Preliminary Shoreline Jurisdiction

Washington Department of Ecology

Coastal Training Program

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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

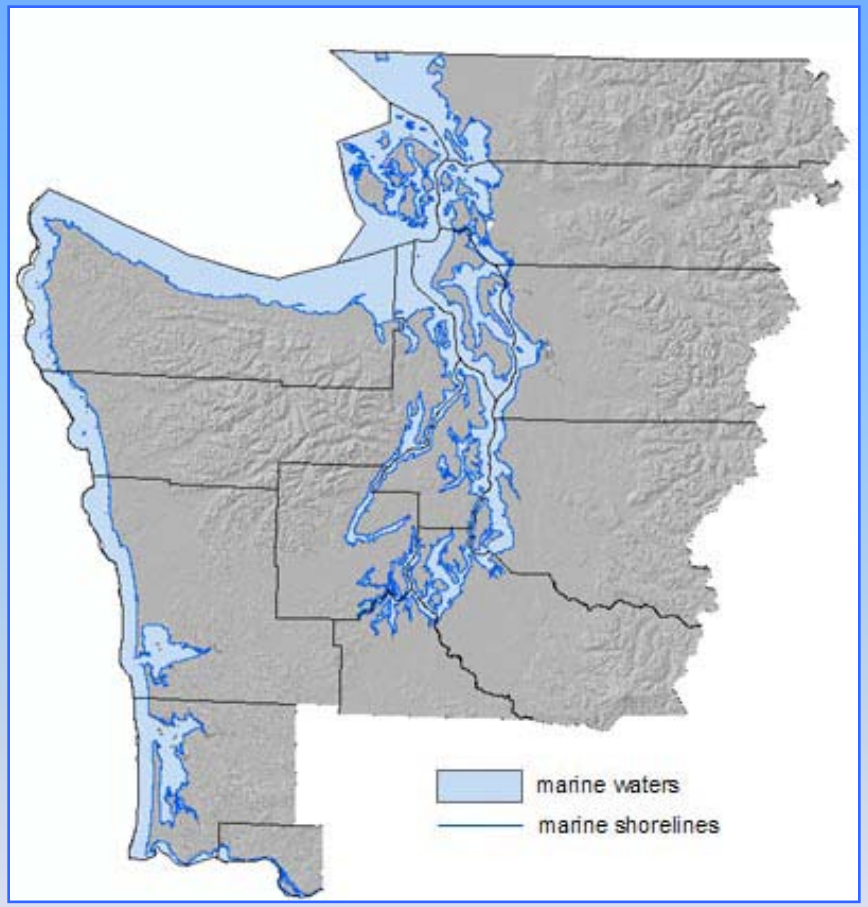
Newly identified SMA lake in Pend Oreille County

Why is this important?

- Updated SMP maps & descriptions are official SMA “jurisdiction” (WAC 173-18-044 etc.)

- Ecology will not list rivers and lakes in WAC

Shorelines include marine shorelines



Hugh Shipman photo

Bywater Bay, North Hood Canal

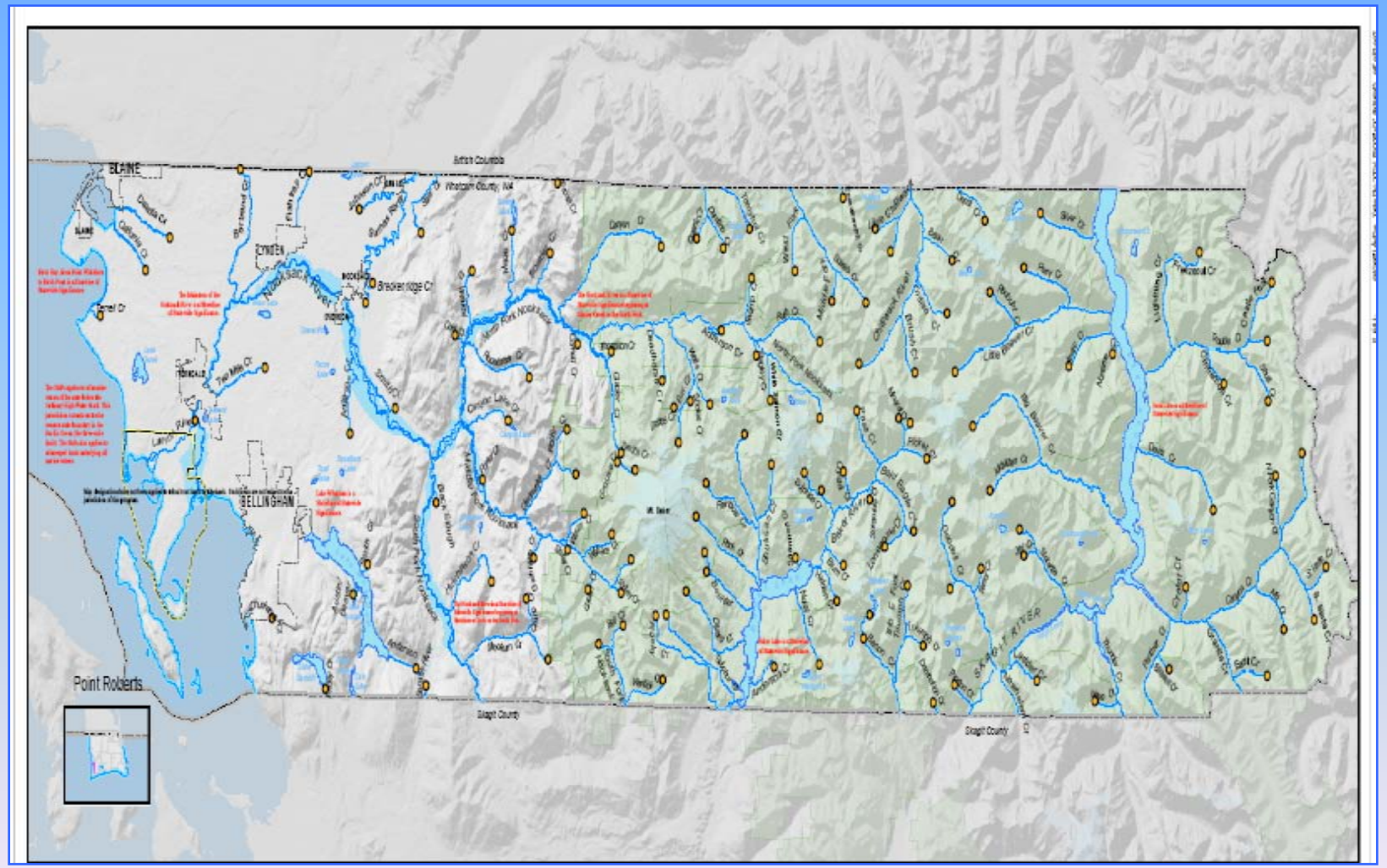
Shorelines include streams from point exceeding 20 CFS mean annual flow

Cowlitz River, Lewis County

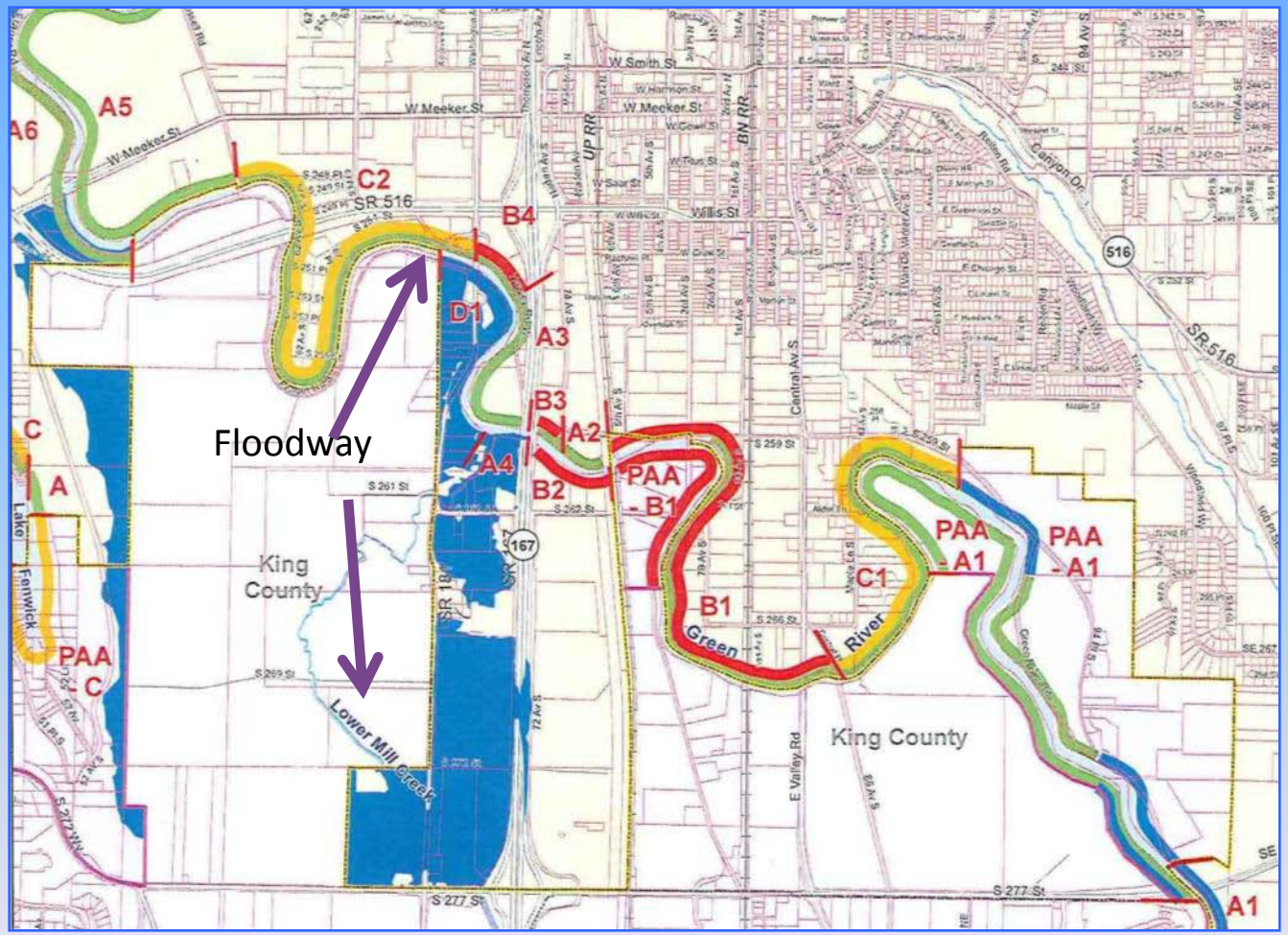
Upper Chewuch River, Okanogan County

Include streams and lakes on federal lands

Whatcom County Shorelines of the State



You may discover new areas for your SMP



Portion of Green River, Kent Draft SMP

Shorelines include lakes and reservoirs exceeding 20 acres

SMP Update Book of Maps

Angle Lake, City of SeaTac

Doug Pineo photo

Rock Lake, Whitman County

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

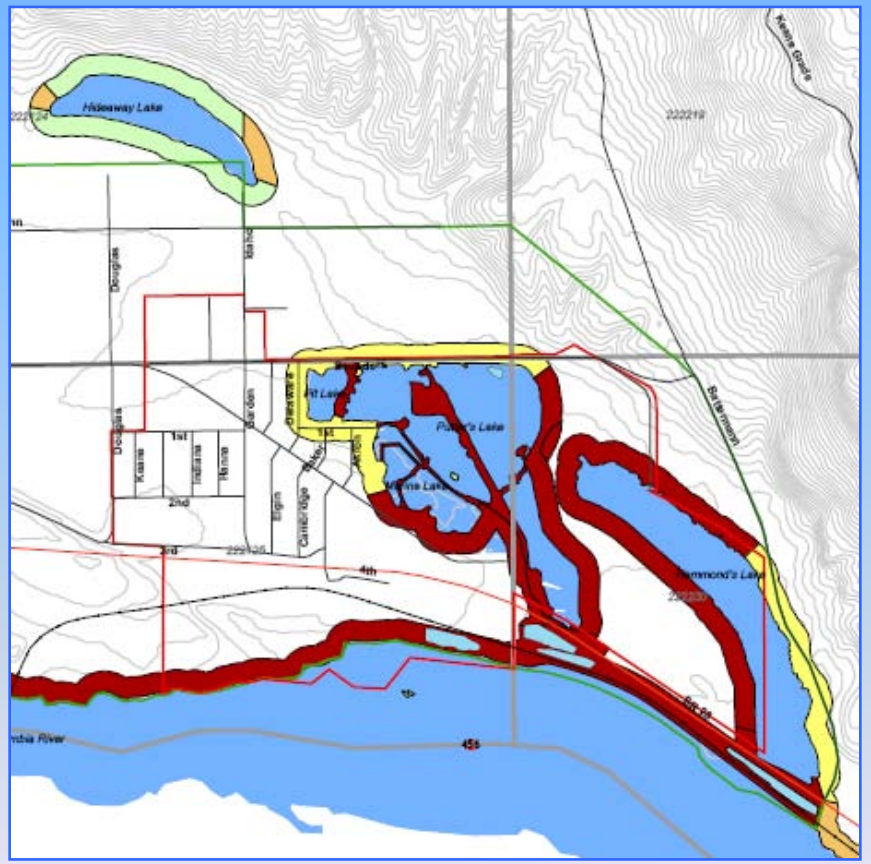
- Shorelines of statewide significance
- Outer coast
- Puget Sound *below* extreme low tide, plus area between line of extreme low tide to OHWM in:
  - Nisqually Delta
  - Birch Bay
  - Hood Canal
  - Skagit Bay
  - Padilla Bay

SMA identifies shorelines of statewide significance

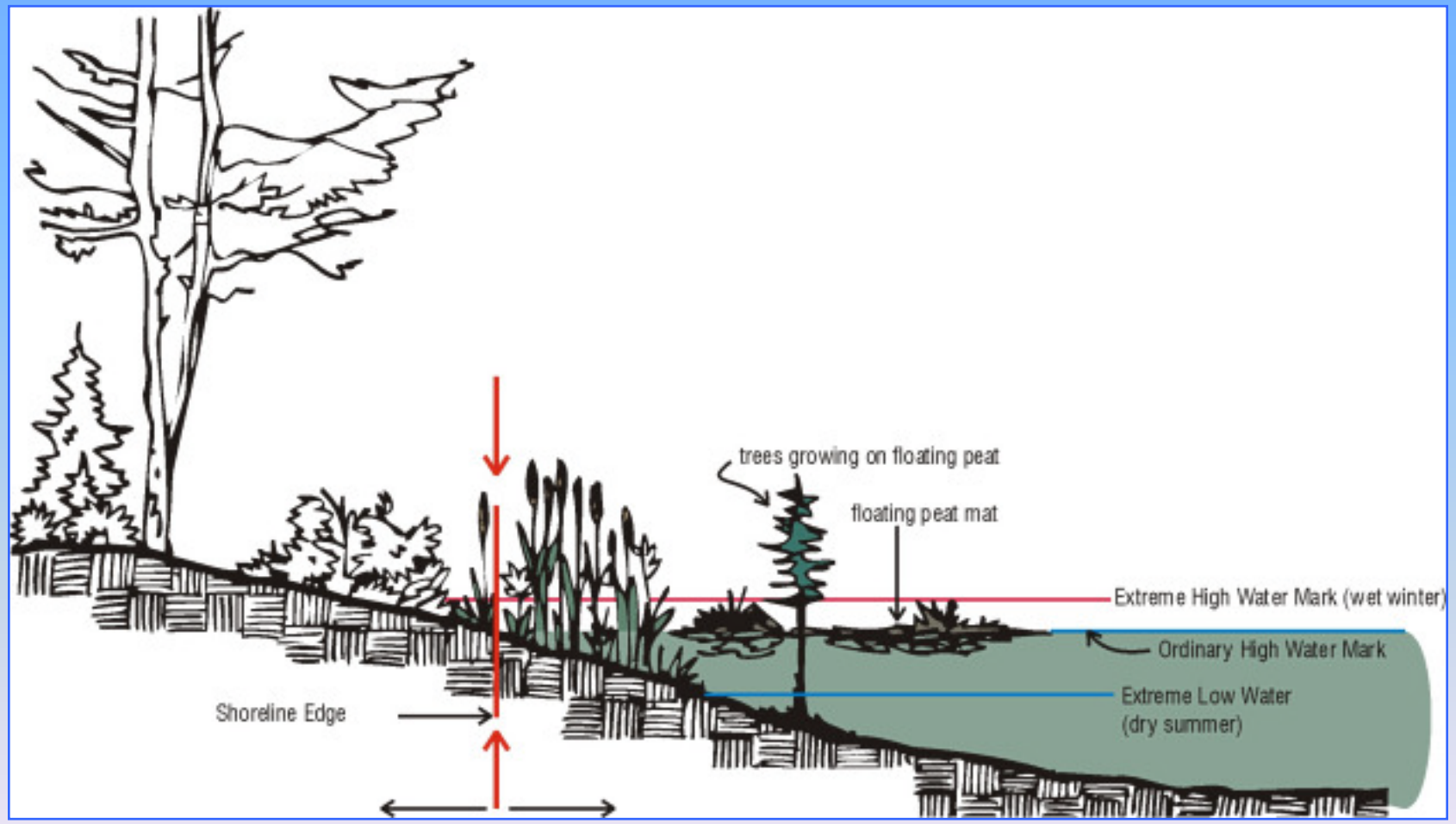
- Lakes and reservoirs 1,000 acres +
- Rivers
  - Westside: 1,000+ cfs
  - Eastside: 250 cfs or 300 square mile drainage area
- SSWS priority uses ranked in statute
- Pursue “optimal implementation” of SMA.

Jurisdiction extends to middle of water bodies (RCW 35.21.160)

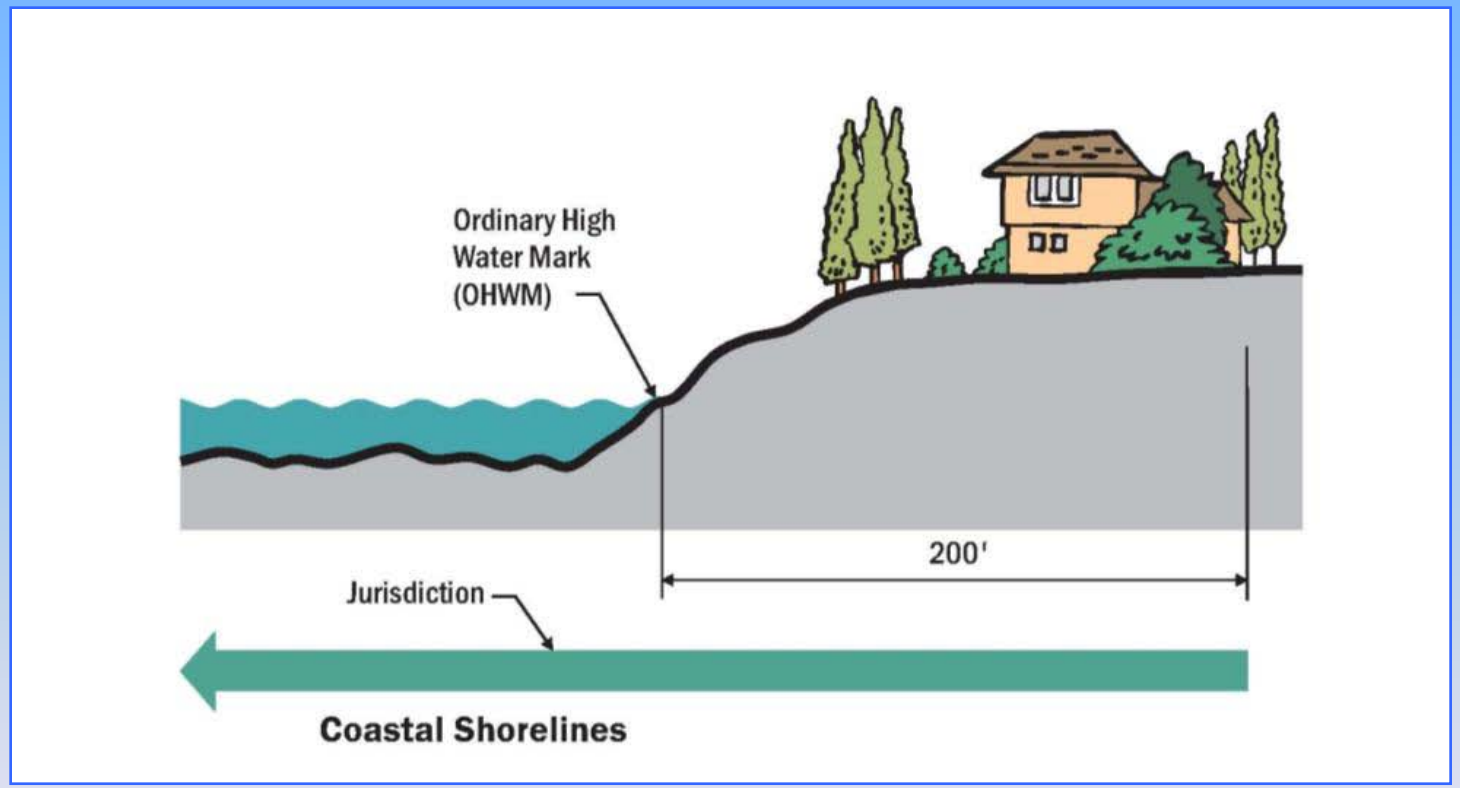
- "Des Moines shoreline jurisdiction also applies to the area waterward of the OHWM to the middle of Puget Sound, an offshore boundary shared with King County."



Shorelands extend landward 200 ft from OHWM, generally!



Shorelands for marine waters and lakes are 200’ from OHWM



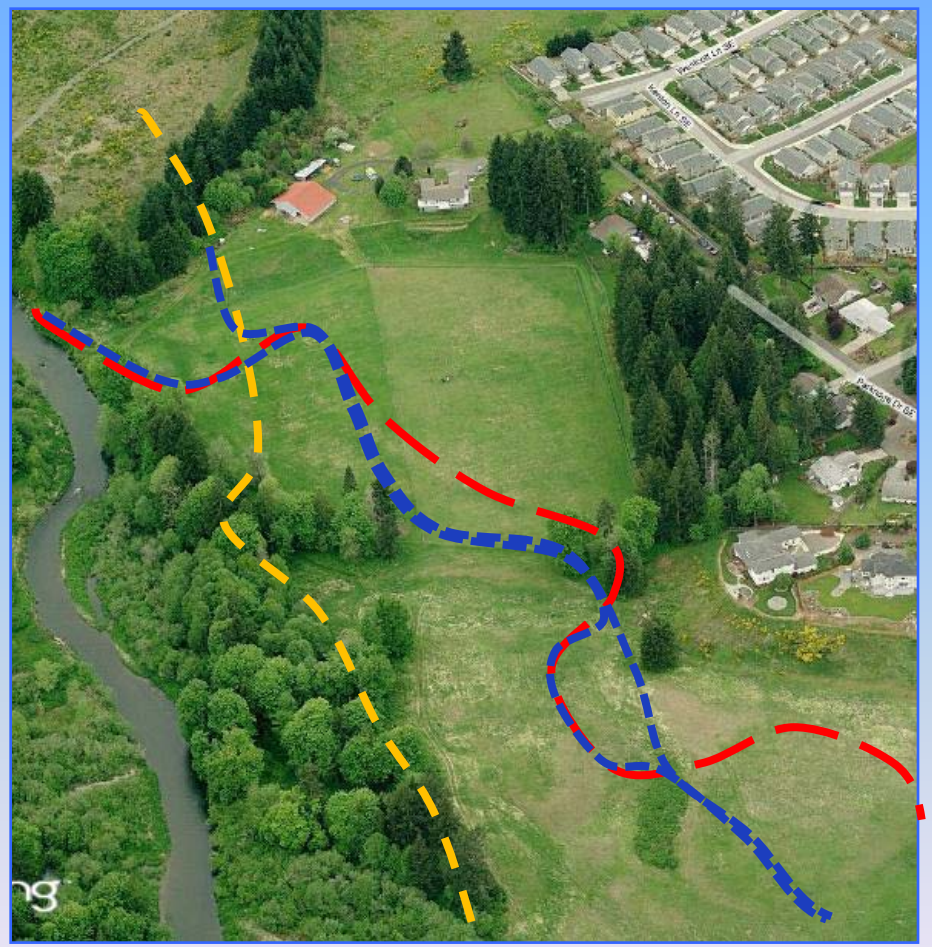
Shorelands include wetlands “associated” with marine waters, streams and lakes

- 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

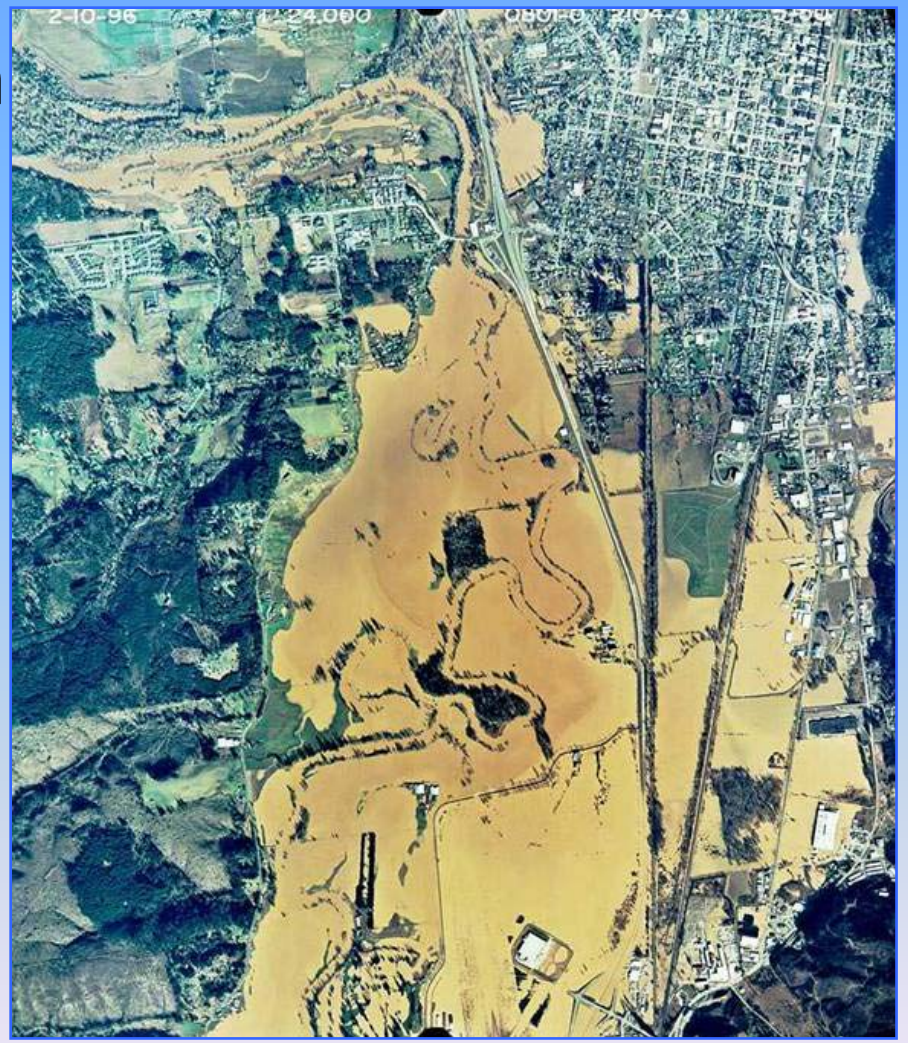
3 Choices

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



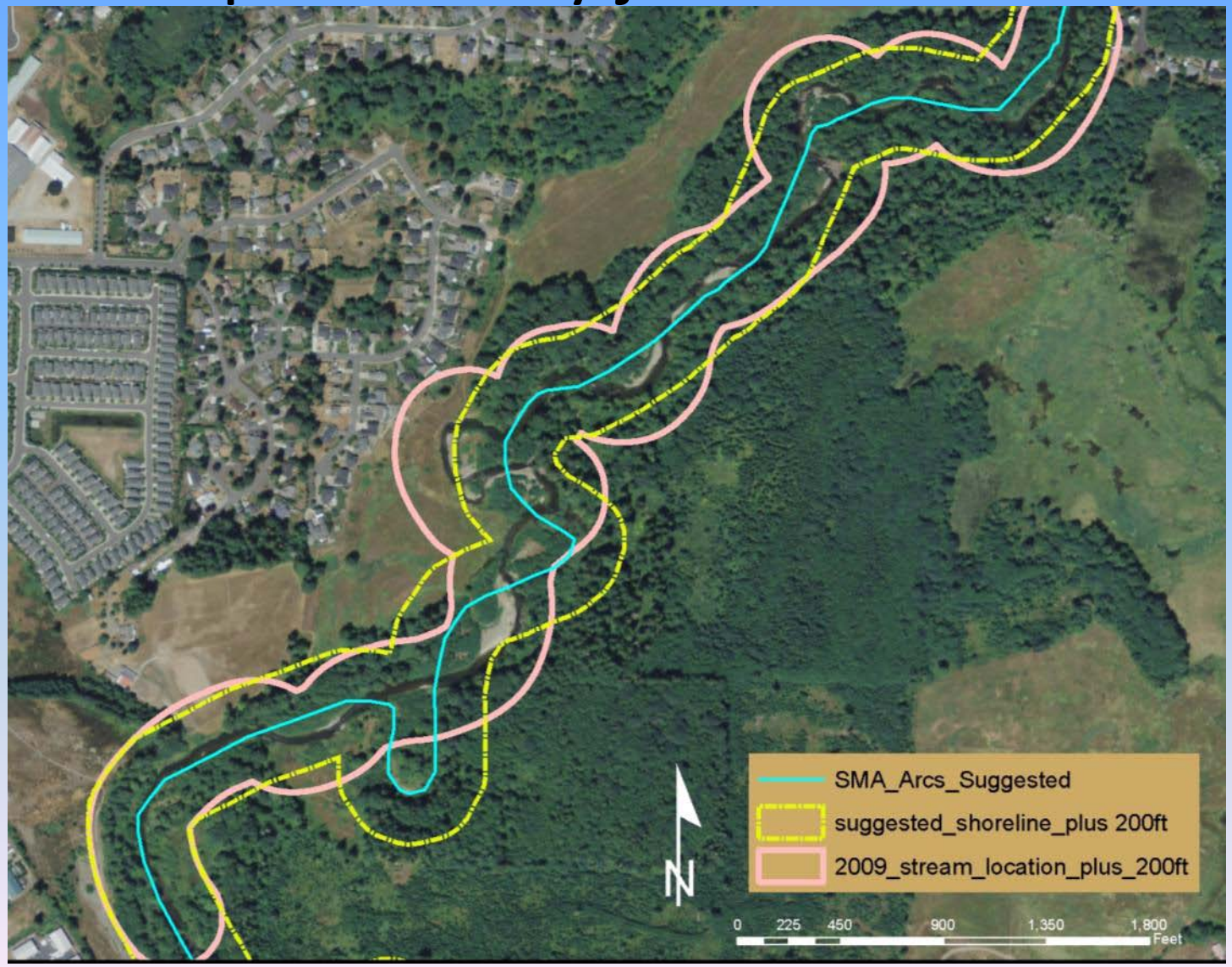
Consider factors such as...

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



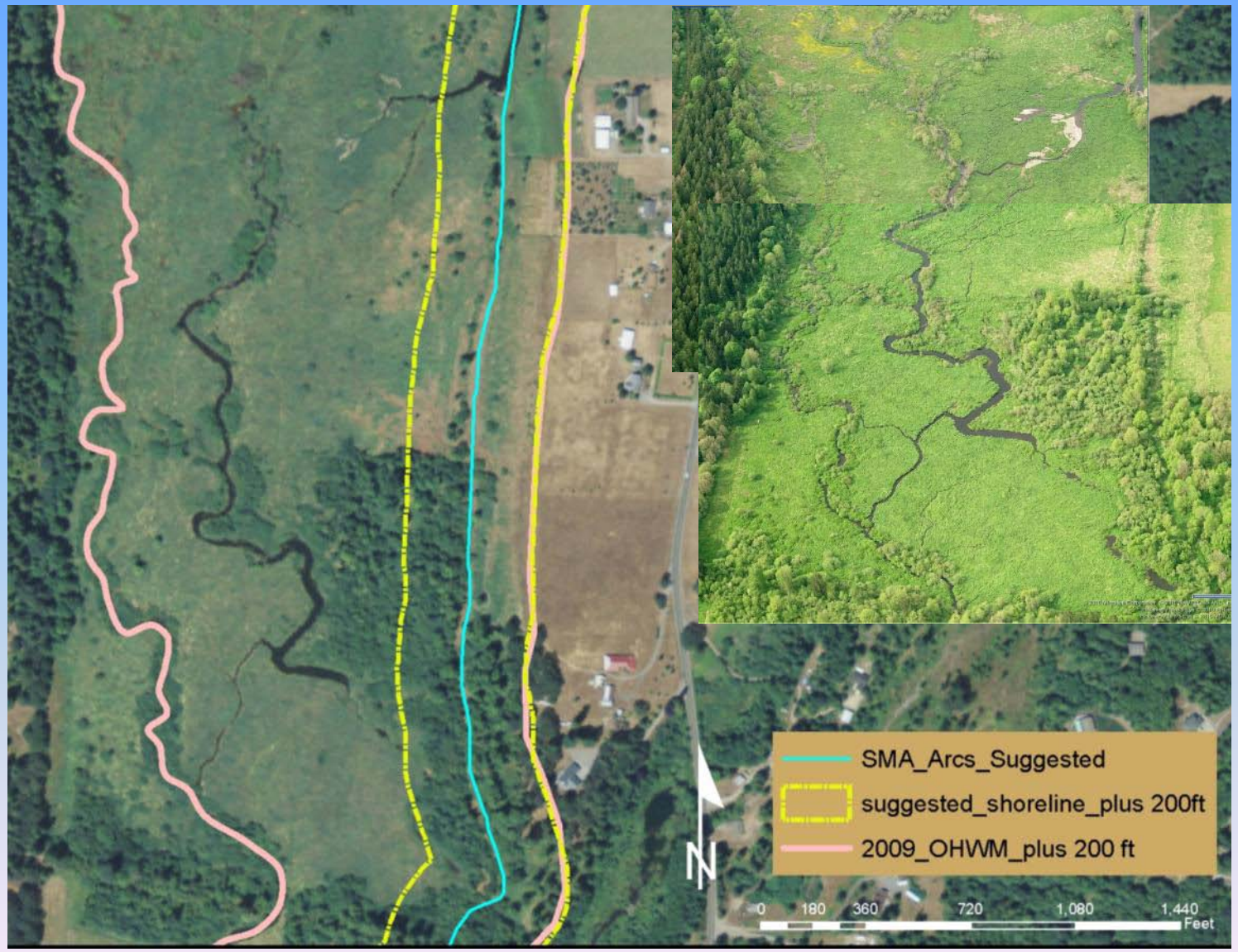
... And OHWM on streams is a dynamic edge

Use current stream location when mapping preliminary jurisdiction



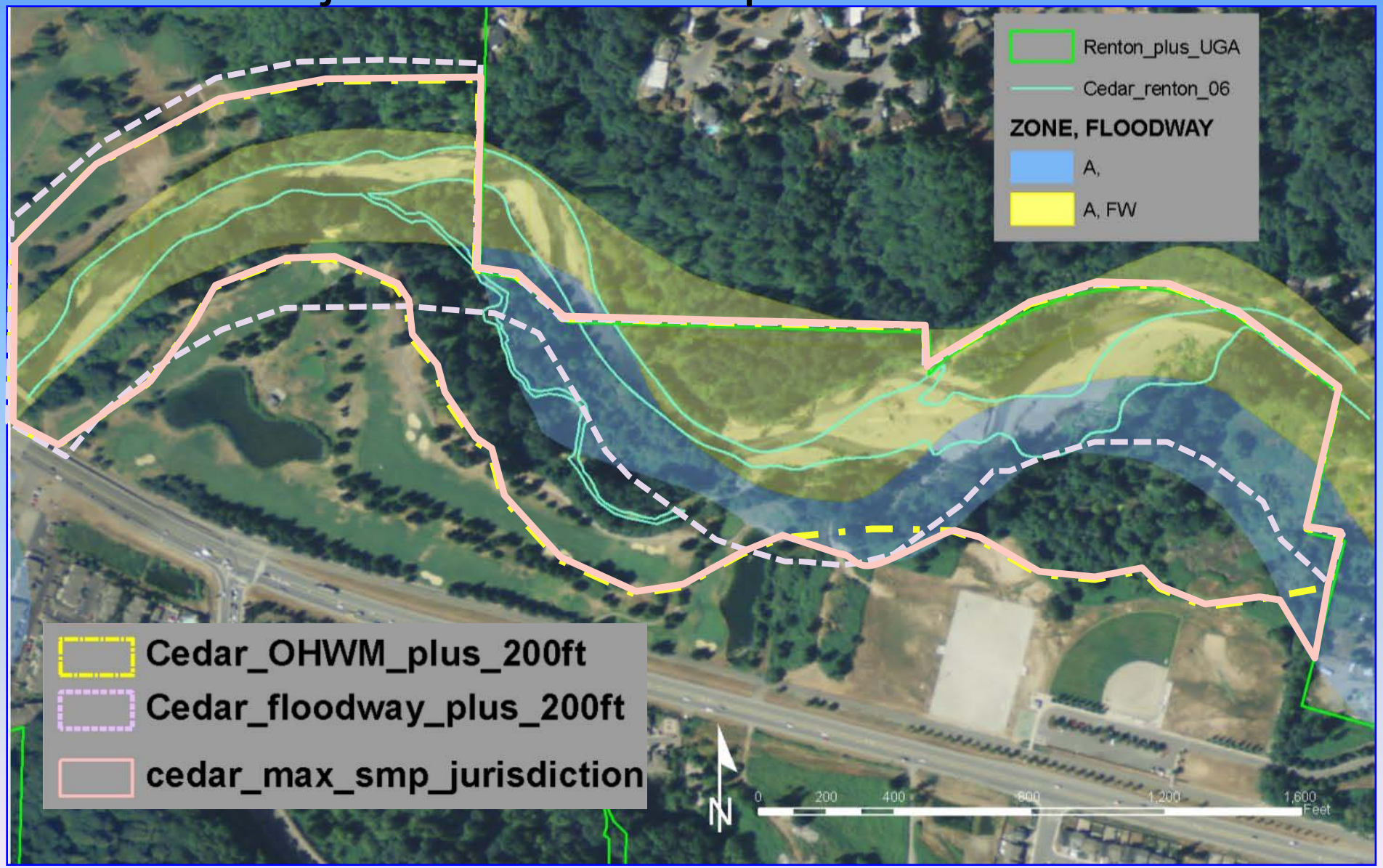
2009 NAIP orthophoto

OHWM occurs on outside edge of multiple channels



2009 NAIP Orthophoto

Minimum jurisdiction with possible customization



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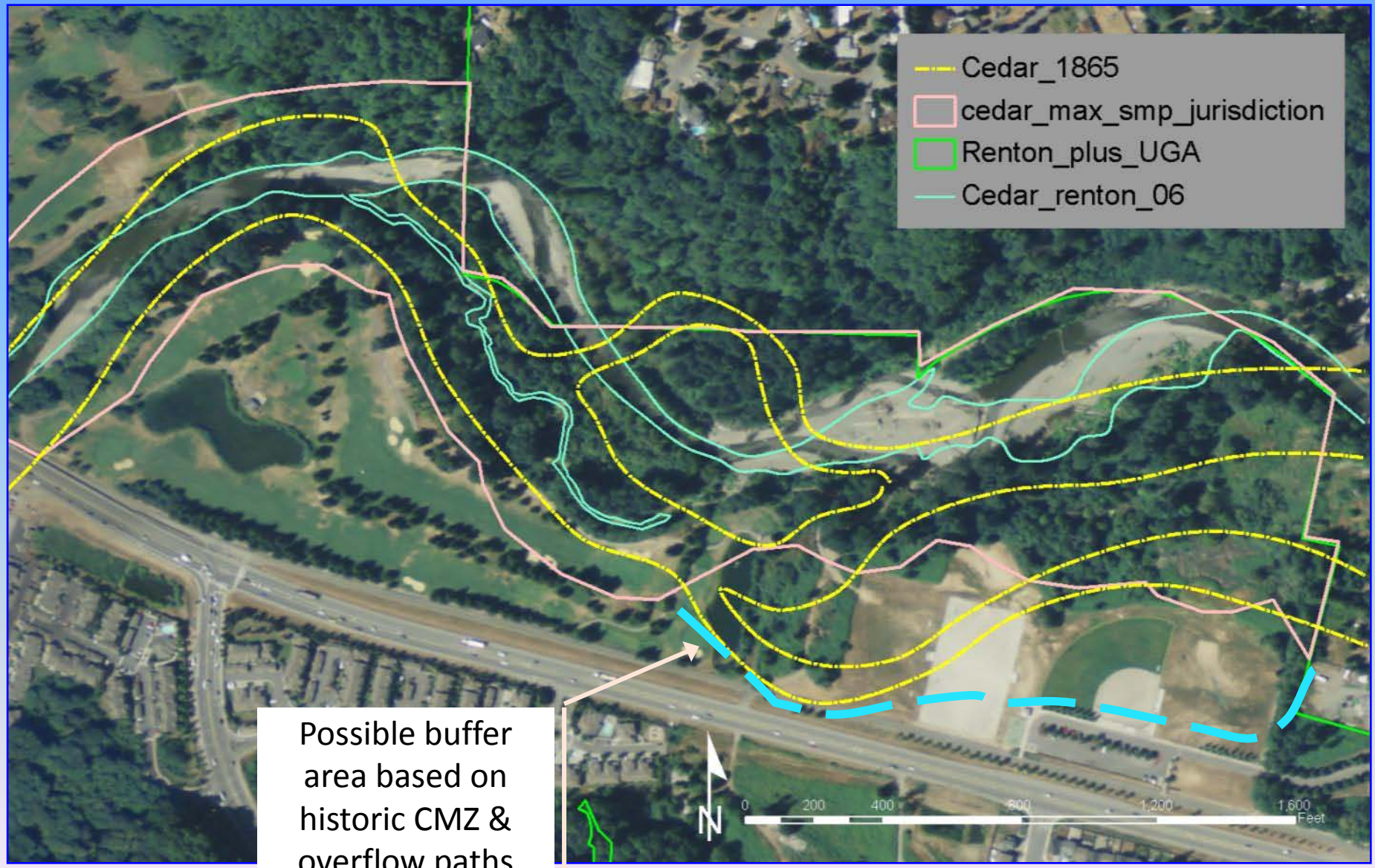
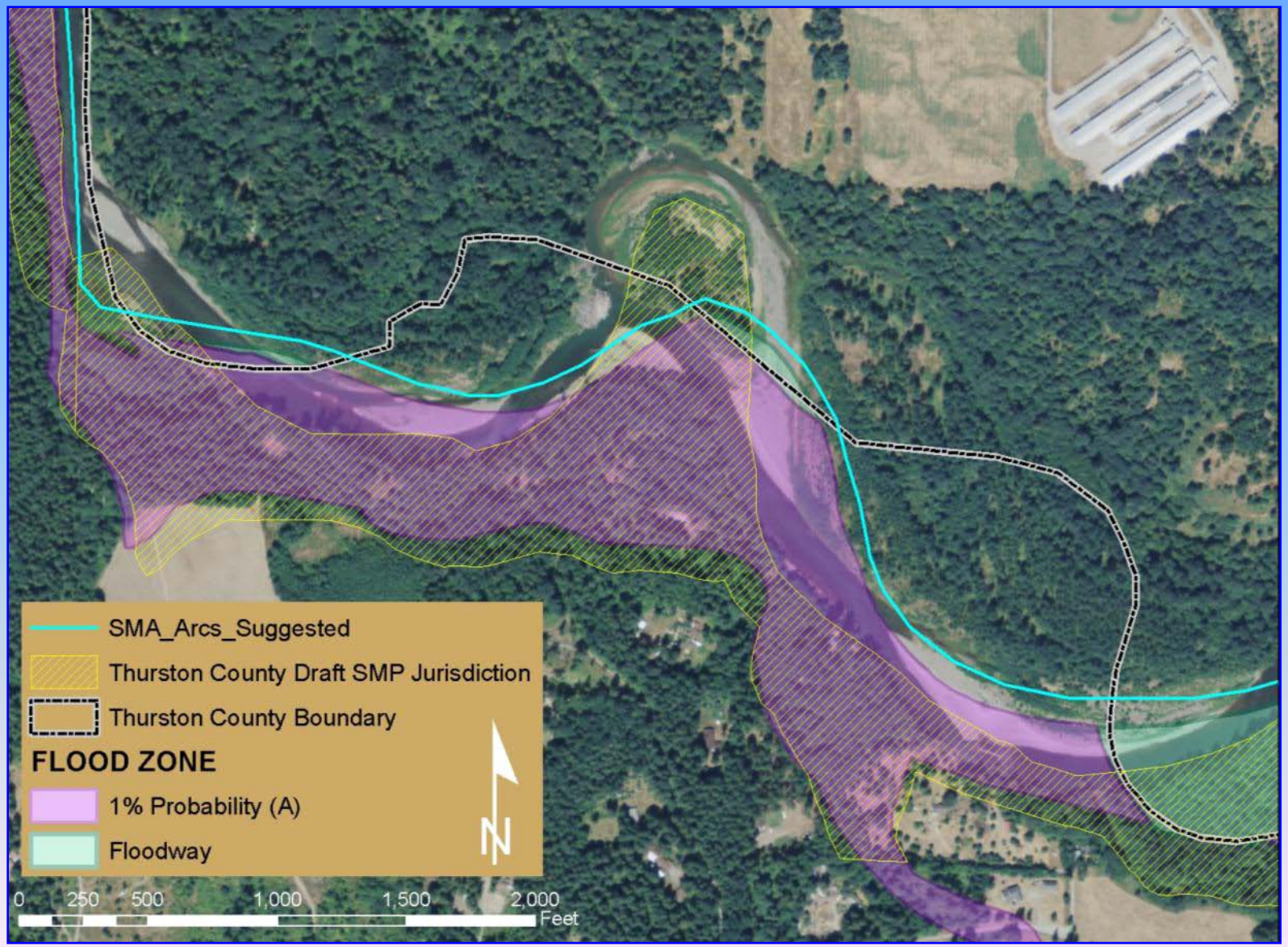


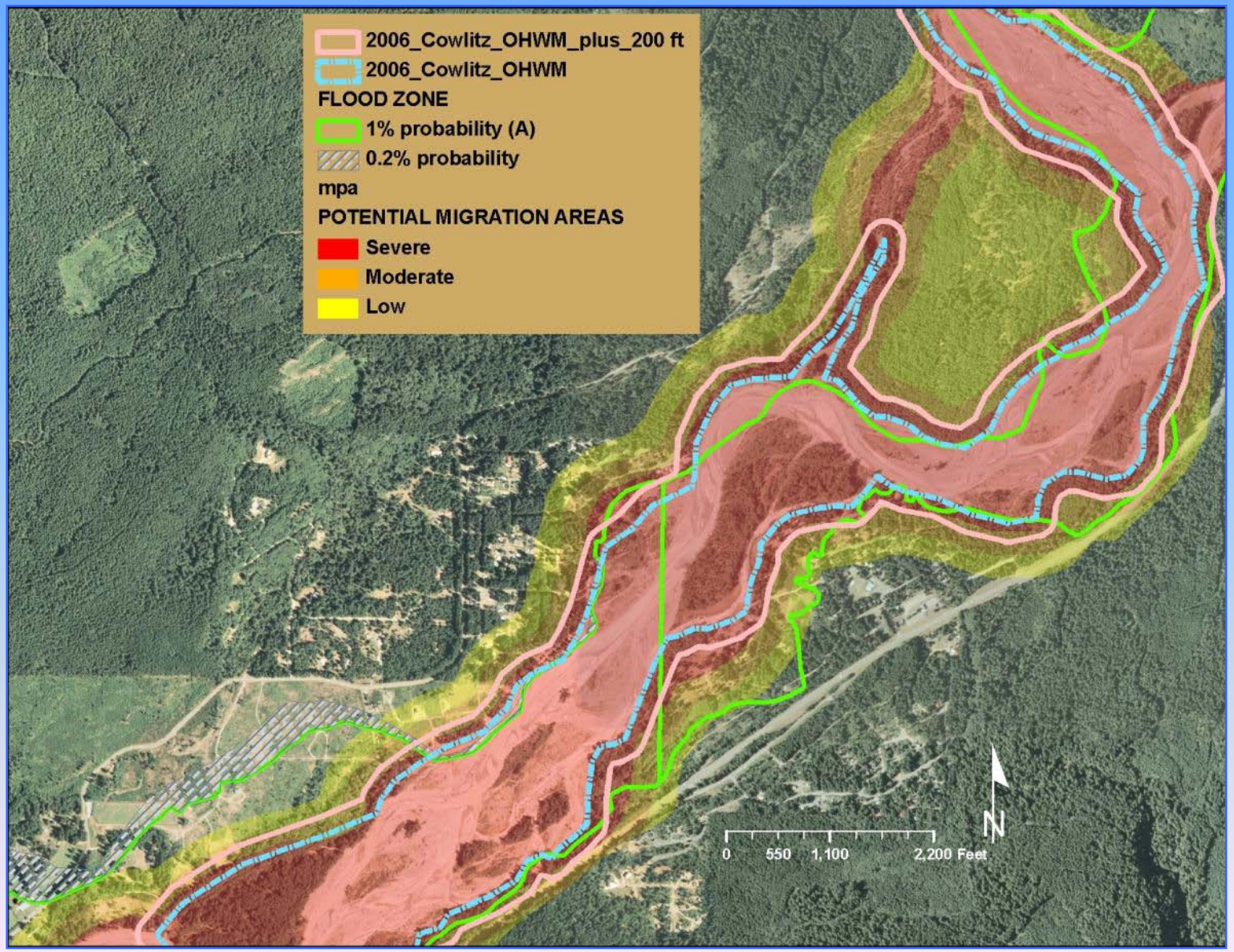
2009 NAIP Orthophoto

Another interesting scenario—
Political boundaries follow stream course

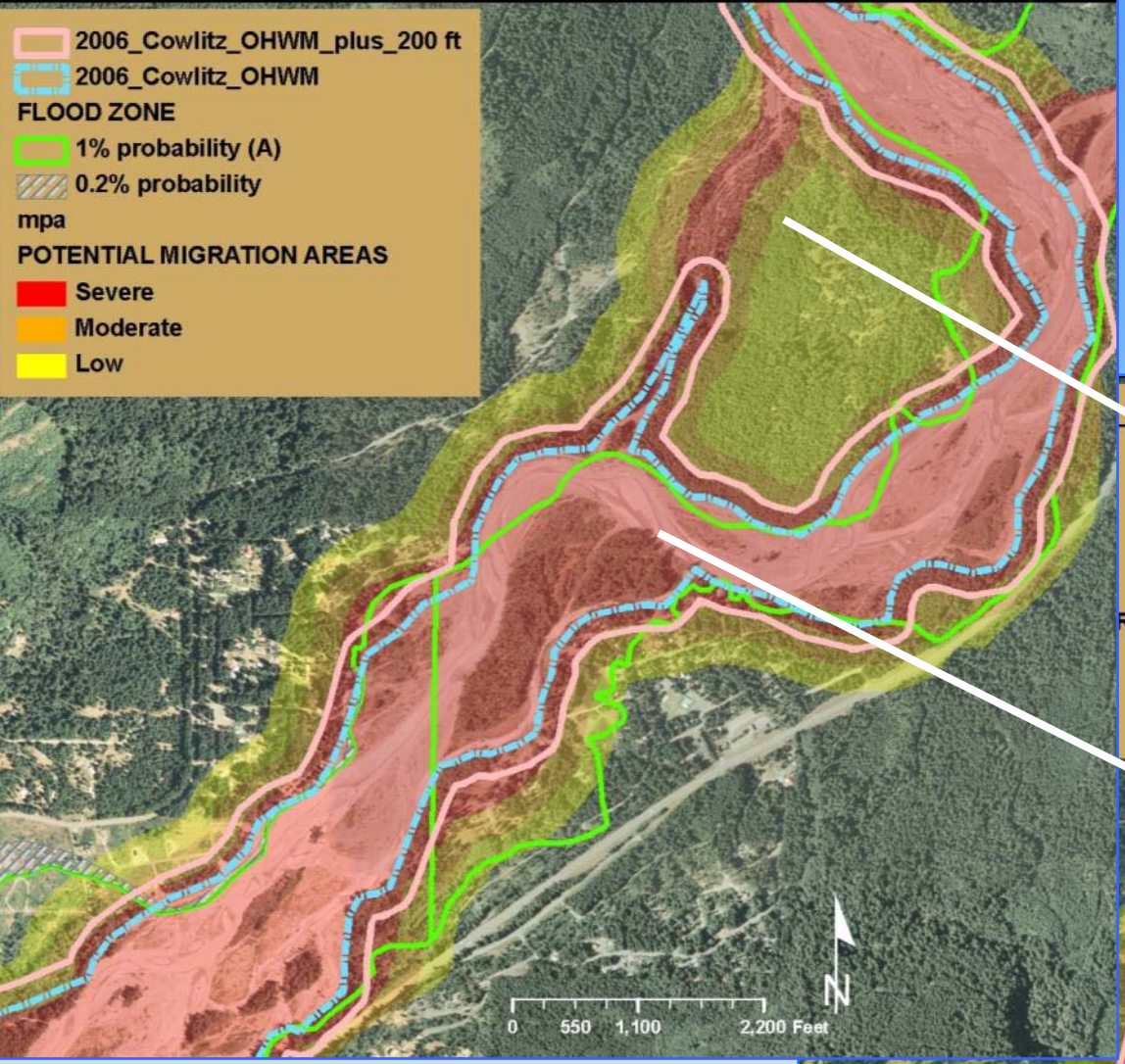


2009 NAIP Orthophoto

Life on a dynamic edge may justify 1% probability floodplain + critical area buffers

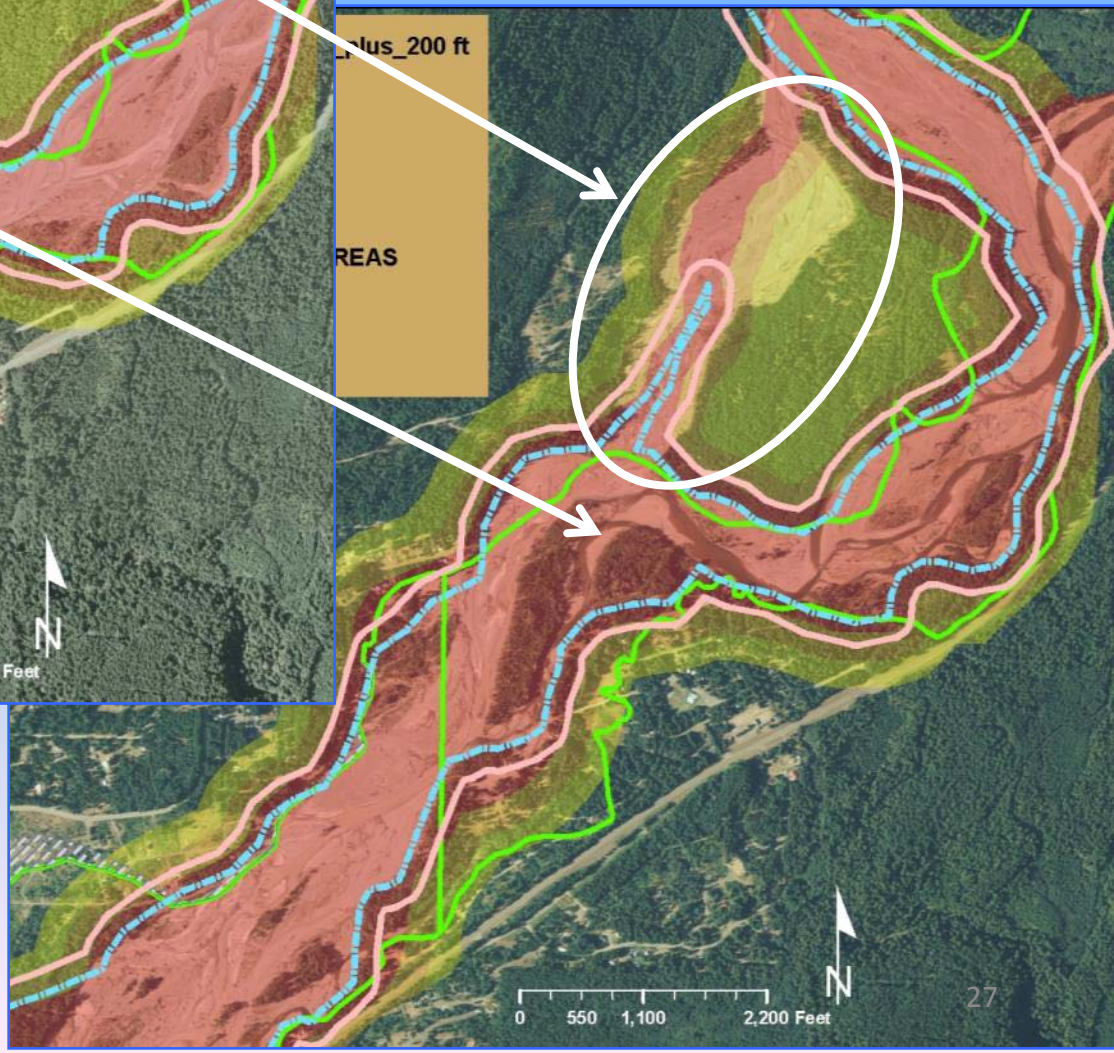


2006 NAIP Orthophoto



2006 NAIP Orthophoto

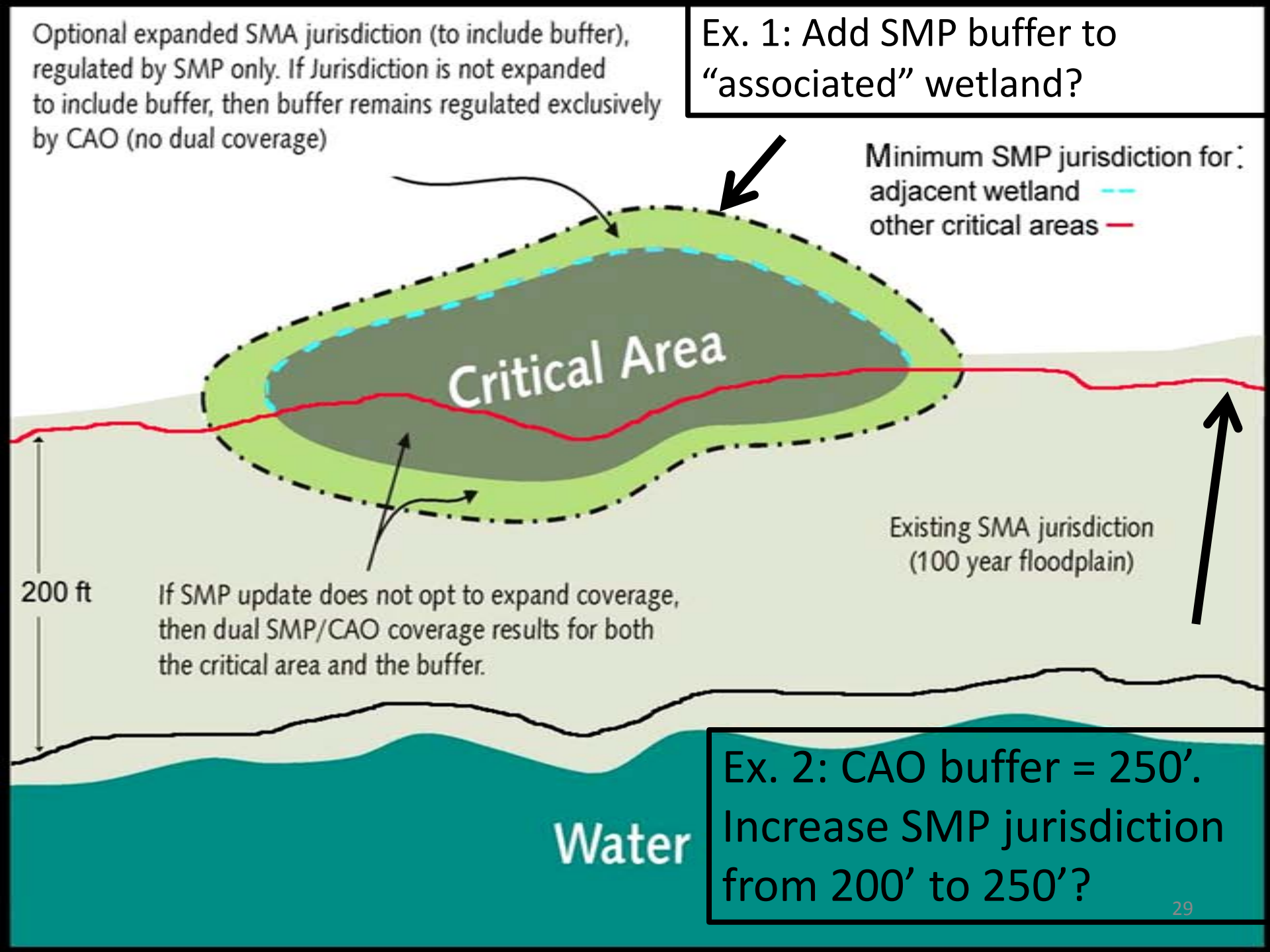
2009 NAIP Orthophoto



There are two options for buffers to protect critical areas

- SMA - Extend jurisdiction to include “land necessary for buffers” to protect critical areas (RCW 90.58.030(2)(f)(ii))

- 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
other critical areas
Critical Area
Existing SMA jurisdiction (100 year floodplain)
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.
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