



SHORELINE MASTER PROGRAM CRITICAL AREA SEGMENT AMENDMENT SUBMITTAL CHECKLIST – SEPTEMBER 29, 2009

This checklist is to be used for “stand-alone” Critical Area Segment SMP Amendments (not submitted as part of a Comprehensive SMP update). See “Guidance on Adoption of ‘Critical Areas Segment’ Amendments to Shoreline Master Programs” for additional information.

<i>STATE RULE (WAC) REQUIREMENTS</i>	<i>LOCATION IN SMP AMENDMENT</i>	<i>LOCAL GOVERNMENT AND ECOLOGY COMMENTS</i>
<p>Submittal must include:</p> <ul style="list-style-type: none"> <li>• evidence of local government approval;</li> <li>• new and/or amendatory text,</li> <li>• a summary of the proposal together with staff reports and supporting materials;</li> <li>• evidence of SEPA compliance;</li> <li>• copies of all comments received with names and addresses.</li> </ul>		
<b>Consistency with Preferred Shoreline Uses. WAC 173-26-201(2)(d)</b>		
<p>Provisions are included ensuring that critical area segment implementation will be consistent with the preferred shoreline use provisions of WAC 173-26-201(2)(d).</p>		
<b>Applicability. WAC 173-26-221(2)(a)</b>		
<p><b>Area included in submittal:</b> Confirmation that the submittal provides for management of the critical areas designated under RCW 36.70A.170(1)(d), along with any additional habitat areas identified by Ecology as vital to fish and wildlife conservation in the Shoreline area.</p>		
<p><b>Clarification of CAO applicability within the Shoreline area:</b> RCW 36.70A.480. The submittal identifies which of the following options applies regarding future applicability of the Critical Area Ordinance within Shoreline areas:</p> <p><b>Option 1:</b> Determination is included that upon final approval of the SMP amendment, the SMP will have sole jurisdiction within the Shoreline area. Documentation is included that the submittal meets the requirements of RCW 36.70A.480 regarding inclusion of “land necessary for buffers for protection of critical areas.”</p> <p><b>Option 2:</b> Determination is included that the Critical Area Ordinance will continue to apply in all or part of the Shoreline area. The submittal clearly identifies the types of locations where the buffer requirements of RCW 36.70A.480 are not met.</p>		
<b>Critical areas principles. WAC 173-26-221(2)(b)</b>		

SHORELINE MASTER PROGRAM CRITICAL AREA SEGMENT AMENDMENT SUBMITTAL CHECKLIST – SEPTEMBER 29, 2009

This checklist is to be used for “stand-alone” Critical Area Segment SMP Amendments (not submitted as part of a Comprehensive SMP update). See “Guidance on Adoption of ‘Critical Areas Segment’ Amendments to Shoreline Master Programs” for additional information.

STATE RULE (WAC) REQUIREMENTS	LOCATION IN SMP AMENDMENT	LOCAL GOVERNMENT AND ECOLOGY COMMENTS
(i) If alternatives to the standards in the Guidelines are proposed, demonstrate through scientific and technical information that the alternative approach provides better resource protection.		
(ii) The scientific and technical information used to support the standards are included or clearly referenced. Include brief justification that this information meets the best available science requirements of RCW 36.70A.172, and the objectives of RCW 90.58.020 “protecting against adverse impacts to the...land and its vegetation and wildlife, and the waters of the state and their aquatic life.”		
(iv) Brief description identifying that the SMP amendment achieves protection of existing ecological functions.		
(v) Segment accommodates human uses and values compatible with the objectives of RCW 90.58.020, such as <b>public access and priority shoreline uses</b> , provided they do not significantly adversely impact ecological functions.		
<b>Wetlands. WAC 173-26-221(2)(c)(i), WAC 173-26-201(2)(e)</b>		
(A) Wetland use regulations achieve no net loss of wetland area and function.		
(B) Wetland rating or categorization method reflects differences in wetland quality and function adequate to tailor protection standards appropriately.		
(C) Provisions on alterations of wetlands are consistent with the policy of no net loss of area and function.		
(D) Buffers are adequate to ensure that wetland functions are protected and maintained in the long-term.		
(E) <b>Mitigation</b> requirements are consistent with the policy of no net loss of area and function, and consistent with WAC 173-26-201(2)(e)		

SHORELINE MASTER PROGRAM CRITICAL AREA SEGMENT AMENDMENT SUBMITTAL CHECKLIST – SEPTEMBER 29, 2009

This checklist is to be used for “stand-alone” Critical Area Segment SMP Amendments (not submitted as part of a Comprehensive SMP update). See “Guidance on Adoption of ‘Critical Areas Segment’ Amendments to Shoreline Master Programs” for additional information.

STATE RULE (WAC) REQUIREMENTS	LOCATION IN SMP AMENDMENT	LOCAL GOVERNMENT AND ECOLOGY COMMENTS
(F) <b>Compensatory mitigation</b> is allowed only when higher priority means of mitigation are infeasible; and the WAC requirements for ratios, performance standards, monitoring and long-term management are met.		
<b>Geologically Hazardous Areas. WAC 173-26-221(2)(c)(ii)</b>		
(A) Minimum guidelines for geologically hazardous areas, WAC 365-190-080(4), were consulted during development of the SMP segment amendment.		
(B) Segment precludes new development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development.		
(C) New development that would require structural shoreline stabilization over the life of the development is generally precluded. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result. (The segment amendment is <b>not</b> required to meet the standards of WAC 173-26-231.)		
(D) Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible, and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be only if no net loss of ecological functions will result. (The segment amendment is <b>not</b> required to meet the standards of WAC 173-26-231.)		
<b>Critical Saltwater Habitats. WAC 173-26-221(2)(c)(iii)</b>		
(A) Applicability: Segment applies to critical areas as defined by the CAO, along with additional habitat areas listed in the Guidelines which are identified by Ecology as vital to fish and wildlife conservation.		

SHORELINE MASTER PROGRAM CRITICAL AREA SEGMENT AMENDMENT SUBMITTAL CHECKLIST – SEPTEMBER 29, 2009

This checklist is to be used for “stand-alone” Critical Area Segment SMP Amendments (not submitted as part of a Comprehensive SMP update). See “Guidance on Adoption of ‘Critical Areas Segment’ Amendments to Shoreline Master Programs” for additional information.

STATE RULE (WAC) REQUIREMENTS	LOCATION IN SMP AMENDMENT	LOCAL GOVERNMENT AND ECOLOGY COMMENTS
<p>(B) Principles: State resource agencies and tribes have been consulted. Management planning is consistent with other legislative created programs; and is based on information from state agencies and tribes unless the local government demonstrates possession of more accurate and reliable information.</p> <p>Current data and trends have been evaluated related to habitat; species including listed species with a primary association; human activity including docks and bulkheads; shellfish harvest areas; and the other factors identified in subsection (B).</p>		
<p>(C) Critical Area Segment standards restrict <b>new docks, bulkheads, bridges, fill, floats, jetties, utility crossings</b> and other human-made structures that intrude into or over critical saltwater habitats. (Critical Area Segment amendments are not required to meet the detailed provisions of this subsection.)</p>		
<b>Critical Freshwater Habitats. WAC 173-26-221(2)(c)(iv)</b>		
<p>(A) Applicability: Applies to streams, wetlands, lakes, CMZs, and flood plains designated as critical areas by the local government; along with additional areas identified by Ecology as vital to fish and wildlife conservation.</p>		
<p>(B) Principles: Use and development in the shoreline jurisdictional area will be regulated to assure no net loss of ecological functions, protect hydrologic connections and meet the other principles in (B), except for the following:</p> <ul style="list-style-type: none"> <li>• Provisions related to habitat restoration are not required.</li> <li>• Planning and assessment beyond the critical areas included in the segment amendment is not required. Integration with other master program provisions is not required in developing the critical area standards. However, critical area standards must not be applied in a manner that is inconsistent with the policy objectives of the Shoreline Management Act in RCW 90.58.020.</li> </ul>		

SHORELINE MASTER PROGRAM CRITICAL AREA SEGMENT AMENDMENT SUBMITTAL CHECKLIST – SEPTEMBER 29, 2009

This checklist is to be used for “stand-alone” Critical Area Segment SMP Amendments (not submitted as part of a Comprehensive SMP update). See “Guidance on Adoption of ‘Critical Areas Segment’ Amendments to Shoreline Master Programs” for additional information.

<i>STATE RULE (WAC) REQUIREMENTS</i>	<i>LOCATION IN SMP AMENDMENT</i>	<i>LOCAL GOVERNMENT AND ECOLOGY COMMENTS</i>
<p>(C) Standards:</p> <p>(I) Provide for the protection of ecological functions associated with critical freshwater habitat as necessary to assure no net loss.</p> <p>(II) Where appropriate, integrate protection of critical freshwater habitat, protection with flood hazard reduction and other river and stream management provisions.</p> <p>(III) Include provisions that facilitate authorization of appropriate restoration projects.</p> <p>(IV) Provide for the implementation of the principles identified in (B) above.</p>		
<b>Flood Hazard Reduction. WAC 173-26-221(3)</b>		
<p>(A) Applicability: SMP Segment addresses actions to reduce flood damage or hazard, and development that may increase flood hazards.</p>		
<p>(B) Principles: The segment supports the principles in subsection B.</p>		
<p>(C) Standards: Segment meets requirements, except that protection of channel migration zones is only required to the extent that CMZs are designated by the local government as a Critical Area.</p>		
<b>SMP Development Review Procedures Conformance with WAC 173-27</b>		
<p>Development review procedures in the Segment Amendment which do not conform to WAC 173-27 have been deleted from the document.</p>		