2 REGULATORY OVERVIEW

Counties, cities, and towns develop or update local SMPs to be in compliance with Washington state's SMA (RCW 90.58) and consistent with Ecology's guidelines. Washington's SMA addresses concerns about the effects of unregulated development on shorelines. The SMP update process indicates the joint state/local nature of the SMA program as local governments develop SMPs in close coordination with Ecology, informed by local opportunities and constraints, and consistent with state law and guidelines.

2.1 Local, State, and Federal Plans and Regulations

SMPs provide provisions to protect archaeological resources, historic resources, and environmentally critical areas within the shoreline, as well as to maintain flood hazard protection (WAC 173-26-221). Environmentally sensitive areas (critical areas) within the City include wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas.

The City references Franklin County's existing SMP, originally adopted in 1974, for shoreline development and also has critical areas regulations under Pasco Municipal Code Title 28 for wetlands, fish and wildlife habitat, aquifer recharge areas, flood hazard areas, and geologically hazardous areas. Table 1 includes a summary of critical area buffer and mitigation requirements identified in these regulations for the City.

Critical areas for shoreline jurisdiction areas and individual reaches are also described within the flooding and geological hazards and habitat characteristics sections of the Reach Characterization Tables provided in Appendix A. These features are also identified, as applicable, in the map folio provided in Appendix B.

Table 1

Critical Areas Buffers and Mitigation Requirements Summary (as of 2014)

PMC CAO (2009)	Protection Standards					
Wetlands						
Chapter 28.16	Wetland Delineation and Rating System		• Washington State Wetlands Identification and Delineation Manual (1997), as amended • Washington State Wetlands Rating System for Eastern Washington - Revised and the most current copy should be referred to for additional information[1]			
	Buffers and Mitigation Ratios		**Category**			
			I	II	III	IV
	Buffer (feet)	Land Use with High Impact	250	200	150	50
		Land Use with Moderate Impact	190	150	110	40
		Land Use with Low Impact	125	100	75	25
	Mitigation Ratio	Restoration/Creation	4:1	2:1	2:1	1.25:1
Fish and Wildlife Habitat Areas						
Chapter 28.20	**Classification**		**Protection Standards**			
	Primary and Secondary Habitats		Detailed Study shall be required for any activity within 200 feet of a fish and wildlife habitat area and shall: • Be completed by (or subject to review by) a fish and wildlife biologist • Identify the required habitat • Recommend appropriate buffers based on WDFW PHS management recommendations			
	Primary Habitat (includes rivers identified as "Shorelines of the State" under the City SMP and streams within the SMA jurisdiction)		Habitats and species that have been identified as Priority Species or Priority Habitats by the WDFW PHS Program should not be reduced and shall be preserved through regulation, acquisition, incentives and other techniques			

Notes:

1 = The most current copy at the time of this SMP Update is the Washington State Department of Ecology Publication # 04-06-15 (Ecology 2004, Revised 2007)

CAO = Critical Areas Ordinance
PMC = Pasco Municipal Code
SMP = Shoreline Master Program
PHS = Priority Habitat and Species
SMA = Shoreline Management Act
WDFW = Washington Department of Fish and Wildlife

In addition, federal, state, and local regulations also apply to these features. Federal regulations include the Clean Water Act (Sections 404 and 401), Endangered Species Act (ESA), Federal Water Pollution Control Act, National Environmental Policy Act, and the National Floodplain Insurance Program.

State regulations are administered through the RCW and include the State Environmental Policy Act, the Hydraulic Project Approval, the Bald Eagle Protection Rules, the Surface Mining Act, the State Water Code and Water Pollution Control Act, and the SMA.

2.1 Cultural Resources and Shoreline Development

Federal, state, and local cultural resource laws apply to shoreline development. Section 106 of the National Historic Preservation Act requires a cultural resource review process for federally funded and permitted projects. State laws include RCW 27.53 (Archaeological Sites and Records), which prohibits the unpermitted removal of archaeological materials and establishes a permitting process, and RCW 27.44 (Indian Graves and Records), which describes how human remains must be treated.