water mark of the stream((~~.~~

~~(ii) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act~~));

((~~(p) A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:~~

~~(i) The project has been approved in writing by the department of fish and wildlife;~~

~~(ii) The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 77.55 RCW; and~~

~~(iii) The local government has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.~~

~~Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs, as follows:~~

~~(A) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under (p)(iii)(A)(I) and (II) of this subsection:~~

~~(I) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:~~

~~• Elimination of human-made fish passage barriers, including culvert repair and replacement;~~

~~• Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or~~

~~• Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.~~

~~The department of fish and wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and~~

~~(II) A fish habitat enhancement project must be approved in one of the following ways:~~

~~• By the department of fish and wildlife pursuant to chapter 77.95 or 77.100 RCW;~~

~~• By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;~~

~~• By the department as a department of fish and wildlife-sponsored fish habitat enhancement or restoration project;~~

~~• Through the review and approval process for the jobs for the environment program;~~

~~• Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the natural resource conservation service;~~

~~• Through a formal grant program established by the legislature or the department of fish and wildlife for fish habitat enhancement or restoration; and~~

~~• Through other formal review and approval processes established by the legislature.~~

~~(B) Fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this subsection and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030 (2)(c).~~

~~(C)(I) A hydraulic project approval permit is required for projects that meet the criteria of (p)(iii)(A) of this subsection and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department of fish and wildlife and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The department of fish and wildlife shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. Within forty-five days, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.~~

~~(II) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may formally appeal the decision to the hydraulic appeals board pursuant to the provisions of this chapter.~~

~~(D) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of (p)(iii)(A) of this subsection and that are reviewed and approved according to the provisions of this section.~~

~~(q)~~)) (n) **Retrofitting existing structures to accommodate physical access by individuals with disabilities.** The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C.

Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities;

(o) **Public fish passage projects.** Pursuant to RCW 90.58.147(3), public projects with the primary purpose of fish passage improvement or fish passage barrier removal.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-27-044 Developments not required to obtain shoreline permits or local reviews. Requirements to obtain a substantial development permit, conditional use permit, variance permit, letter of exemption, or other review conducted by a local government to implement ((~~this chapter~~)) a master program or the Shoreline Management Act do not apply to the following:

(1) **Remedial actions.** Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter ((~~70.105D~~)) 70A.305 RCW, or to the department of ecology when it conducts a remedial action under chapter ((~~70.105D~~)) 70A.305 RCW. The department must ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter ((~~70.105D~~)) 70A.305 RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW ((~~70.105D.090~~)) 70A.305.090.

(2) **Boatyard improvements to meet NPDES permit requirements.** Pursuant to RCW 90.58.355, any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system stormwater general permit. The department must ensure compliance with the substantive requirements of this chapter through the review of engineering reports, site plans, and other documents related to the installation of boatyard stormwater treatment facilities.

(3) **WSDOT facility maintenance and safety improvements.** Pursuant to RCW 90.58.356, the following department of transportation projects and activities ((~~meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by a local government to implement the Shoreline Management Act, chapter 90.58 RCW.~~)) are included under this exception:

(a) Maintenance, repair, or replacement that occurs within the roadway prism of a state highway as defined in RCW 46.04.560, the lease or ownership area of a state ferry terminal, or the lease or ownership area of a transit facility, including ancillary transportation facilities such as pedestrian paths, bicycle paths, or both, and bike lanes;

(b) Construction or installation of safety structures and equipment, including pavement marking, freeway surveillance and control systems, railroad protective devices not including grade separated crossings, grooving, glare screen, safety barriers, energy attenuators, and hazardous or dangerous tree removal;

(c) Maintenance occurring within the right-of-way;

(d) Construction undertaken in response to unforeseen, extraordinary circumstances that is necessary to prevent a decline, lapse, or

cessation of service from a lawfully established transportation facility; or

(e) Construction, maintenance, repair, or replacement work on transit facilities, when the work is conducted within a department of transportation right-of-way.

(4) **Fish hatchery maintenance and operation.** Fish hatchery maintenance and operations activities undertaken by the department of fish and wildlife, a federally recognized Indian tribe, a public utility district, or a municipal utility that meet the conditions of RCW 90.58.357. These actions are limited to those necessary to maintain the operation of fish hatcheries, including water intakes and discharges, fish ladders, water and power conveyances, weirs, and racks and traps used for fish collection.

(a) Maintenance, repair, or replacement of existing equipment and components that support the larger hatchery facility and occur within the existing footprint of fish hatchery facilities;

(b) Construction or installation of safety structures and equipment;

(c) Maintenance occurring within existing water intake and outflow sites during times when fish presence is minimized; or

(d) Construction undertaken in response to unforeseen, extraordinary circumstances that is necessary to prevent a decline, lapse, or cessation of operation of a fish hatchery facility;

(e) The proponent of a project undertaken pursuant to this section must ensure compliance with the substantive requirements of the Shoreline Management Act and ensure that the project will not adversely affect public access or shoreline ecological functions;

(f) The project proponent must provide written notification of projects authorized under this section to the local government with jurisdiction and ecology prior to beginning a maintenance or repair project.

(5) **Columbia River navigation channel projects.** Pursuant to RCW 90.58.355(5), actions taken on the Columbia River by the United States army corps of engineers, under the authority of United States Code Titles 33 and 42 and 33 C.F.R. Sec. 335, to maintain and improve federal navigation channels in accordance with federally mandated dredged material management and improvement project plans, provided the project:

(a) Has undergone environmental review under both the national Environmental Policy Act, 42 U.S.C. Sec. 4321-4370h and the state Environmental Policy Act, chapter 43.21C RCW; and

(b) Has applied for federal Clean Water Act section 401 water quality certifications issued by the department.

(6) **Projects to improve fish or wildlife habitat or fish passage approved pursuant to RCW 77.55.181.** Pursuant to RCW 77.55.181 and 90.58.147, a public or private project that is designed to improve fish or wildlife habitat or fish passage are not required to obtain a substantial development permit, conditional use permit, variance, or letter of exemption from the local government. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are expected to result in beneficial impacts to the environment and are determined to be consistent with local shoreline master programs. Local government may not require permits or charge fees for fish habitat enhancement projects that are reviewed and approved according to the provisions of RCW 77.55.181, provided the following all apply:

(a) The local government notification provisions of RCW 77.55.181 were satisfied. This notification process provides the local government with a 15-day comment period during which it may transmit com-

ments regarding environmental impacts to the department of fish and wildlife or, for forest practices hydraulic projects, to the department of natural resources.

(b) The project has been approved in writing by the department of fish and wildlife pursuant to chapter 77.55 RCW; or by the department of natural resources for forest practices hydraulic projects approval within the scope of RCW 77.55.181.

(7) **Dredge material disposal.** Pursuant to RCW 90.58.140(12), a permit under this section is not required in order to dispose of dredged materials at a disposal site approved through the cooperative planning process referenced in RCW 79.105.500, provided the dredged material disposal proponent obtains a valid site use authorization from the dredged material management program office within the department of natural resources.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-27-045 Developments not subject to the Shoreline Management Act. Certain developments are not required to meet the requirements of the Shoreline Management Act as follows:

(1) Pursuant to RCW 90.58.045 regarding environmental excellence program agreements, notwithstanding any other provision of law, any legal requirement under the Shoreline Management Act, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.21K RCW.

(2) Any project with a certification from the governor pursuant to chapter 80.50 RCW. Pursuant to RCW 90.58.140(9), the holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under chapter 90.58 RCW.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-050 Letter of exemption. ((~~Some projects conducted on shorelines of the state also require review and approval by federal agencies. Ecology is designated as the coordinating agency for the state with regard to permits issued by the U.S. Army Corps of Engineers. The following is intended to facilitate ecology's coordination of local actions, with regard to exempt development, with federal permit review.~~

~~(1) The local government shall prepare a letter of exemption, addressed to the applicant and the department, whenever a development is determined by a local government to be exempt from the substantial development permit requirements and the development is subject to one or more of the following federal permit requirements:~~

~~(a) A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899; (The provisions of section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters. Specific applicability information should be obtained from the Corps of Engineers.) or~~

~~(b) A section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions of section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the Corps of Engineers.)~~

~~(2) The letter shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the local government's analysis of the consistency of the project with the master program and the act.~~

~~(3) Local government may specify other developments not described within subsection (1) of this section as requiring a letter of exemption prior to commencement of the development.~~)) Exemptions are developments exempt from the requirement to obtain a substantial development permit per WAC 173-27-040 as authorized by RCW 90.58.030 (3)(e), 90.58.147, 90.58.270 (6)(a), 90.58.515, and 90.58.580(3).

(1) **Exemption review, documentation, and transmittal requirements.** Letters of exemption are local government authorizations for which applications can be approved, approved with conditions, or denied. Letter of exemption decisions must include written documentation of the proposal's consistency with the policy of the Shoreline Management Act, relevant provisions of the applicable master program, and confirmation of the exemption(s) applied to the project review.

(a) The letter shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the local government's analysis of the consistency of the project with the master program and the act. Letters of exemptions must:

(i) Document the applicable exemption(s) under WAC 173-27-040;

(ii) Demonstrate how the proposal meets the most applicable and narrowly construed exemption criteria;

(iii) Verify consistency of the proposal with the policies of the Shoreline Management Act and the applicable master program provisions. The proposal must meet the applicable use regulations and bulk, dimensional, and performance standards, including shoreline ecological protection standards, shoreline buffers, shoreline setbacks, critical area protections standards, and critical area buffers.

(iv) Include any conditions of approval necessary to ensure the project construction or execution remains consistent with the exemption criteria and applicable master program policies and provisions.

(b) All local government exemption decisions, including approval, approvals with conditions, and denials, shall be transmitted to ecology. At the time of decision, the local government shall transmit the letter of exemption and application materials to ecology. The transmittal to ecology shall be provided by mail or by electronic means through the department's shoreline permit tracking system (SPTS) external submittal portal.

(c) Information transmitted to ecology shall include:

(i) A copy of the local government decision, in the form it was provided to the applicant. This decision shall include:

(A) A summary of the local government's analysis of the consistency of the project with the policy of the Shoreline Management Act, relevant provisions of the applicable master program;

(B) The specific exemption(s) applied to the proposal;

(C) The final decision to approve, approve with conditions, or deny the proposal, and any conditions of approval placed by the local government;

(ii) A completed exemption data sheet or digital equivalent, as provided by the department, pursuant to WAC 173-27-995;

(iii) Application materials as required pursuant to WAC 173-27-040(3).

(d) This section does not apply to those developments not required to obtain shoreline permits or local review pursuant to WAC 173-27-044 or to developments not subject to the Shoreline Management Act as listed in WAC 173-27-045.

AMENDATORY SECTION (Amending WSR 07-02-086, filed 1/2/07, effective 2/2/07)

WAC 173-27-060 Applicability of chapter 90.58 RCW to federal lands and agencies. (1) **Federal actions.** The federal Coastal Zone Management Act authorizes states with approved coastal zone management programs to review projects where the proposal is in, or has the potential to affect, a state's coastal zone, and the project has a federal nexus. These projects are known as federal actions. States review such projects for consistency with their approved coastal zone management program's enforceable policies. A federal action can be:

(a) A development project or other activity with reasonably foreseeable coastal effects that is proposed by a federal agency;

(b) An application for a federal license or permit or other form of federal authorization that is listed by the state's coastal zone management program as being subject to review; or

(c) A state or local application for a form of federal financial assistance for a project with reasonably foreseeable coastal effects that is listed by the state's coastal zone management program as being subject to review.

Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of chapter 90.58 RCW, unless they are applied pursuant to Washington's coastal zone management program enforceable policies, as described below.

(2) **Washington's coastal zone management program (CZMP).** Washington's CZMP consists of two parts: The enforceable policies that must be complied with through the federal consistency process; and the activities that the department undertakes review of, pursuant to the enforceable policies in accordance with the federal CZMP grant. Washington's CZMP includes enforceable policies that are found in the Shoreline Management Act, Water Pollution Control Act, Washington Clean Air Act, and Ocean Resources Management Act, their implementing regulations, and in the marine spatial plan for Washington's Pacific Coast.

(a) Washington's coastal zone, as established in the state's approved CZMP, includes all of the lands and waters, as well as submerged lands seaward out to three nautical miles, within the following coastal counties: Whatcom, Skagit, San Juan, Island, Snohomish, King, Pierce, Thurston, Mason, Kitsap, Jefferson, Clallam, Grays Harbor, Pacific, and Wahkiakum.

(b) The policies and provisions of chapter 90.58 RCW, including the permit system, shall apply statewide to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of federal ownership.

(c) Nonfederal applicants subject to coastal zone consistency determinations under this section must comply with applicable master programs and obtain necessary shoreline permits or authorizations from the local government. The local review, authorization, and/or permit should be provided to ecology to demonstrate consistency with the policy of the Shoreline Management Act through consistency with the applicable master program.

(d) The coastal zone excludes Tribal lands held in trust by the federal government and lands that the federal government owns, leases, holds in trust, or otherwise has the sole discretion to determine their use. However, a proposed federal action within these excluded areas may still be subject to review by ecology under the CZMA if there are effects to state coastal uses or resources.

(3) **Applicability of chapter 90.58 RCW to federal lands and federal agency actions.** Pursuant to the federal Coastal Zone Management Act (CZMA), 16 U.S.C. 1451 et seq. and federal regulations adopted pursuant thereto, proposed direct federal agency activities ((~~in or affecting~~)) with reasonably foreseeable effects to state uses and resources within Washington's coastal zone shall be consistent to the maximum extent practicable with the enforceable policies of the most recent federally approved Washington ((~~state coastal zone management program pursuant to the Federal Coastal Zone Management Act, 16 U.S.C. 1451 et seq. (CZMA) and federal regulations adopted pursuant thereto.~~

~~Washington's coastal zone, as established in the state's approved coastal zone management program, includes the following coastal counties: Whatcom, Skagit, San Juan, Island, Snohomish, King, Pierce, Thurston, Mason, Kitsap, Jefferson, Clallam, Grays Harbor, Pacific and Wahkiakum.~~

~~The Shoreline Management Act is incorporated into the Washington state coastal zone management program and, thereby, those direct federal agency activities affecting the uses or resources subject to the act must be consistent to the maximum extent practicable with the enforceable provisions of the act, regulations adopted pursuant to the act and the local master program.~~

~~(a) When the department receives a consistency determination for an activity proposed by the federal government, it shall request that local government review the proposal and provide the department with its views regarding the consistency of the activity or development project with the enforceable policies of the local master program.~~

~~(b) The CZMA federal consistency decision-making process for federal agency activities is prescribed in the Coastal Zone Management Act (16 U.S.C. 1456 (c)(1) and (2), in federal regulations at 15 C.F.R. part 930, subpart C, and in Washington's most recent federally approved CZM program document.~~

~~(2) Federal agency activities may be required by other federal laws to meet the permitting requirements of chapter 90.58 RCW.~~

~~(3) The policies and provisions of chapter 90.58 RCW, including the permit system, shall apply statewide to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.~~)) CZMP in a process known as federal consistency.

(a) The CZMA federal consistency decision making process for federal agency activities is prescribed in the CZMA (16 U.S.C. 1456 (c)(1) and (2), in federal regulations at 15 C.F.R. part 930, subpart C, and in Washington's current federally approved CZMP program document.

(b) The Washington state department of ecology has the responsibility and authority for implementing Washington's CZMP, ensuring compliance with the state's enforceable policies, and accepting federal consistency determinations for review.

(c) The Shoreline Management Act is incorporated into Washington's CZMP, and therefore, those direct federal agency activities affecting the uses or resources that are subject to the act must be consistent to the maximum extent practicable with the enforceable provisions.

(d) While the enforceable policies of chapter 90.58 RCW apply to federal agency activities, the permit system does not, except when required by other federal laws.

(e) Federal agencies proposing activities with effects on state coastal uses or resources must demonstrate to the Washington state department of ecology how their proposed action is consistent with Washington's approved enforceable policies, including portions of the Shoreline Management Act and implementing regulations contained in chapters 173-18, 173-20, 173-22, 173-26, and 173-27 WAC.

(f) Pursuant to RCW 90.58.570, ecology consults with affected state agencies, local governments, tribes, and the public prior to responding to federal coastal zone management consistency determinations for uses and activities occurring on the federal outer continental shelf.

NEW SECTION

WAC 173-27-075 Shoreline master program administrative interpretation. (1) Within the scope of the act, a master program administrative interpretation refers to a process that clarifies the intent, meaning, or application of language within the applicable master program for use in master program implementation and enforcement. Administrative interpretations are prepared by the local government and affirmed by the department.

(2) Process:

(a) The local government shall consult with the department as early as reasonably possible to allow collaboration and informal review for consistency with the purpose and intent of chapter 90.58 RCW and the SMA implementing rules contained in chapters 173-22, 173-26, and 173-27 WAC.

(b) The local government shall conduct the needed analysis and prepare the necessary documentation outlining its administrative interpretation including, at a minimum:

(i) The provision(s) at issue, an overview of clarification that is needed, and a statement of the administrative interpretation being made;

(ii) The relevant master program citations and definitions;

(iii) The statutory provisions in chapter 90.58 RCW authorizing or supporting the interpretation and the relevant rule language in chapters 173-22, 173-26, and 173-27 WAC;

(iv) Findings and conclusions outlining the administrative interpretation; and

(v) Documentation that necessary process steps were completed.

(c) The local government shall submit its interpretation to the department for review prior to finalization or formal issuance. Only

after the department issues formal written concurrence with the interpretation shall the interpretation be considered final and effective.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-27-080 Nonconforming use and development standards.

((~~Local governments typically develop their own approaches to addressing nonconforming use and development.~~)) (1) Applicability. This section is intended to apply if a ((~~shoreline~~)) local government has not completed its comprehensive master program update, the comprehensively updated master program does not contain locally adopted nonconforming use and development standards((~~. When nonconforming use and development standards do not exist in the applicable master program, the following definitions and standards shall apply~~)), or the comprehensively updated master program includes a reference to these provisions. These provisions will be superseded when master program periodic review amendments are completed incorporating the requirements of WAC 173-26-221(3).

((~~(1)~~)) (2) Definitions.

(a) "Nonconforming use" means an existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

(b) "Nonconforming development" or "nonconforming structure" means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

(c) "Nonconforming lot" means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.

((~~(2)~~)) (3) Nonconforming structures.

(a) Structures that were legally established and are used for a conforming use but are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may continue as legal nonconforming structures and may be maintained and repaired.

(b) Nonconforming structures may be enlarged or expanded provided that said enlargement meets the applicable provisions of the master program. In the absence of other, more specific regulations, proposed expansion shall not increase the extent of nonconformity by further encroaching upon or extending into areas where construction would not be allowed for new structures((~~, unless a shoreline variance permit is obtained~~)).

(c) Nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 ((~~(2)(g)~~)) (3)(f) upon approval of a conditional use permit.

(d) A structure for which a variance has been issued shall be considered a legal nonconforming structure, and the requirements of this section shall apply as they apply to preexisting nonconformities.

(e) ((~~In the absence of other more specific regulations, a structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:~~

~~(i) No reasonable alternative conforming use is practical; and~~

~~(ii) The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.~~

~~In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.~~

~~(f)~~)) A nonconforming structure ((~~which~~)) that is moved any distance must be brought as closely as practicable into conformance with the applicable master program and the act.

((~~(g)~~)) (f) If a nonconforming development is damaged to an extent not exceeding ((~~seventy-five~~)) 75 percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within two years of the date the damage occurred.

((~~(3)~~)) (4) Nonconforming uses.

(a) Uses that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses.

(b) In the absence of other, more specific regulations in the master program, such uses shall not be enlarged or expanded, except upon approval of a conditional use permit.

(c) If a nonconforming use is discontinued for ((~~twelve~~)) 12 consecutive months or for ((~~twelve~~)) 12 months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming unless reestablishment of the use is authorized through a conditional use permit which must be applied for within the two-year period. Water-dependent uses should not be considered discontinued when they are inactive due to dormancy, or where the use includes phased or rotational operations as part of typical operations. A use authorized pursuant to subsection ((~~(2)(e)~~)) (3)(d) of this section shall be considered a conforming use for purposes of this section.

((~~(4)~~)) (d) In the absence of other, more specific regulations, a structure that is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:

(i) No reasonable alternative conforming use is practical; and

(ii) The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use. In addition, such conditions may be attached to the permit as are deemed necessary to ensure compliance with the above findings, the requirements of the master program and the Shoreline Management Act, and to ensure that the use will not become a nuisance or a hazard.

(5) Nonconforming lot. A nonconforming lot may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

AMENDATORY SECTION (Amending WSR 07-02-086, filed 1/2/07, effective 2/2/07)

WAC 173-27-090 Time requirements of permit. (1) The time requirements of this section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized by this chapter.

(a) Each substantial development permit, conditional use permit, and variance authorizing development shall include notice of the time requirement of permits required by this section.

(b) Upon ((~~a~~)) finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and this chapter, local government may ((~~adopt~~)) include different permit time limits from those set forth in subsections (2) and (3) of this section as a part of ((~~action on~~)) its approval of a substantial development permit, conditional use permit, or variance. The applicant shall have the burden of demonstrating the necessity of any deviations from the time requirements established in RCW 90.58.143. The finding of good cause shall be directly connected to the project scope, proposed phases, and/or ecological protection and enhancement elements such as meeting approved fish windows.

(2) Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall ((~~be commenced~~)) commence within two years of the effective date of a substantial development permit. However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the department.

(3) Authorization to conduct development activities shall terminate five years after the effective date of a substantial development permit. However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the department. ((~~(4)~~)) The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). ((~~The permit time periods in subsections (2) and (3) of this section do not include~~))

(4) Calculation of the two-year timeline to commence construction and the five-year timeline to complete development shall be consistent with the following:

(a) The local government can exclude from the permit time periods in subsections (2) and (3) of this section the time during which a use or activity ((~~was~~)) could not ((~~actually~~)) be commenced or pursued due to the pendency of administrative appeals ((~~or~~)), legal actions, or ((~~due to the need to obtain any~~)) other government permits and approvals needed for the development ((~~that authorize the development to proceed, including~~)) authorized to proceed. This includes all reasonably related administrative or legal actions ((~~on any such~~)) related to other government permits or approvals.

(b) The burden for demonstrating the pendency of appeals; legal actions; or other federal, state, or local government approvals is on the applicant.

(c) The request must be provided to the local government prior to the expiration of the authorization as calculated from the date of filing.

(5) Revisions to permits under WAC 173-27-100 may be authorized after ((~~original permit authorization has expired: Provided, That this procedure shall not~~)) the development has commenced, but cannot be used to extend the ((~~original permit time requirements or to authorize substantial development after the time limits of the original permit~~)) time requirements of the authorization to conduct development activities.

(6) Local government shall notify the department in writing of any change to the ((~~effective date~~)) time requirements of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application.

AMENDATORY SECTION (Amending WSR 07-02-086, filed 1/2/07, effective 2/2/07)

WAC 173-27-100 Revisions to permits. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the 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, the master program, and/or the policies and provisions of chapter 90.58 RCW. Changes ((~~which~~)) that are not substantive in effect do not require approval of a revision.

When an applicant seeks to revise a permit, local government shall request from the applicant detailed plans and text describing the proposed changes.

(1) If local government determines that the proposed changes are within the scope and intent of the original permit((~~,~~)) and are consistent with the applicable master program and the act, local government may approve a revision.

(2) "Within the scope and intent of the original permit" means all of the following:

(a) No additional over-water construction is involved except that pier, dock, or float construction may be increased by ((~~five hundred~~)) 500 square feet or ((~~ten~~)) 10 percent from the provisions of the original permit, whichever is less;

(b) Ground area coverage and height may be increased a maximum of ((~~ten~~)) 10 percent from the provisions of the original permit;

(c) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;

(d) Original permit requirements for vegetation conservation and critical areas protection remain unaltered by the proposed revisions;

(e) Additional or revised landscaping or mitigation is consistent with any conditions attached to the original permit and with the applicable master program;

((~~(e)~~)) (f) The use authorized pursuant to the original permit is not changed; and

((~~(f) No adverse environmental impact will be caused by the project revision.~~)) (g) The proposed revision will not result in a net loss of shoreline ecological functions.

(3) Revisions to permits necessary to allow adaptive management of compensatory mitigation or address other compliance issues 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 local 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~~)) Substantive changes to the design, terms, or conditions, not related to mitigation monitoring or compliance with the original permit, proposed after the original permit authorization has expired require a new permit.

(4) If the sum of the revisions proposed and any previously approved revisions ((~~under former WAC 173-14-064 or this section~~)) violate the provisions in subsection (2) of this section, the local government shall require that the applicant apply for a new permit.

(5) The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section, shall be filed with the department. In addition, the local government shall notify parties of record of ((~~their~~)) its action.

(6) If the ((~~revision to the original permit involves~~)) original project being revised included a conditional use or variance, the local government shall submit the revision to the department for the department's approval, approval with conditions, or denial((~~, and~~)).

(a) The submittal shall indicate that the revision is being submitted under the requirements of this subsection.

(b) The department shall render and transmit to local government and the applicant its final decision within ((~~fifteen~~)) 15 days of the date of the department's receipt of ((~~the~~)) a complete submittal from local government.

(c) The local government shall notify parties of record of the department's final decision.

(7) The revised permit is effective immediately upon final decision by local government or, when appropriate under subsection (6) of this section, upon final action by the department.

(8) Appeals shall be in accordance with RCW 90.58.180 and shall be filed within ((~~twenty-one~~)) 21 days from the date of receipt of the local government's action by the department or, when appropriate under subsection (6) of this section, the date the department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-110 Notice required. (1) Local government shall develop and adopt a permit system ((~~which~~)) that provides for notification of the public, tribes, the department, and other affected or interested agencies ((~~with jurisdiction~~)) of applications for a shoreline ((~~management~~)) substantial development, conditional use, or variance permit. Notification pursuant to this section may be carried out as a part of an integrated local permit notification procedure, provided the standards of this section are met.

(2) The system shall ((~~assure~~)) ensure that the notice of application ((~~shall be~~)) is provided within ((~~fourteen~~)) 14 days after the determination of completeness as provided in ((~~RCW 36.70B.070 and~~)) WAC 173-27-180((~~, and~~)).

(3) If a local government has made a threshold determination under chapter 43.21C RCW concurrently with the notice of application, the notice of application may be combined with the threshold determination and the scoping notice for a determination of significance. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application. Nothing in this section prevents a lead agency, when it is a project proponent or is funding a project, from conducting its review under chapter 43.21C RCW.

(4) Notice of application shall include the following in whatever sequence or format the local government deems appropriate:

(a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;

(b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies provided or requested under ((~~RCW 36.70B.070, 36.70B.090 and~~)) WAC 173-27-180. If a conditional use or variance is part of the project, the description must include an explanation of what the conditional use permit or variance is for and what project components are included under that review;

(c) The identification of other local, state, or federal permits ((~~not included in the application~~)) needed for the project, to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project((~~, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin,~~)) and the location where the application and any studies can be reviewed;

(e) A statement of the public comment period, which shall:

(i) Be not less than ((~~thirty~~)) 30 days ((~~following the date of notice of application,~~));; and

(ii) Include statements of the right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made((~~,~~));; and

(iii) State any appeal rights((~~. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit~~));

(f) The date, time, place, and type of hearing, if applicable, and scheduled ((~~at~~)) by the date of notice of the application;

(g) A statement of the preliminary determination, if one has been made ((~~at~~)) by the time of notice, of those development regulations that will be used for project mitigation and of the proposal's consistency with those regulations; and

(h) Any other information determined appropriate by the local government.

((~~(3)~~)) (5) If an open record predecision hearing((~~, as defined in RCW 36.70B.020,~~)) is required for the requested project permits, the notice of application shall be provided at least ((~~fifteen~~)) 15 days prior to the open record hearing. A local government may accept public comments at any time prior to the closing of the record of an open record, predecision hearing, if any, or, if no open record, predecision hearing is provided, prior to the decision on the project permit.

((~~(4)~~)) (6) The notification system shall ((~~assure~~)) ensure that notice to the general public and property owners in the vicinity of such application is given by at least one of the following methods:

(a) Mailing ((~~of~~)) the notice to the latest recorded real property owners as shown by the records of the county assessor within at least ((~~three hundred~~)) 300 feet of the boundary of the property upon which the development or use is proposed;

(b) Posting of the notice in a conspicuous manner on the property upon which the project is to be undertaken; or

(c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

((~~(5)~~)) (7) The notification system shall:

(a) Provide for timely notification ((~~of~~)) to individuals and organizations that request such notice in writing((~~.~~

~~(6) The notification system shall~~));

(b) Provide notification to and opportunity for coordination with tribes;

(c) Provide notice to all agencies with jurisdiction per chapter 43.21C RCW and to all other agencies that request in writing any such notice; and

(d) Provide notice to the department for all shoreline permits and provide additional opportunities for department review and coordination on any application that includes a shoreline conditional use permit or variance.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-120 Special procedures for limited utility extensions and bulkheads. (1) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other shoreline stabilization measure((~~s~~)) to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter except that the following time periods and procedures shall be used:

(a) The public comment period shall be ((~~twenty~~)) 20 days. The notice provided shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;

(b) The local government shall issue its decision to ((~~grant~~)) approve, approve with conditions, or deny the permit within ((~~twenty-one~~)) 21 days of the last day of the comment period specified in subsection (2)(a) of this section; and

(c) If there is an appeal of the decision ((~~to grant or deny the permit~~)) to the local government legislative authority, the appeal shall be finally determined by the local legislative authority within ((~~thirty~~)) 30 days.

(2) For purposes of this section, a limited utility extension means the extension of a utility service that:

(a) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

(b) Will serve an existing use in compliance with this chapter; and

(c) Will not extend more than ((~~two thousand five hundred~~)) 2,500 linear feet within the shorelines of the state.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-27-130 Filing with department. (1) All ((~~applications for a permit or a permit revision shall be submitted to the department by return receipt requested mail upon a final decision by local government~~)) final decisions by the local government on shoreline substantial development, conditional use, and variance applications and permit revisions, whether it is an approval, conditional approval, or denial, shall be concurrently transmitted to the department for filing and provided to the attorney general. The transmittal to ecology shall be provided by return receipt, either using return receipt mail or by electronic means through the department's shoreline permit tracking system (SPTS) external submittal portal. Submittals transmitted outside of business hours, i.e., on weekends, holidays, and after 5:00 p.m., shall be considered received on the next business day.

(a) Final decision by a local government shall mean the order or ruling, whether it be an approval, approval with conditions, or denial, ((~~which~~)) that is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed.

(i) If the local government does not provide opportunity for local administrative appeals, the filing with the department shall occur concurrently with the issuance of the decision to the applicant.

(ii) If the local government provides a local administrative appeal, the filing shall occur after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed.

(iii) If the decision is modified as a result of the local administrative appeal process, the initial decision, appeal record, and final decision shall be provided to the department.

(b) Permit decisions become effective after the state appeal period, which is set by the date of filing pursuant to RCW 90.58.140.

(2) When a substantial development permit and a conditional use or variance permit are required for a ((~~development~~)) project proposal, the submittal on the permits shall be made concurrently.

(3) Any permit for a variance or a conditional use issued with approval or conditional approval by the local government is subject to the department's approval, conditional approval, or denial after the department's determination of a complete submittal.

(4) A complete submittal shall consist of the following documents and information:

(a) A copy of the complete application pursuant to WAC 173-27-180, including copies of all supporting materials, including third-party reports, analysis, mitigation plans, and any additional submittal requirements established in the master program;

(b) Findings and conclusions that establish the basis for the decision including, but not limited to((~~,~~)):

(i) Identification of shoreline environment designation((~~,~~));

(ii) Applicable master program policies and regulations; and

(iii) Documentation of the consistency of the project with appropriate review criteria for the type of permit(s) as established in WAC 173-27-140 through 173-27-170;

(c) The final decision of the local government;

(d) The permit data sheet required by WAC ((~~173-27-190~~)) 173-27-990; ((~~and~~))

(e) Where applicable, local government shall also file the applicable documents required by chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter 43.21C RCW((~~.~~)); and

((~~(4)~~)) (f) When the project has been modified in the course of the local review process, plans or text shall be provided to the department that clearly indicate the final approved ((~~plan~~)) project.

(5) Submittal of substantial development permits, conditional use permits, variances, rescissions, and revisions is complete when all of the documents required pursuant to subsection((~~s (3) and~~)) (4) of this section have been received by the department. ((~~If the department determines that the submittal does not contain all of the documents and information required by this section, the department shall identify the deficiencies and so notify local government and the applicant in writing.~~)) Submittals that include a conditional use or variance or revision thereof are subject to the department's determination of completeness pursuant to WAC 173-27-200. Ecology will not act on conditional use permit or variance application submittals until the materials requested in writing ((~~is~~)) are submitted to the department or the deadline provided in writing has lapsed.

(6) "Date of filing" of a local government final decision involving approval, conditional approval, or denial of a substantial development permit is the date of actual receipt by the department of a local government's final decision on the permit.

(7) "Date of filing" involving approval, conditional approval, or denial of a variance or conditional use permit((~~,~~)) is the date of transmittal of the department's final decision on the variance or conditional use permit to local government and the applicant.

(8) Date of filing for a substantial development permit transmitted simultaneously with a shoreline conditional use permit or variance, or both, has the same meaning as subsection (7) of this section.

(9) The department shall notify the local government and the applicant of the date of filing by ((~~telephone or electronic means, followed by written communication, to ensure that the applicant has re-~~

~~ceived the full written decision~~)) written communication, either through mail or email.

(10) Any decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general.

(11) When a substantial development permit has been appealed pursuant to RCW 90.58.180, upon conclusion of all review proceedings, a copy of the final order shall be provided by the local government to the department.

(a) When the project has been modified in the course of the ((~~review~~)) appeal proceeding, plans or text shall be provided to the local government, consistent with the provisions of WAC 173-27-180, that clearly indicate the final approved plan, and the local government shall reissue the permit accordingly and submit a copy of the reissued permit and supporting documents consistent with subsection ((~~(3)~~)) (4) of this section to the department for completion of the file on the permit.

(b) The purpose of this provision is to ((~~assure~~)) ensure that the local and department files on the permit are complete and accurate, and not to provide a new opportunity for appeal of the permit.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-140 Review criteria for all development. ((~~(1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.~~

~~(2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.~~)) General project consistency review criteria for all proposals occurring within shoreline jurisdiction. For the purpose of this section, authorization means an exemption, a shoreline permit (substantial development, conditional use, or variance), and any other proposal occurring in shoreline jurisdiction, including vegetation modification and use changes that do not meet the definition of development.

(1) **Project consistency review.** No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the proposal is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program. Consistency with the Shoreline Management Act and applicable master program shall be considered in the project review process by analyzing four factors found in applicable master programs.

(a) **Review against the policy of the Shoreline Management Act.** It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses, to ensure the development of these shorelines in a manner that will promote and enhance the public interest, and to pro-

tect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

(i) Determine whether the project achieves the following:

(A) Preserve the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state to the greatest extent feasible.

(B) The use is consistent with the control of pollution and prevention of damage to the natural environment or is unique to or dependent upon use of the state's shoreline.

(C) Priority for alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given to single-family residences and their appurtenant structures, ports, shoreline recreational uses including, but not limited to, parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

(ii) Projects shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and shoreline environment and any interference with the public's use of the water.

(b) **Consider the use proposed.** Determine whether the proposed use is allowed or permitted, allowed with the approval of a conditional use permit, or prohibited, consistent with the applicable master program. All development proposed shall be in support of allowed uses or a use approved through a conditional use permit.

(c) **Review the development proposed.** Determine whether the proposed development is allowed based upon use regulations, shoreline modification standards, shoreline environment designation policies and regulations, and bulk, dimensional, and performance standards.

(d) **Apply critical area and shoreline ecological function protections.** Ensure critical area and shoreline ecological function protection standards are met.

(e) **Review height restrictions.** Pursuant to RCW 90.58.320, no permit shall be issued or exemption authorization granted for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the state except as follows:

(i) When the applicant demonstrates that the building or structure will not obstruct the view of a substantial number of residences on areas adjoining such shorelines;

(ii) When the applicable master program and established shoreline environment designation allows height above 35 feet; and

(iii) Only when overriding considerations of the public interest will be served.

(2) **Determine the permit(s) or authorization(s) required.** Consider the shoreline permit system established in WAC 173-27-035 and the applicable master program to determine the required permits or authorizations. As applicable, apply the review and approval criteria of WAC 173-27-150, 173-27-160, and 173-27-170.

(3) **Integrated project review.** Applications to undertake use or development on shorelines of the state shall be reviewed by the local government consistent with the following principles:

(a) The local government should consider the full, unified, and integrated physical project in its review for consistency with the act.

(b) Where applications include project components both within and outside the shorelines of the state, the local government should consider the intended use of lands outside of, but adjacent to, shoreline jurisdiction, and may deny or condition the project based on this consideration in order to achieve consistency with the act.

(c) Where a proposed development or structure is located partly within and partly outside shoreline jurisdiction, the entire development or structure shall be considered within shoreline jurisdiction for the purpose of application of the regulations and policies of the master program through the shoreline authorization process.

(4) **If necessary, attach conditions of approval.** Local government may attach conditions to any authorization as necessary to ensure the project is consistent with the act and the applicable master program.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-150 Review criteria for substantial development permits. (1) A substantial development permit shall be granted only when the development proposed is consistent with:

(a) The policies and procedures of ((~~the act~~)) chapter 90.58 RCW, Shoreline Management Act;

(b) The provisions of ((~~this regulation~~)) chapter 173-27 WAC; and

(c) The applicable master program ((~~adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter 173-26 WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government~~)), as documented pursuant to WAC 173-27-140.

(2) Local governments may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the ((~~local~~)) applicable master program.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-160 Review criteria for conditional use permits. The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.

(1) Uses ((~~which~~)) that are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

(b) That the proposed use will not interfere with the normal public use of public shorelines;

(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

(d) That the proposed use will not cause ((~~no significant adverse effects to~~)) a net loss of shoreline ecological functions and is consistent with the designation criteria and management policies of the shoreline environment in which it is to be located; ((~~and~~))

(e) That the public interest suffers no substantial detrimental effect; and

(f) That the proposed use or development is compatible with the conditions of the site, including exposure to sea level rise, erosion, and flooding hazards.

(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of ((~~additional~~)) previously issued, other pending, and possible future requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and the shoreline environment designation it is located within, and shall not ((~~produce substantial adverse effects to the shoreline environment~~)) result in a net loss of shoreline ecological function.

(3) Other uses ((~~which~~)) that are not classified or set forth in the applicable master program ((~~may~~)) can only be authorized as conditional uses ((~~provided~~)) if the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.

(4) Uses ((~~which~~)) and development or other activities in support of uses that are specifically prohibited by the master program may not be authorized ((~~pursuant to either subsection (1) or (2) of this section~~)) by a conditional use permit.

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-27-170 Review criteria for variance permits. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable 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.

(1) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances ((~~shall be shown~~)) exist and the public interest shall suffer no substantial detrimental effect.

(2) Variance ((~~permits~~)) permit applications for development and/or uses that will be located on shorelands (landward of the ordinary high water mark) ((~~(OHWM), as defined in RCW 90.58.030 (2)(c), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h),~~))

and without any direct impacts to wetlands or floodways may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

(b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

(c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program ((~~and will not cause adverse impacts to the shoreline environment~~));

(d) That the project will result in no net loss of shoreline ecological function as demonstrated through the application of the mitigation sequence;

(e) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

((~~(c)~~)) (f) That the variance requested is the minimum necessary to afford relief from the specific hardship that precludes or significantly interferes with reasonable use of the property; ((~~and (f)~~)) (g) That the public interest will suffer no substantial detrimental effect; and

(h) That the project demonstrates that all reasonably available measures have been taken to avoid and minimize exposure to hazards, and that the proposal will not increase, to the extent feasible, the vulnerability of proposed or existing developments or uses to sea level rise, erosion, and flooding hazards.

(3) Variance ((~~permits~~)) permit applications for development and/or uses that will be located waterward of the ordinary high water mark ((~~(OHWM), as defined in RCW 90.58.030 (2)(c)~~)), or within any wetland ((~~as defined in RCW 90.58.030 (2)(h)~~)) or floodway, may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

(b) That the proposal is consistent with the criteria established under subsection (2)(b) through ((~~(f)~~)) (g) of this section; and

(c) That the public rights of navigation and use of the shorelines will not be adversely affected.

(4) In the granting of all variances ((~~permits~~)), consideration shall be given to the cumulative impact of ((~~additional~~)) previously issued, other pending, and possible future requests for like actions in the area. For example, if variances were granted to other like developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not ((~~cause substantial adverse effects to the shoreline environment~~)) result in a net loss of shoreline ecological function.

(5) ((~~Variances from the use regulations of the master program are prohibited.~~)) A variance cannot be approved that would authorize or support a use that is prohibited by the applicable master program. Furthermore, the use prohibitions in a master program are not bulk, dimensional, or performance standards that can be altered through the application of a variance.

(6) Per WAC 173-27-180 (9)(m), all variance applications shall include plans that clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses. This site plan information will be considered in the review of extraordinary circumstances relating to the physical character or configuration of property, hardship documentation, and full application of the mitigation sequence.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-180 Application requirements for substantial development, conditional use, or variance permit. A complete application for a substantial development, conditional use, or variance permit shall contain, ((~~as~~)) at a minimum, the following information:

(1) **Owner contact information.** The name, address, email, and phone number of the ((~~applicant~~)) property owner. The primary applicant ((~~should~~)) must be the owner of the property ((~~or the primary proponent of the project and not the representative of the owner or primary proponent~~)).

(2) **Representative contact information, if applicable.** The name, address, email, and phone number of the applicant's representative if ((~~other than~~)) identified by the applicant.

(3) **Project proponent contact information, if different from the owner.** The name, address, email, and phone number of the ((~~property owner~~)) project proponent, if other than the applicant.

(4) **Location of the ((~~property~~)) project.** When available, this shall((~~, at a minimum,~~)) include all of the following: The property address, parcel number, and ((~~identification of the section, township and range to the nearest quarter, quarter section or~~)) latitude and longitude ((~~to the nearest minute~~)) coordinates in degree decimals to the fourth place. All applications for projects located in open water areas away from land or within public rights-of-way shall provide a longitude and latitude location and parcel and address information for all adjacent parcels.

(5) **Shoreline water body.** Identification of the name of the shoreline (water body) ((~~that~~)) with which the site of the proposal is associated ((~~with~~)). This should be the water body from which jurisdiction of the act over the project is derived.

(6) **Project description.** A general description of the proposed project that includes the proposed use or uses, all development components, and the activities necessary to accomplish the project.

(7) **Property description.** A general description of the property as it now exists, including its physical characteristics ((~~and~~)), improvements, and structures.

(8) **Vicinity description.** A general description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development, and physical characteristics.

(9) ((~~A~~)) **Site plans.** A depiction of the existing conditions and proposed development in relation to key site features such as the shoreline water body, critical areas, vegetation, and buffers. Site development plans ((~~consisting of~~)) shall include maps and elevation

drawings, drawn to an appropriate scale to depict clearly all required information, photographs, and text, which shall include:

(a) The boundary of the parcel(s) of land upon which the development is proposed.

(b) The ordinary high water mark (OHWM) of all water bodies located adjacent to or within the boundary of the project site; all buffers, setbacks, and other development-restricted areas that are measured landward from this mark; and the full extent of shoreline jurisdiction. ((~~This~~)) The OHWM may be an approximate location, provided((~~,~~)) that for any development where a determination of consistency with the applicable regulations requires a precise location of the ((~~ordinary high water mark~~)) OHWM the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ((~~ordinary high water mark~~)) OHWM is neither adjacent to ((~~or~~)) nor within the boundary of the project, the plan shall indicate the distance and direction to the nearest ((~~ordinary high water mark~~)) OHWM of a shoreline.

(c) Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.

(d) The location of all critical areas, critical area buffers, and setbacks on or adjacent to the proposed project site. This must include, but is not limited to, a delineation of all wetlands ((~~areas that will be altered or used as a part of the development~~)) within 300 feet of the project area.

(e) Existing vegetation located on the project site and a general indication of the character of vegetation found on the site. Vegetation that will be impacted by the proposed development, site preparation, construction, or staging shall be clearly identified, along with any vegetation protection measures proposed to reduce or eliminate vegetation impacts.

(f) ((~~The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.~~

~~(g)~~)) Proposed vegetation plan for the project site and, where applicable, a landscaping plan ((~~for the project~~)), habitat management plan, vegetation management plan, or restoration plan.

(g) The dimensions and locations of all existing and proposed structures and improvements including, but not limited to, buildings, paved or graveled areas, roads, utilities, on-site sewage systems, material stockpiles or surcharge, and stormwater management facilities.

(h) Where applicable, ((~~plans for development of areas on or off the site as~~)) location of proposed on- or off-site compensatory mitigation for impacts associated with the proposed project ((~~shall be included and contain information consistent with the requirements of this section~~)), consistent with the associated compensatory mitigation plan.

(i) Quantity, source, and composition of any fill material that is proposed to be placed on the site, whether temporary or permanent.

(j) Quantity, composition, and destination of any proposed excavated or dredged material.

(k) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, and existing developments and uses on adjacent properties.

(l) Where applicable, a depiction of the impacts to views from existing residential uses and public areas.

(m) On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

(10) **Technical reports.** All necessary technical reports, such as geotechnical, critical areas, channel migration, arborist, wetland, and compensatory mitigation plans, including those necessary to establish what shoreline ecological functions exist at the site and how mitigation sequencing will be implemented to achieve no net loss of shoreline ecological functions and the functions of critical areas within shoreline jurisdiction.

(11) **Demonstration of consistency.** A narrative addressing the proposal's consistency with the policies and regulations of the applicable master program and the review criteria of WAC 173-27-140 through 173-27-170, as applicable.

(12) **Any necessary additional project-specific requirements.**

(a) If the proposal involves shoreline stabilization or flood hazard reduction modifications, include additional submittal requirements for demonstration of need, alternatives analysis, and ecological impact analysis.

(b) If the proposal is subject to the Ocean Resource Management Act (ORMA) or the marine spatial plan (MSP), include additional submittal requirements and documentation of consistency with the approval criteria as established in WAC 173-26-360 and 173-26-365.

(13) **Locally established submittal requirements.** Any additional necessary studies, documentation, or other materials as required by the applicable master program.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-190 Permits for substantial development, conditional use, or variance. (1) Each permit for a substantial development, conditional use, or variance((,)) issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until ((~~twenty-one~~)) 21 days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within ((~~twenty-one~~)) 21 days from the date of such filing have been terminated, whichever is later; except as provided in RCW 90.58.140 (5)(a) and (b).

(2) Permits for substantial development, conditional use, or variance may be in any form prescribed and used by local government, including a combined permit application form. Such forms will be supplied by local government.

(3) A permit data sheet, provided in WAC 173-27-990, shall be submitted to the department with each shoreline permit((~~. The permit data sheet form shall be as provided in Appendix A of this regulation~~)).

(4) All shoreline permit approvals and conditional approvals shall include explicit reference to the timeline requirements of RCW 90.58.143 and WAC 173-27-090.

NEW SECTION

WAC 173-27-195 Master program monitoring, evaluation, and adaptive management. (1) **Purpose.** Effective shoreline management requires the evaluation of changing conditions and the revision of policies and regulations to address identified trends and new information. Consistent tracking of master program implementation and periodic evaluation of such tracking information shall be used to inform appropriate master program amendments to improve shoreline management over time.

(2) **Department guidance.** The department shall provide written technical guidance to support the local government data collection and evaluation efforts required by this chapter.

(3) **Tracking.** Local governments shall document all project authorizations in shoreline jurisdiction regardless of whether a shoreline permit or exemption from the substantial development permit process is required. At a minimum, the following information should be documented for all such authorizations:

(a) Local permit, authorization, or tracking number;

(b) Shoreline environment designation(s);

(c) Location information;

(d) Type of permit or authorization issued;

(e) What development and/or activity was authorized;

(i) Whether the authorization approved new development, repair, maintenance, replacement, the expansion of an existing use or development, redevelopment, or environmental restoration;

(ii) Whether any new length of shoreline stabilization was authorized;

(iii) Whether vegetation was authorized to be cleared, removed, or otherwise modified, including native, non-native, and/or invasive vegetation;

(f) Related shoreline use underlying the authorized development and/or activity;

(g) Whether any part of the authorized project was water-dependent, water-related, or water-enjoyment;

(h) Whether development was authorized to occur waterward of the ordinary high water mark or within a wetland;

(i) Whether development was authorized to occur within a standard shoreline buffer or setback, sea level rise hazard, critical area, or critical area buffer;

(j) Documentation of mitigation sequence, whether compensatory mitigation was required, and if applicable, compensatory mitigation action(s) provided;

(k) Whether the authorization was issued after the project was partially or fully complete (after-the-fact authorization);

(l) Whether a mitigation plan was prepared and whether monitoring was required; and

(m) Whether the project included a public access component.

(4) **Local government evaluation of master program implementation and effectiveness.**

Pursuant to WAC 173-26-090 (2)(b)(iii)(D)(II), local governments rely on the tracking information collected in subsection (3) of this

section to conduct a review and evaluation of master program implementation and effectiveness during scheduled periodic reviews.

(5) **Department evaluation of master program implementation.** Ecology relies on the tracking information collected in subsection (3) of this section to conduct ongoing evaluations of master program implementation. Local governments transmit this information to ecology as part of the permit and exemption submittal requirements of WAC 173-27-130 and 173-27-050, including the data and supporting material requirements contained in the transmittal data sheets pursuant to WAC 173-27-990 and 173-27-995. This effort will support the continual improvement of permitting systems and the periodic review and update of these guidelines as described in subsection (6) of this section. Ecology may also provide findings and recommendations from its implementation studies to local governments.

(6) **Update to master program guidelines and department guidance.** As provided in WAC 173-26-171 (3)(d), ecology will regularly review these guidelines, based in part on data and findings provided by local governments. Through that process, the department will provide local governments with additional guidance on significant shoreline management issues that may require revisions to master programs.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-200 Department review of conditional use and variance permits. (1) After local government approval of a conditional use or variance permit, local government shall submit the permit to the department for the department's approval, approval with conditions, or denial.

(2) The department shall ((~~render and transmit to local government and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by local government pursuant to WAC 173-27-110~~)) review the submittal and determine completeness, pursuant to WAC 173-27-130, within 30 days of the date of receipt.

((~~(2)~~)) (a) If the department determines that the submittal of a conditional use permit or variance or the revision thereof contains all of the documents and information required by this chapter and the applicable master program, the department shall deem the submittal complete and so notify the local government and the applicant in writing. The date of transmittal of this written notice will be the start of the departments substantive review and decision making process on the associated permits.

(b) If the department determines that the submittal of a conditional use permit or variance or the revision thereof does not contain all of the documents and information required by this chapter and the applicable master program, the department shall identify the deficiencies and so notify local government and the applicant in writing.

(i) Ecology will provide a deadline for response or submittal of materials to resolve the deficiencies within its written notification.

(ii) Ecology will not act on conditional use permit or variance application submittals until the material requested in writing are submitted to the department or the deadline provided in writing has lapsed.

(iii) As appropriate, either the local government or the applicant may reply or respond to the written request with the necessary documents or information, or they may request additional time. Ecology will grant time extensions based on the complexity of the information needed, reasonableness of the time extension, and the applicant or local government's justification.

(iv) Failure to respond to the department within the allowed time frame may result in a denial of the permit on the basis of insufficient information to demonstrate consistency with the policy of the act or the provision of the applicable master program.

(v) The departments substantive review and decision making process will begin after receipt of a complete submittal, and the time frame to render and transmit the decision will be reset with the submittal of additional information.

(3) The department shall review the complete file submitted by local government on conditional use and variance permits and any other information submitted or available that is relevant to the application. The department shall base its determination to approve, approve with conditions, or deny a conditional use permit or variance on consistency with the policy and provisions of the act and, except as provided in WAC 173-27-210, the criteria in WAC 173-27-140, 173-27-160, and 173-27-170, as applicable.

((~~(3)~~)) (4) The department shall render and transmit to local government and the applicant its final decision approving, approving with conditions, or denying the permit within 90 days of the date of its determination that the submittal is complete.

(5) Local government shall provide timely notification of the department's final decision to those interested persons having requested notification from local government pursuant to WAC 173-27-130.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-210 Minimum standards for conditional use and variance permits. Pursuant to RCW 90.58.100(5) and 90.58.140(3), the criteria contained in WAC 173-27-140, 173-27-160, and 173-27-170 for shoreline conditional use and variance permits shall constitute the minimum criteria for review of these permits by local governments and the department. Local governments and the department may, in addition, apply the more restrictive criteria where they exist in ((~~approved and adopted~~)) the applicable master program((~~s~~)).

AMENDATORY SECTION (Amending WSR 17-17-016, filed 8/7/17, effective 9/7/17)

WAC 173-27-215 Shoreline restoration projects—Relief from shoreline master program development standards and use regulations. Regulatory relief requests resulting from restoration projects.

(1) **Purpose of section.** Provide a regulatory relief mechanism for hardships resulting from restoration projects.

In adopting RCW 90.58.580, the legislature found that restoration of degraded shoreline conditions is important to the ecological func-

tion of our waters. However, restoration projects that shift the location of the shoreline can inadvertently create hardships for property owners, particularly in urban areas. Hardship may occur when a shoreline restoration project shifts Shoreline Management Act jurisdiction and master program regulations into areas that had not previously been regulated under the act or shifts the location of required shoreline buffers. The intent of this section is to provide relief to property owners within urban growth areas in such cases, while protecting the viability of shoreline restoration projects. This section provides the process for regulatory relief requests resulting from restoration projects that shifted the ordinary high water mark and inadvertently created hardships on adjacent properties within urban areas.

(2) ((~~Conditions and criteria for providing relief. The local government may grant relief from shoreline master program development standards and use regulations within urban growth areas when the following apply:~~

~~(a)~~)) **Definitions**. The definitions in this subsection apply throughout this section:

(a) "Shoreline restoration project" means a project designed to restore the impaired ecological function of a shoreline.

(b) "Urban growth area" has the same meaning as defined in RCW 36.70A.030.

(3) **Eligibility qualifications**. Regulatory relief requests resulting from a qualifying restoration project can be submitted by eligible property owners or project proponents.

(a) Eligible property owners or proponents are either:

(i) Restoration site property owners. A property owner is affected by new shoreline jurisdiction on their own property due to a past voluntary restoration project or other action on their property, provided it was not associated with the property owner's compensatory mitigation requirement.

(ii) Adjacent property owners. Property owners on properties adjacent to property where restoration was performed, where the restoration caused a change in shoreline jurisdiction on the adjacent property.

(b) Qualifying restoration project. A shoreline restoration project qualifies for relief applications if it causes or would cause a landward shift in the ordinary high water mark((~~, resulting in the following:~~)) or otherwise extend the shoreline jurisdiction.

(i) To confirm restoration project qualification, the eligible property owner must demonstrate:

(A) That land that ((~~had~~)) was not ((~~been~~)) previously regulated under ((~~this chapter~~)) an applicable master program prior to construction of the restoration project ((~~is~~)) was brought ((~~under~~)) into shoreline jurisdiction as a result of the restoration project; or

((~~(ii)~~)) (B) That additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the applicable ((~~shoreline~~)) master program.

(ii) Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section; and

(iii) The property where the restoration relief is sought or where the qualifying restoration project occurred are both located within the urban growth area.

(4) **Regulatory relief qualifications.** The applicant requesting regulatory relief on qualifying property must demonstrate all the following:

(a) Application of shoreline master program regulations ((~~would preclude or interfere~~)) presents a hardship by precluding or interfering with an otherwise permitted use of the property. Otherwise permitted use means a use that is allowed by local zoning or development regulations((~~, thus presenting a hardship to the project proponent~~)) that currently apply or that would have applied in the absence of the qualifying restoration project;

(b) ((~~The proposed relief meets the following criteria:~~

~~(i)~~)) The proposed relief is the minimum necessary to relieve the hardship;

((~~(ii) After granting the proposed relief, there is~~)) (c) There remains a net environmental benefit from the restoration project after relief is afforded;

((~~(iii)~~)) (d) Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the ((~~shoreline~~)) policy of the Shoreline Management Act and applicable master program; ((~~and~~

~~(iv) Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section; and~~

~~(c)~~)) (e) That the applicant requesting regulatory relief was not obligated to install the qualifying restoration project as compensation for a development permit or authorization;

(f) The property where the restoration relief is sought or where the qualifying restoration project occurred are both located within the urban growth area; and

(g) The shoreline jurisdiction change or movement in the ordinary high water mark is not the result of shoreline erosion processes, sea level rise, coastal flooding, or channel migration not resulting from a restoration project.

(5) **Formal request for regulatory relief.** The qualifying property owner or applicant shall submit a formal request for regulatory relief to the local government. If the request is associated with a shoreline permit request, the relief request shall be submitted concurrently with the permit request. The relief request shall include:

(a) Location and description of qualifying restoration project and explanation of perceived hardship;

(b) A site plan showing the ordinary high water mark before and after the restoration project, shoreline jurisdiction before and after restoration, and any applicable setbacks or buffers;

(c) Identification and description of alternative options for relieving the hardship imposed by the restoration project on the proposed development or use;

(d) Demonstration that the applicant is a qualified property owner per subsection (3)(a) of this section;

(e) Documentation of the qualified restoration project with responses to the criteria provided in subsection (3)(b) of this section;

(f) Responses to the regulatory relief qualifications provided in subsection (4) of this section; and

(g) Any additional background information, photos, consultation letters, restoration project construction drawings, site plans, and environmental analysis or reports, as appropriate and available.

(6) **Local government review.** The local government shall review the application for consistency with the requirements and criteria of this section and RCW 90.58.580.

(a) A substantial development permit is not required on land within urban growth areas as defined in RCW 36.70A.030 that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark. This provision applies only to those lands that were not previously subject to the master program prior to the qualifying restoration project. All other portions of the qualifying property are still subject to the master program, including the permitting requirements of chapter 173-27 WAC.

(b) If the request for relief is associated with a shoreline permit, the local government shall approve, conditionally approve, or deny the request for relief as part of the required shoreline permit and submit to ecology along with the standard permit filing per RCW 90.58.140(6). This option is used when other development or use components of a project are occurring within an area of shoreline jurisdiction that existed prior to or regardless of the qualifying restoration project, in which case those elements of the project are still subject to the applicable master program and its permit requirements.

(c) If no such shoreline permit is required, the local government shall approve, conditionally approve, or deny the request for relief and shall provide a copy of the complete application and all supporting materials to ecology.

(7) **Department review.** The application for relief must be submitted to the department for written approval, conditional approval, or ((~~disapproval~~)) denial.

(a) This review must occur during the department's normal review of a shoreline substantial development ((~~permit~~)), conditional use ((~~permit~~)), or variance permit.

(b) If no such permit is required, then the department shall conduct its review when the local government provides a copy of a complete application and all supporting information necessary to conduct the review.

((~~(i) Except as otherwise provided in subsection (3) of this section, the department shall provide at least twenty days notice to parties that have indicated interest to the department in reviewing applications for relief under this section, and post the notice on its website.~~

~~(ii) The department shall act within thirty calendar days of the close of the public notice period, or within thirty days of receipt of the proposal from the local government if additional public notice is not required.~~

~~(3) The public notice requirements of subsection (2)(c) of this section do~~)) (c) The department shall provide at least 20 days' notice to parties that have indicated interest in department review of applications for relief and will post the notice on its website.

(d) This public notice and comment period requirement does not apply if the ((~~relevant~~)) qualifying shoreline restoration project was included in a shoreline master program or shoreline restoration plan as defined in WAC 173-26-201, as follows:

((~~(a)~~)) (i) The restoration plan has been approved by the department ((~~under applicable shoreline master program guidelines~~));

((~~(b)~~)) (ii) The ((~~shoreline~~)) qualifying restoration project is specifically identified in the ((~~shoreline~~)) master program or its restoration plan or is located along a shoreline reach identified in the

((~~shoreline~~)) master program or restoration plan ((~~as appropriate for granting relief from shoreline regulations~~)); and

((~~(c)~~)) (iii) The ((~~shoreline~~)) master program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied.

((~~(4) A substantial development permit is not required on land within urban growth areas as defined in RCW 36.70A.030 that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark.~~

~~(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(6) "Shoreline restoration project" means a project designed to restore impaired ecological function of a shoreline.~~)) (e) The department shall act within 30 calendar days of the close of the public notice period, or within 30 days of receipt of the proposal from the local government if additional public notice is not required. The department will provide written notice of its decision to the local government and applicant.

(8) **Early coordination and qualification confirmation.** Early coordination can help to garner property owner support for a potential restoration project. To this end, the qualifications identified within subsection (3) of this section can be confirmed prior to the completion of a restoration project or in anticipation of an application for restoration relief. The department, in coordination with local government, may review proposed restoration projects prior to construction and provide confirmation to restoration project proponents, adjacent property owners, or other potentially affected parties regarding the following:

(a) Whether the restoration project meets the qualification criteria for use in future restoration relief applications.

(b) Whether an adjacent or neighboring property would qualify as an eligible property.

(c) Confirmation of potential use or regulatory requirements that could present a hardship for future development proposals and would be eligible for application of this restoration relief mechanism.

This confirmation would not impact the local government or the department's ability to review and decide upon future applications for relief but is intended to provide assurance regarding restoration project qualifications during project planning.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-220 Requests for review. All requests for review of any final permit decisions under chapter 90.58 RCW and chapter 173-27 WAC are governed by the procedures established in RCW 90.58.180 and chapter 461-08 WAC, the rules of practice and procedure of the shorelines hearings board.

(1) Per RCW 90.58.180, any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140, may seek review from the shorelines hearings board by filing a petition for review within 21 days of the date of filing of the decision as defined in RCW 90.58.140(6).

(2) In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-240 Authority and purpose. Enforcement plays a crucial role in the protection of fragile and unique shoreline environments, in preserving public use and enjoyment of shorelines, and in assuring the appropriate use and development of these areas. Alongside permitting, enforcement is essential to achieving the goals of the act and local master programs by correcting unauthorized uses, developments, and activities. This part is adopted under RCW 90.58.140, 90.58.200, and 90.58.210 to implement the enforcement responsibilities of the department and local government under the Shoreline Management Act. The act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including notices of correction, civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit rescission. The following should be used in addition to other mechanisms already in place at the local level and does not preclude other means of enforcement, such as abatement authority or attempts by local government or the department to achieve voluntary compliance.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-250 Definitions. The definitions contained in WAC 173-27-030 shall apply in this part also except that the following shall apply when used in this part of the regulations:

(1) "Permit" means any form of permission required under the act prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission ((~~which~~)) that may be required for selective commercial timber harvesting, and shoreline exemptions; and

(2) "Exemption" means authorization from local government ((~~which~~)) that establishes that an activity is exempt from substantial development permit requirements under WAC 173-27-040, but subject to regulations of the act and the local master program.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-260 Policy. (1) The local government and the department shall enforce the policy of the act and the provisions of approved master programs. Local governments, the department, or both acting jointly shall take action when necessary to ensure that no uses are made of the shorelines of the state or development commenced on shorelines of the state in conflict with the act and applicable master

program provisions. These regulations should be used by local governments and the department in carrying out enforcement responsibilities under the act((~~, unless local government adopts separate rules to implement the act's enforcement provision~~)). Local governments may also adopt additional code to implement the act's enforcement authorities in concert with other local code enforcement provisions.

(2) Enforcement action by the department or local government may be taken whenever a person undertakes a development or use on shorelines of the state without first obtaining proper permits or authorization; fails to conform to the terms of a permit issued under the act; or has violated any provision of the act ((~~or~~)), any master program, or ((~~other~~)) regulation promulgated under the act.

(3) Enforcement actions include permit rescission, notice of correction, order to cease and desist, enforcement order, civil penalty, criminal penalty, or a combination of these actions.

(4) The choice of enforcement action and the severity of any penalty should be based on:

(a) The nature of the violation((~~,~~));

(b) The damage or risk to the public or to public resources((~~,~~)); and/or

(c) The existence or degree of bad faith of the persons subject to ((~~the~~)) enforcement action.

NEW SECTION

WAC 173-27-265 Notice of correction. If the department becomes aware of conditions that are not in compliance with the act or the master program, the department may issue a notice of correction to the responsible party. A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record. Except as provided in subsection (2) of this section, if the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with the notice.

(1) The notice of correction shall include:

(a) A description of the condition that is not in compliance and the text of the applicable specific section or subsection of the act and/or applicable master program;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the department or others;

(e) Information about civil penalties under the act that may be issued if compliance is not obtained;

(f) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) The department may issue a penalty under WAC 173-27-280 without first issuing a notice of correction when the requirements of RCW 43.05.070 are met.

NEW SECTION

WAC 173-27-275 Enforcement order. Local government and the department, acting alone or jointly, shall have the authority to serve upon a person an enforcement order and/or an order directing necessary corrective actions as a means of enforcement if an activity is being undertaken or has occurred on shorelines of the state and is in violation of chapter 90.58 RCW or the local master program.

(1) **Content of order.** The order shall set forth and contain all of the following:

(a) Notice of the violation or potential violation. A description of the specific nature, extent, approximate date, and duration of the violation and the damage or potential damage;

(b) Notice to cease and desist the violation or potential violation, if applicable;

(c) Notice of the specific corrective action to be taken within a given time, as appropriate;

(d) Notice of when, where, and to whom a request for an extension of the time to achieve compliance for good cause may be filed with the local government or the department;

(e) Contact information for any technical information or technical assistance services available from the department or others; and

(f) Information about civil penalties that can be issued if compliance is not obtained, unless a penalty is being issued with the enforcement action.

(2) **Effective date.** The enforcement order issued under this section shall become effective immediately upon receipt by the person to whom the notice of order is directed.

(3) **Compliance.** Failure to comply with the terms of an enforcement order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

(4) **Penalty.** A civil penalty under WAC 173-27-280 may be issued with an enforcement order.

(5) **Method of delivery.** An order shall be imposed in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department, the local government, or from both jointly.

(6) **Appeal.** When an enforcement order is issued, appeals may be filed pursuant to chapter 34.05 RCW, RCW 90.58.210, and WAC 173-27-290.

AMENDATORY SECTION (Amending WSR 11-05-064, filed 2/11/11, effective 3/14/11)

WAC 173-27-280 Civil penalty. (1) Civil penalty issued by the local government. A person who fails to conform to the terms of a substantial development permit, conditional use permit, or variance ((~~issued under RCW 90.58.140,~~)); who undertakes a development or use on shorelines of the state without first obtaining a permit((~~,~~)); or who fails to comply with a cease and desist or enforcement order issued under these regulations may be subject to a civil penalty by local government.

(2) Civil penalty issued by the department.

(a) A person who fails to conform to the terms of a substantial development permit, conditional use permit, or variance permit; who

undertakes a development or use on shorelines of the state without first obtaining a permit; or who fails to comply with a cease and desist or enforcement order issued under these regulations may be subject to a civil penalty by the department acting alone or acting jointly with the local government. The department may impose a penalty ((~~jointly with local government, or alone only upon an additional~~)) upon finding that ((~~a person~~)):

((~~(a)~~)) (i) A person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

((~~(b)~~)) (ii) A person has been given previous notice of the same or similar type of violation of the same statute or rule; or

((~~(c)~~)) (iii) The violation has a probability of placing a person in danger of death or bodily harm; or

((~~(d)~~)) (iv) The violation has a probability of causing more than minor environmental harm; or

((~~(e)~~)) (v) The violation has a probability of causing physical damage to the property of another in an amount exceeding ((~~one thousand dollars~~)) $1,000.

((~~(2)~~)) (b) In the alternative, the department alone or jointly with local government may issue a penalty ((~~may be issued~~)) to a person ((~~by the department alone, or jointly with local government~~)) or persons for violations ((~~which~~)) that do not meet the criteria of (a)(i) through (v) of this subsection ((~~(1)(a) through (e) of this section~~)), after providing the following information ((~~has been provided~~)) in writing to a person or persons through a ((~~technical~~)) compliance assistance ((~~visit or a~~)) letter, notice of correction, cease and desist order, or enforcement order:

((~~(a)~~)) (i) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;

((~~(b)~~)) (ii) A statement of what is required to achieve compliance;

((~~(c)~~)) (iii) The date by which the ((~~agency~~)) department requires compliance to be achieved;

((~~(d)~~)) (iv) Notice of the means to contact any technical assistance services provided by the ((~~agency~~)) department or others; and

((~~(e)~~)) (v) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the ((~~agency~~)) department.

((~~Furthermore,~~)) (3) No penalty shall be issued by the department until the individual or business has been given a reasonable time to voluntarily correct the violation and has not done so.

((~~(3)~~)) (4) Amount of penalty. The penalty shall not exceed ((~~one thousand dollars~~)) $1,000 for each violation. Each permit violation, or each day of ((~~violation~~)) continued development without a required permit or authorization issued under the act shall constitute a separate violation.

((~~(4)~~)) (5) Aiding or abetting. Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

((~~(5)~~)) (6) Notice of penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department and/or the local government, or from both jointly. The notice shall describe the violation, approximate ((~~the~~)) date(s) and duration of violation, and shall order the act or acts constitut-

ing the violation to cease and desist, ((~~or, in appropriate cases, require necessary~~)) and, when appropriate, to take required corrective actions within a specific time.

AMENDATORY SECTION (Amending WSR 11-05-064, filed 2/11/11, effective 3/14/11)

WAC 173-27-290 Appeal of civil penalty. (1) Right of appeal. Persons incurring a penalty imposed by the department or imposed jointly by the department and local government may appeal the same to the shorelines hearings board. Appeals to the shorelines hearings board are adjudicatory proceedings subject to the provisions of chapter 34.05 RCW. Persons incurring a penalty imposed by local government may appeal the same to the local government legislative authority or locally appointed hearings examiner. Appeals may be filed pursuant to either chapter 34.05 RCW or RCW 90.58.210, as applicable.

(2) Timing of appeal. Appeals shall be filed within ((~~thirty~~)) 30 days of the date of receipt of the penalty. The term "date of receipt" has the same meaning as provided in RCW 43.21B.001.

(3) Penalties due.

(a) Penalties imposed under this section shall become due and payable ((~~thirty~~)) 30 days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable ((~~thirty~~)) 30 days after receipt of local government's and/or the department's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.

(b) If the amount of a penalty owed the department is not paid within ((~~thirty~~)) 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington to recover such penalty. If the amount of a penalty owed local government is not paid within ((~~thirty~~)) 30 days after it becomes due and payable, local government may take actions necessary to recover such penalty.

(4) Penalty recovered. Penalties recovered by the department shall be paid to the state treasurer. Penalties recovered by local government shall be paid to the local government treasury. Penalties recovered jointly by the department and local government shall be divided equally between the department and the local government unless otherwise stipulated in the order.

NEW SECTION

WAC 173-27-295 Permit rescission. (1) Pursuant to RCW 90.58.140(8), a local government may rescind a permit upon the finding that a permittee has not complied with the authorization. Permit rescission will typically be undertaken after other attempts to bring a permittee into compliance have failed. Permit rescission is appropriate where the intent is to discontinue the use authorized under the

permit or restore a site to the condition prior to the permit authorization.

(2) The local government may rescind a permit after a public hearing when adequate notice is provided to the permittee, property owner, and the public. Such notice of the public hearing shall not be less than 30 days.

The notice of proposed permit rescission shall set forth and contain:

(a) The reasons for permit rescission and a description of the condition that is not in compliance with the shoreline permit;

(b) A statement of the technical assistance and enforcement attempts previously made by the local government and/or the department to obtain compliance;

(c) The date, time, and place of the public hearing;

(d) A statement of the effect of permit rescission;

(e) A statement regarding the effective date. The effective date of the permit rescission will be no earlier than 30 days from the local government's final decision to rescind a permit; and

(f) Any other information determined appropriate by the local government.

(3) The final decision by the local government to rescind a permit shall contain:

(a) The decision date;

(b) The reasons for permit rescission and a description of the condition that is not in compliance with the shoreline permit;

(c) A statement of the effect of permit rescission;

(d) The effective date of permit rescission, which shall not be less than 30 days from the date of decision;

(e) A statement of the right to appeal. Appeals shall be to the shorelines hearings board and shall be filed within 21 days from the date of receipt of the local government notice; and

(f) Any other information determined appropriate by the local government.

(4) Any final decision to rescind a shoreline permit shall be filed with the department and the attorney general after all local administrative appeals related have been concluded or the opportunity to initiate such appeals has lapsed.

(5) When a permit rescission has been appealed, the local government shall provide a copy of the final order to the department upon conclusion of all review proceedings.

(6) Pursuant to RCW 90.58.140(8), the department may also take steps to rescind a permit.

(a) If the department finds that a permittee is not complying with a permit, the department shall provide written notice to the local government and the permittee with information about the permit violation and information on the ability of the department to petition the hearings board for permit rescission.

(b) If the department is of the opinion that the noncompliance continues to exist 30 days after the date of the department's notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit.

(c) Such a petition to the hearings board shall be made within 15 days of the expiration of the 30-day notice provided to the local government.

(7) Pursuant to RCW 90.58.180 (1)(a) and WAC 461-08-315 (2)(a), any person aggrieved by the rescinding of a permit may seek review

from the shorelines hearings board by filing a petition for review within 21 days of the date of filing.

(8) After rescission, work approved by the permit cannot proceed until a new permit is obtained. If the permit authorized a new use, that use must also be discontinued. Once the development and use are no longer authorized, they must be removed and discontinued. Failure to do so will be reviewed and considered a violation of the act and the applicable master program.

NEW SECTION

WAC 173-27-320 Violators liable for damages resulting from violation—Attorney's fees and costs. Any person who undertakes a development or use on shorelines of the state without first obtaining a permit; fails to conform to the terms of a permit issued under the act; or has violated any provision of the act, any master program, or regulation promulgated under the act shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation.

(1) The attorney general or local government attorney shall bring a suit for damages under this section on behalf of the state or local governments.

(2) Private persons shall have the right to bring a suit for damages under this section on their own behalf and on behalf of all persons similarly situated.

(3) If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator.

(4) In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

AMENDATORY SECTION (Amending WSR 96-20-075, filed 9/30/96, effective 10/31/96)

WAC 173-27-990 Appendix A.

((~~**Appendix A**~~))

Shoreline Management Act
Permit Data Sheet and Transmittal Letter

((~~From:~~ ~~(local government)~~ ~~To:~~ ~~(appropriate Ecology office)~~

~~Date of Transmittal:~~ ~~Date of Receipt:~~ ~~(provided by Ecology)~~

~~Type of Permit: (Indicate all that apply)~~

~~Substantial Development ___; Conditional Use ___; Variance ___; Revision ___; Other _____.~~

~~Local Government Decision: Approval ___; Conditional Approval ___; Denial ___:~~

~~Applicant Information:~~ ~~Applicant's Representative: (if primary contact)~~

~~Name:~~ _____ ~~Name:~~ _____

~~Address:~~ _____ ~~Address:~~ _____

~~Phone(s):~~ _____ ~~Phone(s):~~ _____

~~Is the applicant the property owner? __yes __no~~

~~Location of the Property: (Section Township and Range to the nearest 1/4, 1/4 Section or latitude and longitude, and a street address where available)~~

~~Water Body Name:~~ _____

~~Shoreline of Statewide Significance: Yes ____ No ___.~~

~~Environment Designation:~~ _____

~~Description of the Project: (Summary of the intended use or project purpose)~~

~~Notice of Application Date:~~ _____ ~~Final Decision Date:~~ _____

~~By: (Local Government Primary Contact on this Application)~~

~~Phone No:~~)) _____

From: (local government)	To: (appropriate ecology office) □ NWRO □ SWRO □ CRO □ ERO
Date of transmittal:	Date of receipt (provided by ecology):
Type of Submittal (check all that apply): □ Substantial development □ Shoreline conditional use □ Shoreline variance □ Revision □ Rescission □ Restoration relief	
Local government permit number(s):	
For conditional use permits and variances, identify what aspect(s) of the proposal trigger(s) the conditional use permit and/or variance.	
Local Government Decision □ Approval □ Conditional Approval □ Denial □ Partial approval/partial denial	
Project name, if applicable:	
Property Owner Information	
Name(s):	
Address:	
Phone number:	
Email:	
Project applicant or proponent (if different from owner):	Applicant's representative (if applicable):
Name:	Name:
Address:	Address:
Phone number:	Phone number:
Email:	Email:

Location of the project Street address: Latitude and longitude in degree decimals to the fourth decimal place: Parcel number(s):
Water body type (select the most applicable option): □ marine □ Pacific coast □ stream/river □ lake
Shoreline of statewide significance: □ yes □ no
Shoreline environment designation (SED) Check the applicable or most similar to the locally tailored SED: □ Natural □ Rural conservancy □ Urban conservancy □ Residential □ High intensity □ Aquatic □ Other (please describe)_____
Description of the project. A general description of the proposed project that includes the proposed use or uses, all development components, and the activities necessary to accomplish the project.
Use type (select all that apply): □ Agriculture □ Aquaculture □ Boating facility □ Commercial □ Enhancement/restoration □ Forest Practices □ Industrial □ Mining □ Recreational □ Residential multi-unit □ Residential single-family □ Science/research □ Transportation/parking □ Utilities □ Other (please describe)
Is the proposal water oriented? (select all that apply): □ Water-dependent use or development □ Water-related use or development □ Water-enjoyment use or development □ Non-water-oriented use or development □ Mix of non-water-oriented with water-oriented use or development
Characterize the proposal (select all that apply): □ Voluntary/non-compensatory environmental restoration □ Development of a vacant lot □ Expansion of an existing use or development □ Re-development □ Subdivision □ No development
Does the proposal include a public access component? □ Yes □ No
□ **Include a site plan** consistent with the requirements of WAC 173-27-180(9).
□ If the proposal involves shoreline stabilization or flood hazard reduction modifications, include a geotechnical report, alternatives analysis, and ecological impact analysis.
Does the submittal include documentation of the application of **mitigation sequencing** □ Yes □ No Does the proposal include **compensatory mitigation**? □ Yes □ No
Does the submittal include technical reports? □ Mitigation plan □ Geotechnical report □ Wetland report □ Habitat management plan □ Vegetation management plan □ Other (please describe)

Notice of application date:	Final local government decision date:
Submitted by: (local government primary contact on this application)	
Phone No:	Email:

NEW SECTION

WAC 173-27-995 Appendix B.

Shoreline Management Act
Exemption Data Sheet and Transmittal Form

From: (local government) Project tracking number: Date of local government decision:	Staff contact name: Phone number: Email:
Local government decision. □ Approval □ Conditional Approval □ Denial	
Exemption(s) applied to the project (indicate all that apply): □ Normal maintenance or repair of existing structures or developments Shoreline stabilization: □ New normal structure protective of single-family residences □ Repair and maintenance of existing shoreline stabilization □ Emergency shoreline stabilization actions □ Emergency construction necessary to protect property from damage by the elements □ Construction and practices normal or necessary for farming, irrigation, and ranching activities □ Construction or modification of navigational aids such as channel markers and anchor buoys □ Single-family residential construction □ Construction of a private residential pleasure craft dock □ Irrigation systems □ Property line or corner marking on state-owned lands □ Operation and maintenance of agricultural drainage or diking systems □ Site exploration and investigation activities □ Removal and control of aquatic noxious weeds □ Watershed restoration project □ Retrofitting existing structure to accommodate physical access by individuals with disabilities □ Public project for the primary purpose of fish passage improvement or fish passage barrier removal	
Description of the project. A general description of the proposed project that includes the proposed use or uses, all development components, and the activities necessary to accomplish the project.	
Location of the project: Include address, parcel number(s), and latitude and longitude in degree decimals to the fourth decimal place.	
Water body type (select the most applicable option): □ marine □ Pacific coast □ stream/river □ lake	
Does the submittal include the following?	
A copy of the local government decision, in the form it was provided to the applicant	□ yes □ no
Site plans consistent with WAC 173-27-040(2)(f)	□ yes □ no
Demonstration of the application of mitigation sequence	□ yes □ no
Any special reports	□ yes □ no
Property Owner Name:	Project applicant or proponent name:
Address:	Address:
Phone number:	Phone number:
Email:	Email: