

Preliminary Shoreline Jurisdiction

Identifying and Mapping Shorelines and
Shorelands

Shoreline jurisdiction is complicated

- Jurisdiction is mandated by statute (SMA)
- Local options exist for shorelands along rivers
- Federal and tribal exclusions may apply

Your goal is to include in your SMP all water bodies defined in SMA

You may find new ones:

- Changes in physical (river moved) & political landscape (annexations)
- New sources of information & GIS capability
- Original maps based on incomplete information on streams & lakes

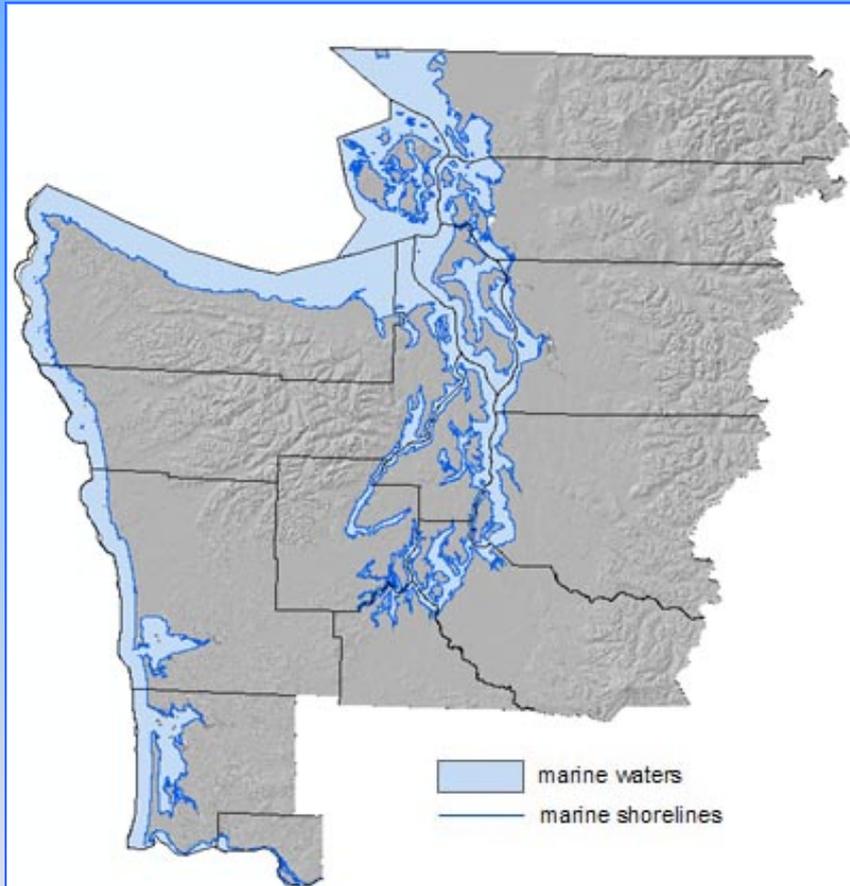


Newly identified SMA lake
in Pend Oreille County

Why is this important?

- Updated SMP maps & descriptions are official SMA “jurisdiction” (WAC 173-18: Rivers and Streams, WAC 173-20: Lakes)
- Ecology will not list rivers and lakes in WAC

Shorelines include marine shorelines



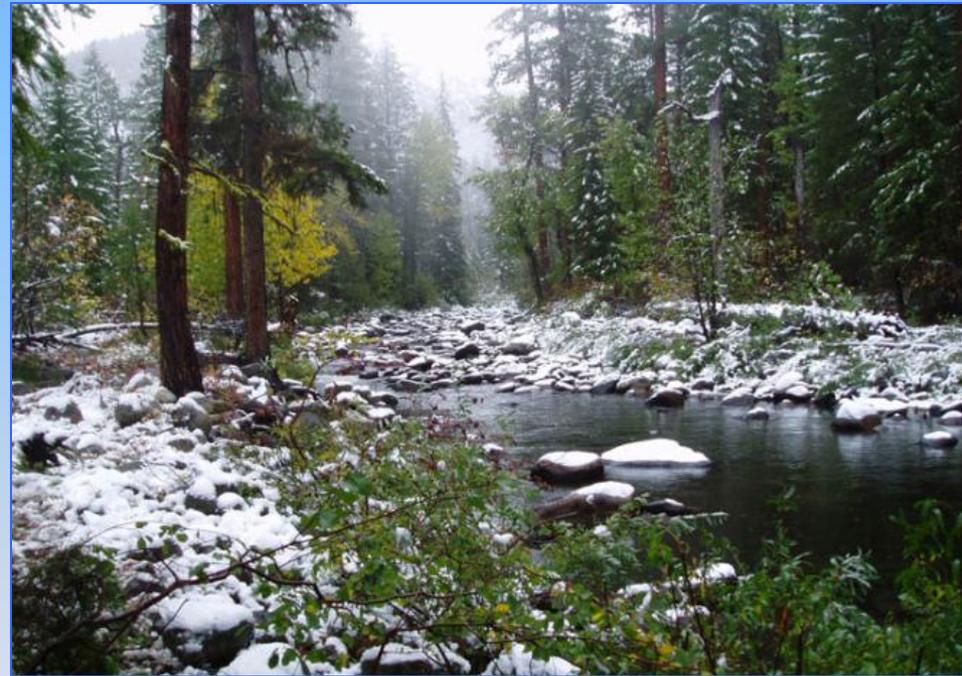
Hugh Shipman photo

Bywater Bay, North Hood Canal

Shorelines include streams from point exceeding 20 CFS mean annual flow



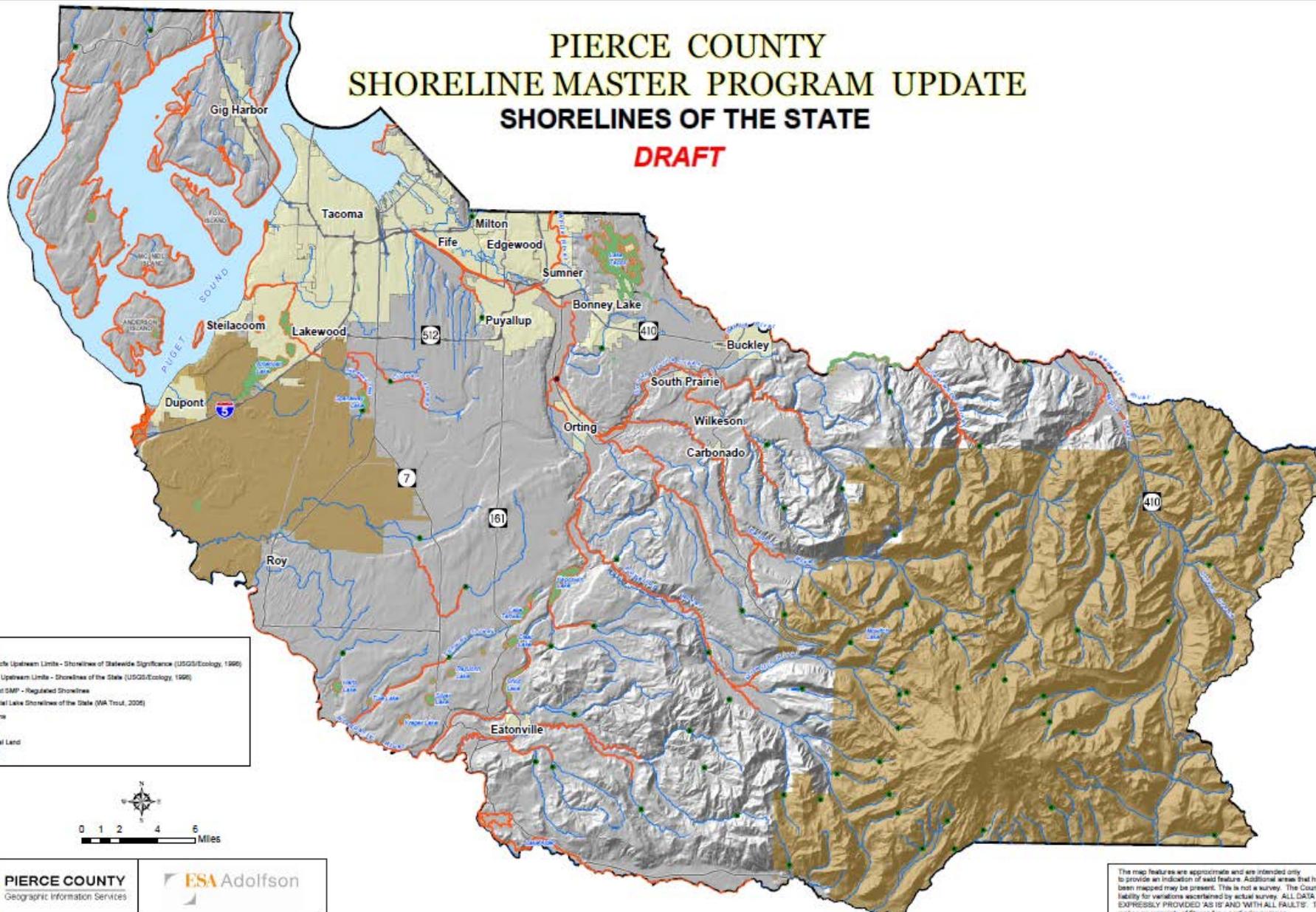
Cowlitz River, Lewis County



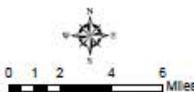
Upper Chewuch River, Okanogan County

Include streams and lakes on federal lands

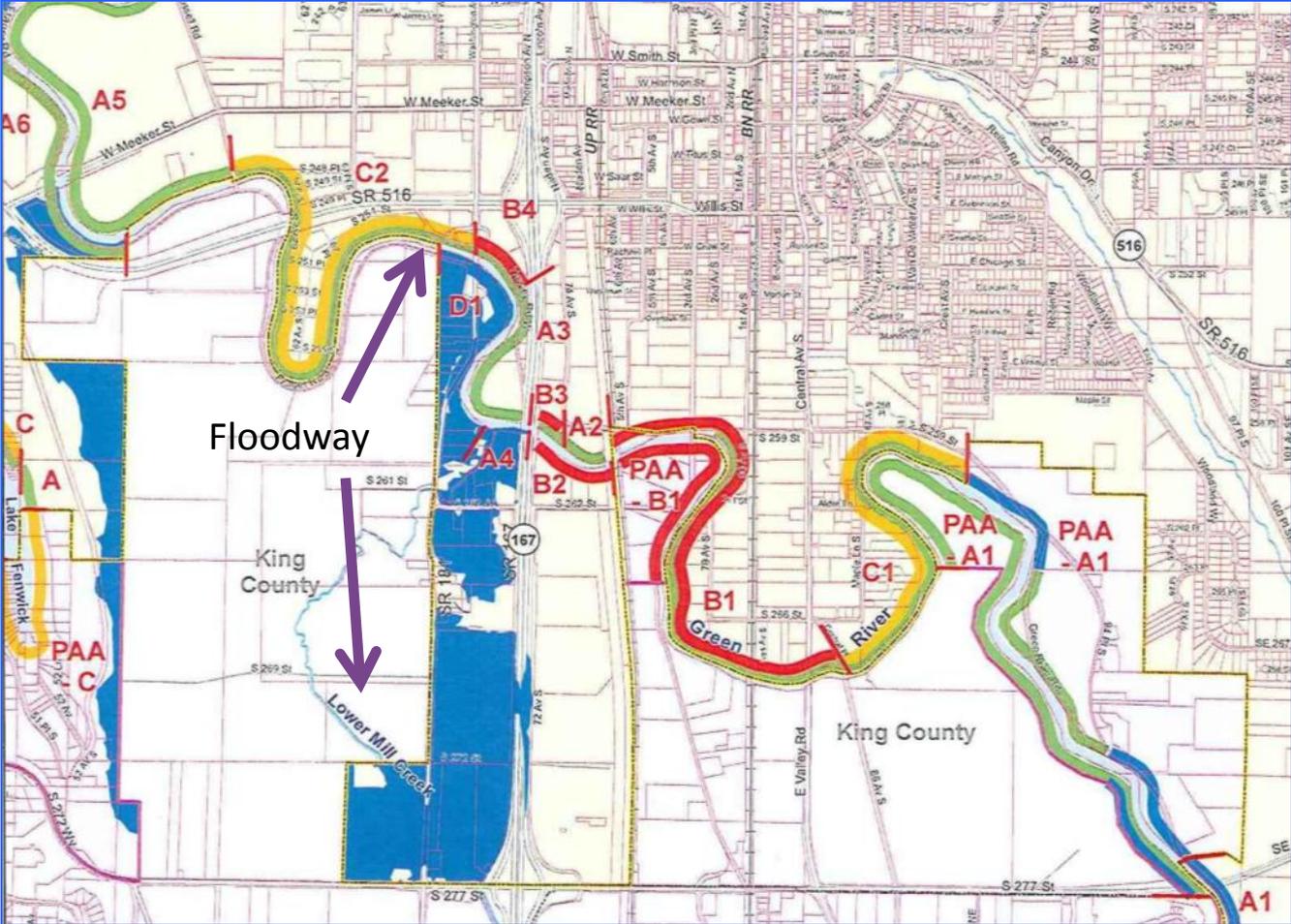
PIERCE COUNTY SHORELINE MASTER PROGRAM UPDATE SHORELINES OF THE STATE *DRAFT*



- Legend**
- 1,000 cfs Upstream Limits - Shorelines of Statewide Significance (USGS/Ecology, 1996)
 - 20 cfs Upstream Limits - Shorelines of the State (USGS/Ecology, 1996)
 - Current GMP - Regulated Shorelines
 - Potential Lake Shorelines of the State (WA Trout, 2005)
 - Streams
 - Road
 - Federal Land
 - Cities

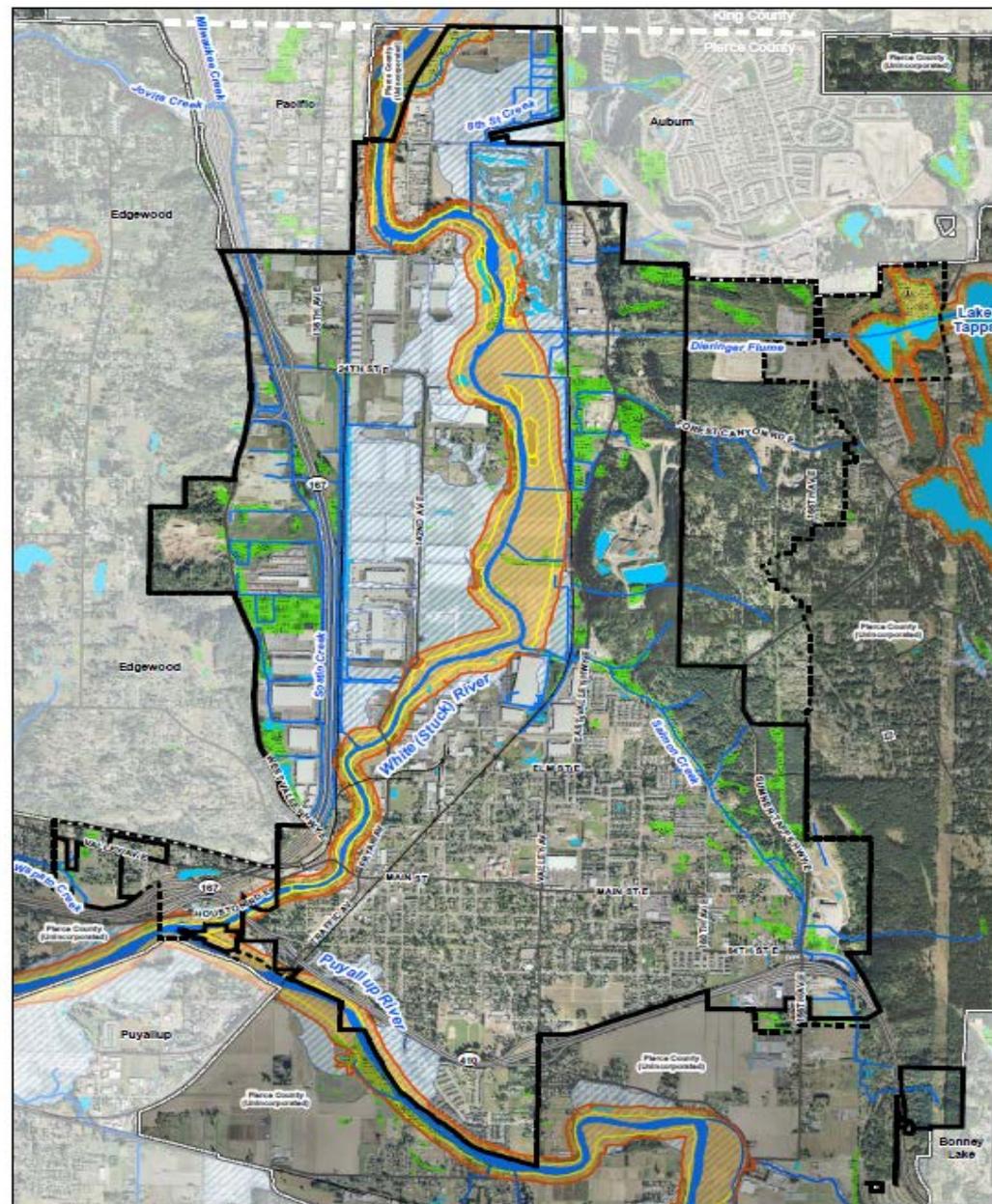


You may discover new areas for your SMP



Portion of Green River, Kent Draft SMP

Shorelines include lakes and reservoirs exceeding 20 acres



SHORELINE MASTER PROGRAM UPDATE
CITY OF SUMNER
Map 1: Shoreline Planning Area
(Approximate Shoreline Jurisdiction)

ESA Adolfsen

SUMA Grant No. Q1000026, Task 1.1

Shoreline Planning Area	Roadway	Sumner City Limits	
Streets	1/4" Change Annual Road (2007 PSMA SPRM)	Sumner LUGA	
Waterbodies and Seasonal Ponds	Roads	City Limits	<small>This map depicts the approximate location and extent of areas subject to the SRM. The actual extent of shoreline jurisdiction, riparian area and flood-prone areas shall be determined under the use of the jurisdictional determination process and based on existing City jurisdiction. SRM 2007 and all other applicable laws shall be used in the interpretation of the SRM. The SRM is not intended to be used for any other purpose. The SRM is not intended to be used for any other purpose. The SRM is not intended to be used for any other purpose.</small>
Wetlands	Railroads	County Boundary	

Include most artificial water areas



Coal Mine Ponds, Centralia



Lake Tye, City of Monroe

Some artificial water areas are not shorelines



SMA identifies shorelines of statewide significance

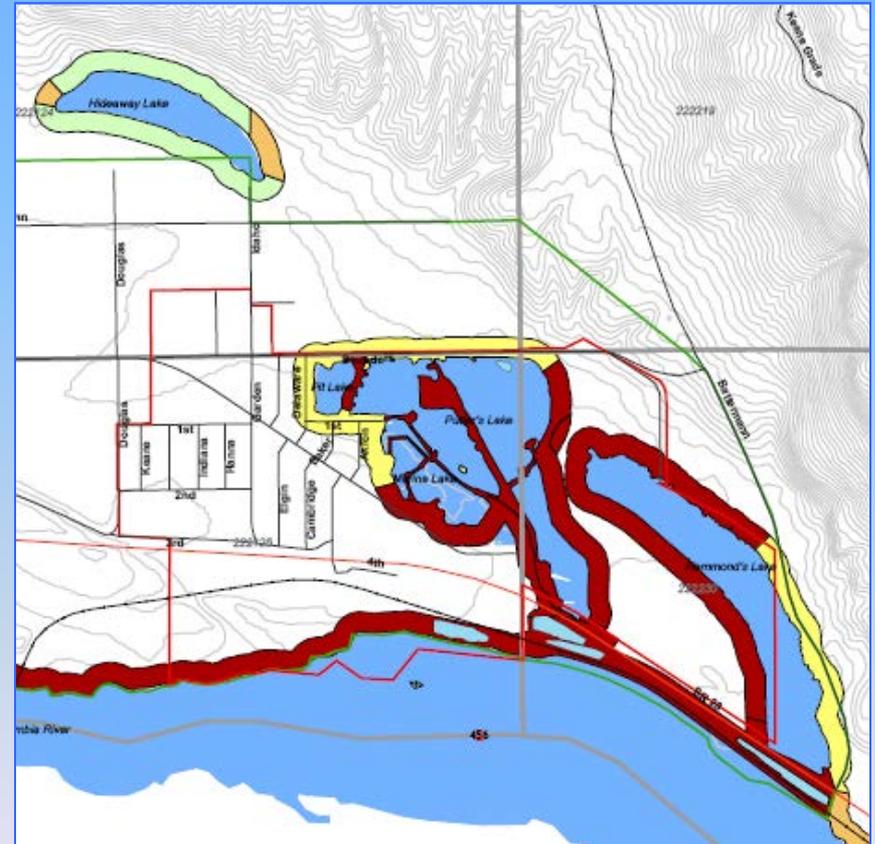
- Shorelines of statewide significance
- Outer coast
- Puget Sound *below* extreme low tide, plus area between line of extreme low tide to OHWM in:
 - Nisqually Delta
 - Birch Bay
 - Hood Canal
 - Skagit Bay
 - Padilla Bay

SMA identifies shorelines of statewide significance

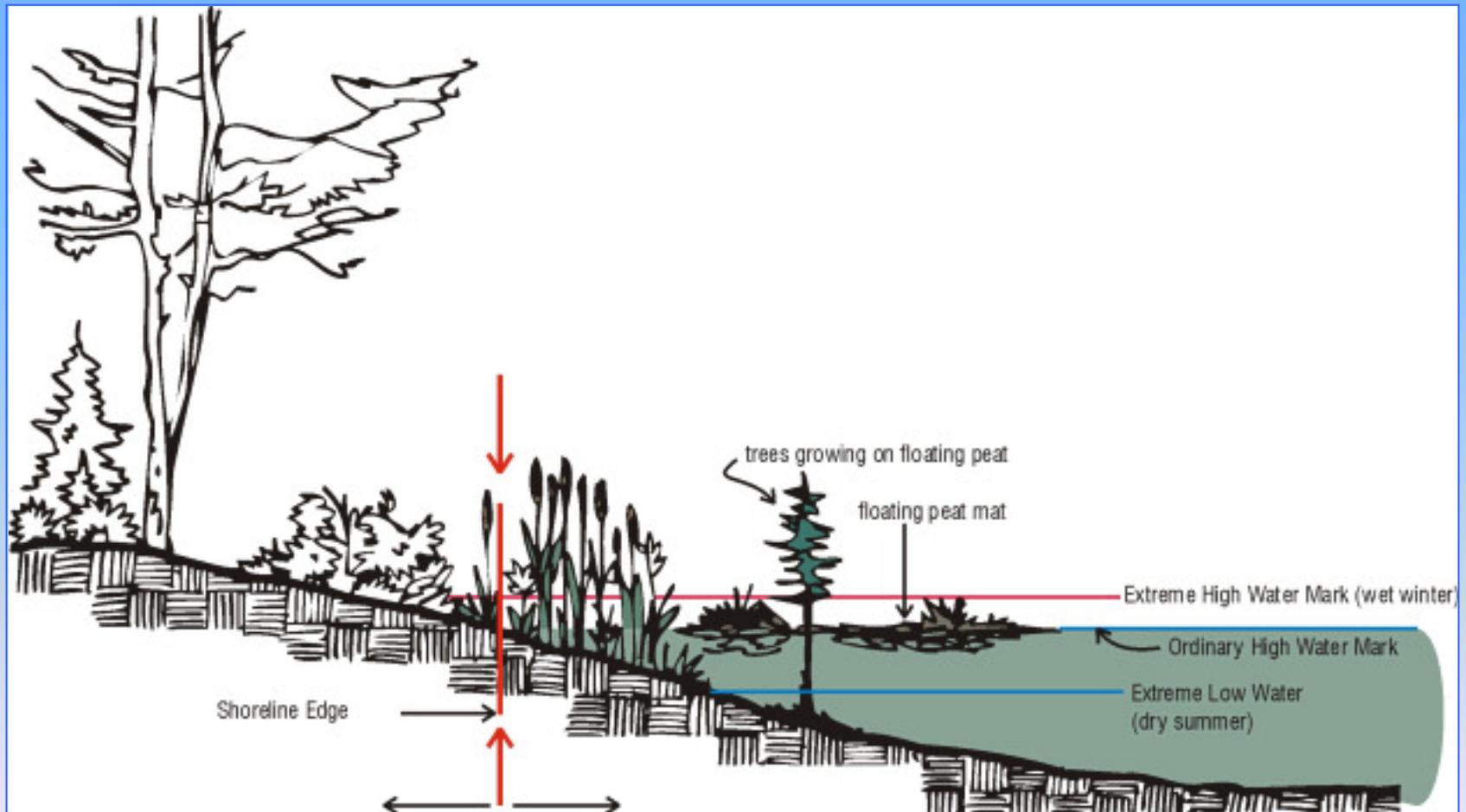
- Lakes and reservoirs 1,000 acres +
- Rivers
 - Westside: 1,000+ cfs
 - Eastside: 250 cfs or 300 square mile drainage area
 - And shorelands associated to these areas
- SSWS priority uses ranked in statute
- Pursue “optimal implementation” of SMA.

Jurisdiction extends to middle of water bodies (RCW 35.21.160)

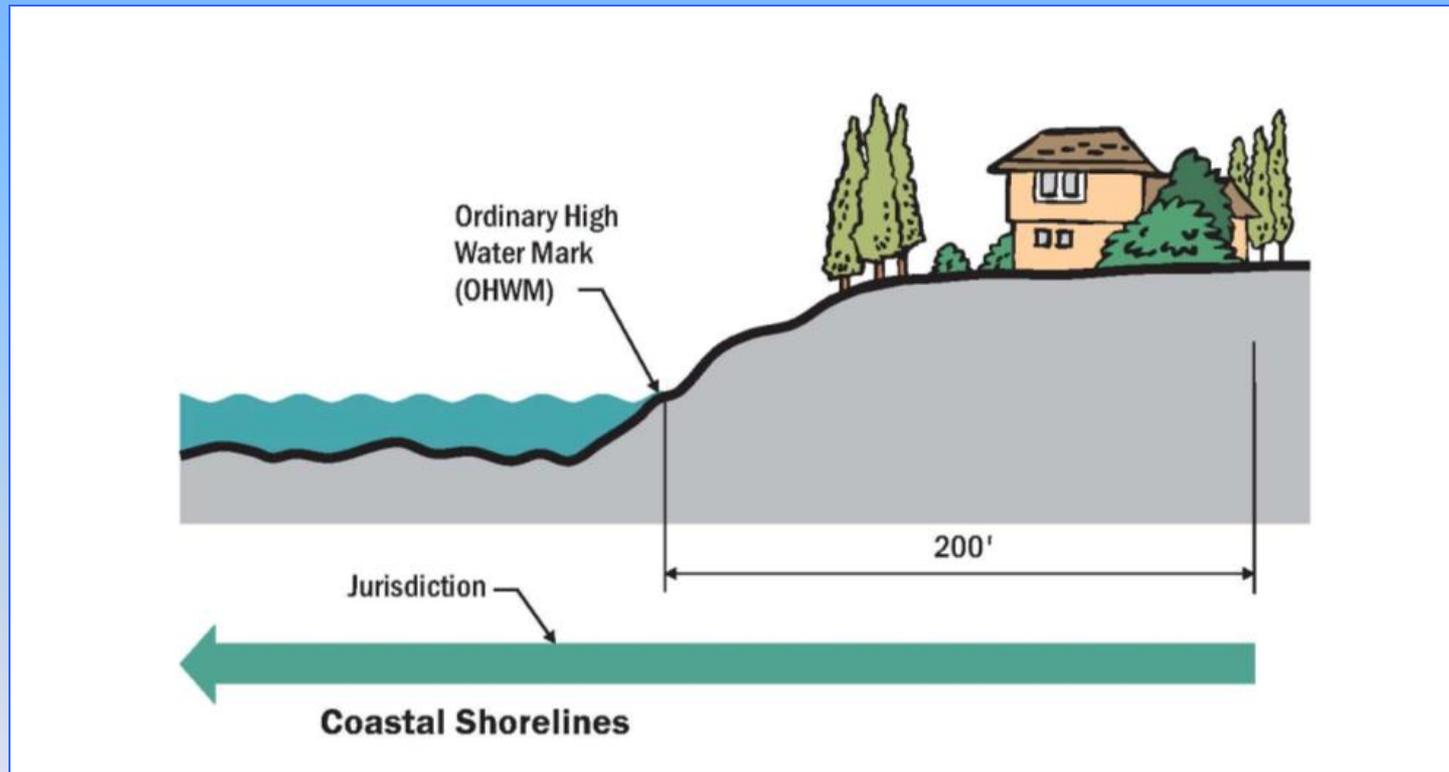
- “Des Moines shoreline jurisdiction also applies to the area waterward of the OHWM to the middle of Puget Sound, an offshore boundary shared with King County.”



Shorelands extend landward 200 ft from OHWM, generally!



Shorelands for marine waters and lakes are 200' from OHWM



Shorelands include wetlands “associated” with marine waters, streams and lakes

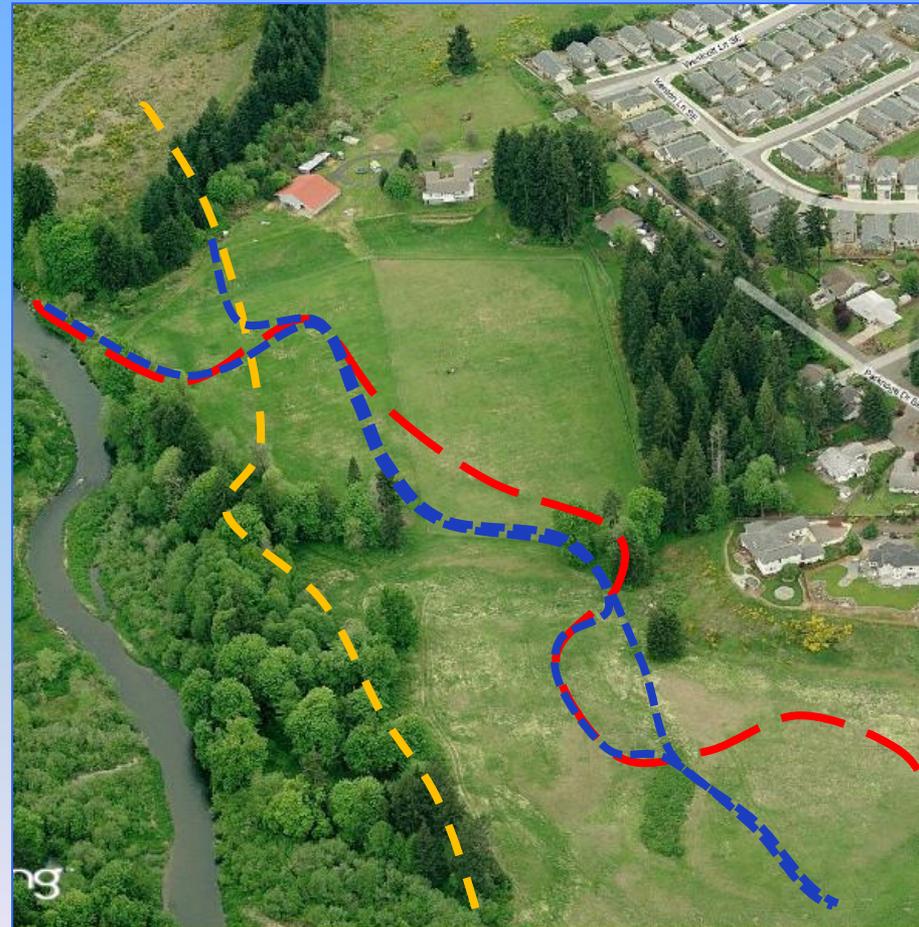


- Include associated wetlands more than 200' from OHWM
- Larsen Lake wetland is about a mile north of Phantom Lake, Bellevue

You have some choices regarding extent of shorelands along streams

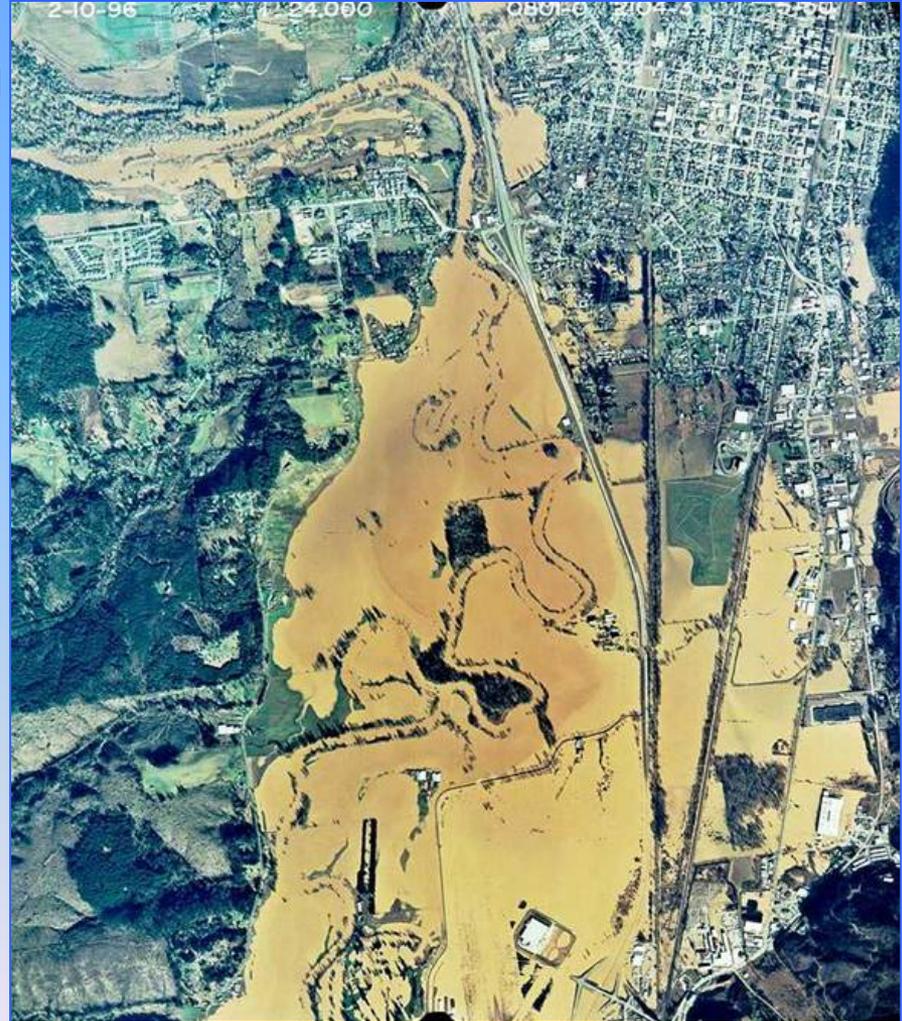
3 Choices

- At a minimum:
 - 200 feet from OHWM
 - 200 feet from floodway*
- 1% probability floodplain*
- Customized with buffers

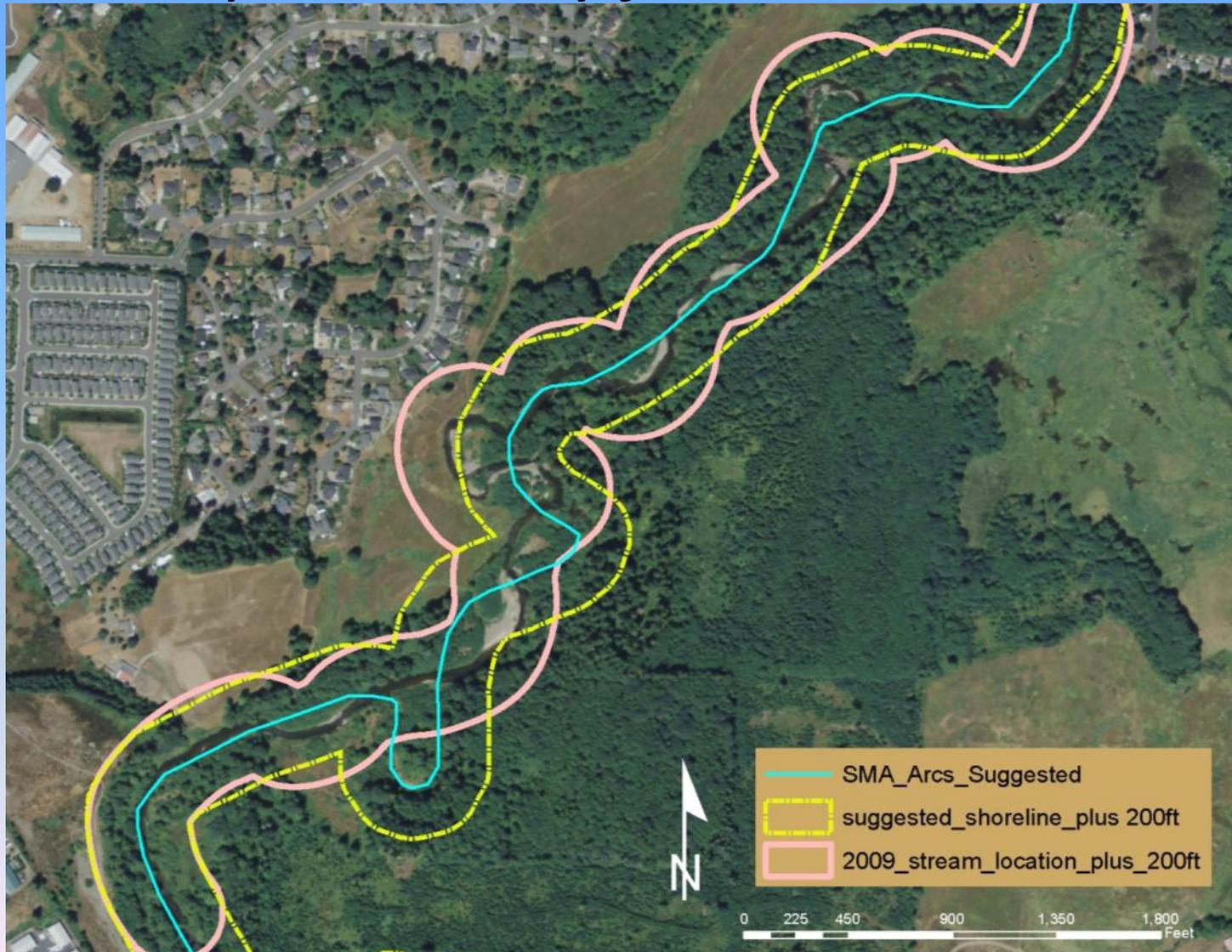


When deciding to include optional jurisdiction, consider factors such as...

- Flood hazard reduction
 - frequently flooded areas
 - Channel migration
- Habitat protection
- Existing and projected land uses

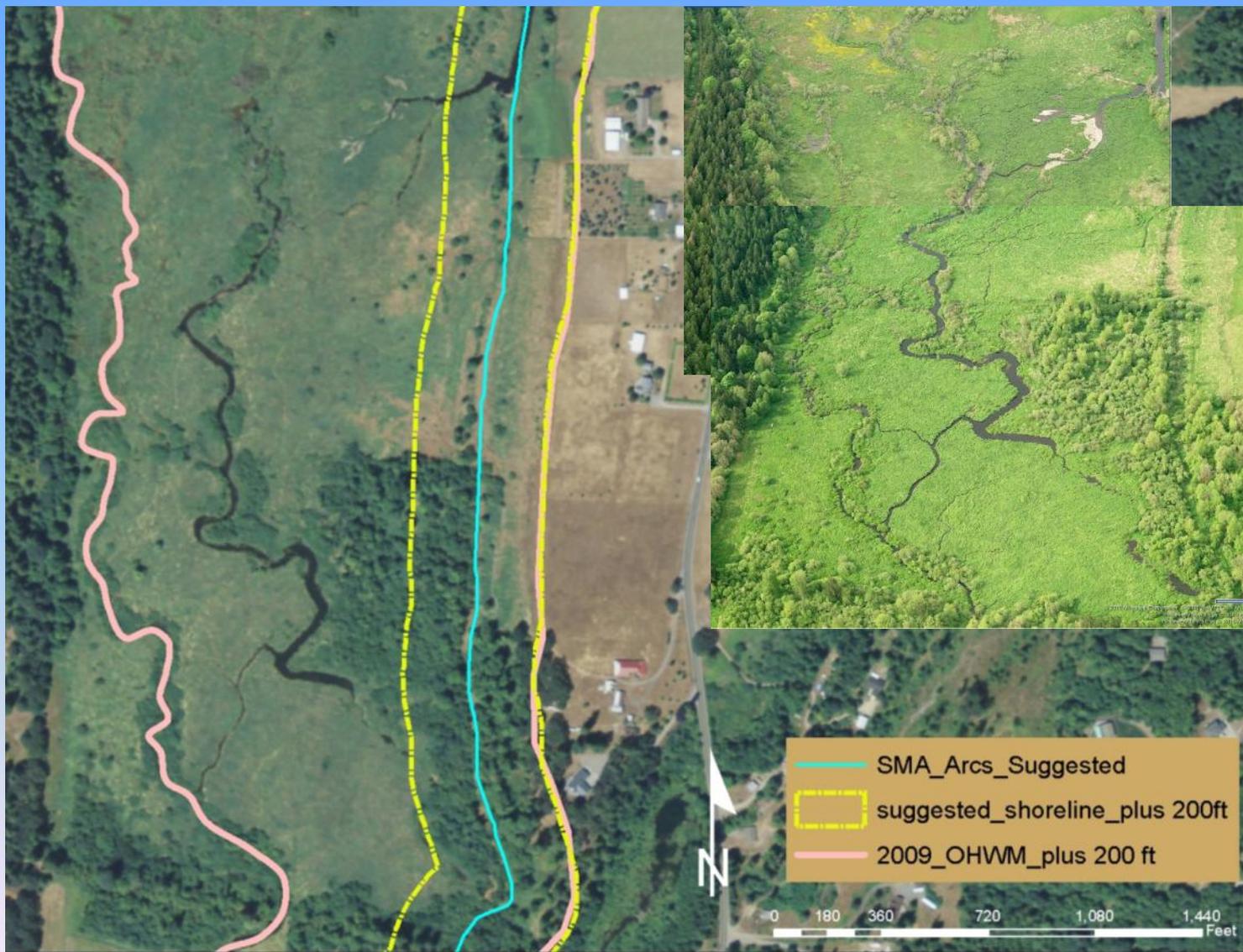


Use current stream location when mapping preliminary jurisdiction



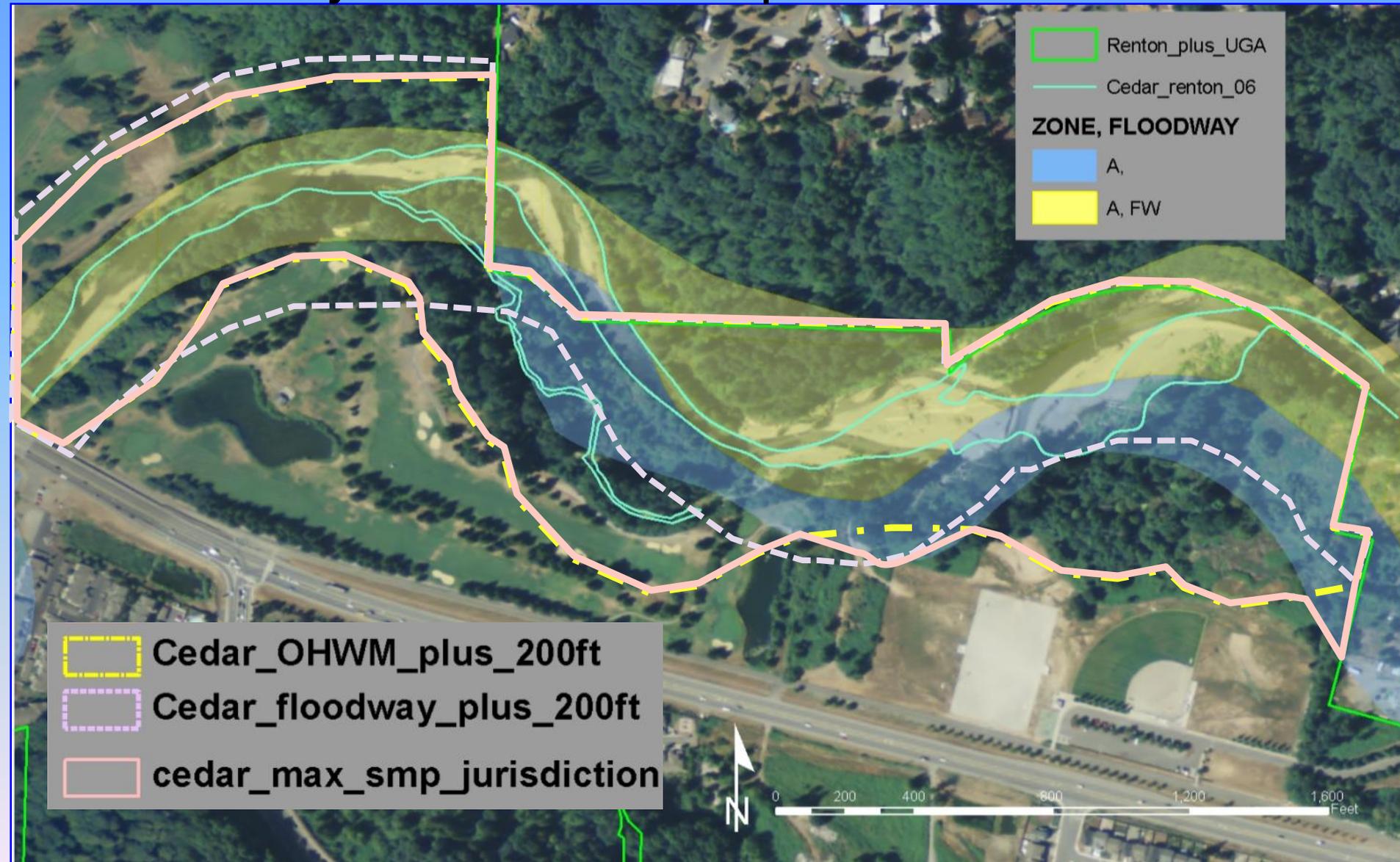
2009 NAIP orthophoto

OHWM occurs on outside edge of multiple channels

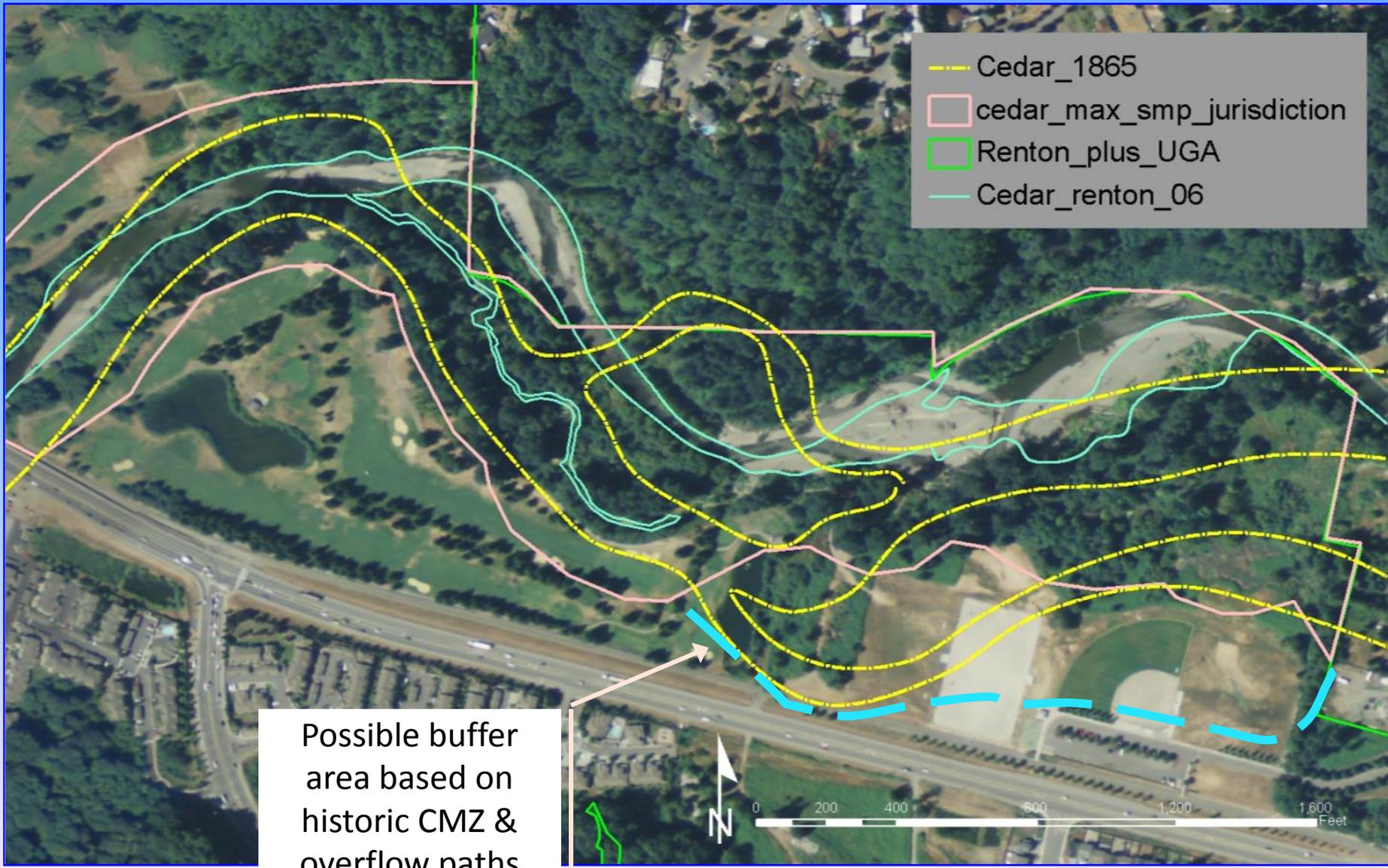


2009 NAIP Orthophoto

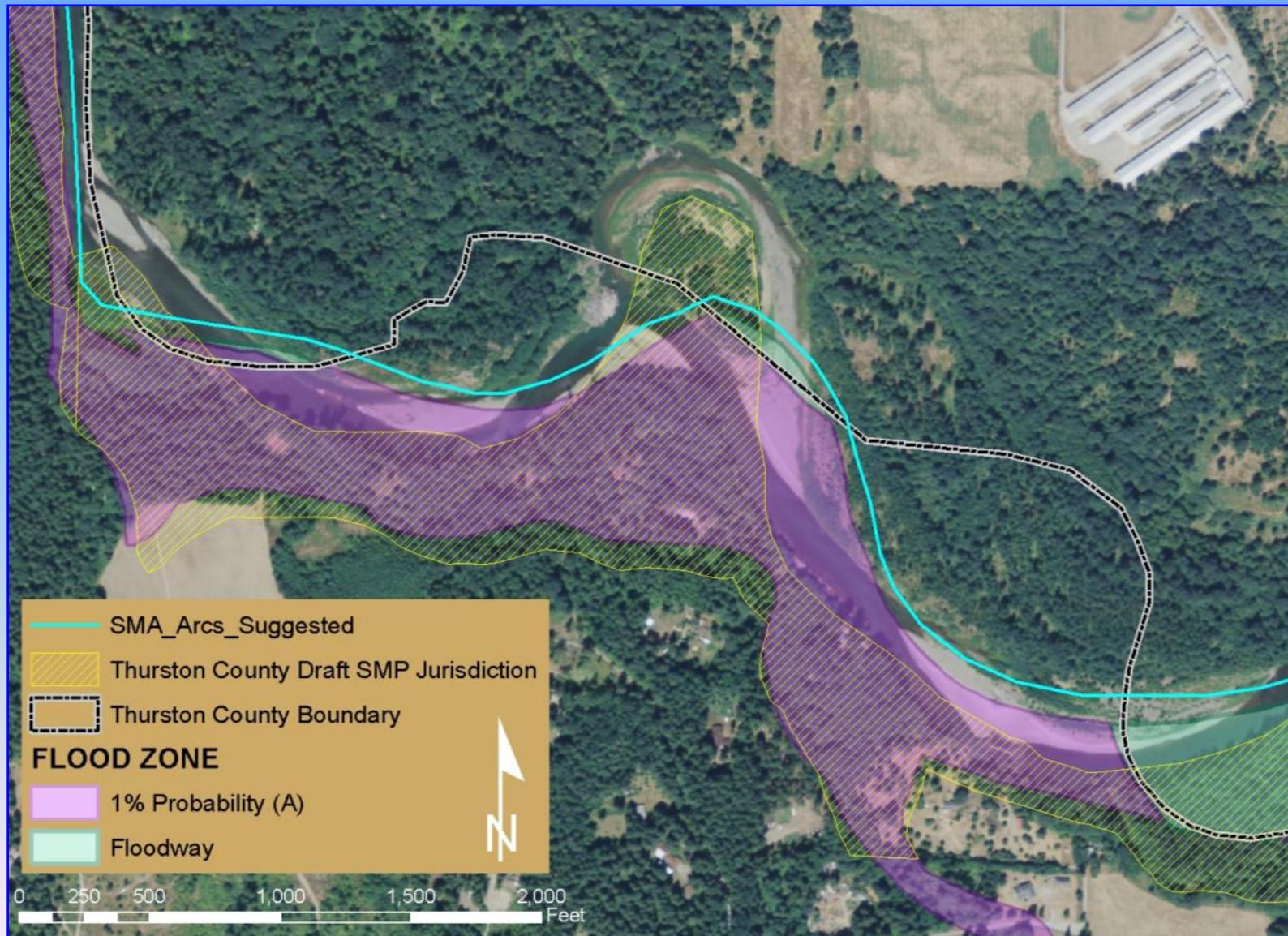
Minimum jurisdiction with possible customization



Minimum jurisdiction with possible customization



Another interesting scenario— Political boundaries follow stream course



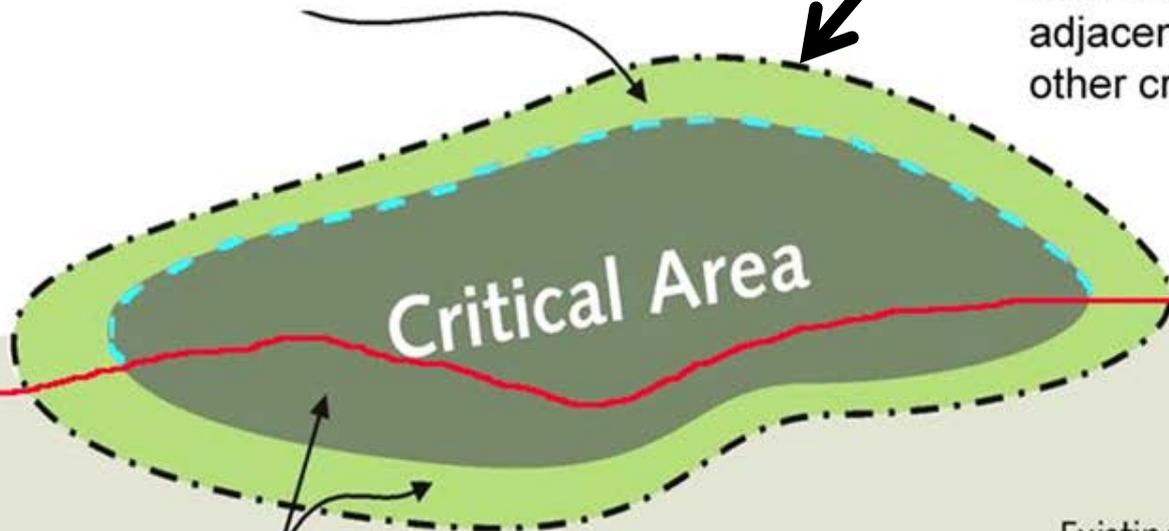
There are two options for buffers to protect critical areas

- SMA - Extend jurisdiction to include “land necessary for buffers” to protect critical areas (90.58.030(2)(f)(ii) RCW)
- GMA - If **“land necessary for buffers” is not included in SMP**, “the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW **36.70A.060(2).”**

Optional expanded SMA jurisdiction (to include buffer), regulated by SMP only. If Jurisdiction is not expanded to include buffer, then buffer remains regulated exclusively by CAO (no dual coverage)

Ex. 1: Add SMP buffer to “associated” wetland?

Minimum SMP jurisdiction for:
adjacent wetland ——— (dashed cyan line)
other critical areas ——— (solid red line)



200 ft

If SMP update does not opt to expand coverage, then dual SMP/CAO coverage results for both the critical area and the buffer.

Existing SMA jurisdiction (100 year floodplain)

Water

Ex. 2: CAO buffer = 250'. Increase SMP jurisdiction from 200' to 250'?

SMPs should include federal lands

- Non-Federal activities on Federal land are (generally) subject to SMA
- Exceptions occur if Federal/state agreements establish exclusive Federal jurisdiction.
 - Exclusively Federal areas may properly be excluded from SMP.
 - Local governments will need to provide documentation of exclusive jurisdiction.

Shoreline jurisdiction is key to SMP

- Start early: Vital element of comprehensive update
- Start with maximum potential area; make decisions during SMP planning process
- Examine all available information
- Consult with Ecology planner