

**ATTACHMENT A: FINDINGS AND CONCLUSIONS**

Comprehensive Update to the Island County Shoreline Master Program

**SMP Submittal accepted April 2, 2013, Resolution #C-125-12**

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## Section 1 – Introduction

**SECTION 1: INTRODUCTION****USE OF THIS DOCUMENT**

Ecology's *Findings and Conclusions* (Attachment A), including reference to *Attachment B* (Required Changes) and *Attachment C* (Recommended Changes), provide the factual basis for Ecology's decision on the Island County (County) updated Shoreline Master Program (SMP). The document is divided into four sections providing introductory information (Section 1), findings related to the County's submittal (Section 2), amendment history and review process (Section 3), and conclusions (Section 4).

**DESCRIPTION OF PROPOSED AMENDMENT**

Island County submitted to Ecology for review a comprehensive amendment to their SMP to comply with the Shoreline Management Act (SMA) at RCW 90.58 and the SMP Guidelines (Guidelines) at WAC 173-26 (Part Three). The updated master program provides locally tailored shoreline management policies, environment designations, regulations, and administrative provisions, as well as local ordinances #17.02A (Critical Areas Regulations) incorporated as part of the SMP. Additional reports and supporting information and analyses noted throughout this document were considered by Ecology during review of the County's submittal.

**NEED FOR THE AMENDMENT**

The proposed amendment is needed to comply with a statutory deadline requiring a comprehensive update to local Shoreline Master Programs pursuant to RCW 90.58.080, and for compliance with planning and procedural requirements of WAC 173-26 and 27.

This SMP update is also needed to address land use changes that have occurred along county shorelines since the most recent County SMP amendment in June 2001. The proposed amendment also ensures the SMP is consistent with land use management policies and environmental protections provided by the County's Comprehensive Plan, the July 2008 Critical Areas Regulations (Ch. 17.02A, Ordinance C-02-08) and Special Flood Hazard Regulations (Ch.14.02A, Ordinance C-98-05).

**SECTION 2: FINDINGS OF FACT****AMENDMENT HISTORY, LOCAL REVIEW PROCESS**

The County indicates the proposed SMP amendments originated from a local planning process that began in July 2010. The record shows that the County Planning Commission held workshops open to the public on August 14 the 16th and 21st, 2012. The Planning Commission also conducted three public hearings on September 6th, 11th, and 25th, 2012. The Island County Board of Commissioners held three public meetings in October 2012 (9th, 15th & 16th) The County Board of Commissioners also conducted five public hearings in November 2012 (5th, 19th, 26th, 27th, 29th). Affidavits of publication provided by the County indicate notice of the workshops and hearings was published in the Whidbey Examiner on July 26, 2012, August 23, 2012, October 4, 2012 and November 1, 2012; and the Stanwood/Camano News (for Camano Island hearings on July 31 and August 28, 2012) on October 9, 2012. All public meetings and hearings were advertised on the Island County web site. After adoption of Resolution #C-125-12, on December 27, 2012, Island County authorized staff to forward the proposed amendments to Ecology for approval. The proposed SMP amendments were received by Ecology for state review and verified as complete on April 2, 2013.

## Section 2 – Findings of Fact

**Finding**

*Ecology finds that Island County satisfied the SMP-Guideline standards related to the local public process, [WAC 173-26-090, -100, and -201(3)b)], and submittal of the SMP to the Department for review (WAC 173-26-110).*

**INVENTORY AND CHARACTERIZATION (WAC 173-26-201)**

Documentation of current shoreline conditions is a key part of the SMP development process and addressing the no net loss standard of the state SMP Guidelines (WAC 173-26-186). As the first step on addressing this requirement, Island County developed a final Inventory and Characterization Report dated August 2011. This report documents existing shoreline conditions and inform development of the County's SMP (environment designations, policies and regulations) and restoration plan.

In addition to an inventory and characterization of environmental conditions, the County's Characterization report, together with the Cumulative Impact Analysis, address Ecology's other analytical requirements (WAC 173-26-201(3)(d)(iii) – (ix). For example, Chapter 4 and 8 of the Characterization report provide a shoreline use analysis [WAC 173-26-201(3)(d)(ii)], as well as public access opportunities [WAC 173-26-201(3)(d)(v)].

The County's Inventory and Characterization Report and companion map portfolio provides an ecosystem-wide (watershed) and reach-level analysis (reach sheets), of existing shoreline environmental and land use conditions.

Descriptions of current shoreline conditions below are categorized into three geographic marine shoreline regions and freshwater lakes. Island County has no rivers or streams that meet minimum state shoreline jurisdiction.

**West Whidbey Island Shoreline**

The Strait of Juan de Fuca shores of Whidbey Island are the most exposed shores of the Puget Sound and are heavily influenced by wind and wave driven processes. The shores of West Whidbey are largely encompassed within one large net shore-drift cell with northward drift. West Whidbey shorelines in general incur the most rapid erosion rates in the county and are predominantly bluff backed beaches (43%) and barrier beaches (34%). The Admiralty Inlet shorelines of central and southern Whidbey Island form a complex, crenulated shoreline with more embayments and variable fetch than along the Strait of Juan de Fuca.

Nearshore aquatic habitats and associated coastal lagoons (ex. Deer lagoon) provide habitat that supports a broad assemblage of fish and wildlife species including forage fish populations and habitat for anadromous salmon. All marine nearshore areas are likely utilized for rearing and as migratory corridors for anadromous salmonids throughout the Strait of Juan de Fuca and Admiralty Inlet shorelines (Beamer, EM, et al., 2006). The entire nearshore extent of the Whidbey's shorelines is designated as Critical Habitat for Chinook salmon; and the Cultus Bay shoreline is designated Critical Habitat for bull trout.

Land use throughout West Whidbey Island shorelines is characterized by a mix of state and federally owned facilities and property (mostly facing the Strait of Juan de Fuca), low to moderate density residential development and public facilities, public parks, and open space areas. Publicly owned and managed areas range in character from undeveloped parks areas within Fort Casey State Park and reserves (Smith and Minor Islands) to military facilities (Naval Air Station Whidbey Island) and the ferry terminal facility in Keystone Harbor. Numerous overwater structures providing private residential

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moorage are located within the Lagoon Point and Sandy Hook communities; these are the only two areas where high densities of private recreational piers are common along the entire West Whidbey Island shoreline. No overwater structures occur along the Strait of Juan de Fuca marine reaches, a result of the high wave and wind energy associated with the shoreline, which makes dock design and maintenance challenging and expensive.

***East Whidbey Island Shoreline***

The East Whidbey Island shoreline is quite diverse and overall is less exposed to wind and wave driven processes than West Whidbey. The Northeast Whidbey shorelines, including the Deception Pass Islands, are unique due to the rocky shore types, and proximity to Deception Pass and the strong tidal currents that flow through the area as well as the Skagit River delta. Maximum fetch is from the south, resulting in primarily northward net shore-drift. Southerly exposure is precluded by the north shore of Camano Island resulting in more moderate erosion rates than found in other areas of Whidbey Island. Common shore forms include bluff backed beaches, barrier beaches and embayments. The Oak Harbor and Penn Cove shorelines of Whidbey Island are some of the more complex, protected shores of Whidbey Island. Shore orientation is variable resulting in more complex patterns of net shore-drift. Penn Cove is far more protected than Oak Harbor, but areas consist of bluff backed beaches with intermittent embayments of variable size. The Saratoga Passage and Holmes Harbor shorelines of Whidbey Island have moderate exposure, which is largely dependent on shore orientation. Similar to the rest of Whidbey these shores are predominantly bluff backed beaches, barrier beaches and various embayment shore forms. The Possession Sound shorelines of southeast Whidbey Island are predominantly comprised of bluff backed beaches with fewer areas of barrier beaches.

Marine shorelines along East Whidbey Island provide habitat for out migrating anadromous salmonids as well as numerous other fish and wildlife species. Coastal lagoons located throughout the east side of the island provide habitat to juvenile salmonids. East Whidbey marine shorelines along Possession Sound provide juvenile rearing habitat for Chinook salmon. The nearshore areas of Northeast Whidbey Island provide important juvenile salmon habitat due to migratory patterns extending out from the Skagit River estuary, located on the opposite shoreline. Penn Cove includes eight subtidal aquatic beds, including eelgrass, and supports a rich population of benthic invertebrates, including extensive mussel beds and numerous clam species. Penn Cove is also a well known commercial shellfish growing area, primarily for mussels, but also for oysters and hardshell clams.

Land use along East Whidbey shorelines is predominately residential development with park areas located in Northeast Whidbey Island. The three incorporated areas of the county, Oak Harbor, Coupeville, and Langley, and the one other unincorporated urban area (Freeland), are all located along the east side of Whidbey Island. Residences are located on both low-lying areas near the shore, and atop steep bluffs. Riparian conditions are less altered in areas behind coastal bluffs than those areas with low-bank residential development. Higher levels of shoreline armoring occur in low-bank areas than bluff backed beach reaches. Dense residential development occurs in the Mariners' Cove canal community, Snakelum Point, Harrington Lagoon, Race Lagoon, along Hidden Beach Drive, Sandy Point, and shorelines extending north and south from the Clinton Ferry terminal.

***Camano Island***

The eastern and western shores of Camano Island are subject to different environmental conditions, resulting in different coastal environments. The Skagit River and Stillaguamish River estuaries and Port Susan shorelines on the eastern and northern sides of Camano Island are predominantly comprised of

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delta with bluff backed beaches and barrier beaches farther to the north and south of the delta influence. Physical processes are dominated by the influence of these river deltas, and two relatively short drift cells on the north and south ends of the area. The proximity of these estuary areas makes the eastern Camano shorelines important for out migrating and rearing juvenile salmonids, including anadromous bull trout populations. The Saratoga Passage shorelines of Western Camano Island are predominantly bluff backed beaches. Wind and wave exposure is greatest to the south along most of Saratoga Passage, with some lesser northern exposure. Northward net shore-drift predominates much of the area, resulting in bluff derived sediment feeding down-drift (northern) shores. These bluffs are primarily composed of glacial outwash gravels and sands overlying older drift and some glaciomarine drift. Landslides are common on these shorelines. The western Camano Island shorelines have less coastal lagoon or associated wetland areas than Eastern Camano Island and shorelines of Whidbey Island. The marine shorelines along Saratoga Passage provide juvenile rearing habitat for Chinook salmon, other anadromous salmonids, as well as numerous other species.

Land use patterns along the eastern marine shorelines of Camano Island are varied between the northern, central, and southern extents. The central portions of Camano's east-facing marine shoreline is more intensely developed, with higher density shoreline residential development occurring both behind and fronting bluffs. Significant portions of the estuary wetland areas have been modified by agricultural land uses, especially through diking. The southern portion of Camano's east facing shoreline (extending along Port Susan to and around Camano Head) is far less developed, with no bluff fronting residential development. The west facing Camano shoreline has a variety of existing land use including two state parks, residential development in the north and lower density rural residential development on the south end.

**Freshwater Lakes**

Five freshwater lakes in SMA jurisdiction are found in rural areas of Whidbey Island: Cranberry, Deer, Dugualla, Goss, and Lone Lakes. Kristoferson Lake is the only freshwater lake on Camano Island within shoreline jurisdiction. Of these, Cranberry Lake and Dugualla Lake were once brackish or saltwater marshes or coastal lagoons. Deer, Goss, Kristoferson and Lone Lakes are not located near marine shorelines, but rather are in or near the headwaters of their respective drainages. The shorelines of Lone, Cranberry, Kristoferson and Dugualla Lakes are abutted by wetlands on much or all of the shorelines. In some areas the riparian forests and wetlands abutting portions of these lakes have been cleared for agricultural use.

Deer, Goss, and Lone Lakes were once surrounded by tall conifer forests and wetlands. Today, the shorelines of Deer and Goss Lakes are largely developed with detached single family residences. Kristoferson, Lone, Cranberry and Dugualla Lakes have agricultural uses along portions of their shorelines. Kristofferson also has wetlands and riparian forest adjacent. The shoreline of Cranberry Lake has some residential uses, but mainly consists of wetlands, and the largely forested Deception Pass State Park.

**Finding**

*Ecology finds that the County's 2011 Inventory and Characterization report provides a sufficient assessment of existing shoreline environmental and land uses conditions consistent with State Guideline requirements of (WAC) 173-26-201 (3) (c) and (d). The analysis provides the SMP update process an adequate basis for developing shoreline environment designations, policies and regulations, and future protection and restoration opportunities in county shoreline jurisdiction.*

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**SHORELINE ENVIRONMENT DESIGNATIONS (WAC 173-26-211)**

Ecology guidelines at WAC 173-26-211 require local governments to classify shoreline areas into environment designations based on the existing use pattern, biological and physical character of the shoreline, and the goals and aspirations of the community as expressed in the comprehensive plan. The Inventory and Characterization Report is used to determine the relative degree of impairment and biophysical capabilities and limitations for individual shoreline reaches.

Based on this assessment, along with consideration of anticipated future development, zoning and other regulatory overlays, jurisdictions may apply the designation criteria provided in WAC 173-26-211 to determine which shoreline environment designation should be assigned, or develop their own tailored designation criteria.

Island County’s 2001 SMP had six designations (natural, urban, conservancy, rural, aquatic and shoreline residential environment). The county’s updated SMP used Ecology’s recommended designations with sub-designations under Shoreline Residential for unique communities, as follows:

Proposed Designation	% of total <sup>1</sup>
Natural	48%
Rural Conservancy	38%
Shoreline Residential <sup>2</sup>	14%
Urban conservancy	0.4%
High Intensity	0.3%
Aquatic	n/a
<sup>1</sup> <b>Percentage of total shoreland area</b>	
<sup>2</sup> <b>The SMP includes three Residential sub-designations</b>	

Island County did an excellent job incorporating shoreline inventory and characterization information for delineating shoreline environments. High intensity is limited to ferry terminals and boatyards. The Natural shoreline designation has been significantly expanded in some areas (e.g., Camano Island south end). The county differentiated Residential shorelines into sub-environments and developed unique standards (Historic Beach Communities, Canal Communities and Residential).

Consistent with Ecology’s guidelines, each designation includes a purpose statement, designation criteria, management policies and regulations.

As described in the County’s *Cumulative Impact Analysis*, permitted, conditional, and prohibited uses are established for each shoreline environment designation in a manner that limits impacts to ecological functions while allowing for appropriate development. Several land uses are prohibited in certain shoreline designations due to their potential to have substantial impacts to shoreline ecological functions or public health and safety. For example commercial uses are prohibited in the natural and rural conservancy environments due to potential impacts on these more ecologically intact shorelines. In addition, mobile home parks, floating homes and houseboats, and non-water-dependent industry are prohibited in all designations.

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Conditional land uses are activities that may be allowed in specific instances as long as the impacts of the use do not result in an overall degradation of the quality or health of the shoreline environment. Many of the shoreline designations outline a variety of conditional uses including but not limited to boat launches, float plane docks, marinas, aquaculture, ferry terminals, vehicular routes, utilities, dikes, grading, and groins and jetties. These uses warrant a higher level of scrutiny due to variations in project proposals, location, and their potential for impacts to shoreline ecological functions, public health, and safety.

SMP Table 1 (Shoreline Use Classification Table) provides detailed use and modifications allowances and prohibitions for all shoreline environments. The table structure is similar to the 2001 SMP. The main difference is more distinct use and modification categories. For example, Residential use is either Single-Family or Multi-family; Commercial uses either water-oriented or non-water oriented; Stabilization activities are either structural or nonstructural. The county also added a new category for Scientific and Educational uses.

**Finding**

*Ecology finds the County conducted a comprehensive process for developing Shoreline Environment Designations, using relevant information from the Inventory and Characterization Report. Ecology finds that with the exception of required clarifications identified in Attachment B, the county's proposed designations and use and modifications classification table (17.05A.080, table 1) are consistent with WAC 173-26-211.*

**GENERAL MASTER PROGRAM PROVISIONS (WAC 173-26-221)**

The SMP Guidelines in WAC 173-26-221 list general use provisions that are intended to apply broadly to all of types of shoreline development regulated by master programs. Island County's general provisions are located primarily under Shoreline Use and Development Regulations (**Section 17.05A.090**).

Critical area regulations for wetlands are adopted by reference in Section 17.05A.090.C.14. Regulations for geologically hazardous areas are established in Section 17.05A.090.C.12 which focuses mainly on requiring development to be consistent with Chapters 11.02 and 11.03 ICC. Fish and wildlife habitat conservation area regulations are established in Section 17.05A.090.C.13.

The Shoreline Use and Development Regulations (**Section 17.05A.090**) also address Ecology's general requirements for archaeological sites and public access.

These provisions must be met by any use, development, or activity regardless if a shoreline permit is required or not. If vegetation removal is necessary, the regulations require minimization and compensatory mitigation. Pruning vegetation is subject to specific standards while tree topping is prohibited. The SMP includes regulations that allow for reduced buffers and setbacks in specific circumstances.

The County's *Cumulative Impact Analysis* includes a summary of key elements and how each addresses potential ecological impacts. The report includes a concise table with critical area buffers for landslide hazard areas, fish and wildlife habitat conservation areas, and wetlands (Table 6-2). The report analyzes the adequacy of buffers and structure setbacks, and how the regulations address mitigation sequencing to avoid, minimize and compensate for impacts.

The report summarizes how Island County's SMP includes provisions address vegetation conservation requirements of WAC 173-26-221(5)(b). Proposed vegetative buffers are a primary means of avoiding

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impacts to shoreline processes in both marine and lake shorelines. Minimizing development and vegetation clearing within these areas protects riparian habitats for a rich assemblage of wildlife.

SMP Sec. 17.05A.090(D) Table 3 ( Minimum Shoreline Buffers, Setbacks, Lot widths & Maximum Impervious Surface Limits) provide vegetative buffers (50-125 feet) in the more protective shoreline environments (Natural, Rural & Urban Conservancy) and building setbacks from these buffers. Impervious surfaces are also limited to 10% in these shoreline environments. These environments encompass 88% of Island County shorelands. Such standards overlayed with the vegetation conservation regulations are key measures to ensure no net loss of ecological functions.

**Finding**

*Ecology finds that with the exception of required changes identified in Attachment B, the general policies and regulations are consistent with WAC 173-26-221.*

**SHORELINE USE PROVISIONS (WAC 173-26-241)**

The SMP Guidelines in WAC 173-26-241 are intended to both recognize existing uses and ensure that future development will be appropriately managed consistent with the underlying policies of the SMA. Avoidance of use conflicts through coordinated planning and prioritization of “preferred” shoreline uses is a primary tenant of the SMA (RCW 90.58.020). Updates to local SMPs are intended to support these goals through development of appropriate master program provisions, based on the type and scale of future shoreline development anticipated within a particular jurisdiction.

Island County’s SMP regulates shoreline uses under **Section 17.05A.100**. Consistent with WAC 173-26-186(5), the County master program reflects the principle that the regulation of private property needs to be consistent with all relevant constitutional and other legal limitations. As described under “Environment Designations” above, the updated SMP includes varying degree of flexibility within each shoreline environment depending on the current level of impairment of shoreline functions. For example, more restrictive regulations are applied to future uses in the Natural environments than in already altered shoreline environments. The SMP Use Matrix addresses all the uses required by Ecology guidelines, and also included other optional elements such as Signs; Scientific, Educational, Historic or Archaeological Uses; and Tourist Accommodations.

The most significant changes from the existing SMP address **residential use** and **aquaculture**, as described below.

**Residential**

Proposed Residential regulations limit the type and density of residential subdivisions, structures and appurtenances to avoid and minimize impacts while allowing for reasonable use. Density limits are established by shoreline environment designation: up to 1 unit per 5 acres is allowed in the Natural and Rural Conservancy designations and up to 4 units per acre are allowed in the Urban Conservancy and Shoreline Residential designations. Residential development is prohibited in High Intensity. Residential development is prohibited waterward of the ordinary high water mark. Floating homes are also prohibited. Live aboard vessels and houseboats licensed as vessels are restricted to approved marinas.

Residential development must comply with the shoreline buffer and setback standards and critical area buffers established in the SMP. Table 2 (Development Standards for Shoreline Environments) provides shoreline environment buffers and setbacks connected with applicable incorporated CAO standards. The SMP outlines impervious surface limits, side setbacks, height limits and referenced density standards.

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New residential development and subdivisions must be designed and built in a manner that avoids the need for future shoreline stabilization, which means that demand for stabilization in the future would be limited to existing structures that are threatened by erosion. New lots created must have adequate room for development outside all required buffer and setback areas. New subdivisions must also provide for shared access to the shoreline to limit impacts from individual access.

The magnitude of potential impacts from residential use and development is substantially related to the number of parcels where single family residential development can occur. New development in the future will occur on undeveloped lots (as infill development) and on newly created lots where subdivision is allowed.

The County's *Cumulative Impact Analysis* included a GIS analysis to determine the foreseeable development that may occur, specifically identifying vacant properties and subdividable properties (Appendix B, Methodology). A large portion of shorelines in Island County are currently in residential use (40 percent) and are zoned for residential use (63 percent). There is development potential associated with most properties in the shoreline; however, vacant properties and subdividable properties have the most potential to cause impacts to shoreline ecological functions.

Parcel analysis indicates that there is the potential for 588 additional residential units to be developed along county-wide SMA shorelines. Since there are approximately 9,422 existing parcels in or partially in shoreline jurisdiction, vacant parcels account for 6 percent of the total number of shoreline parcels. A majority of residential units would likely occur in the Rural Conservancy designation followed by the Shoreline Residential designation.

There are 188 subdividable parcels in Island County's shoreline jurisdiction, 2 percent of the total number of shoreline parcels. Three percent of the total shoreland area in Island County is considered vacant and 6 percent is considered subdividable. More than half of the subdividable land area in the shoreline is located in the Rural Conservancy designation.

The *Cumulative Impact Analysis* concludes that SMP regulations prevent impacts caused by residential development by limiting the size, scale and location of residential structures and by restricting the types of accessory uses/structures that are allowed including docks, bulkheads, beach stairs and boathouses. In several instances, the program relies on incorporation of existing County standards. Water quality implications from residential development are addressed by stormwater management requirements, minimum requirements for new or expanded septic fields, and by protections for associated wetland areas provided by critical areas standards. These protections are further reinforced by Environment Designation-specific shoreline buffers and setbacks that will limit many new impacts to riparian zones. The buffers are a primary means of avoiding impacts to shoreline processes in both marine and lake shorelines. Riparian zones that support native vegetation provide habitat to a rich assemblage of wildlife. Minimizing development and vegetation clearing within these areas protects riparian habitat. In addition, all riparian zones provide some degree (depending on existing condition) of water quality and hydrologic functions that are important to maintaining aquatic habitat; the proposed buffers and setbacks will provide significant protection for these functions.

Additional protective standards require that new residential development be designed to avoid the need for new structural shoreline stabilization, avoiding many potential impacts to nearshore processes – including sediment input and movement, water movement and organic input.

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Residential regulations also address the impacts of *re-development*, Island County's most intensively developed residential shorelines include older dwellings, many of which were built as seasonal cabins. Over time it is expected that many of these structures will be remodeled or replaced with larger structures and used for more of the year. Regulations for these communities already vary in terms of density, and each has a character that is unique in some way. The proposed regulations would generally not allow structures to be constructed substantially closer to the shoreline than is the pattern in these shorelines, although some waterward expansion could be allowed. Most cases would require vegetation enhancement at the water's edge proportional to the scale of the development, ensuring expansions do not further degrade functions.

**Aquaculture**

Proposed aquaculture policies and regulations apply to the broad range of aquaculture uses and development including research, restoration, commercial, and aquaculture on private property for personal consumption. Aquaculture is identified as "a preferred, water-dependent use of regional and statewide interest that is important to the long-term economic viability, cultural heritage and environmental health of Island County." Many of the proposed aquaculture policies and regulations are either new or modified from the existing SMP. New requirements for aquaculture activities range from application requirements to limitations on finfish facilities.

The proposed update abolishes aquaculture districts established in 1985 and modified in subsequent SMP amendments. The districts were created based on the *Island County Regional Aquaculture Study* (Island County 1981) and related environmental review documents (Island County 1983 and 1984). In 1990, three aquaculture districts for floating cages, rafts, longlines, and submerged cages (1A-1C) were deleted as part of a limited amendment, severely restricting siting options for commercial aquaculture (Island County 1990). The proposed policy notes that the districts "have not facilitated better resource management" and the updated SMP will manage aquaculture "when and where best available science can support no negative impacts will occur."

All aquaculture facilities and activities must be located and designed to avoid adverse impacts to eelgrass and macroalgae, and use best management practices to minimize light, noise, and odor.

Aquaculture proposals must demonstrate they will not spread disease to native marine or aquatic life or establish new nonnative species which cause significant ecological impacts. Aquaculture proposals that hydraulically, mechanically, or by commercial digging, displace or disturb bottom sediments must demonstrate that harm to aquatic habitat will be minimized. Aquaculture proposals in Holmes Harbor are only permitted when the applicant can demonstrate that culture will not result in adverse environmental effects in this area of special concern.

Floating and submerged aquaculture structures shall be located to not unduly restrict navigational access or normal public use of the surface waters. Structures constructed on public tidelands shall not restrict pedestrian use along public beaches.

With the exception noted below, commercial aquaculture is permitted with a conditional use permit, including clam and oyster aquaculture, conversions from non-geoduck to geoduck aquaculture, and aquaculture on private land for personal consumption. This is an expansion of opportunity over the existing current SMP which restricts subtypes of shellfish aquaculture to certain districts, even if "some of the species listed...may be impossible to grow in the particular district mapped." (See Ecology 1985,

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Exhibit B, p. 16, Legend for Figures 2A and 2B.) As clarified in required changes to ICC 17.05A.090, Table 1, non-commercial aquaculture including restoration, research and enhancement is permitted.

The locally adopted SMP included significant restrictions on commercial finfish facilities. Commercial open water net pens are prohibited in marine waters, as are non-native fish. Finfish facilities, whether in-water or upland, are prohibited within 12 statute miles of the mouths of the Skagit, Stillaguamish, and Snohomish Rivers. Taken together, these proposed requirements restrict the opportunity for commercial finfish aquaculture to upland “contained” facilities of native fish along the western shoreline of Whidbey Island and the inner, upland shorelines of Penn and Holmes Harbors.

The *Cumulative Impact Analysis* includes a brief description of Aquaculture Use Regulations. Ecology provided comments on the aquaculture section of a draft Analysis in 2013. Ecology requested more in-depth rationale for some of the aquaculture regulations and specifically the jurisdiction-wide de-facto prohibition of commercial marine finfish net pens. In response to Ecology’s preliminary comments, the Analysis was slightly changed and additional documents were submitted with the locally adopted SMP as support for a de-facto prohibition. [See References: Brooks and Mahnken 2003, and Island County 1981, 1983 and 1984.] After extensive discussion, Ecology and the county have determined an alternative approach to addressing commercial finfish facilities. Rather than adopt specific regulations, the county will adopt a prohibition on salmon finfish facilities, to be revisited during the county’s periodic review in 2020 based on an updated state rule and guidance document. This approach acknowledges the county heard no comments in support of finfish facilities during the SMP update. The rationale for Ecology authorizing the prohibition is the county’s assertion that there is no compelling state interest in planning for a use that is not reasonably foreseeable at this time.

**Finding**

*Ecology finds that with the exception of required changes identified in Attachment B, the County has established a system of use regulations consistent with WAC 173-26-241 and related environment designation provisions that accommodate preferred and priority uses, protect property rights while implementing the policies of the SMA, reduce use conflicts, and assure no net loss of shoreline ecological functions.*

**SHORELINE MODIFICATIONS (WAC 173-26-231)**

The SMP Guidelines in WAC 173-26-231 define “shoreline modifications” as: “...generally related to construction of physical elements such as a pier, floating structure, shoreline stabilization, dredged basin, or fill...” WAC 173-26-231(2)(b) states (as a general principle) that master programs should: “Reduce the adverse effects of shoreline modifications, and as much as possible, limit shoreline modifications in number and extent.” These shoreline modification principles and standards contained in WAC 173-26-231 are reinforced through associated requirements for mitigation sequencing (WAC 173-26-201(2)(e) and the no net loss of shoreline ecological function standard (WAC 173-26-186).

Island County’s SMP regulates shoreline modifications under **Section 17.05A.110**, and address Shoreline Stabilization, Moorage facilities (docks, piers and floats); Grading and Filling, Dredging and Dredged Material Disposal, and Breakwaters, Jetties, Groins, Tide Gates and Weirs.

The primary changes from the existing SMP address **piers and docks** and **shoreline stabilization** modifications, as described below.

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**Piers and docks**

Regulations for piers and docks are organized by general standards that apply to both new and replacement structure. General regulations focus on reducing impacts on coastal processes and navigation, and minimizing impacts on aquatic habitat by providing size limitations for water dependent uses and encouraging shared use over single use piers or docks. There are separate design standards for marine and lake piers and docks. All dock and pier components that may come in contact with the water must consist of non-toxic materials, such as wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Cross-referencing to US Army Corps of Engineers regional general permit standards for Puget Sound provide good connection to Federal requirements. Replacement thresholds are defined at 50% of overwater structures (decking and piles) over a five year period. Within the aquatic shoreline environment private and public piers and docks require a conditional use permit. The SMP includes a unique set of regulations for canal communities that recognize the modified environments on these shorelines. These standards provide flexibility for developing community dock and pier master plans within the three Whidbey Island canal communities.

As described in the *Cumulative Impact Analysis*, existing single family docks and piers are generally sparse on marine shorelines, due in many areas to wind and wave conditions that make such structures costly and in some cases unsafe for moorage. On shallow beaches and tideflats, such structures would need to be so long that they are too costly for single family development. However, there are concentrations of docks in three marine areas: Sandy Hook, Lagoon Point on Whidbey Island, and the Camano Island Country Club lagoon. Docks are also common on Goss Lake, Deer Lake, and Lone Lake.

Future dock construction is expected to be located in areas already developed with existing docks and buoys such as those areas described above. This is because remaining areas of Whidbey and Camano Island are not conducive to dock or pier construction due to wind and wave energy. Dock reconstruction is also expected, although it is not possible to estimate the degree to which this will occur. Existing docks, piers, or floats that do not conform to current required dimensional standards may be replaced or reconstructed to the existing dimensions, provided they are consistent with all other performance standards (e.g., use of non-toxic materials) and the standards of the U.S. Army Corps of Engineers and the Washington Department of Fish and Wildlife. Replacement docks also must include measures that increase light transmission through the deck, maximize the height of piers above the water surface, reduce the overall number or size of piles, enhance the shoreline vegetation, and minimize impacts on shallow-water habitat.

**Shoreline stabilization**

The county's shoreline stabilization regulation are organized into six different categories: 1) all shoreline stabilization; 2) existing structural shoreline stabilization; 3) new or expanded structural shoreline stabilization; 4) applications for shoreline stabilization; 5) design regulations; and 6) shoreline restoration or beach enhancement.

Regulations for existing structural shoreline stabilization are split between developments located outside canal communities and inside canal communities. Outside of canal communities, existing structural shoreline stabilization may be replaced in kind (or with softer shoreline stabilization measures) if there is a demonstrated need to protect public transportation infrastructure, essential public facilities, or primary structures from erosion caused by currents, tidal action or waves. The replaced structure must perform the same stabilization function as the existing structure. In canal

## Section 2 – Findings of Fact

communities, existing bulkheads may be replaced provided the replacement structure performs the same stabilization function as the existing structure; and the replacement structure is aligned horizontally and vertically with the predominant line and height formed by other bulkheads on the same shoreline.

As described in the *Cumulative Impact Analysis Report*, the SMP incorporates the fundamental mitigation strategy required by Ecology guidelines by requiring applicants for stabilization proposals to demonstrate first that the project is needed. Where stabilization is needed, the least impacting alternative type must be used. The SMP requires that construction will not substantially disrupt beach feeding action or littoral drift on marine feeder bluffs; and protection of residential yards, lawns and landscaping should be accomplished only through “soft” approaches such as upland drainage control, vegetation protection, relocation of structures or improvements, or beach nourishment.

**Finding**

*Ecology finds that with the exception of required changes identified in Attachment B, the County’s Shoreline Modification standards are consistent with mitigation sequencing principles provided for in WAC 173-26-201(2)(e); requirements in WAC 173-26-231, relating to shoreline modifications; and the Boating Facilities requirements of WAC 173-26-241(c).*

**CUMULATIVE IMPACT ANALYSIS**

Addressing no net loss of ecological functions is a critical element in any SMP update. WAC 173-26-201(2)(c) (Protection of Shoreline Ecological Functions) requires that: “Master programs shall contain policies and regulations that assure at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources.” A cumulative impacts analysis documents how an SMP update addresses no net loss of ecological functions.

Upon completion of the final draft SMP in 2012, Island County produced a Cumulative Impact Analysis to assess potential impacts resulting from anticipated future development allowed by the updated SMP. As described in the sections above, proposed General Regulations and the integrated Critical Areas Ordinance (CAO) address most commonly expected future impacts to ensure regulations achieve no net loss of ecological functions. The CAO standards have been reviewed and revised for compliance with SMA and guidelines requirements. Shoreline environment-specific development standards and more stringent stabilization and pier/dock standards are other key SMP elements. The County also relies on non-regulatory incentives, intergovernmental coordination, and enforcement in their multi-faceted approach to managing shorelines.

Appendix A of the Cumulative Impact Analysis includes tables for three marine areas (East Whidbey, West Whidbey and Camano) and a table for lakes. The tables provide a concise summary of: 1) current conditions; 2) likely future changes; 3) ecological functions at risk; 4) the effects of proposed SMP provisions; and 5) anticipated future performance, concluding that SMP provisions address cumulative impacts.

**Finding**

*Ecology finds that the County’s Cumulative Impact Analysis presents an adequate analysis of shoreline uses and modifications per WAC 173-201(3)(d)(iii).*

## Section 2 – Findings of Fact

## RESTORATION PLAN

Pursuant to WAC 173-26-201(2)(c) and (f), local governments are directed to identify restoration opportunities as a component of the SMP-update process, establish implementation goals that coordinate and facilitate appropriate publicly and privately initiated restoration projects.

Island County prepared a December 2012 shoreline restoration planning element. The plan is a multifaceted approach towards restoring shoreline ecological functions. It includes policies which link the plan to the shoreline master program. The plan outlines a number of existing restoration programs at the County, the local Conservation District and a number of local non-profit organizations and tribes.

There is a history of coordination amongst various groups with project development and implementation. The plan also includes a lengthy table of possible restoration opportunity areas and supporting map. There are 88 potential restoration sites listed by shoreline segment to correspond with the shoreline characterization. Projects vary from beach nourishment, creek-mouth day lighting, bulkhead removal and creosote piling removal. Projects are classified as short or long term with prioritization criteria. Implementation strategies and potential funding opportunity areas also described, along with an appendix outlining technical assistance and funding resources.

### *Finding*

*Ecology finds the Shoreline Restoration Plan is based on appropriate technical information available to the County during the SMP update. The plan fulfills the requirements of WAC 173-26-201(2)(c) and (f).*

## OTHER STUDIES OR ANALYSES SUPPORTING THE SMP UPDATE

Ecology reviewed a large number of reports, studies and information related to the County SMP update, all of which are included in the master file record, or are listed as “references” at the end of this document. Key supporting documents include the:

- *December 2010 public participation plan,*
- *August 2011 shoreline inventory and characterization,*
- *March 2013 cumulative impacts analysis,*
- *August 2011 shoreline use analysis, and*
- *December 2012 restoration plan.*

## CONSISTENCY REVIEW

**Consistency with the Shoreline Management Act (RCW 90.58):** The proposed amendments have been reviewed for consistency with the policy and procedural requirements of RCW 90.58.020 and the approval criteria of RCW 90.58.090.

**Consistency with applicable guidelines (WAC 173-26):** The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program guidelines (WAC 173-26-171 through 251 and -020 definitions). This included review of a SMP Submittal Checklist, which was completed by the County.

**Consistency with SEPA Requirements:** The County submitted evidence of compliance with RCW 43.21C, the State Environmental Policy Act (SEPA) in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on [August 21, 2012. Notice of the SEPA determination was published in the Whidbey Examiner on August 23, 2012. Ecology did not comment on the DNS.

## Section 3 – Department of Ecology Review

**SECTION 3: DEPARTMENT OF ECOLOGY REVIEW PROCESS**

The proposed SMP amendments were received by Ecology for state review and verified as complete on April 2, 2013. This action initiated formal state review of the proposed SMP. Notice of the state comment period was distributed to state task force members and interested parties identified by the County on April 18, 2012, and published in the Whidbey Examiner on April 25, 2013 in compliance with the requirements of WAC 173-26-120. The state comment period began on April 24, 2013 and continued through June 24, 2012. A public hearing was held on May 1, 2013 in Coupeville with a concurrent meeting via videoconference on Camano Island.

**SUMMARY OF ISSUES RAISED DURING THE ECOLOGY PUBLIC REVIEW PROCESS**

Ecology received 339 comments from 79 citizens and 16 organizations. Consistent with SMP-Guideline review requirements in WAC 173-26-120, Ecology provided the County with a summary of comments. The *Responsiveness Summary* (Attachment D) includes responses by the County to SMP topics raised by the comments pursuant to [WAC 173-26-120\(6\)](#). The following is a summary of the most common issues raised and both Island County's and Ecology's responses.

***Shellfish aquaculture***

**Summary of comments:** Ecology received comments from shellfish aquaculture industry representatives expressing concerns that the SMP did not plan adequately for aquaculture consistent with the SMA, SMP Guidelines, the federal shellfish initiative launched in 2011 (NOAA 2014) and the state shellfish initiative launched in 2011 (WA State 2011). Comments focused in great part on policies and regulations modified late in the Island County process without public input. Comments requested changes to regulations including those that target shellfish aquaculture in Penn Cove, which has been the site of mussel operations for several decades, and a policy that would appear to prohibit the standard method of harvesting geoduck clams in the intertidal areas and on state-owned aquatic lands.

**Summary of County response:** Island County's Response indicates the county met with shellfish industry representatives subsequent to Ecology's public comment period. The County subsequently provided Ecology with a number of changes to aquaculture provisions that would clarify the code while ensuring a high level of environmental protection (Island County, letter dated August 30, 2013).

***Finfish aquaculture***

**Summary of comments:** Ecology received numerous comments on proposed aquaculture standards for finfish facilities (commercial marine finfish net pens). Twenty-five interested parties provided written and/or verbal comments in support of the County's policies and regulations restricting finfish facilities to native species and upland facilities. Many comments express support for the County's proposed restrictions on the location and type of finfish facilities. Several comments express disappointment in Ecology's interpretation of the SMA and SMP Guidelines regarding water-dependent uses, and request that Ecology allow Island County to prohibit finfish facilities. Interested parties express concerns about impacts to native endangered salmon primarily from water pollution, disease, sea lice, and escaped Atlantic salmon. A letter and computer disk of documents were provided by Whidbey Environmental Action Network (WEAN) that describe these concerns in detail. Categories of issues raised by WEAN include requirements of the SMA and policy interpretations in the SMP Guidelines and Aquaculture Interim Guidance; water and sediment impacts; disease transmission to wild fish; parasite (sea lice) transmission to wild fish; and escapement. Many other comments echoed the impacts noted in WEAN's comments and/or explicitly supported WEAN's position.

## Section 3 – Department of Ecology Review

Representatives of the commercial finfish aquaculture industry did not comment during Ecology's formal public comment periods on the proposed Island County SMP.

**Summary of County response:** Island County did not provide substantive response to supportive comments on finfish facilities, because the comments support the county's proposed policies and regulations. Ecology and Island County have agreed to amendments that replace specific regulations with a temporary prohibition on commercial finfish facilities, pending updated guidance from the state. Ecology has included the temporary prohibition as a required change consistent with the county's request. The county will revisit the issue during statutorily scheduled periodic reviews required by the SMA at RCW 90.58.080.

**Nonconforming uses**

**Summary of comments:** Ecology received more than 75 public comments primarily from shoreline property owners. All commenters opposed the SMP non-conforming standard which allow a nonconforming structure to be rebuilt if any unintentional damage does not exceed 75% [SMP, Sec. 17.05A.140(H)]. If a nonconforming development is unintentionally damaged to an extent not exceeding seventy-five percent (75%) of its real valuation exclusive of foundations, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, provided that application is made for the permits necessary to restore the structure within one year of the date the damage occurred, all permits are obtained, and the restoration is completed within two (2) years of permit issuance. Comments focused on deleting this provision and having properties grandfathered as it applies to the current and any subsequent owners so that buildings are replaceable with up to 100% loss from damage. Related comments included concerns that insurance may not cover a house depending on coverage if Sec. 17.05A.140(H) is approved, and that the SMP may have negative impacts on property values.

**Summary of County response:** Island County's responses clarify that the 75 percent threshold does not apply to existing legally established residences and would not prohibit an existing legally established residence from being reconstructed if damaged or destroyed. The new SMP states that all legally existing residences are conforming uses. The 75 percent would not prevent a home from being rebuilt in the event of a catastrophe. Section 17.05A.090.E(3) states that existing homes that are within a required setback or buffer may be rebuilt or replaced, provided they are rebuilt within the established footprint. Also ICC 17.05A.140.A states that legally established homes that do not meet to the setback requirements of the new SMP shall be considered "conforming structures," so the 75 percent threshold that applies to non- conforming structures would not apply to existing homes.

**Public Access**

**Summary of comments:** Ecology received comments requesting that the County develop an overall public access plan and schedule. Various Island County public access citizen groups have previously identified over 90 County owned shoreline access road ends as well as dedicated public beaches. Other comments expressed concerned with lack of updated maps of existing public access sites and inaccuracies with these maps; elimination of existing public access; enforcement of existing laws to maintain existing public access points at road ends; encroachment of neighboring private property on existing access sites; and inadequate maintenance of existing public access sites. Opposing comments were concerned with improving existing public access sites and opposed to creating additional sites, mainly due to Island County budgetary challenges of adequately maintain current public access sites.

**Summary of County response:** Island County's Response noted that the SMP public access policy includes direction to create a public access plan to be adopted as an element of the comprehensive

## Section 3 – Department of Ecology Review

plan. The county directed attention to both general and specific provisions applicable to public access, including Section 17.05.090.M(9) which stipulates that access provided by public road ends, rights-of-way, and utility corridors shall not be diminished by the County, neighboring property owners, or other citizens. The county noted this specific provision would control over the more general provisions found elsewhere in the public access section. The county's response indicates that under 17.05A.090.M, public access encroachments will be considered violations. As noted below, Island County provided Ecology recommended changes to clarify public access regulations (Island County, August 30, 2013).

***Planning for Canal Communities***

**Summary of comments:** Members from the canal communities of Mariners Cove and Lagoon Point recommended programmatic shoreline permits for the three Whidbey Island canal communities. Members requested that canal community master plans should define setback, bulkhead, piling, dock and gangway standards for their own canal lots, exclusive of any conflicting general standards that may be contained in the SMP. Commenters were in favor of a Master Plan with Island County that would show all of these provisions in one place to streamline permitting for these common shoreline uses and modifications in canal communities.

**Summary of County response:** Island County's Response indicated that the proposed SMP update contains numerous provisions unique to canal communities. These provisions streamline permit processes and generally make allowances for uses and activities which would otherwise be prohibited or difficult to permit, including: special setbacks (ICC 17.05A.090.D), setback reduction provisions (ICC 17.05A.090.J), docks (ICC 17.05A.110), and bulkheads (ICC 17.05A.110.B). The county noted the proposed SMP also establishes a process by which designated canal communities can obtain a "master permit" to cover a variety of future activities.

***No Net loss of Ecological Functions***

**Summary of comments:** Ecology heard concerns that the SMP supports alteration and development of shorelines and that the proposed buffers are not adequate for long term protection of shoreline ecological functions.

**Summary of County response:** Island County's Response noted that the ICSMP was developed consistent with the State Shoreline Management Act and the State SMP guidelines to achieve no net loss of ecological functions. The county stated that most current scientific information was used to develop the County Shoreline Characterization and cumulative impacts analysis, and policies and regulations were developed in part on these reports.

**SUMMARY OF ISSUES IDENTIFIED BY ECOLOGY AS RELEVANT TO ITS DECISION**

Ecology has reviewed the locally adopted SMP for consistency with applicable SMP-Guideline requirements, and considered the county's response to issues raised during Ecology's public comment period (Attachment D).

Ecology has considered County suggestions to clarify the SMP to further address issues raised during Ecology's public comment period (Island County, August 30, 2013). This letter indicated suggested changes to regulations addressing: Canal Community Docks; Common Line Setback Reduction Procedures; Public Access; Shellfish Aquaculture Standards; Dock Grating; and the environment designation for Camano Island State Park.

## Section 3 – Department of Ecology Review

The following topics are issues relevant to Ecology’s final decision on updates to the Island County SMP. Required or recommended changes to address each of the following topic areas are included in Required Changes (Attachment B) or Recommended Changes (Attachment C).

**Shoreline Environment Designations (17.05A.060):** For consistency with WAC 173-26-211(2)(b), the SMP should be clarified so that in the event of a mapping error, the jurisdiction will rely upon criteria in the SMP; RCW 90.58.030(2); and chapter 173-22 WAC. Based on suggested changes from Island County (8/30/2013 letter), the SMP should amend the designation for Camano Island State Park.

**Definitions (17.05A.070):** For consistency with WAC 173-26-0202, the SMP should include several additional definitions or changes to existing definitions.

**General Shoreline Development Standards (17.05A.090):** Based on suggested changes from Island County (8/30/2013 letter and subsequent discussions with county staff), the SMP should clarify a number of general development standards including those related to common line setback provisions, allowed uses within building setbacks, and public access. Clarification is needed on which sections of the Critical Areas regulations do not apply within shoreline jurisdiction including exemptions and Reasonable use exceptions. The SMP could also benefit from additional footnotes to the Use Classification Table.

**Shoreline Specific Use Regulations (17.05A.100):** Based on suggested changes from Island County (Island County, August 30, 2013), the SMP would benefit from a number of clarifications to aquaculture provisions related to shellfish. In addition, the county and Ecology have agreed to replace proposed finfish aquaculture policies and regulations with a temporary prohibition on new finfish facilities in marine waters, to be revisited during the next statutorily scheduled periodic review of the SMP.

**Shoreline Modification Regulations (17.05A.110):** The SMP would benefit from additional clarity on shoreline stabilization standard that apply in canal communities to improve consistency with WAC 173-26-231(3)(a)(iii)(B).

**Shoreline Master Program Procedures (17.05A.130):** The SMP would benefit from clarifications to the Shoreline Permit Application section to improve consistency of OHWM determinations between applicants and reviewing agencies.

## SECTION 4: CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the County’s SMP proposal, subject to and including Ecology’s required changes (itemized in **Attachment B**), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions that is anticipated to result from implementation of the new master program amendments [WAC 173-26-201(2)(c)].

Ecology also concludes the proposed SMP would be further improved through adoption of recommended changes listed in **Attachment C**.

Ecology concludes that the County has chosen *not* to exercise its option pursuant to RCW 90.58.030(2)(f)(ii) to increase shoreline jurisdiction to include land necessary for buffers for critical areas located within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the County’s critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the

## Section 4 – Conclusions

buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas (with buffers not extending beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

Ecology concludes that the County has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the County have complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP amendment process.

Ecology concludes that the County has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the County has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the County SMP amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in WAC 173-26-120.

## DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments are consistent with the policy of the Shoreline Management Act, the applicable guidelines and implementing rules, once changes set forth in **Attachment B** are accepted by the County. The County may also choose to accept Recommended Changes in **Attachment C**. Ecology approval of the proposed amendment with required changes is effective on the date at which Ecology receives written notice that the County has agreed to the required changes. As provided in RCW 90.58.090(2)(e)(ii) the County may choose to submit an alternative to all or part of the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action on the amendment.

## SECTION 5: REFERENCES

Brooks and Mahnken 2003. Interactions of Atlantic salmon in the Pacific northwest environment II. Organic wastes. Fisheries Research 62 (2003) 255-293. Elsevier Science B.V. Kenneth M. Brooks, Aquatic Environmental Sciences, Port Townsend, WA and Conrad V.W. Mahnken, NW Fisheries Science Center, NMFS, Seattle, WA.

*Ecology 1985*. Letter from Glen H. Fiedler, Deputy Director, Washington State Department of Ecology to the Honorable William F. Dunlop, Chairman, Island County Board of County Commissioners regarding approval of amendments to Shoreline Management Master Program for Aquaculture. June 4, 1985.

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*Island County 1981.* Island County Regional Aquaculture Study. Prepared for Island County Planning Department by Fisheries Production & Systems Planning and Dick-Tracy Associates, Inc., June 1981.

*Island County 1983.* Island County Shoreline Management Master Program Amendments on Aquaculture – Draft Environmental Impact Statement. Prepared for the Island County Planning Department by Fisheries Production & Systems Planning, October 1983.

*Island County 1984.* Island County Shoreline Management Master Program Amendments on Aquaculture – Final Environmental Impact Statement. Prepared by the Island County Planning Department, May 1984.

Island County, 1990. Shoreline Master Program (amendments deleting aquaculture districts).

Island County Shoreline Master Program Update, Shoreline Inventory and Characterization, August 2011.

Island County Shoreline Master Program Update Cumulative Impacts Analysis, February 2013.

Island County Shoreline Master Program Restoration Plan, December 2012. Island County, August 30, 2013. Letter to Ecology from Brad Johnson with proposed changes to the locally adopted SMP to address issues raised during Ecology's public comment period.