

Attachment B: Sedro-Woolley SMP

Ecology Required Changes

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

ITEM	SMP Submittal PROVISION (Cite)	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1.	Chapter 1 – Introduction	Under the SMA, the shoreline jurisdiction includes <u>water areas</u> that are 200 feet landward of the ordinary high water mark (OHWM) of waters that have been designated as either “shorelines of statewide significance” or “shorelines of the state” and their adjacent shorelands, defined as the upland area within 200 feet of the OHWM <u>and floodways and contiguous floodplain areas landward two hundred feet from such floodways</u> , as well as any associated wetlands (RCW 90.58.030).	Changes are required for consistency with RCW 90.58.030.
2.	Definitions - Floodway	<p>"Floodway" means the area, as identified in this Master Program, that either:</p> <p style="padding-left: 40px;">(a) Has been established in the <u>most current effective</u> federal emergency management agency flood insurance rate maps (FIRM) or floodway maps; or,</p> <p style="padding-left: 40px;">(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.</p>	The <i>Assessment of Shoreline Jurisdiction</i> and SMP map utilize the FEMA floodway to establish jurisdiction. Using both definitions would cause confusion as to what is the jurisdictional area.

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3.	Definitions - Shorelines	<u>"Shoreline areas" and "shoreline jurisdiction" is synonymous with "Shoreline Management Zone" (SMZ) as defined in this master program.</u> means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030	The change is required for internal consistency, per WAC 173-26-191(2)(a)(ii)(A).
4.	Definitions – Shoreline Management Zone	<u>"Shoreline Management Zone (SMZ)", as used in this document, is meant to define the area of the City's shoreline jurisdiction as allowed by RCW 90.58.030. The SMZ extends a minimum of 200 feet upland from the line of the ordinary high water mark (OHWM) of the Skagit River and floodways and contiguous floodplain areas landward two hundred feet from such floodways.</u> includes contiguous land upon which flood waters may be carried during periods of flooding that can occur with reasonable regularity, although not necessarily annually. These areas prone to flooding have been identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding. The floodplain and floodway are defined by the current effective US Army Corps of Engineers Flood Insurance Rate Maps (FIRM). The SMZ includes associated wetlands, but not wetland buffers. The SMZ extends waterward of the OHWM to mid-channel of the Skagit River.	The changes reflect shoreline jurisdiction per RCW 90.58.030 and the SMP development process identified in the <i>Preliminary Analysis of Shoreline Jurisdiction</i> .
5.	Definitions – Substantial Development	<u>"Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand seven hundred and eighteen dollars six thousand four hundred and sixteen dollars</u> (or the value as amended or adjusted for inflation per RCW 90.58.030 (3) (e)), or any development which materially interferes with the normal public use of the water or shorelines of the state. <u>As further defined in Chapter 6, Section B,</u> the following shall not be considered substantial developments for the purpose of this chapter:	The changes are required to reflect the most current dollar threshold and the complete list of exemptions in RCW 90.58.030 (3)(e).
6.	Chapter 4 – Shoreline Environment Designations <i>I. General</i>	There is only one reach of shoreline in the Sedro-Woolley SMZ. That reach is used almost entirely for park purposes and is shown in Map 4.1 <u>Figure 1 - SMZ</u> .	The change is required for internal consistency, per WAC 173-26-191(2)(a)(ii)(A).

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7.	Chapter 4 – Shoreline Environment Designations I. General	The regulatory jurisdiction, referred to herein as the Shoreline Management Zone (SMZ), extends a minimum of 200 feet upland from the line of the ordinary high water mark (OHWM) of the Skagit River and <u>floodways and contiguous floodplain areas landward two hundred feet from such floodways.</u> includes contiguous land upon which flood waters may be carried during periods of flooding that can occur with reasonable regularity, although not necessarily annually. These areas prone to flooding have been identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding. The floodplain and floodway are defined by the US Army Corps of Engineers 1989 Flood Insurance Rate Maps (Firm).	The deleted language is an optional method used to establish the floodway but was not used in the development of the SMP per the <i>Preliminary Assessment of Shoreline Jurisdiction</i> . Under RCW 90.58.030(2)(e), jurisdictions have an option to identify floodway as either the FEMA floodway as mapped on a FIRM, or the SMA statutory floodway. Where a jurisdiction has an applicable FIRM that covers the jurisdiction, it is important to clarify which definition applies.
8.	Chapter 4 – Shoreline Environment Designations Shoreline Map	Environmental Designations Map 4.1 <u>Figure 1 - SMZ</u> Shoreline Management Plan	The shoreline designation map needs to be corrected for internal consistency, per WAC 173-26-191(2)(a)(ii)(A).
9.	Chapter 5.3 C. Agriculture Regulation 3(d)	A buffer of natural or planted native vegetation shall be maintained between areas of new development for crops, grazing, or other agricultural activity and adjacent waters, channel migration zones, and wetlands. The City's Critical areas ordinance <u>regulations (Appendix C)</u> will be used to determine the extent and composition of the buffer when the application for a permit or letter of exemption is submitted.	Change required for internal consistency per WAC 173-26-191(2)(a)(ii)(A). Critical area regulations in Appendix C are the applicable provisions and not the Critical Areas Ordinance which are slightly different and may change independent of the SMP in the future.
10.	Chapter 6 B. Shoreline Substantial Development Permits Regulation 1(a)(i)	Any development of which the total cost or fair market value, whichever is higher, does not exceed \$5,718 <u>6,416</u> , if such development does not materially interfere with the normal public use of the water or shorelines of the state.	The change reflects the updated threshold in RCW 90.58.030 (3)(e).
11.	Chapter 6 D. Variances Regulation 5(b)(i)	That the strict application of the bulk, dimensional, or performance standards as set forth in the Master Program precludes or significantly interferes with a reasonable permitted use of the property.	Consistency with WAC 173-27-170(2)(a). The WAC does not include “a” which is significant from a legal standpoint.

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12.	Shoreline Critical Areas Regulations - Definitions	“Delineation” is the precise determination of wetland boundaries in the field according to the application of specific methodology as described in the Washington State Wetlands Identification and Delineation Manual, Washington State Department of Ecology publication #96-94 and the <u>approved U.S. Army Corps of Engineers Wetlands Delineation Manual and applicable regional supplements.</u>	Consistency with WAC 173-22-035.
13.	Shoreline Critical Areas Regulations – Article II.	Shoreland Wetlands designations. Wetlands within the SMZ shall be identified and designated through a site visit and/or a site assessment utilizing the definitions, methods and standards set forth in the Washington State Wetland Identification and Delineation Manual, Department of Ecology publication # 96-94 and the current approved U.S. Army Corps of Engineers 1987 Manual <u>and applicable regional supplements.</u>	Consistency with WAC 173-22-035.
14.	Shoreline Critical Areas Regulations - Shoreland Wetlands site assessment requirements. (C.2.)	Wetland community description including Cowardian classification and wetland rating based upon Washington State Department of Ecology’s Washington State Wetland Rating System for Western Washington - Parts 1 and 2, April 2004 <u>2014 Update (Ecology Publication #14-06-029, effective January 2015)</u> or subsequent revisions.	The changes reflect updated publications as required for consistency with WAC 173-26-221(2)(c)(i)(B).
15.	Shoreline Critical Areas Regulations – Alteration of shoreline wetlands. (K.6.)	Wetland mitigation banking programs consistent with the provisions outlined in the <u>wetland mitigation bank rule (WAC 173-700)</u> Department of Ecology’s publication #92-12 (Wetland Mitigation Banking) and publication Guidance on Wetlands Mitigation in Washington - Parts 1 and 1, April 2004 or subsequent revisions will be considered as a method of compensation for unavoidable, adverse wetland impacts associated with future development. <u>Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:</u>	Consistency with WAC 173-700.

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		<p>a) <u>The bank is certified under state rules;</u></p> <p>b) <u>The Administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and</u></p> <p>c) <u>The proposed use of credits is consistent with the terms and conditions of the certified bank instrument.</u></p> <p><u>Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified bank instrument. Credits from certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the certified bank instrument. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.</u></p>	