Presented at Puget Sound Shorelines and the Impacts of Armoring Workshop,
May 12-14 2009.
This presentation not peer reviewed.

Regulating Shoreline Armoring in Puget Sound
Part 2: Shoreline Management Act

Puget Sound Shorelines and the Impacts of Armoring Workshop
May 11-14, 2009

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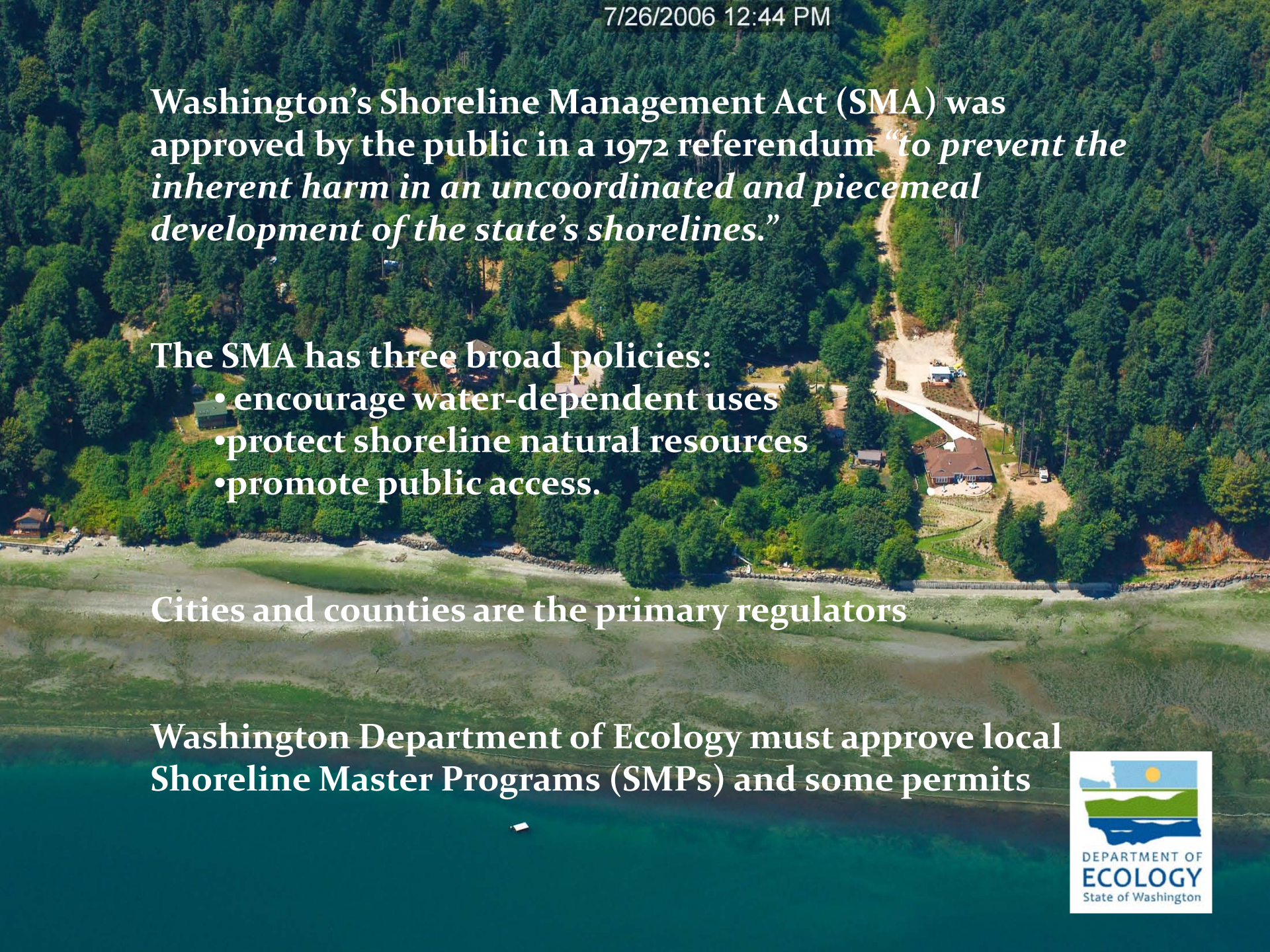

Washington's Shoreline Management Act (SMA) was approved by the public in a 1972 referendum "*to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.*"

The SMA has three broad policies:

- encourage water-dependent uses
- protect shoreline natural resources
- promote public access.

Cities and counties are the primary regulators

Washington Department of Ecology must approve local Shoreline Master Programs (SMPs) and some permits

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Shoreline Master Programs (SMPs):

- are based on the SMA and state guidelines
- tailored to the specific needs of the community
- include both plans and regulations
  - 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

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The SMA establishes a system of permitting for shoreline development

- **Substantial development permits** are needed for many projects costing over $5,718, or those interfering with the public's use of the waters

- Many common shoreline uses, **including bulkheads**, may be exempt from obtaining a substantial development permit if certain criteria are met (RCW 90.58.030(3)(e)(ii).

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Criteria for exemption

- Bulkhead must be consistent with SMP and SMA
- Must be constructed at or landward of the OHWM
- Must not be for the purpose of creating dry land
- Must be necessary to protect a single family residence from erosion by wave action
- Must be "designed to minimize harm to the shoreline natural environment." (RCW 90.58.100(6)

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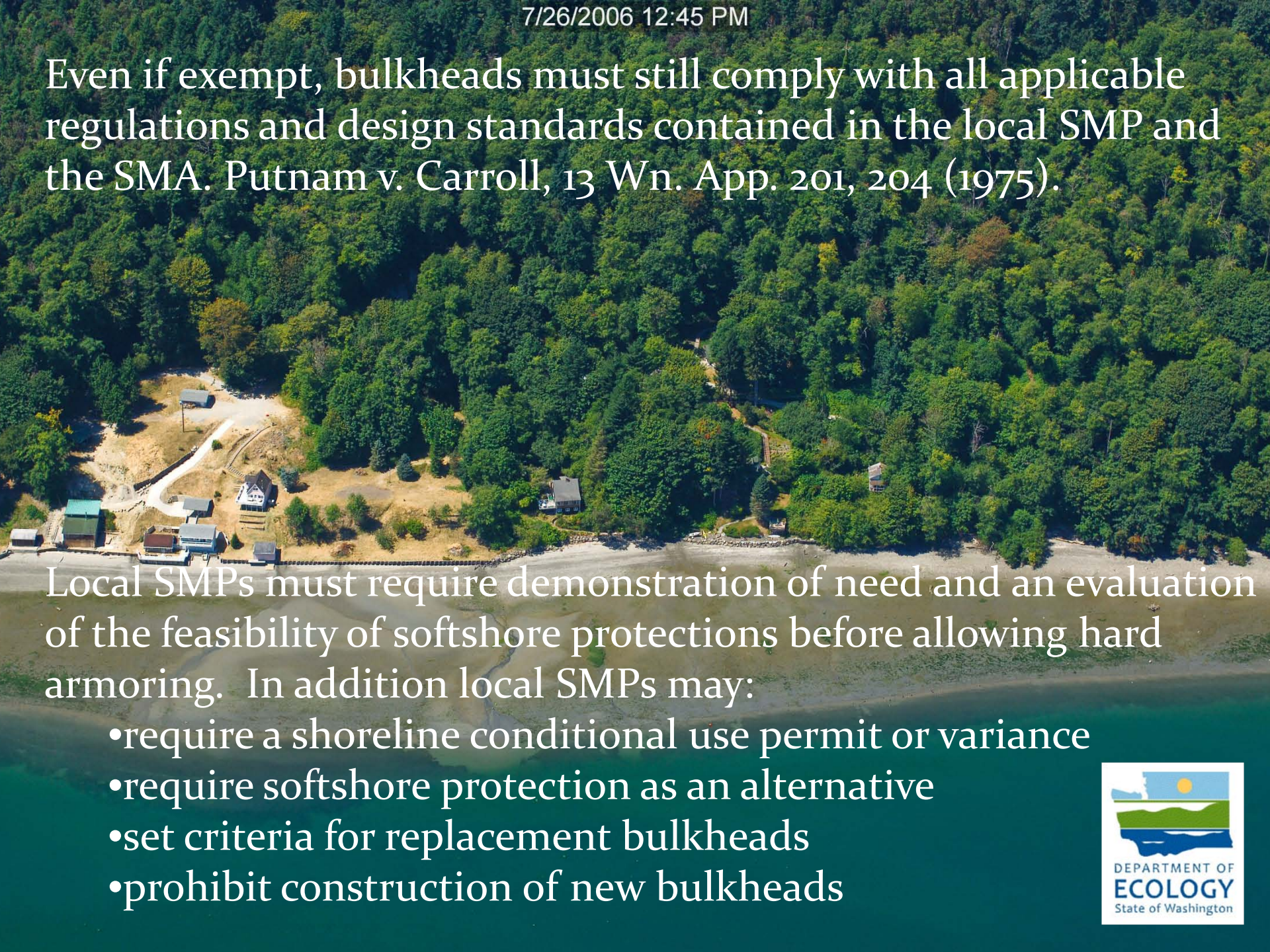

Even if exempt, bulkheads must still comply with all applicable regulations and design standards contained in the local SMP and the SMA. Putnam v. Carroll, 13 Wn. App. 201, 204 (1975).

Local SMPs must require demonstration of need and an evaluation of the feasibility of softshore protections before allowing hard armoring. In addition local SMPs may:

- require a shoreline conditional use permit or variance
- require softshore protection as an alternative
- set criteria for replacement bulkheads
- prohibit construction of new bulkheads

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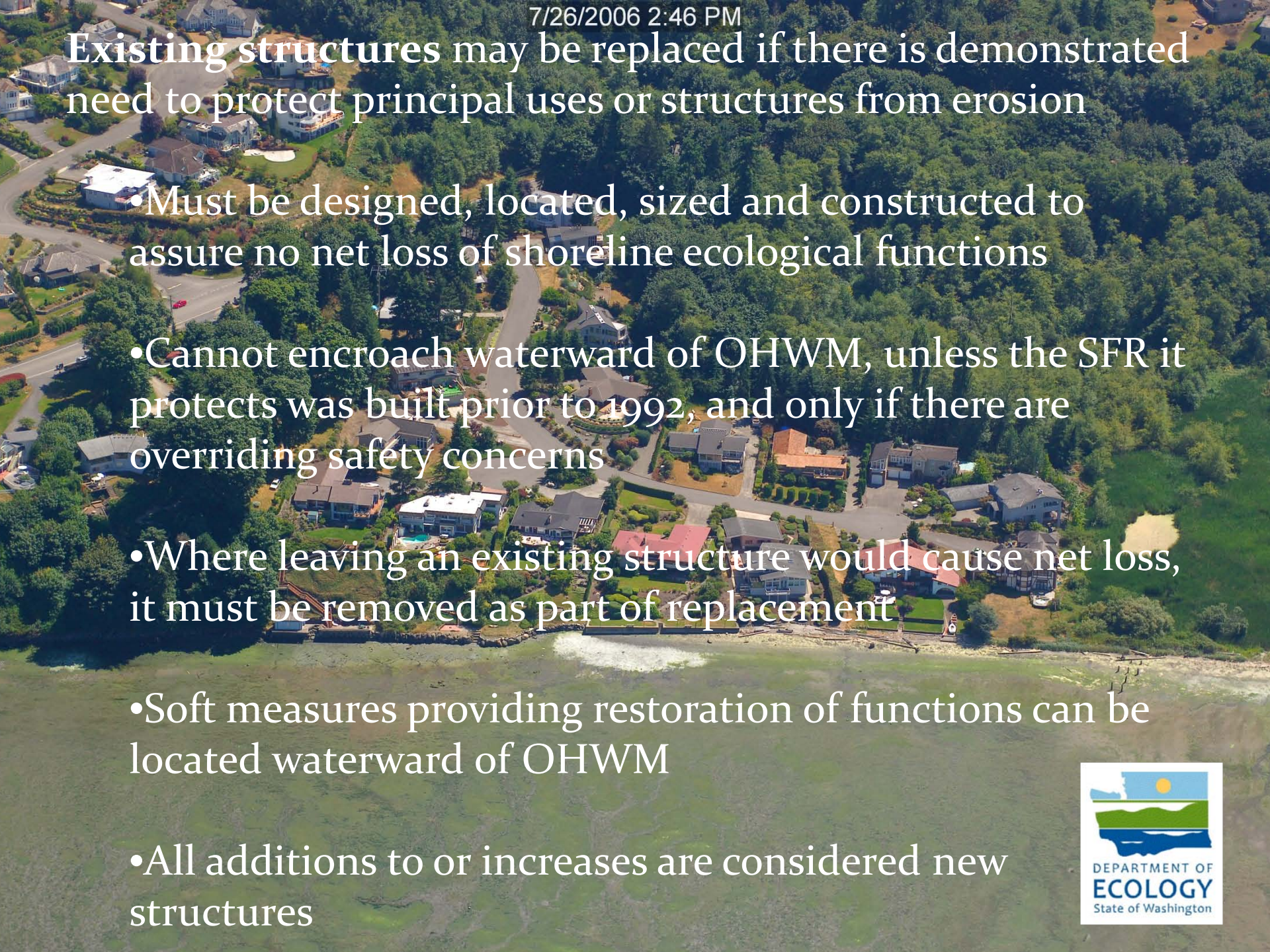

Existing structures may be replaced if there is demonstrated need to protect principal uses or structures from erosion

- Must be designed, located, sized and constructed to assure no net loss of shoreline ecological functions
- Cannot encroach waterward of OHWM, unless the SFR it protects was built prior to 1992, and only if there are overriding safety concerns
- Where leaving an existing structure would cause net loss, it must be removed as part of replacement
- Soft measures providing restoration of functions can be located waterward of OHWM
- All additions to or increases are considered new structures

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This summer, there will be a total of 37 cities and counties with Puget Sound marine shoreline in the process of updating their shoreline master programs.

These updated regulations will affect the regulation of shoreline armoring in Puget Sound.

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All photos are from the **Washington Coastal Atlas** and are available for viewing and download at:

http://www.ecy.wa.gov/programs/sea/sma/atlas_home.html

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