

The following changes are recommended, to clarify provisions of the SMP, and are consistent with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III)

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; strike-through-deletions]	ECOLOGY - DISCUSSION/RATIONALE
1	Chapter 18S.10 – Title 18S.10.010	<p>Title.</p> <p>Title 18S PCC shall be officially cited as Title 18S PCC, Development Policies and Regulations – Shorelines, and may be referred to as Title 18S PCC. Title 18S PCC includes the shoreline policies, regulations, and shoreline environment designation maps. Title 18E PCC, Development Regulations – Critical Areas, and Title 18H PCC, Development Regulations – Forest Practices, are incorporated by reference³. Collectively, Title 18S PCC, Title 18H PCC and Title 18E PCC make up the Pierce County Shoreline Master Program.</p> <p>³ Title 18E PCC, Ordinance Nos. 2004-56s, 2004-57s, 2004-58s, and amended by Ordinance 2006-103s. Title 18H PCC, Ordinance 2004-58s, amended by Ordinance 2012-2s7.</p>	<p>A master program may adopt other codes by reference in order to satisfy requirements of the SMP Guidelines (WAC 173-26-191(2)). This is done by referencing a specific, dated edition. The inclusion of Title 18H PCC in its entirety is not necessary in order to meet requirements in WAC 173-26 and could cause unnecessary procedural work. Ecology recommends the county remove this specific incorporation by reference to avoid the need for future amendments to the SMP whenever Title 18H PCC is revised (thus saving the county and state additional staff time and expense). If the county agrees to delete the incorporation of Title 18H by reference, additional regulations should be added to 18S.40.070 to ensure consistency with WAC 173-26-241(3)(e). (See Recommended changes 32 and 33).</p> <p>Ecology also recommends the county delete Footnote 1 which is provided in support of the incorporation of the Critical Area regulations (CAO) by reference. It is recommended this information not be relegated to a footnote. It is also not necessary to list the specific, dated edition in more than one location, as each would need revision whenever the SMP is amended to incorporate CAO updates. Ecology is requiring the specific referenced edition be included in 18S.10.065 after consultation with county staff. (See Attachment B, Required change 1).</p>
2	Chapter 18S.10 – Coordination with Other Titles 18S.10.060 I	<p>In addition to Title 18S PCC, and Title 18E PCC, which together comprise the <u>Shoreline Master Program</u>, shoreline development may be subject to other Pierce County Code (PCC) Titles. Below is a list...</p> <p>1. Title 18E PCC, Development Regulations – Critical Areas.</p> <p>1. Wetlands. Regulations that apply to Wetlands are found in Chapter 18E.30 PCC.</p> <p>2. Fish and Wildlife Species and Habitat Conservation Areas. Regulations that apply to Fish and Wildlife Species and Habitat Conservation Areas are found in Chapter 18E.40 PCC.</p> <p>3. Aquifer Recharge and Wellhead Protection Areas. Regulations that apply to Aquifer Recharger and Wellhead Protection Areas are found in Chapter 18E.50 PCC.</p> <p>4. Volcanic Hazard Areas. Regulations that apply to Volcanic Hazard Areas are found in Chapter 18E.60 PCC.</p> <p>5. Flood Hazard Areas. Regulations that apply to Flood Hazard Areas are found in Chapter 18E.70 PCC.</p> <p>6. Landslide Hazard Areas. Regulations that apply to Landslide Hazard Areas are found in Chapter 18E.80 PCC.</p> <p>7. Seismic (Earthquake) Hazard Areas. Regulations that apply to Seismic Hazard Areas are found in Chapter 18E.90 PCC.</p>	<p>Consistent with RCW 90.58.610 and RCW 36.70A.480, Title 18E PCC is part of the master program. Suggested edits clarify what codes comprise the SMP consistent with 18S.10.010 and 18S.10.065 B.</p> <p>Relocation of the language in (I) to 18S.10.065 is recommended for clarity and internal consistency with 18S.10.010 (see Recommended Change 4).</p>

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		<p>8. Mine Hazard Areas. Regulations that apply to Mine Hazard Areas are found in Chapter 18E.100 PCC.</p> <p>9. Erosion Hazard Areas. Regulations that apply to Erosion Hazard Areas are found in Chapter 18E.110 PCC.</p> <p>I. Title 18G PCC. Development Regulations – Conservation Programs, includes the process for the Transfer of Density Credit process.</p> <p>J. Title 18H PCC. Development Regulations – Forest Practices. Class IV – General Forest Practices identified in WAC 222-16-050(2) also are subject to the requirements of Title 18H PCC, Pierce County Development Regulations – Forest Practices.</p>	
3	<p>Chapter 18S.10 – Coordination with Other Titles 18S.10.060 F</p>	<p>F. Title 18 PCC.</p> <p>7. Revocation/Recision, Modification and Expiration. The provisions for establishing the authority and procedures for the revocation/recision, modification and expiration of permits and approvals granted pursuant to Title 18S PCC are found in Chapter 18.150 PCC. <u>In addition, the notice requirements of RCW 90.58.140(8) shall be met for all permits rescinded under this section.</u></p>	<p>The provision points to Chapter 18.150 PCC which contains language that is not entirely consistent with RCW 90.58.140. The revisions are recommended to improve consistency with RCW 90.58.140.</p>
4	<p>Chapter 18S.10 – Procedural Guidance 18S.10.065 B</p>	<p>B. Title 18E PCC, Development Regulations – Critical Areas. Critical area regulations adopted in compliance with the State Growth Management Act are administered by <u>contained in</u> Title 18E PCC, Ordinance Nos. 2004-56s, 2004-57s, 2004-58s, 2006-103s, 2016-52, amended by Ordinance 2017-12s, effective date April 15, 2017 and incorporated by reference into the shoreline master program. <u>In the event Title 18E is amended, the referenced edition will still apply in shoreline jurisdiction until revised through an approved master program amendment.</u></p> <ol style="list-style-type: none"> 1. <u>Wetlands. Regulations that apply to Wetlands are found in Chapter 18E.30 PCC.</u> 2. <u>Fish and Wildlife Species and Habitat Conservation Areas. Regulations that apply to Fish and Wildlife Species and Habitat Conservation Areas are found in Chapter 18E.40 PCC.</u> 3. <u>Aquifer Recharge and Wellhead Protection Areas. Regulations that apply to Aquifer Recharger and Wellhead Protection Areas are found in Chapter 18E.50 PCC.</u> 4. <u>Volcanic Hazard Areas. Regulations that apply to Volcanic Hazard Areas are found in Chapter 18E.60 PCC.</u> 5. <u>Flood Hazard Areas. Regulations that apply to Flood Hazard Areas are found in Chapter 18E.70 PCC.</u> 	<p>The changes in the first paragraph are shown for context, but addressed in Attachment B-Required change 1.</p> <p>Ecology recommends the language in 1 - 9 be relocated from 18S.10.060(I) to better represent the unique relationship between Titles 18S and 18E consistent with RCW 90.58.610 and RCW 36.70A.480. (See related revision in Recommended change 2)</p>

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		<p>6. Landslide Hazard Areas. Regulations that apply to Landslide Hazard Areas are found in Chapter 18E.80 PCC.</p> <p>7. Seismic (Earthquake) Hazard Areas. Regulations that apply to Seismic Hazard Areas are found in Chapter 18E.90 PCC.</p> <p>8. Mine Hazard Areas. Regulations that apply to Mine Hazard Areas are found in Chapter 18E.100 PCC.</p> <p>9. Erosion Hazard Areas. Regulations that apply to Erosion Hazard Areas are found in Chapter 18E.110 PCC.</p> <p>1.— Buffers to protect critical areas, such as a wetland or fish and wildlife habitat conservation area, may be wider than the shoreline buffers of Title 18S PCC. The most protective regulations apply.</p> <p>2.— Application requirements for critical areas are in addition to those for shoreline permits.</p> <p>3.— Shoreline permits for development which may impact a critical area will not be granted until critical area review is complete.</p>	<p>Relocating provisions 1 through 3 to 18S.30.030.D is recommended after consultation with county staff. This will consolidate the regulations which help direct how Title 18E PCC is implemented in shoreline jurisdiction. (See Recommended change 9).</p>
5	<p>Chapter 18S.10 – Compliance 18S.10.070 B</p>	<p>B. No person may commence any shoreline development without first obtaining all permits and approvals required pursuant to Title 18S PCC. A person may be required to obtain multiple permits and approvals, including critical area reviews approvals. All development within shoreline jurisdiction subject to critical area review shall receive critical area review approval before or concurrent with the associated shoreline permit or approval.</p>	<p>When in shoreline jurisdiction, review and approval of uses and development are to occur within the SMA and SMP permitting procedures as directed by RCW 90.58.610 and RCW 36.70A.480. The edits to provisions B and C consolidate language specific to critical area review and help support implementation as described in 18S.10.070 C. Revisions also ensure internal consistency with the provisions in 18S.30.030, 18S.60.070 and 18E.10.070 D.3.</p>
6	<p>Chapter 18S.10 – Compliance 18S.10.070 C</p>	<p>C. The Act requires that critical areas located within shorelines be addressed through the Shoreline Master Program (Master Program). To meet the requirement, Title 18S PCC adopts by reference the existing County Critical Areas Regulations (Title 18E PCC). Title 18S PCC contains additional regulations that apply to shorelines.</p> <p><u>1. Critical area review and approval within shoreline jurisdiction shall occur as a component of any associated shoreline permit or approval.</u></p>	<p>Deleting the word “existing” is recommended for clarity. The specific dated version of the CAO adopted by reference is identified in 18S.10.065.B (See Required change 1).</p>
7	<p>Chapter 18S.20 – Conservancy Shoreline Environment Designation 18S.20.040 B</p>	<p>B. Management Policies.</p> <p>7. Commercial and industrial development should not be allowed be limited to, water oriented commercial and industrial development in instances where those uses have been located there in the past, or at unique sites that possess shoreline conditions and services necessary to support the development.</p>	<p>Revisions are recommended to improve internal consistency between the policies and the allowed uses set forth in the Shoreline Permit Table 18S.60.030-1 which prohibits all commercial and industrial development in the Conservancy SED.</p>

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8	<p>Chapter 18S.20 – Aquatic Shoreline Environment Designation 18S.20.070 A</p>	<p>A. Designation Criteria. The Aquatic SED applies to all shoreline areas waterward of the ordinary high-water mark. <u>The Aquatic SED includes Aquatic Marine and Aquatic Freshwater.</u></p> <ul style="list-style-type: none"> • <u>Aquatic Marine applies to all Puget Sound tidal waters. Tidal waters, as used here, includes marine and estuarine waters bounded by the OHWM. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine OHWM within the stream.</u> • <u>Aquatic Freshwater applies to the waters of all rivers, streams and lakes.</u> 	<p>Recommended language clarifies that Aquatic Marine and Aquatic Freshwater are both part of the Aquatic designation. The distinction between the two ensures internal consistency with Table 18S.60.030-1 and improved consistency with WAC 173-26-211(2) and 3(c).</p> <p>The definition for “tidal waters” is from WAC 173-22-030(9).</p>
9	<p>Chapter 18S.30 – Ecological Protection 18S.30.030 D</p>	<p>D. Regulations – Critical Areas.</p> <p>1. Title 18E PCC, Development Regulations – Critical Areas, are hereby adopted by reference. In instances when the regulations of Title 18E PCC conflict with the requirements of Title 18S PCC, the more protective standard shall apply.</p> <p>2. Because of its incorporation by reference, the provisions of Title 18E PCC shall apply to any use, alteration, or development within shoreline jurisdiction, to include those instances even when it is determined that a shoreline permit or approval is not required.</p> <p>3. The Reasonable Use provisions of PCC 18E.20.050 are not included as part of the Shoreline Master Program. The following provisions of PCC 18E do not apply within shoreline jurisdiction:</p> <ul style="list-style-type: none"> a) <u>18E.10.090 Reconsideration and Appeal Procedures</u> b) <u>18E.20.050 Reasonable Use Exceptions</u> c) <u>18E.20.060 Variances</u> <p>...</p> <p><u>7. Wetlands shall be rated using the Washington State Wetland Rating System for Western Washington (Hruby, 2014) (Ecology Publication #14-06-029, or as revised by Ecology).</u></p> <p><u>8. Application requirements for critical areas are in addition to those for shoreline permits.</u></p> <p><u>9. Shoreline permits for development which may impact a critical area will not be granted until critical area review is complete.</u></p> <p><u>10. Buffers to protect critical areas, such as a wetland or fish and wildlife habitat conservation area, may be wider than the shoreline buffers of Title 18S PCC. The most protective regulations apply.</u></p>	<p>Edits are recommended for clarity.</p> <p>3 and 7 are shown for context but are addressed in Attachment B – Required changes 4 and 5.</p> <p>For clarity in the regulations and for improved implementation, Ecology recommends relocating the language in 8, 9 and 10 from 18S.10.065 so that related provisions are all in one place. (See Recommended change 4)</p>

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10	<p>Chapter 18S.30 – Ecological Protection 18S.30.030 E</p>	<p>E. Regulations – Shoreline Buffers and Lake Tapps Setback. 1. Development on shorelines is subject to both the buffer requirements of Title 18S PCC and the applicable requirements of Title 18E PCC. Table 18S.30.030-2 indicates <u>identifies</u> the standard shoreline buffer/setback requirements. Table 18E.40-060-1 identifies Fish and Wildlife Habitat Conservation Area buffers which may exceed the standard shoreline buffer for the same water body. The most restrictive buffer width requirement shall apply. 2. Standard shoreline buffers listed in Table 18S.30.030-2 below are determined based on the Shoreline Environment Designation and shall be measured from the ordinary high water mark (OHWM), except that for Lake Tapps Reservoir, the <u>buffer and setback</u> shall be measured from the full pool elevation of 543 feet (equivalent to water level 543 msl as measured at the USGS Gage 12101000).</p>	<p>Edits improve clarity and acknowledge the existence of both shoreline buffers and the Lake Tapps setback. A segment of Lake Tapps designated Conservancy has a buffer. (See Recommended changes 37 and 68)</p>
11	<p>Chapter 18S.30 – Ecological Protection 18S.30.030 E</p>	<p>4. Uses and Development Allowed within Standard Shoreline Buffer. a. Water dependent uses and public shoreline access are allowed within the standard shoreline buffer subject to applicable regulations of the Master Program. ... <u>d. Fencing four feet or less in height may be allowed. The fencing must be parallel to and landward of the ordinary high water mark, no trees may be removed, and no net loss of shoreline function may result.</u></p>	<p>The provision for fencing is added at the request of county staff to address a frequently asked question.</p>
12	<p>Chapter 18S.30 – Ecological Protection 18S.30.030 G</p>	<p>G. Regulations – Vegetation Conservation. ... 2. Vegetation Planting Plan. Where vegetation is removed or disturbed within a standard shoreline buffer in excess of the vegetation removal allowances described in PCC 18S.30.030 G.3.-6., the applicant shall be required to prepare and implement a Vegetation Planting Plan. The Plan shall be submitted for review with a site development or building permit application subject to the following requirements: ... f. Monitoring of vegetation planted according to the planting plan shall be provided as follows: (1) Pre-planting photos; and (2) Photos taken in a consistent fashion, at established locations, at intervals of 6, 12, and 24 months. <u>If planting success is not demonstrated, replanting and additional monitoring shall be required.</u> ...</p>	<p>Edits are suggested to improve internal consistency with the SMP policies in 18S.30.030 B and the buffer requirements in Chapter 18E PCC and to improve consistency with WAC 173-26-201(2)(e) and WAC 173-26-221(5). The vegetation planting plan is part of the mitigation necessary to compensate for project impacts. Recommended language clarifies what happens if mitigation success has not been demonstrated to ensure the project is compliant with mitigation conditions.</p>

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13	<p>Chapter 18S.30 – Ecological Protection 18S.30.030 G</p>	<p>G. Regulations – Vegetation Conservation. ... 5. Control of noxious weeds that are included on the State noxious weed list (WAC 16-750) or invasive plant species as identified by Pierce County is allowed when conducted by clipping, pulling, over-shading with native tree and shrub species, or non-mechanized digging. Shoreline buffer mitigation planting is not required for this type of vegetation removal and erosion control measures may be required for this type of vegetation removal but erosion control measures may be required.</p>	<p>Edits ensure internal consistency with Ecological Protection policies 18S.30.030 B.6 and B.8.</p> <p>B.6: "...Where shoreline vegetation is inadequate to protect against the impact of new uses or development, native vegetation should be enhanced.</p> <p>B.8: "Replace designated noxious weeds and invasive species with native vegetation and other non-invasive vegetation to establish and maintain shoreline ecological functions and processes."</p> <p>Invasive plants can cover large areas. The removal without replanting could result in additional unmitigated impacts.</p>
14	<p>Chapter 18S.30 – Excavation, Dredging, Filling, and Grading 18S.30.040 B</p>	<p>New policy: Pierce County is concerned about potential for impacts to the environment from discharging dredged materials in Pierce County marine waters within the Nisqually Reach Aquatic Reserve. The county encourages citizen participation and engagement in the oversight of dredged material disposal through the Nisqually Reach Aquatic Reserve Implementation Committee and the Anderson Island Citizens Advisory Board (AICAB). The county should work with DNR Aquatic Reserve Program staff to seek feedback from the Implementation Committee and the AICAB on county approvals related to dredge disposal within Reserve boundaries.</p>	<p>Ecology acknowledges Pierce County’s concern with use of the Anderson/Ketron open water disposal site within the boundaries of the Department of Natural Resources Nisqually Reach Aquatic Reserve (see Required Change 7).</p> <p>Ecology also recognizes the county’s desire to ensure there is adequate opportunity for citizens to stay informed regarding any future county permit approvals for the site and suggests the county adopt a new policy. This policy encourages the use of DNR’s Aquatic Reserve Implementation Committee and the Anderson Island Citizens Advisory Board (AICAB) to ensure citizen concerns are addressed as part of county approvals for the disposal site. It is Ecology’s understanding that the county already routinely uses advisory boards such as AICAB during their permit decision process.</p> <p>Ecology also notes the wealth of information accessible on the Dredged Material Management Program website hosted by the U.S. Army Corps of Engineers: http://www.nws.usace.army.mil/Missions/Civil-Works/Dredging/</p>
15	<p>Chapter 18S.40 – Aquaculture 18S.40.040 B</p>	<p>B. Policies. 7. Monitor and identify <u>identified</u> aquaculture project environmental impacts. <u>The County shall establish monitoring procedures necessary to ensure that aquaculture operations are in compliance with permit conditions.</u> Monitoring protocols should be consistent with the recommendations of local, State, and Federal agencies with expertise. The results of monitoring may shall be used to identify necessary <u>needed to meet permit conditions</u>, and to <u>inform future aquaculture permitting requirements.</u></p>	<p>Revisions improve consistency with WAC 173-26-241(3)(b)(iv)(I) and for internal consistency with Appendix C, Section E Performance Standards and Monitoring. The second sentence is relocated from Policy 8 to combine monitoring language in one policy.</p>
16	<p>Chapter 18S.40 – Aquaculture 18S.40.040 B</p>	<p>B. Policies. 8. Give flexibility to aquaculture practices, provided that the overarching concern <u>proposals should shall be consistent with mitigation sequencing to avoidance or minimize minimization</u> of negative impacts as set forth in Title 18S PCC. The County shall establish monitoring procedures to ensure that aquaculture operations are in compliance with permit conditions.</p>	<p>Suggested edits to the first sentence improve internal consistency with 18S.30.030 and Table 18S.30.030-1 and consistency with WAC 173-26-241(3)(b)(i)(B), WAC 173-26-186(8), and WAC 173-26-201(2)(c). As noted above, the second sentence is moved to Policy 7 combining all monitoring language to improve clarity.</p>

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17	Chapter 18S.40 – Aquaculture 18S.40.040 B	<p>B. Policies.</p> <p>9. Limit the scale and period of operation of aquaculture practices that are unproven or that involve impacts of an indeterminate nature.</p>	Deletion is recommended as this policy is inconsistent with policy 8 and WAC 173-26-241(3)(b)(i)(B) which calls for flexibility for aquaculture practices, given their unique physical and ecological requirements as well as the changing nature of technology.
18	Chapter 18S.40 – Aquaculture 18S.40.040 B	<p>B. Policies.</p> <p>11. The County shall <u>may</u> require <u>expanded information</u> for an analysis of the cumulative impacts of aquaculture activities for more complex projects including, but not limited to farms on shorelines of statewide significance; multi-species farms; farms proposed within enclosed waters; farms proposed in locations where similar farms exist or are proposed; or farms that would be the first of their kind in the area.</p>	The revisions improve internal consistency and reflect the apparent intent, in 18S.70 Appendix C, subsection D, to have expanded information requirements under certain circumstances. The SMP requires all aquaculture proposals to obtain a Shoreline Conditional Use Permit (Table 18S.60.030-1 and 18S.60.060 D.3) requiring a cumulative impacts analysis in every case.
19	Chapter 18S.40 – Aquaculture 18S.40.040 C	<p>C. Regulations – General.</p> <p>... 2. Aquaculture operations are subject to all applicable State and federal regulations approved management guidelines. Where such guidelines are less restrictive than the County requirements, the County's requirements shall apply...</p>	Recommended revisions improve clarity and internal consistency with 18S.10.050.A.
20	Chapter 18S.40 – Aquaculture 18S.40.040 C	<p>C. Regulations – General.</p> <p>5. Aquaculture activity boundaries shall be illustrated on a site plan that includes a depiction of the real property boundaries consistent with the legal description of the property. Aquaculture activity boundaries and property corners shall be <u>marked</u> staked according to Chapter 58.17 RCW and Chapter 332-130 WAC. At its discretion, the County may require traditional survey methods or allow GPS methodology.</p>	Suggested revisions, developed in coordination with County staff, improve internal consistency with 18S.70 - Appendix C, A.1.a. The removal of references to Chapter 58.17 RCW and Chapter 332-130 WAC is recommended as neither citation adds relevant information and could create confusion.
21	Chapter 18S.40 – Aquaculture 18S.40.040 C	<p>C. Regulations – General.</p> <p>7. Shellfish aquaculture projects <u>located below the OHWM</u> shall not involve the use of supplemental feed, pesticides, herbicides, antibiotic, vaccines, growth stimulants, antifouling agents, or other chemicals. When such products are used for finfish aquaculture, usage data shall be maintained by the applicant/operator and shall be provided to the County upon request.</p>	The suggested edit is informed by the County’s response to public comments which clarifies that the regulation is intended to apply to shellfish aquaculture located waterward of the OHWM (see Attachment D, Line L20).
22	Chapter 18S.40 – Aquaculture 18S.40.040 D	<p>D. Regulations – Impact Avoidance</p> <p>5. All equipment and structures and/or tubes, nets, and bands, shall be marked to identify ownership, and shall be removed as defined by a County approved schedule.</p>	Suggested edits remove duplicative language and improve clarity. 18S.70 – Appendix C, B.1.e requires the applicant to submit: <i>A proposed schedule for the installation and removal of structures such as tubes and netting.</i> In addition, regulation 18S.40.040 C.11 requires that <i>“Predator control equipment shall be removed as defined within the approved schedule...”</i>

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23	Chapter 18S.40 – Aquaculture 18S.40.040 D	<p>D. Regulations – Impact Avoidance</p> <p>6. Proposals <u>Operators shall demonstrate methods to be used to secure tubes, nets, bands and other equipment and structures so that they will not to minimize escapement</u> from the site during the life of the operation.</p>	Suggested revisions remove duplication and improve clarity. The regulation, as originally written, is more appropriately located in the requirements for application submittals and is duplicative of 18S.70 – Appendix C, B.1.f which requires: <i>A description of how tubes, nets, bands and other equipment and structures will be prevented from escaping from the site during the life of the operation.</i>
24	Chapter 18S.40 – Aquaculture 18S.40.040 F	<p>F. Regulations – Structures</p> <p>1. The installation of structures and/or equipment shall demonstrate <u>be consistent with</u> the following: a. The structures and/or equipment proposed are the minimum necessary for feasible aquaculture operations; b. The design and location of such structures and/or equipment does not effectively preclude surface navigation, recreational boating, and other public use of shoreline waters; and c. Safe and unobstructed passage is provided for fish and wildlife.</p>	Edits are suggested for clarity.
25	Chapter 18S.40 – Aquaculture 18S.40.040 F	<p>2. Over-water structures and/or equipment, and any items stored upon such structures such as materials, garbage, tools, apparatus, shall be designed and maintained to minimize visual impacts. The maximum height above water for permanent structures shall be limited to three feet <u>as measured from the deck surface of the float or dock</u> unless shoreline conditions serve to minimize visual impacts (for example: high bank environments, shorelines without residential development). Height limitations do not apply to materials and apparatus removed from the site on a daily basis <u>or to required safety-related equipment.</u></p>	The recommended edits provide a clear way to measure structure height and also allow for any required safety equipment. The county could consider adding a visual impacts analysis as a means to vary from the height limitation. Some facilities may be off shore at such a distance that visual impacts are inconsequential.
26	Chapter 18S.40 – Aquaculture 18S.40.040 G	<p>G. Regulations – Species</p> <p>1. Aquaculture activities shall not be located within tidal channel portions of streams and rivers with direct utilization by anadromous species. <u>“Tidal channel portion” refers to the thalweg (the line connecting the lowest portions of a stream).</u></p>	The suggested description of what is meant by “tidal channel portion” provides greater certainty and clarity around this restriction. The addition was provided by the county in response to comments (see Attachment D, L51).
27	Chapter 18S.40 – Aquaculture 18S.40.040	<p>G. Regulations – Species</p> <p>2. New aquatic species that have not been previously cultivated in Washington State shall not be introduced into the County without prior written approval of the Director of the Washington Department of Fish and Wildlife and the Director of the Washington Department of Health.</p>	The suggested edit corrects an error. The Department of Health has no authority over the introduction of species. This authority lies only with Department of Fish and Wildlife (WDFW). See RCW 77.12.047, WAC 220-77 and WAC 220-72 which set forth WDFW’s authority and permit requirements.

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28	Chapter 18S.40 – Commercial, Civic, and Industrial 18S.40.050 C	C. Regulations. 1. Structures waterward of the OHWM shall be on piling or other open-framework, and shall be limited to those that require over-water facilities.	Revision is suggested to ensure consistency with the language used in 18S.40.140 C.4
29	Chapter 18S.40 – Commercial, Civic, and Industrial 18S.40.050 C	C. Regulations. 3. Non water-oriented commercial <u>civic or industrial</u> uses, or portions of a use that are non-water oriented, are prohibited in shorelines unless they meet one of the following criteria: ...	Edits are recommended for consistency with the intent and applicability of the section and for improved consistency with WAC 173-26-241(3)(f) – Industry and WAC 173-26-241(3)(d) – Commercial and Section 18S.30.050 Shoreline Access.
30	Chapter 18S.40 – Commercial, Civic, and Industrial 18S.40.050 C	C. Regulations. 7. When commercial, <u>civic, or Industrial</u> redevelopment involves relocating or expanding the existing structure, shoreline restoration or mitigation shall be a condition of approval. Restoration <u>Mitigation</u> may include, but is not limited to: a. Moving the structure away from the shoreline; b. Removing any shoreline armoring or replacing hard with soft armoring; c. Riparian vegetation restoration, including removing invasive and planting natives; or d. Stormwater retrofits to implement Low Impact Development.	Edits are recommended for consistency with the intent and applicability of the section and for improved consistency with WAC 173-26-241(3)(f) – Industry and WAC 173-26-241(3)(d) – Commercial and Section 18S.30.050 Shoreline Access.
31	Chapter 18S.40 – Commercial, Civic, and Industrial 18S.40.050 C	C. Regulations. 8. When commercial, <u>civic, or Industrial</u> redevelopment involves relocating or expanding the structure, public access shall be a condition of approval, unless infeasible due to health or safety issues. Public access may include, but is not limited to: a. Establish shoreline access or maintain existing public access; b. Connecting a trail to existing public access on adjacent property; or c. Providing for visual access to the shoreline.	Edits are recommended for consistency with the intent and applicability of the section and for improved consistency with WAC 173-26-241(3)(f) – Industry and WAC 173-26-241(3)(d) – Commercial and Section 18S.30.050 Shoreline Access.
32	Chapter 18S.40 – Forest Practices 18S.40.070 A	A. Applicability. This Section applies to Forest Practices as defined in the Washington State Forest Practices Act, Chapter 76.09 RCW, and the State Forest Practice Rules, WAC 222, as follows: 1. Class I, II, and III Forest Practices located within 200 feet of the OHWM on Shorelines of Statewide Significance. 2. Class IV-General Forest Practices where shorelines are being converted to non-forest uses are not subject to this chapter. Class IV-General Forest Practices are subject to the requirements of the other Chapters <u>sections</u> of Title 18S PCC, Development Policies and Regulations – Shorelines, as applicable, and to Title 18H PCC, Development Regulations – Forest Practices....	Title 18H was proposed for adoption by reference into the SMP. This could add unneeded complication and is not required by the SMP Guidelines. WAC 173-26-241 (3)(e) says that SMPs should rely on the Forest Practices Act and rules related to management of commercial forests within shoreline jurisdiction. SMPs should address Class IV conversions and selective timber removal (RCW 90.58.150). (Also see Recommended change 1) Edits are recommended for consistency with terminology used elsewhere in the SMP and for consistency with WAC 173-26-241(3)(e).

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; striketrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
33	Chapter 185.40 – Forest Practices 185.40.070 C	<p>C. Regulations.</p> <p><u>1. Forest Practice regulations are found in Title 18H PCC, Development Regulations – Forest Practices.</u></p> <p><u>2. Class I, II, and III Forest Practices located within 200 feet of the OHWM on Shorelines of Statewide Significance, consistent with RCW 90.58.150, shall only allow selective timber cutting so that no more than thirty percent (30%) of the merchantable trees may be harvested in any ten- (10-) year period of time; provided that other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective logging ecologically detrimental; and provided further, that clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted. Exceptions to this standard shall be by conditional use permit only.</u></p> <p><u>3. When forest land is to be converted to another use under a Class IV Forest Practice, the conversion shall be clearly indicated on the Forest Practices application. Preparatory work associated with the conversion of land to non-forestry uses and/or developments shall not be considered forest practices and shall be reviewed in accordance with the provisions for the proposed non-forestry use and the general provisions of this Master Program, including vegetation conservation.</u></p>	<p>This language is recommended in place of adoption of Title 18H into the SMP by reference and for consistency with WAC 173-26-241(3)(e). (Also see Recommended change 1.)</p>
34	Chapter 185.40 – Recreation 185.40.090 C	<p>C. Regulations</p> <p>6. Structures waterward of the ordinary high water mark (OHWM) shall be floating or on piling or other open-framework and shall be limited to those uses that require over-water facilities.</p>	<p>The suggested revision makes this provision consistent with the language used in 18S.40.140 C.4</p>
35	Chapter 185.40 – Recreation 185.40.090 C	<p>C. Regulations</p> <p>8. Restrooms, refuse disposal, parking, maintenance, and similar facilities shall be provided consistent with the expected demand. Designs shall consider ways to limit attendance to prevent overuse of the site.</p>	<p>Ecology recommends the edits to clarify the intent of the provision. It does not seem the intent is to limit attendance at recreation sites, but to limit overuse.</p>
36	Chapter 185.40 – Recreation 185.40.090 C	<p>C. Regulations</p> <p>9. Over-water <u>Recreational</u> structures that extend waterward from the water's edge <u>OHWM</u> shall not exceed 15 percent of the fetch.</p>	<p>Recommended edit removes redundancy and clarifies the provision while improving consistency with Section 18S.40.140 Water Access Facilities.</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; striketrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
37	Chapter 18S.40 – Residential 18S.40.100 C	<p>C. Regulations – General. ... 2. Table 18S.30.030-1<u>2</u>, Standard Shoreline Buffers and Setbacks, indicates the required buffer <u>or setback</u> for each SED. Table 18E.40.060-1, Fish and Wildlife Habitat Conservation Area Buffer Requirements, indicates the required fish and wildlife habitat area buffer or setback width for each shoreline water type. Chapter 18E.40 PCC includes the provisions by which fish and wildlife habitat area buffers and setbacks may be modified.</p>	<p>The first edit corrects the citation. The other edits improve consistency with the provisions referenced in Chapter 18E.40. Table 18E.40.060-1 sets buffers not setbacks.</p>
38	Chapter 18S.40 – Residential 18S.40.100 C	<p>C. Regulations – General. 3. Residential development shall comply with bulk standards (such as, but not limited to: setbacks, buffers, height, and density) of Title 18A PCC.</p>	<p>Deleting this provision avoids the implication that a deviation from the standards in Title 18A would require a Shoreline Variance. The SMP, in 18S.10.060, properly states that “shoreline development may be subject to other Pierce County Code (PCC) Titles” and includes Title 18A PCC in provision G.</p>
39	Chapter 18S.40 – Residential 18S.40.100 C	<p>C. Regulations – General. <u>10. Residential development, including appurtenant structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses.</u></p>	<p>The addition improves consistency with WAC 173-26-241(3)(j) and RCW 90.58.100(6) as well as internal consistency with Residential Policy B.5</p>
40	Chapter 18S.40 – Restoration and Enhancement 18S.40.110 C	<p>C. Regulations. ... 3. Shoreline restoration projects that <u>result in a landward shift in the ordinary high water mark, may be reviewed pursuant to meet</u> RCW 90.58.580 may be granted to determine if relief from Master Program development standards and use regulations <u>are warranted</u> within urban growth areas.</p>	<p>Recommended changes improve consistency with RCW 90.58.580 and clarify that it is not the shoreline restoration project that would be granted relief from the SMP standards and regulations but the adjacent land impacted by approved shoreline restoration projects. See Attachment E, Periodic Review Checklist completed by county staff.</p>
41	Chapter 18S.40 – Water Access Facilities 18S.40.140 C	<p>C. Regulations – General. 5. In- and over-water facilities shall be visible under normal day and nighttime conditions. Visual aids may include reflectors and warning lights, <u>and shall be consistent with any applicable U.S. Coast Guard requirements.</u> ...</p>	<p>Additional language is recommended to reduce the likelihood of conflicting with US Coast Guard standards and requirements.</p>
42	Chapter 18S.40 – Water Access Facilities 18S.40.140 C	<p>C. Regulations – General. 9. Off-shore facilities shall be: a. Clearly marked with the owner's name, contact information and, if on <u>State-owned aquatic</u> land, Washington State Department of Natural Resources (DNR) registration number; and...</p>	<p>Recommended clarifying edit per DNR comment received during the state comment period (see comment T5 on Attachment D).</p>
43	Chapter 18S.40 – Water Access Facilities 18S.40.140 G	<p>G. Regulations – Dimension Tables. Tables 18S.40.140-1 and 18S.40.140-2 contain dimension standards for boating facilities addressed in this Section. The following information pertains to the interpretation of the Table.</p>	<p>Edits are recommended to help clarify this provision, consistent with the figures and Table 18S.40.140-1.</p>

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		<p>1. Facilities attached to another facility, such as a pier and ramp attached to a dock (as in Figure 18S.40.140-2), shall be considered <u>one facility separately</u> for the purpose of dimensional measuring.</p>	
<p>18S.40.140 44 Water Access Facilities.</p>		<p>H. Regulations – Dimensions. 3. Length means the linear distance of <u>all facility segments in sum total, including the linear distance as a facility</u> measured from the OHWM, <u>and the length of any attached “U”, “T”, or “L” segments.</u> except that for On Lake Tapps, the linear distance of a facility shall be measured from the 543-foot elevation of the Lake. See Figure 18S.40.140-1, Length of Dock Measurement.</p>	<p>Clarifications address internal consistency and ensure appropriate implementation. The text describes measuring facility length from the OHWM waterward, while Figure 18S.40.140-1 (below) shows facility measurement as the sum of the distance of the facility from the OHWM waterward plus the length of the attached ‘T’ segment running parallel to the OHWM.</p> <p>FIGURE 18S.40.140-1 – Length of Facility Measurement</p> 
<p>45 Chapter 18S.60 – Permits and Approvals 18S.60.020 B</p>		<p>B. Applicability. This Section applies to shoreline development and uses with shorelines that do not require a Substantial Development Permit, as listed in PCC 18S.60.020 C. If any part of a proposal is not an <u>eligible for an SD</u> exemption, than an SD shall be required for the entire proposal.</p>	<p>Minor edits are recommended for clarity and consistency with WAC 173-27-040(1).</p>
<p>46 Chapter 18S.60 – Permits and Approvals 18S.60.020 C</p>		<p>C. SD Exemptions 1. Fair Market Value. Development of which the total cost or fair market value, whichever is higher, does not exceed \$6,416.00 <u>7,047</u> if such development does not materially interfere with the normal public use of the water or Shorelines of the State. ...</p>	<p>The dollar threshold used to define substantial development was adjusted by the Office of Financial Management and became effective September 2, 2017. Adopting the revised substantial development permit cost threshold addresses a change adopted by the Office of Financial Management since the Pierce Co SMP was locally adopted. Incorporating statutory and regulatory requirements that became effective after the SMP was adopted will allow the County to comply with both the comprehensive update requirement of RCW 90.58.080(2) as well as the periodic review requirement of RCW 90.58.080(4). See Attachment E, Periodic Review Checklist completed by county staff.</p>

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47	Chapter 18S.60 – Permits and Approvals 18S.60.020 C	<p>C. SD Exemptions</p> <p>7. Single-Family Residence. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, ...</p> <p>b. Appurtenances normal to a single-family residence are allowed accessory to a single-family residence, provided that the normal appurtenances are not prohibited from locating in the shoreline environment designation (SED) or the underlying zone classification, and further provided that they have met all applicable development regulations including, but not limited to shoreline buffers <u>and setbacks</u>, critical area regulations and impervious surface limits.</p> <p>...</p>	<p>Edit is recommended for internal consistency recognizing that the Residential SED on Lake Tapps has a setback.</p>
48	Chapter 18S.60 – Permits and Approvals 18S.60.020 C	<p>C. SD Exemptions</p> <p>17. Hazardous Substance Remediation. Pursuant to RCW 90.58.355 regarding hazardous substance remedial actions, the procedural requirements of the Shoreline Management Act shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW, or to the Department of Ecology when it conducts a remedial action under Chapter 70.105D RCW. The Department of Ecology shall ensure compliance with the substantive requirements of Chapter 90.58 RCW, Chapter 173-26 WAC and the Master Program through the consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW, or during the department conducted remedial action, through the procedures developed by Ecology pursuant to RCW 70.105D.090.</p> <p>17. <u>The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with disabilities act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.</u></p>	<p>New C.17 is added to address the addition of a new exemption, found in RCW 90.58.030(3)(e)(xiii), added by the Legislature in 2016 with passage of Engrossed Substitute House Bill 2847. Adopting this new permit exemption addresses a change adopted by the Legislature since the Pierce Co SMP was locally adopted. Incorporating statutory and regulatory requirements that became effective after the SMP was adopted will allow the County to comply with both the comprehensive update requirement of RCW 90.58.080(2) as well as the periodic review requirement of RCW 90.58.080(4). See Attachment E, Periodic Review Checklist completed by county staff.</p> <p>Relocating C.17 Hazardous Substance Remediation to a new Subsection H is recommended so that all special exceptions to SMA permit review are in one location (see Recommended change 49).</p>
49	Chapter 18S.60 – Permits and Approvals 18S.60.020 C	<p>H. Persons, Projects, and Activities Not Required to Obtain Certain Permits. Pursuant to RCW 90.58.355 the following persons, projects, and activities are <u>not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by the County to implement this Shoreline Master Program:</u></p> <p><u>1. Hazardous Substance Remediation. Pursuant to RCW 90.58.355 regarding hazardous substance remedial actions, the procedural requirements of the Shoreline Management Act shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW, or to the Department of Ecology when it conducts a remedial action under Chapter 70.105D RCW. The Department of Ecology shall ensure compliance with the substantive</u></p>	<p>The addition of new subsection H. Persons, Projects, and Activities Not Required to Obtain Certain Permits is recommended. This improves consistency with WAC 173-27-044 and addresses legislative revisions to RCW 90.58.355 since the SMP was locally adopted.</p> <p>1. The Hazardous Substance Remediation language is relocated from C (17) as noted above in Recommended change 48.</p> <p>2 and 3 address projects, and activities that do not require local permits or reviews pursuant to RCW 90.58.355 & 356. The provision related to stormwater treatment for existing boatyards was added by the Legislature in 2012 with passage of Engrossed House Bill 2469. The provision related to Department of Transportation projects was added by the Legislature in 2015 with passage of Engrossed Substitute Senate Bill 5994. Incorporating statutory and regulatory requirements that became effective after the SMP was locally adopted will allow the County to comply with both the</p>

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		<p>requirements of Chapter 90.58 RCW, Chapter 173-26 WAC and the Master Program through the consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by Ecology pursuant to RCW 70.105D.090.</p> <p>2. Any person installing site improvement for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system stormwater general permit.</p> <p>3. The department of transportation projects and activities that meet the conditions of RCW 90.58.356.</p>	<p>comprehensive update requirement of RCW 90.58.080(2) as well as the periodic review requirement of RCW 90.58.080(4). See Attachment E, Periodic Review Checklist completed by county staff.</p>
50	<p>Chapter 185.60 – Permits and Approvals 185.60.030</p>	<p>Table 185.60.030-1 Shoreline Permit Table</p> <p>State Dredge Material Disposal</p>	<p>The recommended revision makes clear the requirements for dredge disposal are not limited to state actions. In water disposal in Puget Sound is limited to specific sites managed by the Dredged Material Management Program. However, dredging and dredged material disposal activities can be proposed by private and public entities.</p>
51	<p>Chapter 185.70 – Appendix A - Definitions</p>	<p>“Boathouse” means any building located landward of the ordinary high water mark utilized for the storage of watercraft and related equipment. For purposes of Title 18S PCC, the term boathouse shall not mean a watercraft, vessel, or residence.</p>	<p>Additional language is suggested clarifying that boathouses are located landward of the OHWM, consistent with 18S.40.140 D.9 and to clearly distinguish from “covered moorage” which includes overwater storage.</p>
52	<p>Chapter 185.70 – Appendix A - Definitions</p>	<p>“Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level. <u>“Development” does not include dismantling or removing structures if there is no other associated development or redevelopment.</u> (Note: This definition intentionally differs from the definition for "Development" found in Chapter 18.25 PCC.)</p>	<p>Ecology amended permit rules in 2017 to clarify the definition of “development” does not include projects that involve only dismantling or removing structures without any associated development or redevelopment. This in not really a new interpretation, it simply codifies the primary holding of the 1992 WA State Supreme Court decision in <i>Cowiche Canyon v. Bosley (118 Wn.2d 801)</i>. Ecology included the clarification in rule to address a question about applicability of the SMP that arises frequently. This clarification became effective after the SMP was locally adopted, and this recommended change will allow the County to comply with both the comprehensive update requirement of RCW 90.58.080(2) as well as the periodic review requirement of RCW 90.58.080(4). See Attachment E, Periodic Review Checklist completed by county staff.</p>
53	<p>Chapter 185.70 – Appendix A - Definitions</p>	<p>“Excavated Moorage Slips” means a mooring location that is excavated or dredged from a segment of shoreline and/or substrate.</p>	<p>This term is not used in the SMP; therefore a definition is not necessary.</p>
54	<p>Chapter 185.70 – Appendix A - Definitions</p>	<p><u>“Eelgrass” means those native species including <i>Zostera marina</i>.</u></p>	<p>Adding this definition clarifies what is meant by this term. State law precludes the County from protecting noxious weeds which are listed on the State noxious weed list (WAC 16-750) and includes <i>Zostera japonica</i>. It also improves internal consistency with 18S.30.030 G.5.</p>
55	<p>Chapter 185.70 – Appendix A - Definitions</p>	<p><u>“Floating home” means a single-family dwelling unit constructed on a float that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.</u></p> <p><u>“Floating on-water residence” means any floating structure other than a floating home: (a) That is designed or used primarily as a residence on the water and has detachable utilities; and (b) Whose owner or primary occupant</u></p>	<p>“Floating home” and “floating on-water residence” definitions are recommended consistent with RCW 90.58.270 and WAC 173-26-020(17) and (18). Floating homes are prohibited pursuant to 18S.40.100.B.7 & 18S.40.100.C.4; therefore they should be defined. The definition for “floating homes” was added by the Legislature in 2011 in Substitute House Bill 1783. The definition for “floating on-water residences” was added by the Legislature in 2014 in Engrossed Substitute Senate Bill 6450. Incorporating statutory and regulatory requirements that became effective after the SMP was locally adopted will allow the County to comply with both the comprehensive update requirement of RCW 90.58.080(2) as well</p>

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		<u>has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.</u>	as the periodic review requirement of RCW 90.58.080(4). See Attachment E, Periodic Review Checklist completed by county staff.
56	Chapter 18S.70 – Appendix A - Definitions	<u>"Nonwater-oriented uses" means those uses that are not water-dependent, water-related, or water-enjoyment.</u>	Addition of this definition, consistent with WAC 173-26-020(27), is recommended to ease implementation.
57	Chapter 18S.70 – Appendix A - Definitions	<u>"Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.</u>	Addition of this definition, consistent with RCW 90.58.030(2)(d), is recommended to ease implementation.
58	Chapter 18S.70 – Appendix A - Definitions	<u>"Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes the total of all "shorelines of the state" as defined in RCW 90.58.030(g), that occur in unincorporated Pierce County. For the purposes of Title 18S PCC, these include all waters and associated lands described in PCC 18S.10.030 A and 18S.20.020.</u>	Addition of this definition, consistent with RCW 90.58.030(2)(e), is recommended to ease implementation.
59	Chapter 18S.70 – Appendix A - Definitions	<u>"Shorelines of the state" means the total of all "shorelines" and "shorelines of statewide significance" within the state.</u>	Addition of this definition, consistent with RCW 90.58.030(2)(g), is recommended to ease implementation.
60	Chapter 18S.70 – Appendix C Aquaculture Application Requirements	<p>A. Site Plan. 1. A site plan including: ...</p> <p>c. A general depiction of adjacent land uses <u>including the presence of</u> structures, docks, bulkheads, and other modifications. If there are shore stabilization structures, provide the beach elevation at the toe of the structure and the top of the structure (MLLW datum);</p> <p>d. Location of any proposed equipment or structures (i.e., buoys, tubes, stakes, racks, protective netting, processing, or storage buildings);</p> <p>e. Location of any <u>proposed</u> areas of shoreline modification (i.e., grading, frosting, removal of rocks, and other shoreline elements);</p>	<p>A.1.c. The edit corrects an apparent typographical error.</p> <p>A.1.e. A recommended edit improves clarity.</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; striketrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
61	Chapter 185.70 – Appendix C Aquaculture Application Requirements	<p>E. Performance Standards and Monitoring Plan.</p> <p>1. A monitoring plan shall be developed that includes Project-specific performance standards shall be created that are specific to the aquaculture proposal and the results of the baseline review of the proposed farm site.</p> <p>2. The Monitoring Plan shall be provided prepared by a qualified independent third party professional to determine compliance with the established performance standards or conditions of the shoreline permit any land use approval.</p> <p>a. Compliance with Proposed performance standards, monitoring protocols and contingencies shall be included in the monitoring plan. The county will establish a monitoring schedule as a condition of each permit approval. will generally be met by demonstrating no statistically significant changes to baseline conditions as a result of individual harvest activities or by demonstrating that no consistent adverse changes occur over the course of multiple harvest activities. The results of the operational monitoring may trigger a range of actions, including, but not limited to, changes to:</p> <ul style="list-style-type: none"> (1) The allowable size of the operation; (2) The planting or harvest schedule; and (3) The width of required buffers or setbacks. <p>b. The duration and frequency of monitoring shall will be unique to each proposal; however, in general, monitoring shall occur in conjunction with bed preparation, staging, seeding, and prior to cycles of planting and harvest activities and for a period of time sufficient to verify compliance. with performance standards. Duration and frequency shall be reduced when the applicant demonstrates that, relative to their proposal, these activities, whether singly or in combination, do not serve as a potential stressor to the following functional attributes of the intertidal zone: reduction in forage fish habitat, alteration to benthic community structure, reduction in forage availability and migration habitat, or reduction in water quality.</p> <p>c. Monitoring frequency should be increased commensurate with the complexity and intensity of the aquaculture method(s) utilized and the sensitivity of the shoreline.</p> <p>d. The results of the monitoring program may affect the scale or frequency of harvest activities. Monitoring may result in a reduction to harvest activities or it may allow an expansion within the limits of the approved permit, depending upon the Performance Standards established.</p>	<p>The recommended changes to this section are for internal consistency with 18S.40.040 C.13 to “submit a monitoring plan consistent with Chapter 18S.70 Appendix C” and with the stated purpose of Appendix C which is to set forth application requirements for aquaculture proposals.</p> <p>The changes are intended to improve consistency with WAC 173-26-191(2)(a)(ii)(A) which requires that master program regulations be “...sufficient in scope and detail...” to insure appropriate implementation of the SMA and supporting policies. Changes clarify that this section is about a monitoring plan developed as part of a shoreline permit application.</p> <p>Monitoring is a requirement of the shoreline permit and the edits clarify that monitoring requirements are for ensuring compliance with the shoreline permit, including permit conditions, consistent with policies 18S.40.040 B.7 and B.8 and with RCW 90.58.140 and WAC 173-27. The language shown as struck in 2.a and 2.b do not relate to application requirements. The language in 2.a describes how monitoring results may inform the county’s decisions regarding future operations. The language in 2.b. appears to establish standards which must be met.</p> <p>Neither the SMA nor the SMP Guidelines require a demonstration of “no statistically significant changes to baseline conditions” which sounds like the applicant must show no change over time. This standard is likely unachievable under any measure and is not required of any other shoreline use or development proposal in this SMP nor is it consistent with Ecology’s SMP Guidelines.</p> <p>The SMP Guidelines, in WAC 173-26-176, recognize that the policy goals of the SMA “harbor potential for conflict” as they relate to both utilization of and protection of the same geographic space – that area within shoreline jurisdiction that contains resources both extremely valuable and vulnerable. The SMA policy of achieving both shoreline utilization and protection is reflected in the provision that "permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and the public's use of the water." [WAC 173-26-176(2)] Consistent with these statements and the policies of RCW 90.58.020, the County’s SMP has identified a preference for water-oriented uses with a priority for water-dependent uses (18S.30.090), along with provisions for protection of ecological functions and the mitigation of unavoidable adverse impacts (18S.30.030).</p> <p>The requirement to ensure no net loss of shoreline ecological functions on a project level is met by adhering to mitigation sequencing which includes adequate mitigation for impacts which are unavoidable. How this is done is further described in WAC 173-26-201(2)(c) which acknowledges that the “concept of “net”...recognizes that any development has potential or actual, short-term or long-term impacts” and that these are addressed through appropriate development standards and mitigation measures in accordance with the mitigation sequence, to assure shoreline resources and values are not diminished.</p>
62	Chapter 185.70 – Appendix C	<p>F. Assessment of Impacts. This Section shall be based upon the results of the baseline conditions study. This shall be accompanied by a discussion of avoidance, minimization, and mitigation actions proposed. Potential impacts</p>	<p>The suggested edit removes the last sentence of the paragraph which repeats the second sentence.</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; striketrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
	Aquaculture Application Requirements	that shall be discussed include: impacts to regulated critical areas and species, loss of benthic biotic diversity, increase in pollutant loading, alteration to nearshore sediment composition or transport processes, decrease in water quality. This shall be accompanied by a discussion of avoidance, minimization and mitigation actions proposed.	
63	Chapter 18S.70 – Appendix F	Proposed Shoreline Environment Designation	The suggested edit removes the word “Proposed” from the map title as the map will be final.
64	Chapter 18S.70 – Appendix G		The County adopted the 2014 Parks, Recreation and Open Space Plan in February 2014. The existing map in Appendix G is based on the 2008 Parks Plan. It’s recommended the map be updated consistent with the county’s most recent Parks Plan.
65	Chapter 18S.70 – Appendix H	Proposed Shoreline Environment	The suggested edit deletes “proposed” from the map title above the legend.
66	Exhibit D Title 18E 18E.10.070	<p>D. Review.</p> <p>3. Review Process.</p> <p>f. Critical area applications required under this Title shall be approved prior to approval of any related action (parent application) such as, but not limited to, a building permit, land division action, site development action, forest practice application, Tacoma-Pierce County Health Department (TPCHD) permit, or use permit, <u>or shoreline permit</u>. <u>In shoreline jurisdiction, critical area review approval conditions shall be completed as part of the shoreline permit or exemption approval review process.</u></p>	<p>This amendment to Title 18E, adopted by Ordinance 2013-45s4, is part of the SMP approval and is not in effect until the SMP is approved. Ecology recommends clarifications to this CAO provision relating to shoreline approvals for consistency with RCW 90.58.610 and RCW 36.70A.480 (3)(d) which says: <i>Upon department of ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section...</i></p> <p>The process for authorizing development and uses within shoreline jurisdiction are those provided in RCW 90.58 and WAC 173-27. As incorporated, the critical areas provisions will be reviewed and applied as part of the shoreline permit process not via a separate critical areas approval process.</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; striketrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE																
67	Exhibit D Title 18E Table 18E.40.040-1	<table border="1"> <thead> <tr> <th colspan="2" data-bbox="400 235 1239 267">NEW Table 18E.40.040-1. Submerged Aquatic Vegetation</th> </tr> <tr> <th data-bbox="400 267 825 332">Regulated Activity</th> <th data-bbox="825 267 1239 332">Required Undisturbed Area Widths*</th> </tr> </thead> <tbody> <tr> <td data-bbox="400 332 825 495">Shellfish Harvest</td> <td data-bbox="825 332 1239 495">Intertidal Manual Harvest: 25-16-feet Intertidal Mechanical Harvest: 50-feet Subtidal: 180-feet</td> </tr> <tr> <td data-bbox="400 495 825 592">Mussel Rafts</td> <td data-bbox="825 495 1239 592">50-feet within low-energy shoreline areas including, but not limited to, bays, coves, and estuaries.</td> </tr> <tr> <td data-bbox="400 592 825 625">Fish Pens</td> <td data-bbox="825 592 1239 625">300-feet</td> </tr> <tr> <td data-bbox="400 625 825 722">Docks and Floats</td> <td data-bbox="825 625 1239 722">4-feet vertical separation or 25-feet horizontal separation, whichever is greater.</td> </tr> <tr> <td data-bbox="400 722 825 820">Other</td> <td data-bbox="825 722 1239 820">A minimum separation of 25 <u>16</u>-feet shall be required for all other activities.</td> </tr> <tr> <td colspan="2" data-bbox="400 820 1239 917">*Required undisturbed area widths do not apply to eelgrass that establishes naturally following commencement of approved aquaculture activities.</td> </tr> </tbody> </table>	NEW Table 18E.40.040-1. Submerged Aquatic Vegetation		Regulated Activity	Required Undisturbed Area Widths*	Shellfish Harvest	Intertidal Manual Harvest: 25-16-feet Intertidal Mechanical Harvest: 50-feet Subtidal: 180-feet	Mussel Rafts	50-feet within low-energy shoreline areas including, but not limited to, bays, coves, and estuaries.	Fish Pens	300-feet	Docks and Floats	4-feet vertical separation or 25-feet horizontal separation, whichever is greater.	Other	A minimum separation of 25 <u>16</u> -feet shall be required for all other activities.	*Required undisturbed area widths do not apply to eelgrass that establishes naturally following commencement of approved aquaculture activities.		<p>This amendment to Title 18E, adopted by Ordinance 2013-45s4, is part of the SMP approval and is not in effect until the SMP is approved. Ecology recommends clarifications to this CAO provision for clarity and to improve implementation. It appears the intent is to ensure a minimum buffer for all aquaculture activities, including bed preparation and planting activities.</p> <p>As written, the widths in the table are the minimum required and any reduction merited by conditions, research and/or technology would require a Shoreline Variance. In shoreline jurisdiction, minimum bulk and dimensional standards like these can only be reduced through a shoreline Variance permit absent buffer modification provisions such as those provided for shoreline buffers in 18S.30.030 E. By setting the regulations up in this manner, the County has limited its flexibility during the shoreline review process to reduce the widths based on the site-specific conditions, current research and technology advances, the language in 18E.40.040 D notwithstanding.</p> <p>For aquaculture activities, Ecology recommends the county set a minimum buffer width from submerged aquatic vegetation consistent with federal requirements. The most current scientifically defensible minimum width is 16 feet, as outlined in the Corps of Engineers current guidelines (<i>Corps Special Public Notice: Components of a Complete Eelgrass Delineation Report Guidelines, 1/12/2018</i>). Consistency with Corps requirements is helpful for Pierce County and applicants.</p> <p>We recommend removing the distinction between mechanical and manual harvest, as there are no definitions for either term, nor is there a basis in the County's submitted record for making this distinction.</p> <p>We recommend removing the limit of 180 feet for subtidal harvest which was developed specifically for DNR's Habitat Conservation Plan for wildstock geoduck harvest. The subtidal harvest of wild geoduck is managed exclusively by DNR. It is unclear how applicable or appropriate this restriction would be for nearshore subtidal harvest in commercial aquaculture farms.</p>
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68	Title 18E Buffer Requirements 18E.40.060 C	<p>C. Buffers for Other Critical Habitat Areas</p> <p>1. Shoreline Master Program Buffers and Lake Tapps setback.</p> <ul style="list-style-type: none"> a. Development on shorelines is subject to the applicable buffer requirements of Table 18E.40.060-1 and Title 18S PCC, Development Policies and Regulations – Shorelines. Where these buffers differ from the applicable requirement of Title 18E PCC, the most restrictive buffer width applies. b. Standard shoreline buffers <u>or setback</u> listed in Table 18S.30.030-2 are based on the Shoreline Environment Designation. c. Shoreline buffers are measured from the ordinary high water mark (OHWM), except that for Lake Tapps Reservoir, the <u>buffer or setback</u> shall be measured from the full pool elevation of 543 feet (equivalent to water level 543 msl as measured at the USGS Gage 12101000). 	<p>Edits are recommended for consistency with Table 18S.30.030-2 which lists a setback for the Residential SED on Lake Tapps and includes a buffer for a segment of shoreline designated Conservancy. This also improves consistency with 18S.40.100 C.2 (see Recommended change 37) and 18S.30.030 E (see Recommended change 10).</p>																