



# Introduction to Washington's Shoreline Management Act (RCW 90.58)

Washington's Shoreline Management Act (SMA) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

The Act establishes a broad policy giving **preference** to uses that:

- protect the quality of water and the natural environment,
- depend on proximity to the shoreline ("water-dependent uses"), and
- preserve and enhance public access or increase recreational opportunities for the public along shorelines.

The SMA establishes a **balance of authority** between local and state government. Cities and counties are the primary regulators but the state (through the Department of Ecology) has authority to review local programs and permit decisions.

## Shoreline master programs

Under the SMA, each city and county adopts a **shoreline master program** that is based on state guidelines but tailored to the specific needs of the community. More than **200 cities** and **all 39 counties** have shoreline master programs.

Local shoreline master programs combine both plans and regulations. The plans are a comprehensive vision of how shoreline areas will be used and developed over time. Regulations are the standards that shoreline projects and uses must meet.

Local governments may **modify master programs** to reflect changing local circumstances, new information, or improved shoreline management approaches. All changes to master programs require public involvement. At a minimum, local governments must hold public

hearings. Substantial revisions are usually written with help from citizen advisory committees.

Ecology provides **technical assistance** to all local governments undertaking master program amendments. Ecology also provides **grants** (approx-

mately \$425,000 per year) to local governments within the state's Coastal Zone (jurisdictions within the 15 counties with saltwater shorelines).

Most shoreline master programs were originally written between 1974 and 1978. Since then, approximately 25% of these

## Where does the Shoreline Management Act apply?

The Shoreline Act applies to:

- all **marine waters**;
- **streams** with a mean annual flow greater than 20 cubic feet per second;
- **water areas of the state** larger than 20 acres;
- Upland areas called "shorelands" 200 feet landward from the edge of these waters;

and the following areas when they are *associated* with one of the above:

- biological **wetlands** and river deltas; and
- some or all of the 100-year **floodplain** including all wetlands within the entire floodplain.

## Shorelines of State-wide Significance

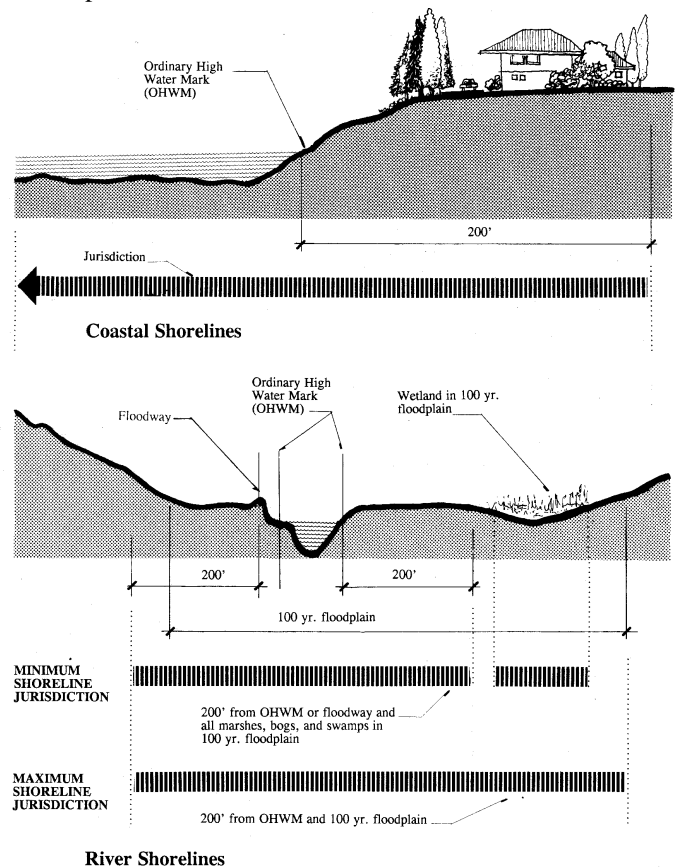
The Shoreline Act also states that "the interests of all the people shall be paramount in the management of **shorelines of statewide significance.**"

These shorelines are defined in the Act as:

- Pacific Coast, Hood Canal and certain Puget Sound shorelines;
- all waters of Puget Sound and the Strait of Juan de Fuca;

- lakes or reservoirs with more than 1,000 surface acres;
- larger rivers (1,000 cubic feet per second or greater for rivers in Western Washington, 200 cubic feet per second and

- greater east of the Cascade crest); and
- wetlands associated with all the above.



The Shoreline Management Act applies to more than 20,000 miles of shorelines: 2,300 miles of lake shores, 16,000 miles of streams, and 2,400 miles of marine shoreline.

programs have been significantly updated; 50% have only had minor amendments, and 25% have never been amended.

Master program amendments are effective after **Ecology's approval**. In reviewing master programs, Ecology is limited to a decision on whether or not the proposed changes are consistent with the policy and provisions of the Act and the state "master program guidelines."

## Shoreline permits

Each local government has established a system of permitting for shoreline development.

**Substantial Development Permits** are needed for projects costing over \$2,500, or those which materially interfere with the public's use of the waters.

Some projects and activities are simply prohibited by local master programs or under the policy of the Act. However, it is far more common that the issue is *how* a development should be done - not whether or not it should be done.

Local governments may also issue **Conditional Use** or **Variance** permits to allow flexibility and give consideration to special circumstances. Ecology must approve all conditional use and variance permits.

Local governments issue approximately **1,000 permits every year**.

## Permit exemptions

The Shoreline Management Act **exempts** certain developments from the need to obtain a substantial development permit. Among other things, permits are not needed for:

- Single family residences
- Normal protective bulkheads for single family residences
- Normal maintenance and repair of existing structures
- Docks worth less than \$2,500 (salt water) or \$10,000 (fresh water).
- Normal farming activities
- Emergency construction

needed to protect property

Activities exempted from the need to acquire a permit must still comply with all substantive policies and regulations of the local master program.

## Public involvement and appeals

The Act strongly supports **public involvement** in shoreline decision making. Citizens participate on advisory boards preparing local master programs, and public comment is required for individual permits.

The **Shorelines Hearings and Growth Management Boards** are quasi-judicial bodies whose members representing citizen interests. Any aggrieved party may appeal a shoreline permit to the Shorelines Hearings Board. Master program amendments or adoptions may be appealed to a Growth Management Hearings Board (GMA jurisdictions) or the Shorelines Hearings Board (non-GMA jurisdictions).

## Ecology's role

Most of Ecology's work involves providing technical assistance *prior* to a local decision.

- Ecology shoreline specialists work with local planners on the phone, at pre-application meetings, and through site visits.
- Ecology works with applicants to make sure the project does not harm shorelines - in many cases the project can be redesigned so that it meets the policies and regulations of the local master program.
- Ecology often receives early notice of a project through SEPA, and works with applicants and local governments before the permit is filed.

After local government issues its permits, Ecology has 21 days to review substantial development permits and 30 days to review conditional use and variance permits. Ecology's role is to determine if the local

## Federal Coastal Zone Management Act

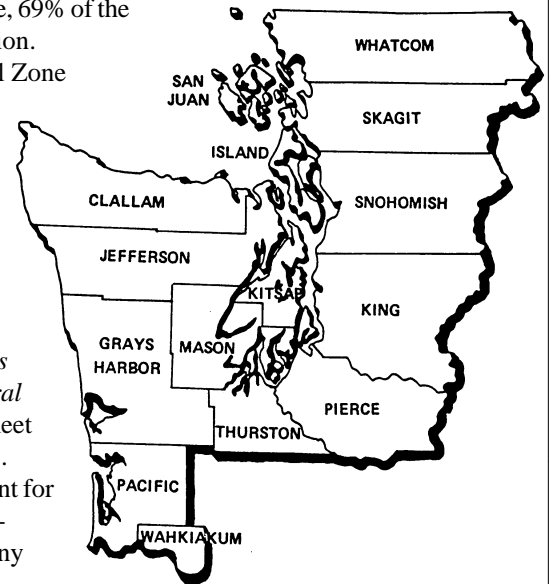
In 1976, Washington became the first state to develop an approved coastal management program under the federal Coastal Zone Management Act, a voluntary federal program that fosters active state involvement in managing the nation's coastal zones. The Shoreline Management Act is the basis of Washington's CZM program.

The coastal program benefits jurisdictions within the **fifteen counties** bordering Washington's 2,337 miles of saltwater shorelines. The coastal zone is home to almost 4 million people, 69% of the state's population.

The Coastal Zone program gives the state **legal muscle** over federal projects. The state can require federal projects (*and private projects that need federal approval*) to meet state standards. This requirement for "federal consistency" is in many

cases the only leverage that the state has to influence federal projects.

The CZM program also provides **money** to Washington State. Since 1976, the state has received \$2 million every year. This grant pays for Ecology's review of shoreline permits, enforcement, technical assistance, and education. Ecology also awards grants (\$425,000 annually) to local governments for shoreline master program updates, waterfront revitalization plans, education programs, and public access.



action is consistent with the local master program and the policy of the Act.

If Ecology disagrees with a local decision on a **substantial development permit**, Ecology must appeal the decision to the Shoreline Hearings Board.

Ecology must approve or deny all **conditional use** or **variance permits**.

Ecology's decisions on conditional use or variance permits may be appealed to the Shorelines Hearings Board.

## Compliance

While the primary responsibility to enforce the SMA rests with

local governments, Ecology has a duty to "insure compliance." This is done through a variety of means, including technical assistance visits, notices of correction, orders, and penalties.

## Permit numbers

From 1990 - 1998, local governments issued 8,302 substantial development permits. Of those Ecology appealed 55 to the Shorelines Hearings Board and 294 were appealed by other parties. During those same years local governments issued 2,719 conditional use permits and variances of which 111 were denied by Ecology.