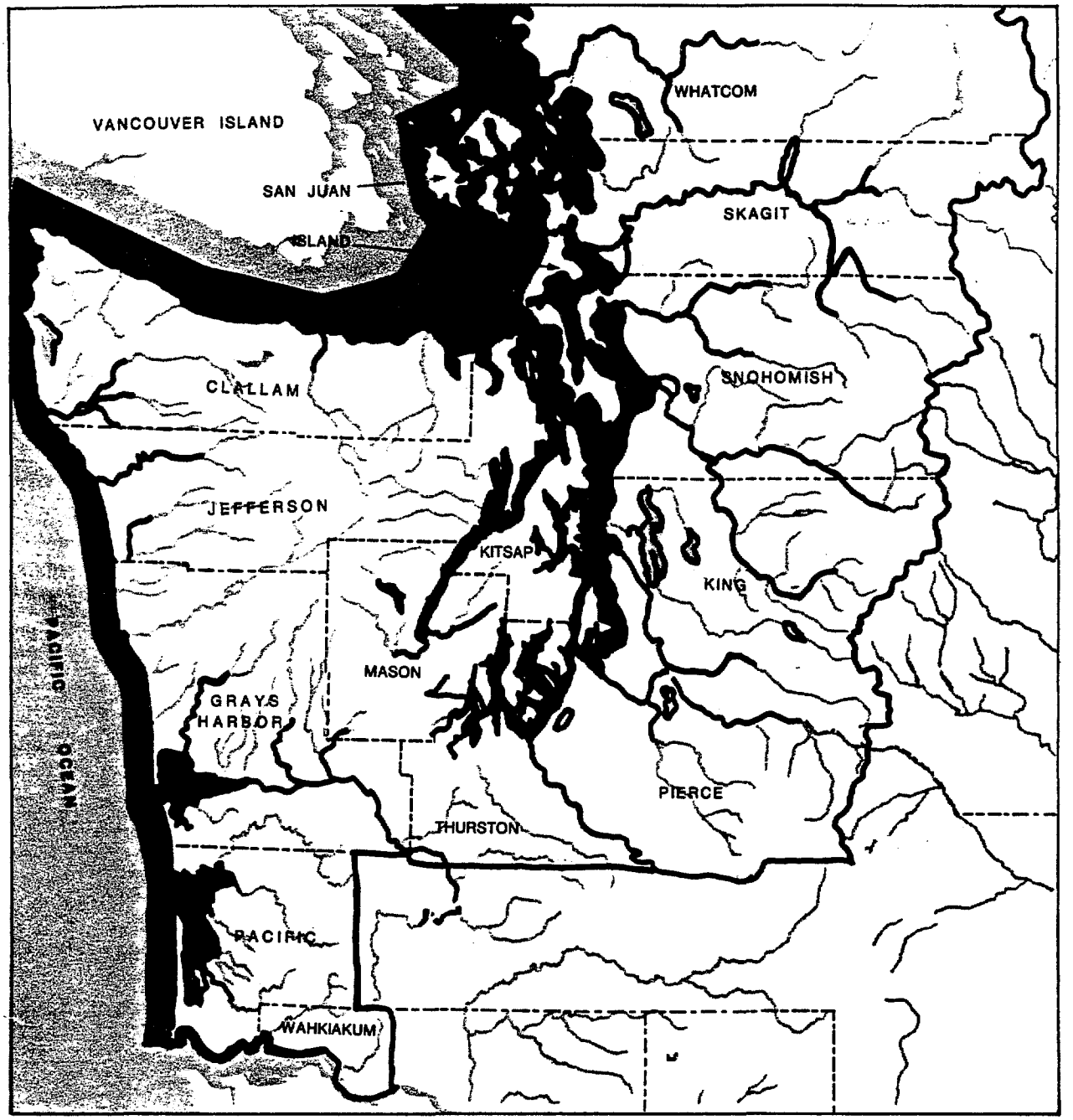
State of Washington Coastal Zone Management Program

Final Environmental Impact Statement

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of Coastal Zone Management



Washington State Coastal Zone

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U.S. GOVERNMENT
INFORMATION
GPO

UNITED STATES

DEPARTMENT OF COMMERCE

FINAL

ENVIRONMENTAL IMPACT

STATEMENT

STATE OF WASHINGTON
COASTAL ZONE
MANAGEMENT PROGRAM

Prepared by:

Office of Coastal Zone
Management, NOAA
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Washington, D. C. 20235

WASHINGTON COASTAL ZONE MANAGEMENT PROGRAM ADMINISTRATION

Summary

( )Draft (X) Final Environmental Impact Statement
Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management (OCZM)

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This FEIS also meets the State of Washington State Environmental Protection Act Requirements.

1. Type of Action:
Proposed Federal approval of State of Washington Coastal Zone Management Program (WCZMP), Olympia Washington
(X) Administrative ( ) Legislative

2. Brief Description of Action:
It is proposed that the Secretary of Commerce approve the Coastal Zone Management Program application of the State of Washington, pursuant to P.L. 92-583, CZMA. Approval would permit implementation of the proposed program, allowing program administrative grants to be awarded to the state, and require that Federal actions be consistent with the program.

3. Summary of Environmental Impacts and Adverse Environmental Effects
Approval and implementation of the program will intensify the impacts the State has currently felt under the administration of the Shoreline Management Act, (SMA), within the coastal counties and numerous other State authorities. It will provide funds to State and local governments to enhance their capability to manage their coastal zone, provide for special regional coastal zone programs that take large resource areas into account which transcend political jurisdictions, improve the data base on which coastal decisions are made, and enhance coordination and consultation with Federal agencies to better understand and act in the national interest. This is the first chance in the Nation to determine the impacts associated with having Federal, State, and local actions consistent to a large degree with respect to coastal land and water uses. It is the clear intentions of both the Coastal Zone Management Act and the Washington Coastal Zone Management Program that the majority of the impacts will prove beneficial to the

waters and living resources of the coastal zone, as well as the human environment. There will be some economic impacts on certain coastal users and would-be users because of restrictions or prohibitions of land and water uses in some areas, but it will not preclude their use in other areas.

4. Alternatives Considered:

a. The Secretary could deny approval until all outstanding intergovernmental issues are fully resolved.

b. The State could withdraw the approval application and continue either in a status quo or attempt to use other sources of funding to meet the objectives of the State's shoreline and related CZM programs.

5. Comments:

The final environmental impact statement was revised from the draft statement based on written comments received and statements made at a public hearing which was held April 22, 1975, in Seattle, Washington. A total of forty comments were submitted from the following:

Federal agencies	16
State agencies	9
Local and Regional agencies	7
Other	8

A summary of the comments are discussed below:

1. A number of responses, primarily from Federal agencies, expressed a concern that program approval was premature and requested delay for one of several reasons. Some of the reasons, which are presented in detail in Appendix 10, included the following:

- inadequate Federal consultation and coordination
- wait until all Local Master Programs are approved
- organizational network weak or not adequately described
- all Federal lands must be excluded from the State's coastal zone
- specific agency interests were not adequately considered
- the program did not meet all CZMA requirements and guidelines

Largely based on these concerns, Washington was granted preliminary, rather than full, approval in accordance with Section 306 guideliness (923.3(b)) in May 1975. The State then requested an extension and supplement of their grant and worked specifically to meet the expressed concerns. Washington has since then had

and continues to have substantive involvement with the Federal agencies (see Section II), worked on clarifying its organizational network, completing the Local Master Programs, improving technical aspects of their program such as maps, Federal consistency implementation, and so on.

The substantive responses by the State of Washington and NOAA to these concerns are discussed in terms of impacts (Section V) and available alternatives (Section VI).

While much of this work has been accomplished, there are some elements that require continued efforts on the parts of State, Federal, local and public participants. While the CZMA requires that the management system be "in place," it does not require nor can it be expected that a system is perfected or running at 100 percent efficiency at the time of approval.

DOC has determined that Washington has established the policies and procedures for implementing a management program that is consonant with objectives of the CZMA. Time, effort, and resources are needed to bring the program to total fruition. Barring any fundamental conflicts unresolved during the Federal agency review or the review of this FEIS, DOC intends to grant approval without substantial further delay.

2. Most of the comments were directed at the Washington Coastal Zone Management Program rather than the draft environmental impact statement. Responses to these comments were addressed on an individual basis (see Appendix 10 and 11 and program supplement). The significant concerns have been evaluated and incorporated in the management program by the State of Washington and an official amendment that accompanies this FEIS. The major concerns can be broken down into three categories:

(a) lack of adequate information to evaluate programmatic elements or the nature of important organizational linkages;

(b) lack of clarity in the Federal interaction and consistency policies of the program;

(c) and, a legal issue concerning the exclusion of Federal lands from the coastal zone.

In addition to a substantially expanded document submitted by Washington describing their program, revisions have been made to the program and the FEIS where it was indicated clarification was needed.

3. Several comments requested descriptive and data clarification. In addition, many comments were directed at correcting technical

errors and updating information.

Appropriate comments have been incorporated and information has been updated.

4. It was suggested that OCZM assess the history and the impacts associated with the implementation of the Shoreland Management Act, Local Master Program approvals and shoreline permits and appeals. This, then, could be used as a basis for projecting environmental effects due to increased Federal financial assistance and program approval.

Section V has been expanded to include impacts associated with the implementation of the SMA. However, with a few positive modifications, the Washington Coastal Zone Management Program (WCZMP) would continue to be implemented by the State under the Washington Shoreline Management Act (SMA). Therefore, at a minimum, this statement should address what additional impacts Section 306 funds and Federal consistency will have on the environment as opposed to the existing State situation. While the major impacts associated with this action would occur from these two sources (funding and consistency), DOC feels that this would be a more narrow interpretation of NEPA requirements and has attempted to look at the total picture, the cumulative impacts, where possible.

5. There were several requests to increase the quality of the maps which show the boundaries of the coastal zone.

Maps have been improved and included.

6. Several comments questioned the validity of some of the alternatives and recommended that they be deleted.

The section on alternatives has been changed and updated. Some were not feasible alternatives and have been deleted.

7. A general suggestion to include a State program summary in the FEIS which is geared to the requirements outlined in the 306 regulations.

DOC has chosen the approach to describe the program as it works rather than a point by point review of the Section 306 regulations. It would be very difficult to do this in a summary form and do justice to the program.

8. While the majority of the comments felt that the DEIS was adequate for the type of action that was going to take place, some stated that there was insufficient information.

The FEIS has been supplemented in many areas, namely: the sections

on impacts, alternatives, program descriptions and supporting appendices.

9. Because of the possible revisions to be made in the WCZMP and the lack of information, some commenters suggested another draft EIS be written when the State program elements have been clarified.

The main changes that have occurred in the Washington CZMP are additions, refinements and expansion to respond to comments and have not affected the basic policies and processes that the DEIS was based on. It is true that a number of substantive elements have been clarified, but it does not change the overall assessments made. Therefore, DOC has chosen to file an FEIS with appropriate amendments.

10. A number of comments requested further analysis of the impacts on natural resource agencies, local governments, etc., which can be attributed to implementation of the SMA CZM comprehensive program.

This has been done; primarily in the impacts section.

11. Due to a misunderstanding, one person thought that the approach the Department of Ecology took to meeting CZMA requirements was not in accordance with the State constitution.

A personal response from the State Assistant Attorney General is enclosed to clarify this misunderstanding.

12. A number of people pointed out that there are unknowns and unforeseen needs in the future that the current program does not address.

A CZM program should not be viewed as a final product. The CZMA (Section 306(g)) allows for amendments. What is important is that the State has an adequate process that can handle changes and conflicts. The State of Washington has such a process.

This FEIS should be read in conjunction with the State of Washington's program submission to NOAA entitled, "Washington State Coastal Zone Program, January 1976," to fully appreciate and gain a more thorough understanding of the Washington program. Federal agencies have been sent a copy because of their responsibility to review the program prior to Secretarial approval. There is at present, however, only a limited number of copies available through the State Department of Ecology. Copies of the document can be found in the following places:

1. The Planning Office of each of the coastal counties and cities;

2. The following libraries:

CLALLAM COUNTY
North Olympic Library System
2210 S. Peabody Street
Port Angeles 98362
206/457-4464 -- James H. Kirks, Jr.

GRAYS HARBOR
Aberdeen Timberland Library
121 E. Market Street
Aberdeen 98520
206/533-2360 -- Rosalie Spellman

ISLAND COUNTY
Snow Isle Regional Library
P. O. Box 148
Marysville 98720
206/259-8177 -- Mae L. Schoenrock

JEFFERSON COUNTY
Port Townsend Public Library
1228 Lawrence Street
Port Townsend 98368
206/385-3181 -- Madge M. Wallin

KING COUNTY
King County Library System
300 8th Avenue, North
Seattle 98109
206/344-7465 -- Herbert F. Mutschler

KITSAP COUNTY
Kitsap Regional Library
612 5th Street
Bremerton 98310
206/377-3955 -- Irene Heninger

MASON COUNTY
Timberland South Mason Library
Rte. 5, Box 35
Shelton 98584
206/426-1362 -- Doris Whitmarsch

PACIFIC COUNTY
Raymond Public Library
507 Duryea
Raymond 98577
206/942-2408 -- Jay Windisch

PIERCE COUNTY
Pierce County Library
2356 Tacoma Avenue, S.
Tacoma 98402
206/572-6760 -- Carolyn J. Else

SAN JUAN COUNTY
Eastsound (Meyers) Library
Orcas Island
P. O. Box 165
Eastsound 98245 -- Polly Klauder

SKAGIT COUNTY
Anacortes Public Library
1209 9th Street
Anacortes 98221
206/293-2700 -- G. Douglas Everhart

SNOHOMISH COUNTY
See Island County

THURSTON COUNTY
Olympia Public Library
7th & Franklin
Olympia 98501
206/352-0595 -- Margaret Coopinger

WAHKIAKUM COUNTY
Cathlamet Public Library
P. O. Box 337
Cathlamet 98612
206/795-3254 -- Eleanor A. Taylor

WHATCOM COUNTY
Whatcom County Library
5205 N. W. Road
Bellingham 98225
206/733-1250 -- Linda Hellyer

And at the following locations in the vicinity of Washington, D.C.:

3. Office of Coastal Zone Managment
   Coastal Zone Information Center
   3300 Whitehaven Street, N. W.
   Page I Building, Room 303
   Washington, D. C. 20235

4. Department of Commerce
   Main Commerce Building
   14th and Constitution, N. W.
   Room 7046
   Washington, D. C. 20230

6. List of Entities From Whom Comments Have Been Requested or Received With Responders Indicated By "*"

Federal Agencies

*Department of Agriculture
  Agricultural Stabilization and Conservation Service
  Forest Service
* Soil Conservation Service
  Rural Electrification Administration
  Agriculture Research Service

Department of Commerce
  NOAA
  EDA
  Maritime Administration

Department of Defense
* Army Corps of Engineers
* U.S. Navy

*Department of the Interior (combined response)
  Bureau of Land Management (public lands)
  Office of Oil and Gas
  Bureau of Outdoor Recreation
  Fish and Wildlife Service (commented at public hearing)
  Bureau of Indian Affairs (Indian lands)
  Geological Survey
  National Park Service
  Office of Land Use and Water Planning
  Bureau of Reclamation
  Office of Saline Water
  Bureau of Mines
  Power Marketing Administration

*Department of Transportation (combined response)
* Coast Guard
  Transport and Pipeline Safety
* Office of Environmental Affairs
  Federal Highway Administration
  Federal Aviation Administration
  Federal Railroad Administration

Environmental Protection Agency
* Regional Administrator, Region X

U. S. Water Resources Council

Department of Health, Education and Welfare
  Public Health Service

TABLE OF CONTENTS

		Page
I.	INTRODUCTION	1
II.	DESCRIPTION OF THE PROPOSED ACTION	2
	A. The Federal Coastal Zone Management Program	2
	B. The Washington Coastal Zone Management Program	6
III.	DESCRIPTION OF THE ENVIRONMENT AFFECTED	57
IV.	RELATIONSHIP OF THE PROPOSED ACTION TO LANE USE PLANS, POLICIES AND CONTROLS FOR THE AREA	81
V.	PROBABLE IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT	84
	A. Impacts Resulting From the Federal Agency Review Process	89
	B. Impacts Directly Resulting From Federal Approval	92
	C. Impacts Resulting from the State and Local Government Action	101
	D. Impacts on Historic Properties	113
VI.	ALTERNATIVES	116
VII.	PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED	124
VIII.	RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY	125
IX.	IRREVOCABLE OR IRRETRIEVABLE COMMITMENTS OF RESOURCES THAT WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED	126
X.	CONSULTATION AND COORDINATION WITH OTHERS	127
	REFERENCES	133

APPENDICES

I. Federal Coastal Zone Management Act of 1972 (P.L. 92-583)
II. Final Guidelines, Coastal Zone Management Program Administrative Grants
III. Washington Shoreline Management Act of 1971
IV. Final Guidelines, Shoreline Management Act of 1971
V. Maps and Matrices
VI. Conclusions and Recommendations from "Washington State Shoreline Management--An Interim Assessment," by Maureen McCrea and Jim Feldman, August 1975
VII. State of Washington Board of Tax Appeals Decision on Padilla Bay Tracts
VIII. Summary of Shoreline Hearings Board Decisions - Revised Dec. 1973
IX. Coordination and Consultation
X. Comments From Federal, State and Local Agencies and by Interested Persons Involved in Review Process
XI. Washington Coastal Zone Management Program Supplement, ~~April~~ June 1976

*Department of Housing and Urban Development (combined response)
Federal Insurance Administration,
Office of Planning and Management Assistance

*Nuclear Regulatory Commission

Department of Justice

*Energy Research and Development Administration

*Federal Energy Administration

*Federal Power Commission

General Services Administration

*National Aeronautics and Space Administration

*Advisory Council on Historic Preservation

Federal-State

*Pacific Northwest River Basins Commission

State

*Washington (Governor's Office)

Department of Agriculture
Department of Emergency Services
Department of Commerce and Economic Development
* Department of Ecology
* Department of Fisheries
* Department of Game
* Department of Highways
* Department of Natural Resources
Department of Social and Health Services
* Office of Community Development
Interagency Committee for Outdoor Recreation
* Parks and Recreation Commission
* Office of Program Planning and Fiscal Management

County

* Clallam County
* Grays Harbor
Island
Jefferson
King
Kitsap

* Mason
Pacific
Pierce
San Juan
Skagit
Snohomish
Thurston
Wahkiakum
* Whatcom

Other Parties

Alpine Lakes Protection Society
American Institute of Planners
American Water Works Association
*Environmental Defense Fund
Federation of Western Outdoor Clubs
Izaak Walton League
*League of Women Voters
Mountaineers
***National Audubon Society
National Wildlife Federation
*Natural Resources Defense Council (phoned in comments)
North Cascades Conservation Council
Northwest Pulp and Paper Association
*Pacific Northwest National Seashore Alliance
Planning Association of Washington
Puget Sound Coalition
Sierra Club
The Nature Conservancy
Washington Association of Soil and Water Conservation Groups
*Washington Environmental Council (verbal response at public hearing)
Washington Forest Protection Association
Washington Public Utility Districts Association
Washington State Association of Sanitarians
Washington State Association of Water and Sewer Districts
Washington State Grange
Washington State Sportsmen's Council

Date Made Available to CEQ and The Public:

Draft Statement: March 21, 1975
Final Statement: April 9, 1976

I. INTRODUCTION

In response to the intense pressures upon, the conflicts within, and the importance of the coastal zone of the United States, the Congress in 1972 passed the Coastal Zone Management Act (P.L. 920583; 86 Stat. 1280; hereinafter referred to as the Act; included as Appendix 1). Signed into law by President Nixon on October 27, 1972, the Act authorized a new Federal program to be administered by the Secretary of Commerce, who in turn delegated this responsibility to the National Oceanic and Atmospheric Administration (NOAA).

The Act affirms a national interest in the effective management, beneficial use, protection, and development of the coastal zone, and provides assistance and encouragement to the coastal states to develop and implement rational programs for managing their coastal zones. Three financial assistance grant programs are authorized by the Act. Section 305 authorizes annual grants to assist any United States coastal state or territory in the development of a management program for the land and water resources of its coastal zone (program development grants). Under Section 306, after developing a management program, the state may submit it to the Secretary of Commerce for approval; if approved, the state is then eligible for annual grants to administer its management program (program administration grants). A third section (Section 312) provides grants for an estuarine sanctuary program, to preserve a representative series of undisturbed estuarine areas for long-term scientific and educational purposes.

As an additional incentive for state participation, the Act stipulates that Federal actions within the coastal zone shall be, to the maximum extent feasible, consistent with approved state management programs (the "Federal consistency" requirement of Section 307).

Guidelines defining the procedures by which states can qualify to receive development grants under Section 305 of the Act, and the policies for development of a state management program, were published on November 29, 1973 (15 CFR Part 920, Federal Register 38(229):33044-33051).

Guidelines for the implementation of the estuarine sanctuary program were published on June 4, 1974 (15 CFR Part 921, Federal Register 39 (108): 1922-1927), and the first estuarine sanctuary grant was awarded to the State of Oregon on June 27, 1974.

On January 9, 1975, NOAA's Office of Coastal Zone Management (OCZM) published criteria to be used for approving state coastal zone management programs and guidelines for program administrative grants (15 CFR Part 923, Federal Register 40(6):1683-1695; see Appendix 2). These criteria and guidelines set forth (a) the standards to be utilized by the Secretary of Commerce in reviewing and approving coastal zone management programs developed and submitted by coastal states for approval, (b) procedures by which coastal states may qualify to receive program administrative grants, and (c) policies for the administration by coastal states of approved coastal zone management programs.

Pursuant to the Section 306 guidelines, OCZM has now received for review and Secretarial approval proposed coastal zone management programs, in varying stages of completion for: Washington, Oregon, and the San Francisco Bay Area Conservation and Development Commission (seeking segmented approval).

The OCZM has determined that approval of a state's coastal zone management program, with resultant impacts of potential funding, consistency of Federal actions and permits, and ultimately land-use in toto, has the potential for causing a significant impact on the environment, and that, therefore, an environmental impact statement (EIS) should be prepared pursuant to the National Environmental Policy Act (NEPA). This EIS is intended to present for review by interested parties the State of Washington's coastal zone management program and its application for approval under Section 306 of the Coastal Zone Management Act.

II. DESCRIPTION OF THE PROPOSED ACTION

A. The Federal Coastal Zone Management Program

The enactment of the Coastal Zone Management Act of 1972 culminated a lengthy history of Federal interest in and concern for the coastal zone and its resources. Significant national interest can be traced from the Committee on Oceanography of the National Academy of Sciences' (NASCO) 12-volume report "Oceanography 1960-1970," (1959) to the Report of the Commission on Marine Science, Engineering and Resources (1969), which proposed that a Coastal Management Act be enacted that would "provide policy objectives for the coastal zone and authorize Federal grants-in-aid to facilitate the establishment of State Coastal Zone Authorities empowered to manage the coastal waters and adjacent land." (p.56) The National Estuarine Pollution Study (1969), authorized by the Clean Water Restoration Act of 1966, and the National Estuary Study (1970), authorized by the Estuarine Areas Study Act of 1968, further documented the importance of the

conflicting demands upon our Nation's coasts. Together these reports stressed the need to protect and wisely use these important national resources, and concurred that a specific program designed to promote the thoughtful protection and management of our coastal zone was necessary.

In response to these recommendations, the first legislative proposals for coastal management programs were introduced in 1969. Long and extensive hearings were held on these and subsequent bills during the next three years (e.g.: House 91-14, 91-46, and 92-16; Senate 92-15, 92-753, and 92-1049). The overwhelming support for the final Act (P.L. 92-583), which passed 68-0 in the Senate and 376-6 in the House, clearly reflected the need for decisive action in the coastal zone.

The Act opens by stating that "there is a national interest in the effective management, beneficial use, protection, and development of the coastal zone." (Section 302(a)). The statement of Congressional findings goes on to describe how competition for the utilization of coastal resources, brought on by the increased demands of population growth and economic expansion, has led to the degradation of the coastal environment, citing the "loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion." The Act then states that the "key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states...in developing land and water use programs...including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance." (Section 302(h)).

While local governments and Federal agencies are required to cooperate, coordinate and participate in the development of the management programs, the state level of government is clearly given the central role and responsibility for this process. The Act provides a number of incentives and means of achieving these objectives and policies. Under Section 305 it enables the 30 coastal states (Great Lakes states are included) and four coastal territories, on a voluntary basis, to receive grants from NOAA to cover two-thirds of the costs of developing coastal zone management programs. Broad guidelines and minimum requirements in the Act provide the necessary direction for developing these programs. For example, during the program development, each state must address specific issues such as the boundaries of its coastal zone; geographic areas of particular concern; permissible and priority land and water uses, and areas for preservation or restoration. During the planning process, the state is directed to consult with local, regional, and relevant Federal agencies and governments, and general public interests. These annual grants can be

renewed twice, so that Federal support can be provided to states for up to three years for this program development phase.

Upon completion and adoption of the management program by the state, and after approval by the Secretary of Commerce, states and territories are eligible under Section 306 to receive administrative grants (presumably in greater amounts than for program development) to cover two-thirds of the costs of implementing these programs. The criteria for approval of state coastal zone management programs and guidelines for applying for program administrative grants are provided in Appendix 2. The states' administration of their programs will be reviewed annually by OCZM and, as long as they are administered consistent with the approved management program, the states will remain eligible for annual administrative grants.

The Act provides that the views of Federal agencies principally affected by such programs must be adequately considered by the Secretary of Commerce in his review and approval of the management program. The Department has established a formal review process to receive the comments from such Federal agencies and by which serious disagreements may be resolved (15 CFR Part 925, Interim Regulations. Federal Register, Vol. 40, No. 41, February 28, 1975).

NOAA evaluation of the statutory requirements established in the Act and guidelines will concentrate primarily upon the adequacy of state processes in dealing with key coastal problems and issues. It will not, in general, deal with the wisdom of specific land and water use decisions, but rather with a determination that in addressing those problems and issues, the state is aware of the full range of present and potential needs and uses of the coastal zone, and has developed procedures, based upon scientific knowledge, public participation and unified governmental policies, for making reasoned choices and decisions.

Management programs will be evaluated in the light of the Congressional findings and policies as contained in Sections 302 and 303 of the Act. These sections make it clear that Congress in enacting the legislation was concerned about the environmental degradation, damage to natural and scenic areas, loss of living marine resources and wildlife, decreasing open space for public use and shoreline erosion being brought about by population growth and economic development. The Act thus has a strong environmental thrust, stressing the "urgent need to protect and to give high priority to natural systems in the coastal zone." A close working relationship between the agency responsible for the coastal zone management program and the agencies responsible for environmental protection is vital in carrying out this legislative intent. States are encouraged by the Act to take into account ecological, cultural, historic and esthetic values as

well as the need for economic development in preparing and implementing management programs through which the states, with the participation of all affected interests and levels of government, exercise their full authority over coastal lands and waters.

In addition, the Act provides coastal states and territories with the opportunity to apply for grants to cover one-half of the costs of acquisition, development and operation of estuarine sanctuaries, wherein natural field laboratories are established in order that scientists and students may be provided the opportunity to examine over a period of time ecological relationships in representative undisturbed estuaries of the coastal zone.

Although signed in October 1972, implementation of the Federal Coastal Zone Management Program was delayed by the Administration's decision not to request appropriations for the remainder of FY 1973 or FY 1974. This decision was made on the grounds that more information on the nature and extent of state activities and needs was required before committing funds, and because of the desire by the Administration to coordinate or subsume the operation of the coastal zone management program with or under the then pending land use legislation. Eventually in response to the pressing needs and demands in the coastal zone, and in view of negative action on the land use legislation, the President in August 1973, forwarded an amended budget request to Congress for $5 million to begin implementation of the Coastal Zone Management Act. This request was amended by Congress to provide a final appropriation of $12 million for FY 1974, and was signed by the President on November 27, 1973. About $7.2 million of this total was for program development grants (Section 305), $4 million for estuarine sanctuary grants, and $800,000 for program administration within NOAA.

The OCZM budget for FY 1975 remained at $12 million, distributed however as $9 million for program development, $2.1 million for state program administration grants, and $900,000 for internal NOAA program administration. About $3.2 million remained available in the estuarine sanctuary program as carry over funds from FY 1974. Currently all eligible states, and three of four eligible territories have received grants under the program. Two estuarine sanctuary grants have been awarded to the States of Oregon and Georgia.

B. The Washington Coastal Zone Management Program (WCZMP)

INTRODUCTION

The CZMA defines "management program" as "a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone." (Section 304(g)).

On February 14, 1975, Governor Daniel J. Evans, submitted on behalf of the State of Washington, the first coastal zone management program to the Office of Coastal Zone Management/NOAA. The program consisted of documentation of state laws, administrative regulations, description of programs and processes on how the state was going to manage its coastal zone. A thorough review of the WCZMP by OCZM, other Federal agencies probably affected by the program, and the public, identified certain aspects of the program needing further development prior to the Secretary of Commerce approving the program. The major concerns expressed dealt with Federal/state relationships, the State's organizational network, and a lack of clarity in the description of some of the substantive program elements. Preliminary approval was granted the State in May 1975, and the State was given a supplemental development grant to intensively work on the concerns stated above.

Realizing that coastal zone management is a dynamic process just as the issues identified, the State has further developed a process of communication with Federal agencies in order to better understand their missions and actions in the coastal zone, how they can cooperatively work together on such arrangements as the Federal consistency requirements, and to get a better understanding of what the national interests are in the siting of facilities. Similarly, efforts have been made to complete the review of Local Master Programs and approve them prior to Section 306 approval. Arrangements were made with other State agencies to increase the coordination of the various programs. And finally, several program elements have been improved.

On December 12, 1975, Governor Evans submitted the WCZMP for final approval. In his cover letter to NOAA, Governor Evans stated the following:

"I have reviewed the Washington coastal zone management program, and, as Governor, approve the program and certify to the following:

1. The state has the required authorities and is presently implementing the coastal zone management program;

2. The state has established, and is operating, the necessary organizational structure to implement the coastal zone management program;

3. The Department of Ecology is the single designated agency to receive and administer grants for implementing the coastal zone management program, and further the Department of Ecology is hereby designated as the lead agency for the implementation of the coastal zone management program;

4. The state, in concert with local governments, has the authority to control land and water uses, control development, and resolve conflicts among competing uses,

5. The state presently uses the methods listed in Section 306(e)(1) of the Coastal Zone Management Act for controlling land and water uses in the coastal zone, including: (a) the authority derived from the Shoreline Management Act, the Act's implementing regulations including the Final Guidelines and local master programs; (b) state administrative review of local programs, and permits a associated with the Shoreline Management Act; and (c) direct state regulatory authority for control of air and water pollution;

6. The state has sufficient powers to acquire lands, should that become desirable or necessary under elements of the coastal zone management program;

7. Those state laws cited in the program have been passed by the legislature and enacted into law. Administrative regulations required to implement the laws have been formally adopted by the responsible state agencies; and state approved local master programs have been formally adopted by the appropriate local government;

8. The state's air and water pollution control programs, established pursuant to the Federal Water Pollution Control Act of 1972 and the Federal Clean Air Act, insofar as those programs pertain to the coastal zone, are hereby made a part of the state's coastal zone management program. The regulations appurtenant to the air and water programs are incorporated into this program and shall become the water pollution control requirements and air pollution control requirements

applicable to the state's coastal zone management program. Further, any additional requirements and amendments to air and water pollution programs shall also become part of the state's coastal zone management program; and

9. I further certify that the Washington coastal zone management program is now an official program of the State of Washington and the state, acting by and through its several instrumentalities, will strive to meet the intent of the Coastal Zone Management Act of 1972, and the state's corollary legislation; and to do so in a uniform, cooperative and aggressive spirit."

The Shoreline Management Act provides for the basis of managing the coastal zone. The following section, taken from the WCZMP, explains how this significant and comprehensive piece of legislation works.

THE SHORELINE MANAGEMENT ACT OF 1971

Requirements and Range of Applicability of the Act

The Shoreline Management Act requires and defines a planning program and a regulatory permit system, both of which are initiated at the local level under state guidance. The planning program for each local government consists of a comprehensive shoreline inventory and a master program for the regulation of shoreline uses. The inventory covers existing land and water uses, generalized ownership patterns, and natural shoreline characteristics. The master program utilizes the inventory information and is essentially a comprehensive land use plan with a distinct environmental orientation. The master program includes basic goals and objectives, the designation of all shoreline areas into a categorization system, and specific regulatory language. The entire planning function is conducted in conformance with guidelines prepared and adopted by the Department of Ecology (DOE). The resulting local master programs are subject to state review and approval and are then adopted as state regulations. The regulatory permit system is overseen by a state administrative appellate body created for the purpose by the Act.

The management program established in the Shoreline Management Act applies to all "shorelines of the state," including both "shorelines" and "shorelines of statewide significance." In a nutshell the Act applies to all marine water areas of the state, to streams with a mean annual flow of 20 cubic feet per second or more, and to lakes larger than 20 acres. It also applies to adjacent land areas extending landward 200 feet from the ordinary high water mark and to all marshes, bogs, swamps, floodways, river deltas, and floodplains associated with water bodies subject to the Act. In all, there are 791 lakes, 965 rivers and streams, some 2,400 miles of marine shoreline, and over 3,000 square miles of marine waters subject to the Act.

Special legislative concern was expressed in SMA for those shorelines identified as of statewide concern and special use priorities were established to govern their treatment in operating shoreline programs. The Act defines "shorelines of statewide significance" as follows:

(1) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(2) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

  (a) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

  (b) Birch Bay—from Point Whitehorn to Birch Point,

  (c) Hood Canal—from Tala Point to Foulweather Bluff,

  (d) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and

  (e) Padilla Bay—from March Point to William Point;

(3) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(4) Those lakes, whether natural, artifical or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(5) Those natural rivers or segments thereof as follows:

  (a) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

  (b) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(6) Those wetlands associated with (1), (2), (4), and (5) above.

Two interrelated time schedules were set up in the Act for the Department of Ecology and local governments to establish the framework, guidelines, and plans which will collectively constitute the management system. The Department was directed to undertake and complete the following no later than the dates indicated:

September 28, 1971—initial draft of the guidelines and submission to local governments for comments.

February 26, 1972—completion of a final guideline draft and submission for review.

March 26, 1972—completion of public hearings on final draft.

June 24, 1972—holding of a public hearing to adopt final guidelines.

Local governments were to fulfill their basic responsibilities—the completion of an inventory of their shorelines and the drafting of the master program—on the following schedule:

November 30, 1971—submission of a letter of intent to the Department of Ecology indicating that the governmental unit will undertake and complete the shoreline inventory and the master program.

January 26, 1972—last date for responses to the Department of Ecology initial draft of guidelines.

November 30, 1972—shoreline inventory to be completed.

December 24, 1973—submission of master plan to the Department of Ecology at least eighteen months after the effective date of the guidelines (this was later amended to June 20, 1974).

In general terms, then, the process of creating the system was to be completed within three-and-a-half years. The state was directed to cooperate fully with local governments in meeting their responsibilities. In addition, there is a provision in the Act which authorizes the Department to distribute grant funds appropriated by the Legislature to assist local governments. DOE was also authorized to undertake the completion of inventories and master programs where a local government declined or refused to do so. Only two counties and two small towns refused to complete programs. The Department has completed and adopted programs for all four jurisdictions.

Policy Direction from the Act

Management goals in SMA place a strong emphasis upon a balance between conservation and use of the shorelines. In RCW 90.58.020 the Legislature declares that "unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest," which should be protected through coordinated planning, while "at the same time, recognizing and protecting private property rights consistent with the public interest." The Legislature further declares that it is the policy of the state to provide for the management of the state's shorelines "by planning for and fostering all reasonable and appropriate uses" and that this policy is designed to

> "insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state; while protecting generally public rights of navigation and corollary rights incidental thereto."

More specific priorities are given for shorelines of statewide significance. DOE and local governments are directed to give preference to uses in the following order of preference which:

(a) Recognize and protect the statewide interest over local interest.

(b) Preserve the natural character of the shoreline.

(c) Result in long-term over short-term benefit.

(d) Protect the resources and ecology of the shoreline.

(e) Increase public access to publicly owned areas of the shorelines.

(f) Increase recreational opportunities for the public in the shoreline.

The Legislature further specifies that where alterations of the natural condition of such shorelines are permitted, priority should be given to the following uses: (1) single family residences; (2) ports; (3) shoreline recreational uses; (4) industrial and commercial developments that are particularly dependent upon their location on or use of shorelines; and (5) other developments which will provide an opportunity for substantial numbers of people to enjoy the shorelines.

While the policy citations above are quite general, there are a number of policies in the Act which are considerably more specific. Timber cutting regulations for shorelines of statewide significance were specifically included within the 200 foot zone of these areas; only selective commercial cutting is allowed so that no more than 30 per cent of the saleable trees may be harvested in any ten-year period. Authorization is provided for other harvesting methods when they are necessary for regeneration. Surface drilling for oil or gas is prohibited in the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca seaward from the ordinary high water mark and on all lands within 1,000 feet from the mark. There is also a height limit on structures. Permits cannot be issued for any new or expanded building or structure of more than thirty-five feet that will obstruct the view of a substantial number of residences on areas adjoining the shoreline except where a master program does not prohibit such a height and only when overriding considerations of the public interest will be served.

The concept of preferred shoreline uses is asserted in both the Shoreline Management Act and the Department of Ecology's final guidelines. The Act states that

> . . .uses shall be preferred which are. . .unique to or dependent upon use of the state's shoreline. Alteration of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for industrial and commercial development which are particularly dependent on their location or use of the shorelines of the state."

Similarly, the final guidelines recommend that "water-dependent industries which require frontage on navigable water should be given priority over other industrial uses."

While it is not the intent of the Act to categorically prohibit all non-water dependent uses, there is clear intent to establish a preference for water-dependent uses. The concept of preference of use is particularly applicable to shorelines under intense development pressures for port- and harbor-related industrial activity where availability of that shoreline resource is limited and the resource is extremely valuable.

The Shorelines Hearings Board (see pages 41-43) has further expanded and refined the concept and policies of water dependency. The Board, in *DOE and Yount vs. Snohomish Co.*, defined water dependency in the following terms:

> A water-dependent commerce or industry, to which priority should be given, is one which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. A water related industry or commerce is one which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a shoreline location.

In light of the fact that the Department of Natural Resources' policies for the leasing of state-owned tidal areas further supports the concept of water dependency, the policy of specifying water dependent uses as priority uses has solidified considerably over the past four years. However, an emerging concept of "water relativity" promises more difficulty in interpretation. Consistent with these concepts, many local master programs have established the following preferences for three classes of uses:

(1) Water-dependent uses are those uses which cannot logically exist in any other location but on the water.

(2) Water-oriented uses are uses which are helped by their location on the shoreline, but it is possible for them to locate away from the waterfront with existing technology.

(3) Non-water oriented uses are all uses which can locate equally well away from the waterfront.

Policy Direction from the DOE Guidelines

Final DOE rules and regulations governing the development of local master programs were adopted on June 20, 1972, as Chapter 173-16 of the Washington Administrative Code (WAC). The rules and regulations constituted strong policy guidelines to local governments on how to construct master programs. Of particular interest here are the parts of the guidelines which set forth state policy relating to the classification of shoreline environments, permissible and priority uses, and the treatment of shorelines of statewide significance.

The guidelines set forth a system of categorizing shoreline areas for local governments to use in their master programs. The system was designed to provide a uniform basis throughout the state for applying policies and use regulations to different shoreline locations. The guidelines suggest categorization into four distinct environmental types—natural, conservancy, rural, and urban—based on the existing development pattern, the biophysical capabilities, and the goals and aspirations of the local citizenry, In actual fact, some local programs have identified more than the basic four environments and others have only three, depending on the character and diversity of conditions along the shoreline in question, but the guidelines did achieve a basic standardization.

The categorization system is designed to encourage uses in each type of environment which enhance the character of that environment and to utilize performance standards which regulate use activities in accordance with the locally defined goals and objectives rather than to simply exclude any use from any one environment. Thus, the particular uses or types of developments allowed in each environment must be designed and located to minimize detrimental effects thereby leading to the achievement of the objectives of the local shoreline development goals for each type of environment. The system results in the superimposition of an overall environment class over local planning and zoning along the shorelines. The determination of which environment designation should be given to any specific area was made as follows:

(1) The resources of the shoreline areas were analyzed for their opportunities and limitations for different uses. Completion of a comprehensive shoreline inventory was a prerequisite for the development of local shoreline master programs.

(2) Each of the plan elements was analyzed for its effect on the various resources in shoreline areas. Since shorelines are only a part of the system of resources within a local jurisdiction, it was particularly important that planning for shorelines be considered an integral part of the area-wide planning. Further plans, policies, and regulations for lands adjacent to the shorelines of the state were reviewed in accordance with RCW 90.58.340.

(3) Public desires were considered through the citizen involvement process to determine how local values and aspirations related to the development of different shoreline areas.

The management objectives and features by which the DOE guidelines characterize each of the environments (WAC 173-16-040(4)(b)(i)-(iv)) are quoted in full in what follows because of their central importance as the basis for environment designations within local jurisdictions.

Natural Environment: The natural environment is intended to preserve and restore those natural resource systems existing relatively free of human influence. Local policies to achieve this objective would aim to regulate all potential developments degrading or changing the natural characteristics which make these areas unique and valuable.

The main emphasis of regulation in these areas is on natural systems and resources which require severe restrictions of intensities and types of uses to maintain them in a natural state. Therefore, activities which may degrade the actual or potential value of this environment are to be restricted.

The primary determinant for designating an area as a natural environment is the actual presence of some unique natural or cultural features considered valuable in their natural or original condition, which are relatively intolerant of intensive human use. Such features are defined, identified, and quantified in the shoreline inventory. The relative value of the resources is based on local citizen opinion and the needs and desires of other people in the rest of the state.

Because of its restrictive regulations, the natural environment has been utilized sparingly throughout the state. Publicly owned fragile and ecologically valuable shorelands are more likely to be designated as natural than privately owned similar shorelands.

Conservancy Environment: The objective in designating a conservancy environment is to protect, conserve, and manage existing natural resources and valuable historic and cultural areas in order to ensure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization.

The conservancy environment is for those areas which are intended to maintain their existing character. The preferred uses are those which are nonconsumptive of the physical and biological resources of the area. Nonconsumptive uses are those uses which can utilize resources on a sustained yield basis while minimally reducing opportunities for other future uses of the resources in the area. Activities and uses of a nonpermanent nature which do not substantially degrade the existing character of an area are appropriate uses for a conservancy environment. Examples of uses that might be predominant in a conservancy environment include diffuse outdoor recreation activities, timber harvesting on a sustained yield basis, passive agricultural uses such as pasture and range lands, and other related uses and activities.

The designation of conservancy environments also seeks to satisfy the needs of the community as to the present and future location of recreational areas proximate to concentrations of population, either existing or projected.

The conservancy environment is also the most suitable designation for those areas which present too severe biophysical limitations to be designated as rural or urban environments. Such limitations include steep slopes presenting erosion and slide hazards, areas prone to flooding, and areas which cannot provide adequate water supply or sewage disposal.

Rural Environment: The rural environment is intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, function as a buffer between urban areas, and maintain open spaces and opportunities for recreational uses compatible with agricultural activities.

The rural environment is intended for those areas characterized by intensive agricultural and recreational uses and those areas having a high capability to support active agricultural practices and intensive recreational development. Hence, those areas that are already used for agricultural purposes, or which have agricultural potential, should be maintained for present and future agricultural needs. Designation of rural environments also seeks to alleviate pressures of urban expansion on prime farming areas.

New developments in a rural environment are to reflect the character of the surrounding area by limiting residential density, providing permanent open space and by maintaining adequate building setbacks from water to prevent shoreline resources from being destroyed for other rural types of uses.

Public recreation facilities which can be located and designed to minimize conflicts with agricultural activities are recommended for the rural environment. Linear water access which prevents overcrowding in any one area, trail systems for safe nonmotorized traffic along scenic corridors and provisions for recreational viewing of water areas illustrate some of the ways to ensure maximum enjoyment of recreational opportunities along shorelines without conflicting with agricultural uses. In a similar fashion, agricultural activities are to be conducted in a manner which will enhance the opportunities for shoreline recreation. Farm

management practices which prevent erosion and subsequent siltation of water bodies and minimize the flow of waste material into water courses are encouraged by the master programs.

Urban Environment: The objective of the urban environment is to ensure optimum utilization of shorelines within urbanized areas by providing for intensive public use and by managing development so that it enhances and maintains shorelines for a multiplicity of urban uses.

The urban environment is an area of high-intensity land-use including residential, commercial, and industrial development. The environment does not necessarily include all shorelines within an incorporated city, but is particularly suitable to those areas presently subjected to extremely intensive use pressure, as well as areas planned to accommodate urban expansion. Shorelines planned for future urban expansion should present few biophysical limitations for urban activities and not have a high priority for designation as an alternative environment.

Because shorelines suitable for urban uses are a limited resource, emphasis is given to development within already developed areas and particularly to water-dependent industrial and commercial uses requiring frontage on navigable waters.

In the master programs, priority is also given to planning for public visual and physical access to water in the urban environment. Identifying needs and planning for the acquisition of urban land for permanent public access to the water in the urban environment should be accomplished in the course of continuous shoreline management. To enhance waterfront and ensure maximum public use, industrial and commercial facilities shall be designed to permit pedestrian waterfront activities. Where practical, various access points are to be linked to nonmotorized transportation routes, such as bicycle and hiking paths.

The counties have varied in their approach to environment designation for the water areas in their jurisdiction. Many counties have extended the shoreline environments over the water areas, others have designated the water differently from the uplands but still using shoreline classes, and a few have added a separate marine or aquatic environment.

Many counties have also identified a fifth shoreline environment which is between the intensively developed urban and the agricultural rural environments. This environment is called either suburban/semirural or rural-residential and is intended to identify those shoreline areas with low-density residential development ususally with individual water and sewage disposal systems. The objective of the designation is to preserve the low-density character.

The DOE guidelines also provided policies for shoreline activities which served as the basis for the development of the local shoreline master programs (WAC 173-16-060). The development guidelines were also used as criteria for the evaluation of proposed shoreline developments at both the local and state levels while local master programs were being developed. The following is a brief summary of DOE's development policies.

Agricultural Practices: Agricultural practices should not lower water quality by causing erosion and permitting chemicals or animal wastes to enter water bodies.

Archaeological Areas and Historic Sites: The National Historic Preservation Act of 1966 and Chapter 43.51 RCW provide for the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American and Washington history, architecture, archaeology or culture. The Washington State Parks and Recreation Commission is responsible for this program.

Shoreline permits should contain provisions which would require developers to notify authorities if any possible archaeological data are uncovered during construction, and the sites should be preserved if possible.

Aquaculture: Aquaculture is a preferred use in suitable water areas but should be conducted with due consideration for navigation rights and visual quality.

Breakwaters: Breakwaters should be constructed in such a way that detrimental effects on the movement of sand, circulation of water, and public use of the water surface are reduced or eliminated.

Bulkheads: Bulkheads and seawalls are to be constructed to protect upland property from imminent erosion and should not cause adverse effects on nearby beaches, damage fish and shellfish habitats, or detract from the aesthetic quality of the shoreline.

Commercial Development: Shoreline-dependent commercial development and developments which will provide shoreline enjoyment for a large number of people should be preferred. New commercial activities should locate in urbanized areas.

Dredging: Dredging should be controlled in order to minimize damage to existing ecological values and natural resources of both the area to be dredged and the area for depositing of dredged materials. Single-purpose dredging to obtain fill material shall be discouraged.

Forest Management Practices: Forest management practices are to guard against siltation, increased water temperature in spawning streams and lakes, pollution due to application of chemicals, and destruction of scenic quality. Only selective timber cutting is permitted within the 200-foot area abutting shorelines of statewide significance. (RCW 90.58.150)

Jetties and Groins: The effects on sand movement from these structures, when proposed, should be carefully evaluated and, when necessary, steps should be taken to investigate negative effects.

Landfill: Priority should be given to landfills for water-dependent uses and for public uses. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restrictions, impediment to water flow and circulation, reduction of water quality, and destruction of habitat should be considered.

In the limited instances when fill is authorized the fill material should be of such quality that it will not cause problems of water quality.

Marinas: Marinas should be located near high use areas and should be designated in a manner that will reduce damage to fish and shellfish resources and be aesthetically compatible with the adjacent areas.

Mining: Removal of sand and gravel from marine beaches should not be permitted. When authorized, removal of rock, sand, gravel, and minerals from shoreline areas should be conducted in the least sensitive biophysical areas, with adequate protection against siltation and erosion.

Outdoor Advertising: Off-premise outdoor advertising signs are discouraged from shoreline locations. Where permitted, signs should be located on the upland side of transportation routes and should not impair vistas and viewpoints.

Piers: In general, the continued proliferation of single-purpose private docks is to be discouraged and the use of community piers or offshore floating devices for boat moorage is encouraged.

Ports and Water-Related Industry: Industry which requires frontage on navigable waters should be given priority over other industrial uses. Prior to allocating shorelines for port uses, regional and state-wide needs for such uses should be considered.

Recreation: Priority will be given to developments which provide recreational uses and other improvements facilitating public access to shorelines. Water-oriented recreation is a preferred use along the shorelines, but it should be located and conducted in a way which is compatible with the environment.

Residential Development: Residential development should protect the aesthetic quality and natural character of the shoreline by preserving vegetation, controlling density, using a planned unit development approach when practical, and promoting access to the shorelines within a subdivision. Over-water residential structures should not be permitted.

Road and Railroad Design and Construction: Whenever possible, major roads and railroads should be located away from shorelines and shoreline locations should be reserved for slow-moving recreational driving and nonmotorized traffic.

Roads should be designed to fit the topography and to prevent erosion and water pollution from direct runoff.

Shoreline Protection: Bank stabilization measures should be constructed so as to avoid the need for channelization and to protect the natural character of the streamway. Flood protection measures, such as dikes, should be placed landward of the streamway, including associated swamps, marshes, and other related wetlands.

Solid Waste Disposal: Shoreline areas should not be used for garbage dumps or sanitary landfills.

Utilities: Utility pipes and lines should be installed with minimum disturbance to the shoreline. After installation, the sites should be restored to their preconstruction condition and facilities should be placed underground if possible.

One other important contribution of the DOE guidelines to establishing a solid foundation of state policy to underlay the needed diversity of local master programs was the provision of a set of development guidelines for implementing the use preferences established in the Act for shorelines of statewide significance. What follows is a summary of the development guidelines given for each use preference in WAC 173-16-040(5).

(1) Recognize and protect the statewide interest over local interest.

Development Guidelines:

(a) Solicit comments and opinions from groups and individuals representing statewide interests by circulating proposed master programs for review and comment by state agencies, adjacent jurisdictions' citizen advisory committees, and statewide interest groups.

(b) Recognize and take into account state agencies' policies, programs, and recommendations in developing use regulations.

(c) Solicit comments, opinions, and advice from individuals with expertise in ecology, oceanography, geology, limnology, aquaculture, and other scientific fields pertinent to shoreline management.

(2) Preserve the natural character of the shoreline.

Development Guidelines:

(a) Designate environments and use regulations to minimize manmade intrusions on shorelines.

(b) Where intensive development already occurs, upgrade and redevelop those areas to reduce their adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.

(c) Ensure that where commercial timber-cutting is allowed as provided in RCW 90.58.150, restoration will be possible and accomplished as soon as practicable.

(3) Result in long-term over short-term benefit.

Development Guidelines:

(a) Prepare master programs on the basis of preserving the shoreline for future generations. For example, actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited.

(b) Evaluate the short-term economic gain or convenience of developments in relationship to long-term and potentially costly impairments to the natural environment.

(c) Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or for the general enhancement of shoreline areas.

(4) Protect the resources and ecology of shorelines.

Development Guidelines:

(a) Leave undeveloped those areas which contain a unique or fragile natural resource.

(b) Prevent erosion and sedimentation that would alter the natural function of the water system. In areas where erosion and sediment control practices will not be effective, excavations or other activities which increase erosion are to be severely limited.

(c) Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human uses.

(5) Increase public access to publicly owned areas of the shorelines.

Development Guidelines:

(a) In master programs, give priority to developing paths and trails to shoreline areas, to linear access along the shorelines, and to developing upland parking.

(b) Locate development inland from the ordinary highwater mark so that access is enhanced.

(6) Increase recreational opportunities for the public on the shorelines.

Development Guidelines:

(a) Plan for and encourage development of facilities for recreational use of the shorelines.

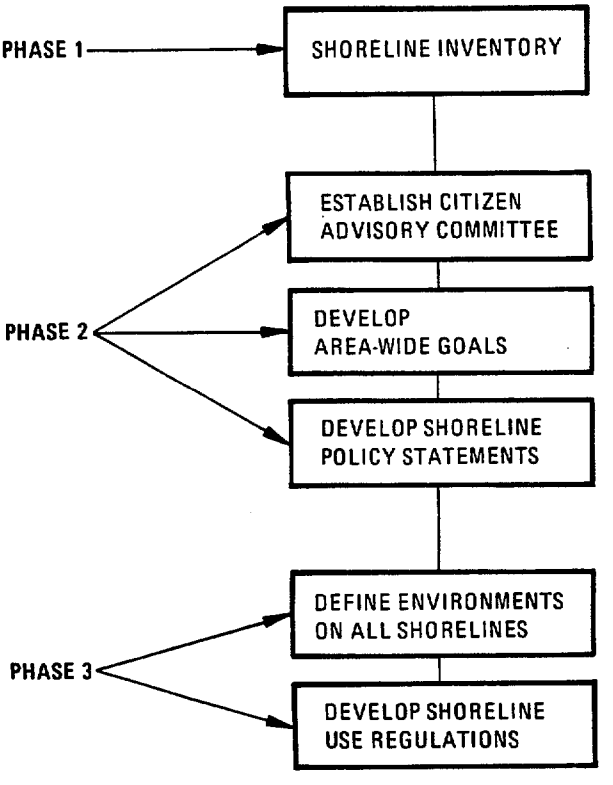
(b) Reserve areas for lodging and related facilities on uplands away from the shorelines with provisions for non-motorized access to the shorelines.

The Planning Process and the Local Master Programs

The formulation of master programs is the most critical task of the shoreline planning process. Each local government has been responsible for formulating a development plan to guide proposed activities along its own shorelines. Within the coastal zone, this includes all 15 counties and 38 incorporated towns. Many counties prepared programs in a cooperative arrangement with the cities which allows one document to apply to several jurisdictions. Fifteen cities used the coastal county programs which reduces the number of separate documents to 38 – 15 county and 23 city programs.

As required by the Act and the final guidelines, master programs are to include goals, policies, a map of generalized shoreline environmental designations, and specific use regulations. Local government preparation of shoreline inventories to provide the data base is the first phase of master program formulation. The second phase involved the formulation of shoreline goals and policies. This is to be established through close cooperation with citizen advisory committees, which worked closely with local planners in establishing the goals and policies of the shoreline. Development of specific shoreline environment designations and use regulations by citizens and planners comprises the third phase of the process.

THE FORMULATION OF LOCAL MASTER PROGRAMS



Local governments were directed by the Act to complete shoreline inventories to provide a data base for effective planning and administration. Inventories were to be compiled by December 1, 1972, for ownership patterns, existing land and water use patterns, and natural shoreline characteristics.

The Department of Ecology issued inventory guidelines suggesting that local inventories contain

> a map or series of maps depicting existing land uses, ownership patterns, topography, and other information which lends itself to presentation in graphic form; and
>
> a series of descriptive analyses of the water characteristics and the natural features of the shorelines. Descriptive analyses should be done on an area-by-area basis and should be keyed to the map element in a clear and direct manner.

The majority of counties used large-scale maps with overlays to present their inventory. Several counties stored information on computer cards and tape. Data was often gathered by volunteer task forces and agency publications rather than by extensive field work. DOE has since compiled this data for the marine shorelines on U.S.G.S. maps on a common base and format.

The procedure of cataloging ownership patterns and existing land and water uses is adequately covered by local government inventories – past data bases and previous studies aided in the completion of this task. But there has been a lack of analysis of use patterns in local inventories. Moreover, the complex task of inventorying natural characteristics was beyond the staff capabilities of most local governments within the limited time frame and available resources. There was a general lack of useful information relating to marine and intertidal areas.

Inventory information has been used primarily in the master program formulation stage of designating environments. Inventories have been too general to use during the issuance of shoreline permits. Site visits currently provide the detailed information necessary for issuance of permits. There is also a continuing need to compile usable information in a useful format over areas larger than individual jurisdictions.

The Act required local governments to provide opportunities for all citizens and governmental agencies with shoreline interests or responsibilities to participate in the development of master programs. The final guidelines gave direction to this broad mandate with the recommendation that citizen advisory committees be formed as a vehicle for citizen participation. Key features of citizen advisory committees delineated in the final guidelines include the following:

1. Members should represent a diverse set of interests ranging from commercial to preservationist.
2. Citizen advisory committees should guide the formulation of the master programs through a series of public meetings.
3. Citizen advisory committees should work in close cooperation with local government.
4. Citizen advisory committees are not intended to substitute for general citizen input.

The guidelines further stipulated that the failure of local governments to encourage and utilize citizen involvement, without proper justification, may be considered as failure to comply with the Act.

Citizen advisory committees were generally appointed by local governments in the summer of 1973. Usually citizen participants were chosen from those who represented a specific interest group and members of the public at large. County committee size in the coastal zone varied from 12 in Mason County to 85 in Pierce County.

Citizen advisory committees worked with local planners during master program formulation. Somewhere between ten and fifty public meetings and hearings were held in each locality, as mandated by the Act and final guidelines. Outside citizen advice was solicited. Frequently citizen advisory committee meetings have included outside comments from statewide groups and federal and state agencies.

Generally the range from economic to environmental interests were well represented by the citizen advisory committees. If the composition of committees was initially unbalanced, committees were usually altered to accommodate the interests

left out in the initial selection process. Both environmental protection and private property rights were well represented. In addition, several counties, such as Whatcom, Snohomish and Kitsap, appointed technical advisory committees composed of agency, industrial, and commercial representatives. Over the past three years, approximately 2,000 persons with various interests have been directly involved in the shoreline management planning process throughout the state.

During the summer of 1973 the state arranged for a workshop to be conducted in each of its four state regions to deal with problems encountered by local governments in implementing the Act. The instruction at the workshops was directed toward resolving basic difficulties in interpreting the requirements of the Act and final guidelines. The Department attempted to be responsive and available to local governments informally, providing substantial information on specific questions.

Consistent with the state's supportive role in implementing SMA, the Department attempted to make adequate funding available for local government to carry out their shoreline management responsibilities. In the early stages of development, this activity was carried out in cooperation with the Office of Community Development, the designated state agency for the distribution of HUD 701 funds. HUD and OCD rated the shoreline management program high priority for receiving HUD monies in 1972, 1973, 1974, and 1975.

The Department was authorized by the Office of Community Development to administer and disperse grant funds for the purpose of assisting local units of government in undertaking an inventory and preparation of their master programs. In excess of $580,000 of HUD and state monies have been made available to local units of government.

In addition, the state received $388,820 through Section 305 of the Coastal Zone Management Act in 1974, of which approximately $65,000 went to local governments in the coastal zone. In June of 1975, $500,000 was awarded the state, of which approximately $215,000 went to coastal zone cities and counties. In all, the state has disbursed approximately $860,000 of state and federal monies to assist local governments to comply with the state Shoreline Management Act of 1971 and the federal Coastal Zone Management Act of 1972.

The Act gave to the Department of Ecology the authority to designate regional planning units to help coordinate local governments in the formulation of master programs and the Department used this authority to designate Lake Washington as a region at the request of its eleven local jurisdictions. The resulting regional goals and policies were adopted as state regulations and have since been incorporated in several local master programs. As such they become the primary policy tool for local, state, and federal actions on Lake Washington.

State review and approval of local master programs is the final and most significant step in implementation of the program. DOE has 90 days to approve or reject proposed local programs. After a local program has been prepared and appropriate public hearings held, it is submitted to the Department for review. The Department then distributes it to a review task force consisting of representatives from interested state and federal agencies. Federal and other state agency comments are often the basis for Department requests for changes in the local program. Within 90 days, based on Ecology staff review findings and the comments received from task force members, the local program is either approved or denied. If denied, it is returned to the local government with suggestions for modifications. The local government then has another 90 days in which to prepare the changes and consider the recommendations. For shorelines of statewide significance, the Act specifically authorizes the Department of Ecology to prepare an alternative if the local program repeatedly fails to be consistent with the Act. Approved programs are then adopted as state regulations under the Washington Administative Code.

At this time, all major jurisdictions which were to prepare a master program within the coastal zone have a functioning local shoreline program. As of October of 1975 seven counties have yet to

submit programs to the Department of Ecology for review, though all seven expressed their intent to submit programs by the end of the year. Most were held up in the final local government proceedings and public hearings. All local programs have been developed and completed for some time – that is, the program documents are complete and the work has been completed by the staff, the citizen advisory committees, and the planning commissions. Those that remain out require final legislative action by the county or city commissioners and councils. During this interim period prior to program approval, the DOE guidelines are in effect for permit administration and planning. (See Appendix 5 b.)

It should be emphasized that the Act provides that the master programs are the basis for permit administration and activities at every stage of their development. SMA states (90.58.140):

> A permit shall be granted: (a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and regulations of the department; and (iii) so far as can be ascertained, the master program being developed for the area.

To provide an overview of some of the substance of the master programs prepared for the coastal zone, shoreline use matrices have been assembled for all fifteen coastal zone counties and are included along with coastal county environment maps in Appendix 5c to this document. The matrices should help to make clear what kinds of uses are considered permissible in the several shoreline environments, though caution should be exercised in using the matrices for an actual determination of an allowable use. They are intended only as a general citation from the regulations of each master program. Attention should be given to the following considerations before judging a proposal to be permitted in a given environment:

Proposals must conform to the goals, policies, and general regulations which apply to all development.

Seven of the fifteen programs were not approved by the Department of Ecology at the time the matrixes were assembled. There is a possibility that local governments will amend the programs, or that changes will be made at DOE's request between now and the time of adoption.

Many of the policies and regulations allow for some discretion or provide for some judgment on the part of the administrator. Also, many of the performance standards require judgment, and the actual determination of permissibility must be made based on such judgmental factors as the scale of the project, aesthetics, and nondegradation of the environment.

In all cases, the requirements of other programs and regulations must be complied with. While many of these, such as local health, zoning, subdivision, and state and federal regulations are specifically adopted by reference into the master program, the master program does not affect the applicability of other authorities.

The shoreline permit must be viewed as a process to determine permissibility, The project design itself, or the ability to redesign or condition the permit to meet standards can make a given use permissible.

Most programs were written to recognize the natural systems and features found within the broad environment management classification. Thus, a fragile feature, such as a sand spit, with a broader environment classification, may require the application of additional standards.

The Shoreline Regulatory Process

The regulatory phase of the shoreline management program consists of a permit system for all substantial developments and shoreline modifications. The system is administered locally subject to state review. Once a permit application is acted on by local government, and prior to the commencement of development, that decision and the application must be forwarded to the Attorney General and the Department of Ecology for review. The Department does not have approval or denial authority over the local decisions, but it does have a specified period of time in which to appeal the decision to an independent hearings board created by the Act called the Shorelines Hearings Board.

Although all shoreline developments must be consistent with the policy of the Act and the local master program, certain exemptions are provided from the substantial development permit requirement. Substantial developments are those of which the fair market value exceeds $1,000 or which "materially" interfere with normal public use of the water or shorelines of the state. Exemptions are granted for repair and maintenance of existing structures, docks costing no more than $2,500, protective bulkheads for single family residences, certain agricultural and irrigation projects and structures, navigational aids, single family residences built by the owner for his use, and emergency construction. The permit requirement is also waived for construction under a certificate obtained in conformity with the state's Thermal Power Plants Act (RCW Chapter 80.50) (see pages 92-93) and for certain actions under the state's Forest Practices Act (RCW Chapter 76.09) (see pages 78-81).

An applicant must publish two public notices a week apart upon filing for a substantial development permit. Local governments must wait a minimum of 30 days before taking action on the permit. There is no maximum time limit on when a local government decision is to be rendered. After final action is taken, the local jurisdiction must notify the applicant, the Department of Ecology, and the Office of the Attorney General. The Department and the Attorney General have 45 days to determine whether an appeal should be made to the Shorelines Hearings Board. The applicant and all other interested persons have 30 days after a permit decision to request a review of that decision. Appellants must obtain certification of the review request from DOE and the Attorney General before the Shorelines Hearings Board can hear the appeal. Assuming that the permit is approved without an appeal, the applicant may proceed with his proposed activity 45 days after receipt by DOE. Thus, the minimum time possible to complete the permit process is 82 days. For larger or controversial projects the process may take longer depending on such things as whether or not an EIS is required under SEPA or NEPA. The substantial development permit process is presented graphically in the flow chart on the following page.

To aid the courts in the anticipated increase in shoreline litigation resulting from the Act, SMA created the quasi-judicial Shorelines Hearings Board. The Board provides an avenue of review for those aggrieved by a local government permit decision and for local governments which take exception to regulations and guidelines adopted by the Department of Ecology. It has also played a significant role in formulating and articulating policy and in resolving conflicts relating to the implementation of the Shoreline Management Act.

The six-member Shorelines Hearings Board is made up of the three members of the Pollution Control Hearings Board, the Commissioner of Public Lands, a representative of the Association of Washington Cities, and a representative of the Washington State Association of Counties. Terms are not specified. The Chairman of the Pollution Control Hearings Board also acts as the Chairman of the Shorelines Hearings Board.

The Shorelines Hearings Board, together with the Pollution Control Hearings Board, is recognized as one of the nation's most successful administrative appeal bodies. The Board provides a judicial process whereby an impartial body with resource expertise can hear matters without becoming entangled in the costly and time-consuming court system. The Board is intended to, and does in fact, deal with substantive as well as procedural issues. Moreover, the Board has been able to avoid lengthy appeal backlogs. Efficient operating regulations have enabled the Board to handle certified appeals in an average time of seven months now as compared to a nine month average for the appeals certified in 1972.

The Board is widely recognized as a credible body in terms of environmental expertise, which is no doubt at least partially due to the Board's relationship with the Pollution Control Hearings Board (see pages 83-84), which provides a close bond between the state's shoreline management program and its other programs for ensuring environmental protection. By creating the Board, SMA both encourages greater citizen access to the appeal process and provides a substantive environmental foundation for the shoreline management program.

Aggrieved parties seeking Board review of a shoreline permit must file appeals within 30 days after the local decision being appealed. As mentioned above, the Department of Ecology and Attorney General have 45 days upon receiving the shoreline permit to request review. After receiving a request for review, the state has 30 days to exercise one of three options: (1) certify the review request as valid; (2) certify and intervene (on either side) in the request for review; or (3) refuse to certify the review request for procedural or substantive reasons. All certified requests for review and state appeals go to the Shoreline Hearings Board. Any Board decision can be appealed to Superior Court, as can any request for review not certified.

The appeal process is initiated when the Board receives a Department or Attorney General appeal or a properly certified appeal initiated by an aggrieved party. The Act requires that the burden of proof rest with the party seeking review. The first step is the holding of a pre-hearing conference to obtain an agreement as to the issues of law, the facts to be presented, and procedural rules, objections and motions. The pre-hearing conference has served to clear up procedural delays before the formal hearing, and more importantly, this process of clarifying the issues and facts has frequently resulted in a settlement before the formal hearing. The next two steps include the actual formal hearing and the circulation of proposed findings of fact and law to the participants involved. The information obtained by circulating the proposed findings is utilized in the preparation of the final order.

Persons aggrieved by a Shorelines Hearings Board final order may appeal the decision to the State Superior Court. Approximately one Board decision in every five is appealed to the judicial system. Because most appeals are settled prior to final Board orders, those appeals which move on to the judicial system represent only 7% of all certified appeals received by the Board.

The state has taken a lead role in the initiation of shoreline appeals. As of October of 1975, 102 out of 201 requests have been made by the Department and the Attorney General. The vast majority of these appeals concerned development on shorelines of statewide significance. The special statutory attention given to these shorelines by the delineation of use priorities has been a factor in their constituting such a high percentage of state appeals. In 26 other appeals the state joined aggrieved parties or intervened on behalf of the defending local government. These appeals have included a high percentage of non-water-dependent development involving landfills or over-water construction, and most have been on marine shores of statewide significance. While the state had been involved in 102 out of 142 requests for review prior to 1975, citizen appeals are becoming increasingly significant. The table below summarizes appeal activity to date.

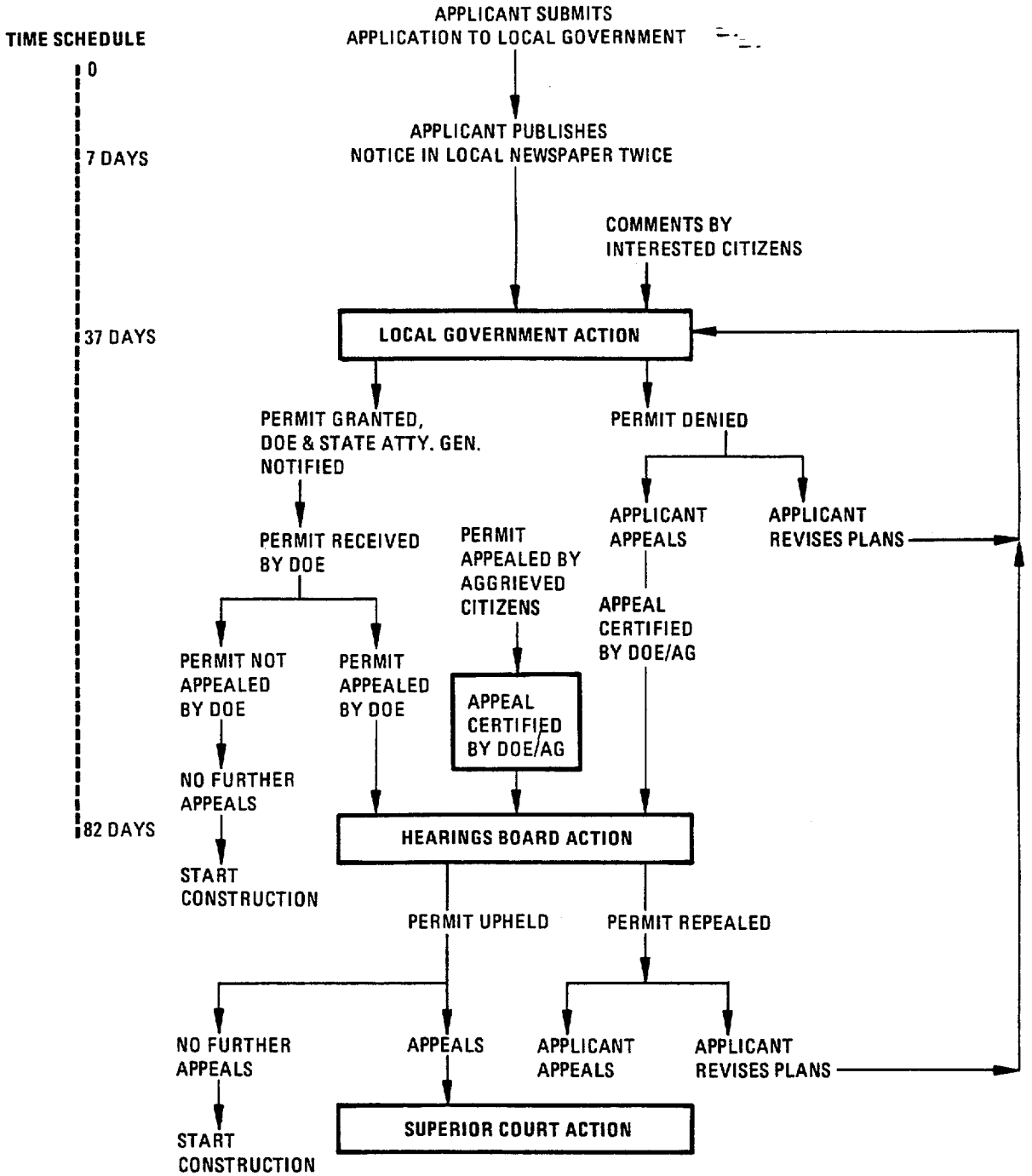
In general, the state has taken an active leadership role in applying the Shoreline Management Act during the review of local permit decisions. Creation of the Shorelines Hearings Board has increased the accessibility of permit review while at the same time substantially reducing shoreline litigation to be dealt with by the courts. The review process has been both reasonable and efficient in handling the increased shoreline litigation brought about by the passage of the Act.

Shorelines Hearings Boards Appeal

	Total Appeals	Certified Appeals	Resolved Prior to SHB Hearing	SHB Decision	Pending SHB Action	Appealed SHB Decisions
Department of Ecology	102	102	65	32	5	7
Private Applicant	26	24	2	18	4	5
Public Applicant	14	13	1	10	2	4
Other Aggrieved Parties	74	57	14	34	9	7
Total	201	196	82	94	20	23

As of October 1975 Total Permits Reviewed by DOE: 3242

SHORELINE PERMIT PROCEDURE



Problems, Goals, and Objectives of the WCZMP

In accordance with Section 923.4 of the Section 306 Regulations, the WCZMP set forth problems, goals, objectives and policies. The policies for the protection and conservation of the coastal zone natural systems were explained previously. Following are a list of problems the Program is attempting to alleviate, the goals and objectives of the Program.

Problem Statements

(a) The coastal shorelines of Washington are unique and fragile resources, which if not carefully managed, could be subject to destructive changes which will have undesired environmental, economic, and functional consequences for the State.

(b) There are a variety of demands on the coastal resource, each competing for certain segments of the resource. Certain resources can withstand and support the demands; some cannot.

(c) There are many classes of interest or activity which use and involved coastal resources such as, recreation, environmental protection, power generation, defense, commerce, resource pollution, industry, communication, transportation, historical significance, protection from destructive natural forces, food, and aesthetic preservation.

Each of the above interests uses or affects coastal resources, but balancing each need, knowing how much of the resource to allocate to each interest, and knowing what the proper responsibilities for each level of government for each interest is difficult.

An example of the problem could be phrased thusly: Recreation is a local, state, and national interest but the questions are: (1) how much of the coastal resources should be allocated to recreation, and (2) which recreational activities, duties, and authorities are those of Federal agencies, which for state agencies, and which for local agencies? These same questions arise for every category of interest.

(d) There are State, National and local interests which either depend on or may impact on, the State's coastal zone capability for each interest to be served.

(e) There are a variety of public and private organizations which manage, use, and/or depend on the coastal zone. The needs of these entities may conflict, are not always known, are not always coordinated, and not always met.

(f) The needs of various competing interests are not always clearly and comprehensively known, thus creating conflicts and preventing the best prioritization for use of the coastal resources.

(g) Various areas in the coastal zone are pre-empted by uses which do not need, are not related to, or are destructive of the coastal management and such conditions will worsen without comprehensive management and control of the use of the coastal zone.

(h) Significant portions of the State's economy and ecology depend on special areas in the coastal zone which have high biologic production and importance, but low tolerance to the impact of many human activities. These areas will be lost without special attention by all levels of government.

(i) Much of the Coastal Zone and adjacent areas are in private ownership, and unguided, unrestrictive construction of and priviately and publicly owned areas is not in the best interest of the public.

(j) Knowledge of the nature, extent, tolerance, capability, value, and importance of the coastal resources is incomplete, out-of-date, and fragmented.

Goal Statements

Each of the above listed problems is worthy of solution, with such resolution becoming goals in and of themselves. However, in order to provide more positive direction and to lead into policies, additional statements of goals which combine some of the problems and address matters are presented below.

(a) To actively identify and coordinate the diverse interests in the coastal zone, in order to provide the resources necessary to meet the various demands.

(b) To promote and encourage by all available means the continued productivity and desired expansions of the biologic resources of the coastal zone.

(c) To consult and coordinate with other states, Federal agencies and nations which use or are related to the state's coastal zone.

(d) To manage the total resource such that each need is met to the maximum extent feasible, and such that the total resource is maintained, prospers, and continues to meet the needs.

(e) To protect and encourage the natural processes of the coastal zone.

Objectives

By means of identification of problems, declaration of goals, and the promulgation of policies, the state has set its direction and provides common grounds upon which to pursue Coastal Zone Management.

Before progress can be made or measured, objectives must be established. These are measurable tasks which relate to the problems, goals, and policies which, when accomplished, will indicate the solution of the problems, accomplishment of the goals, and implementation of the policies. It is not suggested that the following list will solve all the problems, but it is a list of presently perceived tasks. Many of these have been addressed already with the passage and recent history of the Shoreline Management Act and others will be accomplished through the continuing management program.

(a) Establish regulatory systems to control the use and impact on the Coastal Zone.

(b) Establish, enhance, and maintain coastal planning, management, and regulatory programs at the local level.

(c) Promulgate appropriate regulations at all levels which carry out the policies.

(d) Determine the coastal needs and demands.

(e) Continually monitor and determine the characteristics of the Coastal Zone.

(f) Establish conflict resolution mechanisms and procedures.

(g) Involve all interested parties in planning and development decisions.

(h) Provide methods for appeal and relief.

(i) Support and fund local management and administration efforts.

(j) Define permissible uses in the coastal zone.

(k) Define boundaries for the coastal zone.

(1) Provide sufficient authorities and organizations.

(m) Designate and protect areas of particular concern.

(n) Provide procedures for, and accomplish the designation of areas for preservation and restoration.

(o) Determine appropriate sites and criteria for the deposition of dredge spoils.

(p) Accomplish strict regulation of ocean beach sand removal for commercial purposes.

(q) Establish criteria for location and development of second homes.

(r) Provide increased public access to and along the water, particularly to State-owned tidelands.

(s) Increase emphasis on the acquisition and development of water-oriented parks and recreation facilities.

(t) Develop criteria and techniques for enhancing and restoring urban waterfronts.

(u) Identify appropriate sites for aquacultural development and resolve problems of conflicting uses.

(v) Establish siting criteria for deep draft port facilities.

(w) Provide location and design criteria for major industrial uses, especially petrochemical facilities.

(x) Establish criteria for regulating high rise structures.

(y) Provide methods for mitigating the impact of marina developments and accommodate the demand for such facilities.

(z) Establish critera for bulkhead location and construction.

(aa) Establish criteria for the length, spacing and density of single family residential piers and docks.

(bb) Provide dredging guidelines and identification of appropriate locations.

(cc) Establish criteria for siting and developing major industrial wood products facilities.

(dd) Establish criteria for oil and gas drilling.

(ee) Provide for the enhancement of the commercial and recreational fishery.

(ff) Establish definitive guidelines for landfills.

(gg) Provide criteria for regulating forest management practices within the coastal zone.

(hh) Determine assimilative capacity of Puget Sound for municipal and industrial wastes.

(ii) Establish provisions for the preservation of estuaries and key habitat areas.

(jj) Protect and improve water quality.

(kk) Preserve the natural shoreline character.

(ll) Recognize erosion-accretion processes in the management program.

(mm) Maintain scenic vistas.

(nn) Preserve wildlife values.

(oo) Provide primary and secondary data requirements.

(pp) Maintain close and continuing coordination with all affected agencies and jurisdictions.

(qq) Enhance provisions for public access and involvement.

(rr) Delineate the coastal zone based on best available information.

(ss) Provide mechanism for assessing the impact of major Federal developments and actions in the coastal zone.

The solution to the problems and the achievement of goals and objectives will take time and concerted effort of all governmental institutions and the public. For instance, the objective to achieve greater public access to the shoreline cannot be achieved on a short-term basis. It may, however, be gradually achieved through the policies and process the State has established.

The WCZMP as the major management tool will serve as a coordinative mechanism to achieve successful results.

The transition from program development to implementation and administration will not occur in total immediately upon approval of the Program. The many substantive objectives and the program enhancement objectives which show the concerns of the WCZMP staff in administering the program follow (see also Appendix 11, Program Supplement).

PROGRAM ENHANCEMENT OBJECTIVES

1. While control of land and water uses in the coastal zone is considered adequate, there is a need to augment state and local administration with better articulated policy, a better data base, and more thorough reviews through the managerial network.

2. At a policy level, there is a continuing need for an analysis of the parent legislation which makes up the components of the managerial network. Legislative deficiencies and the overlapping of authorities should be remedied through corrective legislation.

3. The program should assure adequate investigation into certain coastal zone management issues such as outer continental shelf development, energy generally, utility corridors, and water surface usage. Wherever possible, the comprehensive umbrella of the coastal zone management program should be brought into play to relate these investigations to the entire coastal zone.

4. At the interstate and international level, policy interests in the Columbia River, the outer continental shelf, the Strait of Juan de Fuca, the northern San Juan Islands, the fisheries resource, maritime commerce, and other resources. Again, the coastal zone management umbrella should be used in all appropriate discussions to relate the consideration to the coastal zone as a whole.

5. The state's coastal zone program includes a number of processes for the identification of areas of particular concern and areas for preservation. There is a need to consolidate and coordinate these ongoing efforts and to further incorporate them into the coastal zone program.

6. If acqusition of some areas should be seen as desirable, the coastal zone program should reinforce and be consistent with state recreation acquisition programs, energy and economic development programs.

7. The state will attempt to establish an estuarine sanctuary through Section 312 of CZMA. Similarly, the state will continue to examine all of those coastal esturaine areas which have a particular biological significance for their possibilities as a sanctuary.

8. The Department will continue to assess the use capabilities of wetlands and identify areas of high biological productivity. To do this and concurrently assure their conservation will require detailed knowledge and adequate management criteria.

9. The state will continually monitor and evaluate the effectiveness of the program and carry out specific in-depth evaluations of key portions of the program. The state intends to conduct such specific evaluations in conjunction with other state, federal, and local agencies and the general public. Only in this way can the Department know with any certainty that the program is indeed carrying out the broad policy and intent of the program. To this end it may be necessary and desirable to establish review evaluation committees.

10. The coastal zone program is at the present time the primary vehicle in the state for assuring that the state's interest is considered in oil exploration, transport, and facility siting. While future legislative action may establish other mechanims for dealing with those issues, it is the policy of the program to more fully develop data, analysis capabilities, and specific policies that will assure that this interest is recognized.

11. Coastal zone management is a series of decisions, in terms of both program development and implementation. It is desirable that all decisions be founded on as strong a scientific basis as possible. Decisions should be made with as much knowledge as possible of the policies and opinions of others. Scientific knowledge and policy knowledge are data and must be organized such that they can be interpreted and used by everyone with a concern

in the coastal zone. Much data has been collected and used thus far in the state's coastal zone management efforts and more will be collected as the program continues, but there is general agreement that the systems now used in collection, handling, and delivery should be improved.

12. Local government is also faced with a multitude of decisions that would be better made with more detailed and reliable information. A large effort will be made to determine how local decisions could be assisted with scientific information and to determine the type and display of such information that will be most useful to local government. This effort will be coupled with the overall data management program which integrates state and federal informational needs and systems.

13. Several of the activities listed herein will result in special reports which, if appropriate, would become additions or amendments to the program. Other special reports can become the basis of agreements or guidelines to the parties in order to solve a coastal zone concern.

14. As a training and informational device, periodic workshops will be held to bring together large groups to deal with specific coastal zone management affairs.

15. Recognizing that the purpose and thrust of the state's coastal zone program is to assure for future generations an environmentally and economically desirable place to live it is the policy of the state, through the coastal zone program, to keep its citizens aware of the need to protect and plan for its coastal resources.

    With regard to public awareness it should be noted that policy is not directed at the processes and tools which have been developed and are being implemented, but at the education and information phases as to why it is necessary to manage the coastal zone.

Elements of the Washington Coastal Zone Management Program

Many comments received on the DEIS requested that a better description of the WCZMP and how it works be provided in the FEIS. Therefore, Chapter V of the WCZMP, which gives a good description of a very complex management program, is reproduced here in full. Because of the complexity of a comprehensive CZM program and the brevity with which it is presented, there are some aspects that are not fully covered. Chapter III of the WCZMP contains 80 pages describing the State's managerial network that cannot be easily summarized here. There are, however, some examples of how the State process can and does work. These are developed further in the Program supplement.

Changes in the appendices have been made to reflect the appendix numbers in this FEIS.

CHAPTER V. WASHINGTON COASTAL ZONE MANAGEMENT AND THE COASTAL ZONE MANAGEMENT ACT

INTRODUCTION

The first four chapters have described the state's coastal resources and its programs for managing land and water uses. Most of the state's authorities and programs, including its primary legislative mandate for coastal management, the 1971 Shoreline Management Act, existed prior to enactment of the federal Coastal Zone Management Act. However, the mere existence of these programs, in and of themselves, do not provide the broadly-based coordinated efforts that Congress envisioned in the federal Act. The purpose of the present chapter is to relate the state program to the specific requirements of the Coastal Zone Management Act, amplifying the previous discussions as necessary. The chapter is structured to emphasize the relations of the state program to the key policies and requirements of Section 306 of the Act and CFR 923.11-923.44 of January 9, 1975 relating to coastal zone uses, boundaries, areas of particular concern, areas for preservation and restoration, state/federal relations, public participation and intergovernmental involvement, the state's managerial network, and some miscellaneous provisions of the statute.

GENERAL POLICY

The overriding philosophy of the State of Washington is that the coastal zone is among the most valuable of resources and that a comprehensive and coordinated program of management is essential to prevent damages resulting from uncoordinated and piecemeal development. This philosophy presumes that the coastal resource is viewed as an interrelated unit, irrespective of ownership, jurisdiction, or current individual agency goals and policies.

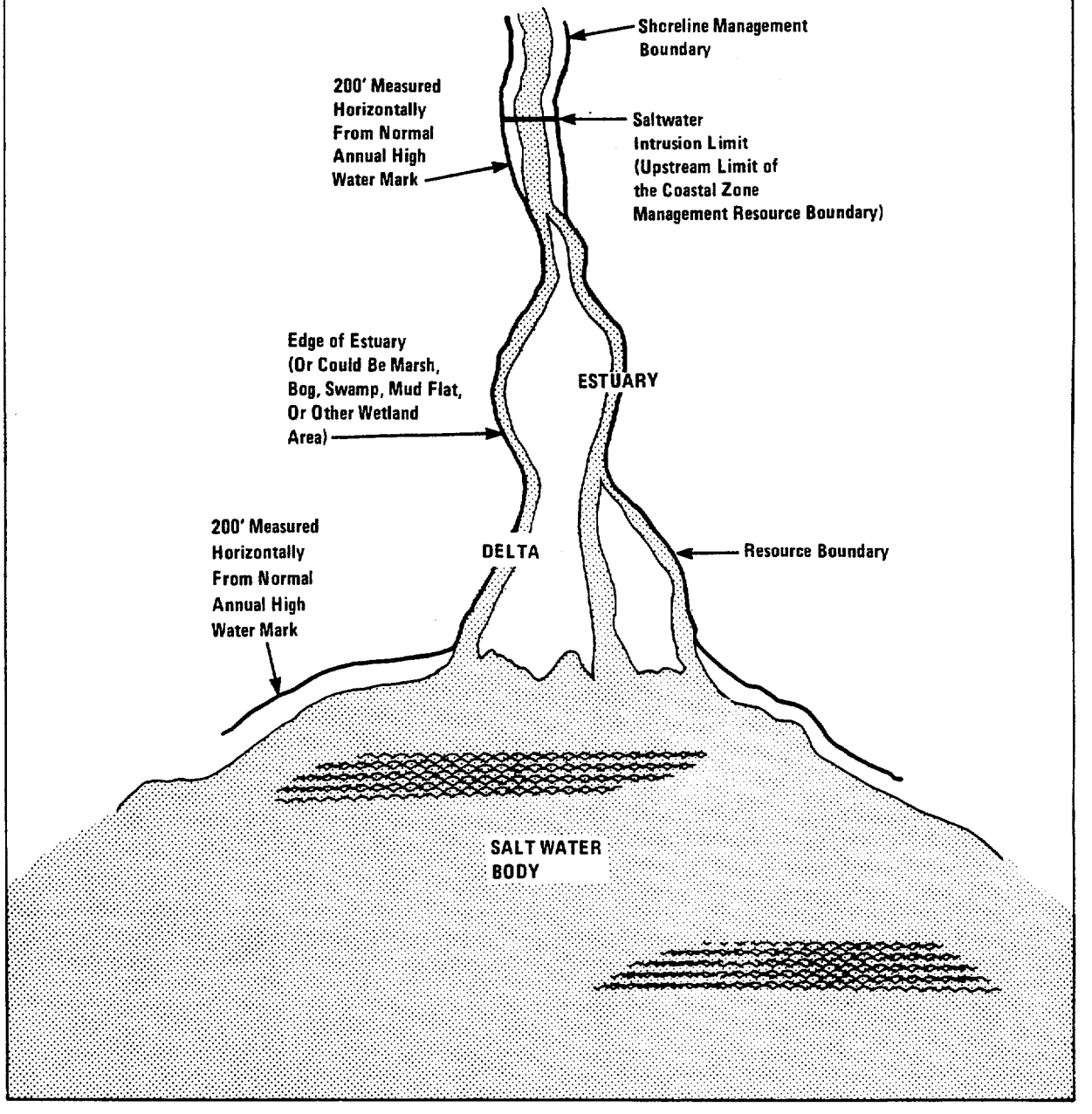
The approach to be used by the state in pursuing coastal zone objectives is that both federal and state interests must be recognized and that there is a local, state, and national interest in the use and conservation of the coastal resources. Additionally, it is a policy of the state (RCW 90.58.260) that where plans, activities, or procedures conflict with state policies, all reasonable steps available shall be taken by the state to preserve the integrity of its policies. This policy is consistent with and reinforces the policy contained in the Coastal Zone Management Act to encourage and assist the states to exercise effectively their full responsibilities in the coastal zone.

THE COASTAL ZONE BOUNDARY

The Washington State coastal zone management area embodies a two-tier concept. The first or primary tier, bounded by the "resource boundary," is that area legislatively defined by the Shoreline Management Act of 1971; that is, all of the state's marine waters and their associated wetlands, including at a minimum all upland area 200 feet landward from the ordinary high water mark. The second tier, bounded by the "planning and administrative boundary," is composed of the area within the fifteen coastal counties which front on saltwater.

The first tier, an area of permit authority under the Shoreline Management Act that is bounded by the *resource* boundary, can be defined through selective application of definitions in RCW Chapter 90.58 to consist of all marine water areas of the state and their associated "wetlands" together with the lands underlying them out to the western boundary of the state in the Pacific Ocean, where "wetlands" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark and river deltas and tidal waters which are subject to the provisions of the Shoreline Management Act.

WASHINGTON STATE
COASTAL ZONE RESOURCE BOUNDARIES



"Ordinary high water mark" for all lakes, streams, and tidal water is defined in RCW 90.58.030(2)(b) to be

> that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exist[ed] on June 1, 1971 or as it may naturally change thereafter; Provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

The state enacted regulations specifying criteria for the designation of wetlands and associated wetlands and mapped those designations for the shoreline of the state under Chapter 173-22 WAC. The pertinent provisions are summarized here:

(1) "Associated wetlands" means those wetlands which are strongly influenced by and in close proximity to any tidal water.

(2) The wetlands shall be measured on a horizontal plane two hundred feet in all directions from the line of vegetation. If there is no vegetative cover, the measurement will be, whenever possible, from a line connecting the lines of vegetation on either side of an area; otherwise, the measurement will be from the mean higher tide on salt water and the mean high water on fresh water.

(3) On river deltas and flood plains where dikes have been placed by governmental agencies for public benefit and reasonably protect against floods, the wetlands will be designated as follows:

(a) Where the dike is located within two hundred feet of the ordinary high water mark, the wetlands shall be that area within two hundred feet of the ordinary high water mark.

(b) Where the dike is located more than two hundred feet beyond the ordinary high water mark, the wetlands shall be that area lying between the apex of the dike and the ordinary high water mark.

The *planning and administrative* or second tier boundary is the eastern boundary of the fifteen coastal counties which front on marine waters. The basis for the inclusion of Wahkiakum County on the Columbia River estuary is the presence of measurable quantities of salt water up the Columbia River to Pillar Rock. The second tier is intended to be the maximum extent of the coastal zone and as such is the context within which coordinated coastal policy planning will be accomplished through the framework of this program.

The use of the two tiers provides the state a basis to differentiate in terms of both the need for control and the intensity of control. The most immediate and direct control is exercised in the tier adjacent to the water's edge and on water bodies through processes established by the Shoreline Management Act. Should a proposal in the second tier have the potential to have direct and significant impact on coastal waters or directly affect the coastal zone, the other state programs described in Chapter III can be invoked. The state network and its applicability to the two-tier system is described later in this chapter, as is the applicability of the boundary system to federal lands.

EXCLUDED FEDERAL LANDS *

The technical definition of the coastal zone under Section 304(a) of the federal Coastal Zone Management Act of 1972 states that lands the use of which is by law subject solely to the discretion of or which is held in trust by the federal government, its officers, or agents are excluded from the coastal zone. The Washington coastal zone includes many acres of land and many miles of marine shoreline which fall within the perimeter of lands managed and owned by various federal agencies.

Those federal lands fall within several categories of jurisdictional status. Technically, all lands under the exclusive legislative jurisdiction of the U.S. Government are excluded from Washington's coastal zone since the State of Washington does not exercise any discretion over the uses which take place on these lands. Those lands held by the federal government under a concurrent, partial, or proprietorial jurisdictional status may be included in the state's coastal zone since the state retains varying degrees of discretion as to the uses which take place on those lands.

* superseded by statement in Program supplement

The state will emphasize the requirement that the closest possible coordination and cooperation between the state and federal agencies be maintained during the administration of the state's coastal zone program. In this spirit, the state will work with federal land managers, regardless of the jurisdictional status of the lands in question to develop mechanisms whereby the federal land managers agree to manage their lands in a manner consistent with the substance and merits of the state's coastal zone management program to the maximum extent practicable. The state will work with federal agencies to arrive at a definitive policy and identification of excluded lands. The state will make every effort to enter into memoranda of understanding with all federal agency land managers as to the applicability of the state program to the various parcels of federal land or private holdings within federal lands within the state's coastal zone.

As a matter of policy, the state may elect to exclude certain federal lands regardless of their jurisdictional status. For example, lands held by the U.S. Government for readily identifiable national security purposes will be excluded from the state's coastal zone. However, the state intends to work in close cooperation and consultation with the Department of Defense so that its various agencies within the coastal zone are aware of the substantive policies and standards of the state's coastal zone management program and will seek consistency with those policies and standards to the maximum extent practicable. It is expected that if this close cooperation and consultation takes place the federal land managers will have no difficulty in fully complying with the federal consistency provisions of Section 307 of the Coastal Zone Management Act.

For those federal lands excluded from the state's coastal zone, it should be made clear that the state has not relinquished any of its existing authority over those federal lands by not including them within the boundaries of its coastal zone management program.

USES IN THE COASTAL ZONE

Sections 305(b)(2) and (5) of CZMA require that a management program define permissible land and water uses within the coastal zone and develop broad guidelines on priority of uses in particular areas. Prior to CZMA and the subsequent Section 306 regulations, Washington had already established through SMA a process, policies, and guidelines which enable it to meet the intentions of these two requirements.

This section describes the process as it meets the requirements of the 306 regulations and how permissibility and priority of uses work in actuality. It is believed that these management principles, as reflected by the overall coastal zone program, are not only adequate to meet the particular needs of the State of Washington, but indeed were used in developing the CZMA requirements. Since SMA is already in the implementation stage, the adequacy of the process can be verified in practice. The following sections of SMA and the state guidelines are of particular relevance to determining uses in the coastal zone:

(1) RCW 90.58.020. State Policy Enunciated--Use Preference.

(2) RCW 90.58.100 Programs as Constituting Use Regulations

(3) RCW 90.58.150. Selective Commercial Timber Cutting

(4) RCW 90.58.160. Prohibition Against Surface Drilling For Oil or Gas

(5) RCW 90.58.270. Nonapplication to Certain Structures, Docks, Developments, Etc.

(6) RCW 90.58.340. Use Policies For Land Adjacent to Shorelines

(7) WAC 173-16-040(3). Master Program Elements

(8) WAC 173-16-040(4). Environments

(9) WAC 173-16-060(1)-(21). The Use Activities

(10) WAC 173-16-070. Variances And Conditional Uses

The Legislature set forth principles and policies to guide actions that would or could occur within the state's shorelines. Briefly stated, all "reasonable and appropriate uses" would be permitted under specified conditions which would protect against "adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the

state and their aquatic life." This laid the groundwork for a performance-standards approach to land and water use decision making. Two notable exceptions were included by the Legislature, namely: (1) that within the resource zone, only selective commercial timber cutting would be allowed, and (2) that surface drilling for oil and gas within a specified geographic area would not be permitted. Far from being arbitrary, these policies were based on previous experience and scientific studies which showed the potential and real adverse impacts such uncontrolled uses may have on resources SMA was designed to manage.

Master programs are to use a systematic interdisciplinary approach to ensure a comprehensive integration of uses. Seven use elements which include all different shoreline uses are included in master programs as appropriate: economic, public access, recreation, circulation, use, conservation, historic/cultural/scientific, and education.

WAC guidelines required local governments to inventory their coastline and designate environments (natural, conservancy, rural, and urban) based upon the existing development pattern, the biophysical capabilities and limitations, and the goals and aspirations of the citizenry. The system was designed to encourage uses in each environment which enhance the character of that environment and to utilize performance standards which regulate use activities in accordance with state goals and objectives.

Based upon studies and analyses, the guidelines established 21 shoreline use activities which were to be included within the local master programs. (WAC 173-16-060). Using the CZMA terminology, it was determined that these uses have a "direct and significant" impact not only on the coastal waters but on the environment in general and on the users of the coastal resources. In addition, the process requires that shoreline use activities not specifically identified and for which policies and regulations had not been developed would be evaluated on a case-by-case basis and would be required to satisfy the goals and general development policies of SMA.

To summarize, a permissible use is basically a use of the coastal land or waters that is consistent with the policies and guidelines governing the Washington State coastal zone management program. Any use occurring completely or partially within the resource boundary is operationally considered to have a direct and significant impact on the coastal waters. Most developments in the first tier require a substantial development permit. Other uses falling under the definition of development are managed on a case-by-case basis but must be consistent with the policies of SMA. Further, uses of the lands adjacent to the resource boundary are to be consistent with the policy of SMA as well, in accordance with RCW 90.58.340. A summary of the regulations for the 21 defined use activities relating to the environment classifications and a general environment map are included in Appendix A to this document. (See App. 5)

Permissibility and priority of uses are closely integrated in the management system. SMA established broad guidelines on priority of uses in particular areas. Certain shorelines were designated in SMA as shorelines of statewide significance because of their importance to the entire state. Local master programs were required to give preference to uses in accordance with the principles stated in WAC 173-16-040(5).

Preference was further given to those uses which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shorelines. When alteration of the natural condition of the shoreline is authorized,

> priority is given to single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other developments that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. (RCW 90.58.020)

To assist in an overview of uses of highest and lowest priority, fifteen county shoreline use matrices were assembled and have been placed in Appendix 5 along with the environment map to provide a summary of the types of uses considered to be permissible in the various shoreline "environments." Caution should be exercised in using the matrices for an actual determination of an allowable use. They are intended only to be a general definition of the more specific regulations that are part of each master program.

The process of determining permissibility and priority of uses has been used by the state during the interim period while local governments were developing their master programs. Each approved master program has designated environments and uses which are consistent with those environments and has set priorities of uses within those environments, particularly for shorelines of statewide significance. There are a number of court cases which have sustained the state's stand on permissibility and priority of uses as they meet the objectives of SMA and related state policies.

THE STATE'S MANAGERIAL NETWORK *

Chapter III discusses in detail the means and authorities available to the state and the Department of Ecology to administer and manage a comprehensive coastal zone program. The management network consists of a variety of formal and informal complex interrelationships among agencies, DOE offices, and individuals. The following discussion describes how the interrelationships occur, with particular emphasis on DOE's managerial role. In describing this network it is obviously impossible to indicate every formal and informal aspect of the system and still retain cohesiveness and understandability. Thus, while this network description is accurate it is not designed to cover all details of the network system.

The management network system can best be described as consisting of the following elements:

(1) Studies and Information Base

(2) Policy Development for Coastal Zone Management

(3) Plan Review/Approval/Consistency

(4) Project Review

(5) Permit Processes

The general flow of how these elements relate is shown below:

The broadest description without identifying the actors would be as follows:

STEP 1: Studies and information are analyzed and the knowledge thus gained is a primary input into the development of policy.

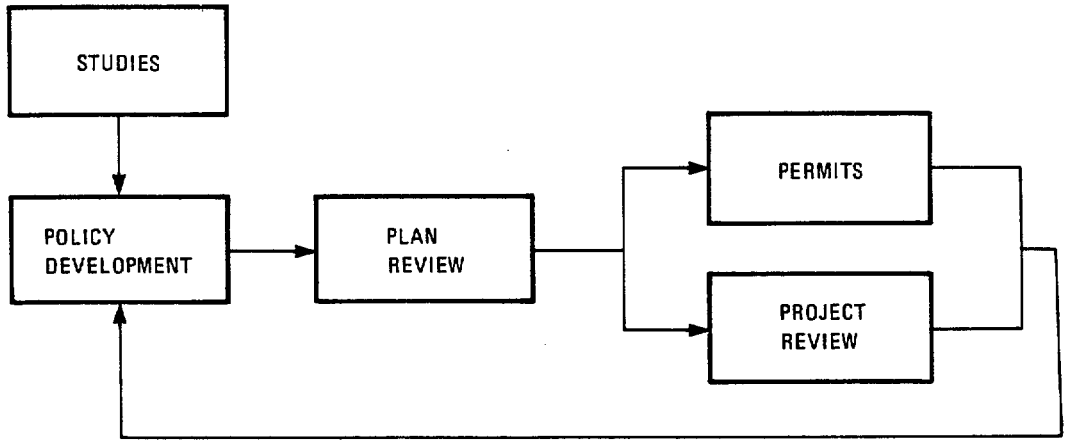
STEP 2: Policy is developed and is utilized by local, state, and federal agencies in the development of plans and programs.

STEP 3: Such plans and programs are reviewed by the state for determination of adherence to policy. Approvals, certifications, conditions, or other types of coordination are made as appropriate.

STEPS 4 & 5: Projects for review or specific permits when required are handled by the state and appropriate action is taken.

STEP 6: The results of permit actions (including judicial or quasi-judicial decisions) and project review are used in the refinement of policy.

Before entering into a more detailed discussion of each of the above network elements it should be noted that the Department of Ecology has the primary authorities for coastal zone management and intends through its Shorelands Division to remain the primary focal point for the program.



*amplified in Program supplement

Studies and Information Base

In a variety of ways the Shorelands Division as a routine matter becomes knowledgable of reports, plans, and studies that might have a significant relationship to the coastal zone. These documents may be initiated by federal, state, local, or private entities within or outside of Washington State. The Division serves as a focal review center for this material and thus becomes both the coordinator for coastal zone matters and the primary formulator and integrator of policy for review and subsequent adoption by the state.

While obviously there are an almost endless variety of means to acquire material, some specific examples of the type and flow of such material to the Division are provided below.

(1) The Office of External Affairs serves as the Department's office representative on a variety of boards, commissions, and councils. The Assistant Director in charge of this office is, for instance, the Department's representative on the Thermal Power Plant Site Evaluation Council (TPPSEC). Studies resulting from or related to TPPSEC activities would be available to this office. Those which would have significance to the coastal zone program would be forwarded to the Office of Land Programs, Shorelands Division. The same flow would result from other boards, commissions, or councils represented by the Office of External Affairs, as well as from other offices within the Department.

(2) The state library, DOE branch, as a matter of standard operating procedure routes to all divisions in the Department lists of reports and studies that are available. Upon request these are ordered and routed to program staff. Generally, after review they are maintained in the state library facilities located at DOE headquarters.

Policy Development

As indicated above, the initial formulator of coastal zone management policy (aside from direct policy legislative action and action under direct legislative policy guidance) is the Shorelands Division. The second step in the policy development network is taken by the Office of Land Programs, where recommendations are reviewed and refined. The Assistant Director for Land Programs is a member of the Department's Executive Policy Committee, which consists of the several Assistant Directors, the Deputy Director, and the Director. A major agency policy or proposed state policy is brought to the weekly meeting of the Executive Policy Committee with a recommendation for action. If such policy has a broad impact on other offices of the Department the Assistant Director may request an independent review by the Office of Comprehensive Programs. This Office would then review that policy and its potential and probable impacts on other programs. The report prepared through such a review would come under Executive Policy Committee scrutiny. The coastal zone management program under this approach benefits in two ways. First, the policy impacts of the coastal zone program on other programs can be determined, and second, other offices' policies are reviewed and considered by the Office of Land Programs for coastal zone implications.

Some policy statements derived through the above-described network are considered by the Department to be beyond the scope of a single agency. In those cases the policy determination is escalated to the Natural Resources Cabinet of the Governor's Office. The Natural Resources Cabinet consists of Directors of the natural resources agencies (the Departments of Game, Fisheries, Natural Resources, Ecology, and Commerce and Economic Development) and the Governor, so that all agencies would bring to bear their interests, resources, and expertise in terms of overall state policy. It is quite conceivable that another state agency may bring an issue to the Cabinet meeting with significance to the coastal zone management program.

Plan Review and Approval

This aspect of the coastal zone management network rests primarily in the Department's Shorelands Division, Office of Land Programs. Local master programs and federal plans and programs are and will continue to be reviewed within the Division for consistency with the policies of the management programs. The Department intends to develop more formalized arrangements with the

Office of Field Operations to assure more direct input from the regional offices on plan review.

Recommendations for plan approvals, denials, or modifications are made by the Division after extensive staff review. These are forwarded to the Assistant Director, Office of Land Programs, for final review and approval. If problems are anticipated, the Office will coordinate with other offices and the Deputy Director or the Director.

Permits

The shoreline management permit program is implemented by two offices in DOE: Land Programs, and Field Operations. Within the Office of Field Operations (described below in greater detail) are four regional DOE offices which have the following responsibilities in the shoreline management permit program:

(1) They have full responsibility for DOE review and screening of substantial development permits.

(2) They consult with the Office of the Attorney General on permit reviews, negotiations, DOE appeals, and certification of citizen appeals.

(3) In cases where local actions appear to be inconsistent with either the intent of SMA or adopted master programs, they make every effort to negotiate agreement with local government prior to initiating an appeal.

(4) If they deem that an appeal action is appropriate, the regional staff and the program staff (in Land Programs, Shorelands Division) jointly review the permit. If both staffs agree that an appeal is appropriate, the appeal action is initiated by the regional office. If agreement cannot be reached, the Assistant Directors in charge of Field Operations and Land Programs make the final decision.

Conditional uses and variances coming under SMA authority are handled by the regional offices in the same manner as appeals.

The following responsibilities are assigned to the Shorelands Division of Land Programs:

(1) There is a direct assignment of a program staff person to be the contact individual and work directly with the regional offices.

(2) Program staff are responsible for providing necessary information to regional offices pertaining to program philosophy, guidelines, operating policies, and information contained in the master plans.

(3) Program staff will develop policies to assure the uniformity of actions statewide.

In summary, the day-to-day contact under the shorelines program with the local agencies which issue substantial development permits is maintained by the regional offices. But appeals arising from agencies, citizens, or applicants may be joined by DOE and become an integrated Department function.

Other functions in which the Department is involved with SMA operations and implementation include assistance to local communities in the continuous updating of inventories and local master plans, the approval of master programs which have been developed but not yet adopted, and providing a continuous forum for public information and involvement through presentations, workshops, and public hearings for master programs and the adoption of use regulations.

In addition to SMA permits, other permits are also used to assure the implementation of a sound management program. Assurance that the network takes significant actions into account is guaranteed in three ways. The first is the EIS review process, which covers all major projects with significant effects. Secondly, most major projects will require one or more permits from DOE. And thirdly, the personnel in the regional offices not only work on shoreline/coastal zone matters, but the same individual may be working on water quality and other environmental matters as well. If there is to be a significant impact on the coastal zone, which may not be directly covered under SMA, such impact will be considered in terms of SMA as a matter of Department practice.

Project Review

While in many cases a project review also involves the permit network, it is worthy of separate treatment here because the network is substantially different. The fact that there is an overlap in terms of process offers an advantage in that it serves as a fail-safe system for projects having significant impact among DOE and related agencies.

Basically, projects for review enter the network in one of two ways. They are part of the SEPA/NEPA system or they are part of the A-95 system. They come to the attention of DOE in the Environmental Review Section housed in the Office of Comprehensive Programs. This section handles all environmental impact statements in terms of review and comment for the state. Any major project or any project having a significant effect on the environment goes through this process. They are reviewed internally by the Environmental Review Section and distributed throughout the Department to the sections, divisions, and offices that have or might have an interest in and input into the environmental review process. Consequently, the Office of Land Programs receives information on any project or any development that would have a significant impact on the coastal zone. The Environmental Review Section has been directed to keep in mind in all reviews that any direct or significant impacts on the coastal zone are to be reported for review to the Office of Land Programs, Shorelands Division. The environmental review process, of course, covers not only projects and developments but also plans and programs, local rezones, and other legislative and administrative actions.

Integrative Network *

While the focal point for the coastal zone management program is the Office of Land Programs, Shorelands Division, the major integrative mechanisms for facilitating the coordination of intradepartmental concerns are contained within the Office of Comprehensive Programs. This is done in several sections within the Office of Comprehensive Programs, but primarily through the Environmental Review Section and the Major Authorizations Section. The Major Authorizations Section is a key element in this process. If there is a project or an issue that is beyond the scope of one particular office, say of the Office of Land Programs, the Assistant Director for that office will request from the Office of Comprehensive Programs an analysis of the issue in terms of how it fits with other programs, what impacts other programs will have on a decision, and what impacts that decision will have on other programs and processes within the Department. An objective analysis is then made and a recommendation, along with the Assistant Director's recommendation of the particular office requesting review, go to the Executive Committee which is comprised of the top departmental management. The issue is examined by the Executive Committee and a final decision is made. If concurrence is not obtained it goes to the Director or the Deputy Director for an ultimate decision. This procedure enables the Department to assure that, for example, a facility being built within a coastal county but not within a shoreline boundary jurisdiction will not have an adverse direct and significant impact upon the coastal zone.

There are means to assure that projects will be subject to this process. Essentially such assurance is based upon two things: (1) the integrative approach recognized throughout the agency; and (2) the authority contained within the Office of Land Programs itself. Most, if not all, projects that will have a direct and significant impact on the coastal zone will require some analysis or action by the Office of Land Programs or through the field operations and the shoreline management controls at that level. Since shoreline management involves not only the coastal waters, but rather almost all the lakes and streams in the state, most, if not all, projects that would have a significant effect on the coastal zone would be within the jurisdictional boundaries of the Shoreline Management Act for which the Office of Land Programs has direct responsibility.

In terms of very large-scale proposals such as deep water ports, energy facility siting, and monobuoy systems, the issue would not only be addressed by the Department of Ecology, through the shoreline/coastal zone and other programs, but would also go through the Natural Resources Cabinet and the Governor's Office.

*amplified in Program statement

Chapter III details several other forums for interactions among agencies which are integral parts of the overall management network. Not only do they provide coordinative and discussion vehicles for specific topical issues and policies, they also serve for broader formal and informal interaction among agencies. Though the Cabinet system is the broadest and most significant vehicle for policy development and issue resolution the following forums play a somewhat similar and very significant role in this area: (1) TPPSEC (see pages 92-93); (2) the Marine Resource Advisory Committee (see page 75); (3) IAC (see pages 84-86); and (4) ECPA (see pages 47-50).

The state's management network can probably best be seen in operation, however, as it reponds to specific proposals. Roughly speaking, the response of the management system varies according to two parameters: the type of proposal made and the location of the proposed action. For explanatory purposes here it will be useful to take a brief look at several different types of proposals in a variety of environmental settings relevant to the coastal zone. Examples of the responsiveness of the management network can be generated endlessly, of course, but the present discussion will be limited to the presentation of the following five:

(1) an industrial project in an aquatic environment (the development of a petroleum transfer station);

(2) a commercial project on tidelands (the development of a saltwater marina);

(3) a recreational project on saltwater shoreline (the development of a public recreation area);

(4) a residential development on upland shoreline (a residential subdivision); and

(5) a forest practice on the uplands (a logging) operation).

Two other comments are appropriate here with respect to the discussion that follows. First, no attempt has been made to provide a complete account of the processes that would be triggered or the authorities invoked in each case. The point is to provide a broad look at the sort of thing that happens in the State of Washington when a proposal with the potential to impact the coastline is made. And second, all of the agency programs referred to in the examples are discussed in greater detail in Chapter III. In order to facilitate readability, page references have been omitted.

Example 1

Development of an Offshore Petroleum Transfer Station

A not so typical but certainly important example of how the state's coastal zone management network comes into play for an industrial aquatic use is the development of offshore petroleum transfer stations. Faced with the dilemma of meeting ever-growing energy demands while at the same time answering a compelling citizen ultimatum to protect fragile marine environments, state officials turn to a management network which appears to work rather well.

The first phase of network responsiveness relates to policy determinations and citizen input. The Legislature would be the Final decision-making authority, would draw conclusions from research and studies developed by such agencies as the Oceanographic Commission of Washington and the Governor's Energy Policy Council. Citizen participation would come in the form of programs such as the Alternatives for Washington recommendations and public statements from industry groups, environmentalist organizations, and maritime associations, as well as from citizens at large.

As policy development continues – ever changing and adjusting to new problems and needs – the existing framework of state laws and regulations would be applied. Certainly the very size, location, and public awareness of an offshore petroleum transfer facility would require preparation of an environmental impact statement under the State Environmental Policy Act. Because the facility would require construction in navigable waters, Army Corps of Engineer permits would also be necessary. In both cases a broad review of the project by a number of state agencies would be triggered.

The Department of Ecology would be called upon to implement regulations under such state laws as the Water Resources Act, the Water Pollution Control Act, the Washington Clean Air Act, and the Solid Waste Management Act. In addition, the proposer of the transfer station could elect to use the procedures made available by the Environmental Coordination Procedures Act administered by DOE. Since in most cases an offshore transfer system would require leases of underwater bedlands for both the installation of the station itself and the pipeline to the shore, the Department of Natural Resources as manager of state-owned bedlands and tidelands would fulfill its responsibilities under the Public Lands Act and statutes relating to tidelands, shorelands, and harbor areas. This is an instance where the Legislature might have to enact new statutes because DNR's authority to lease bedlands from outer harbor lines seaward is presently unclear. Provisions of the Seashore Conservation Act would be implemented by the Parks and Recreation Commission. Hydraulic permits would have to be obtained from the Departments of Fisheries and Game.

Several interactions with local agencies would occur in land-based development associated with offshore facilities. Permits would have to be obtained from the appropriate county or city under the Shoreline Management Act and appropriate zoning ordinances and building codes would have to be satisfied. If ownership of the proposed offshore transfer station were to be public instead of private several alternatives would have to be considered. The state could operate the facility through either an existing or a new agency but such an arrangement would require legislation. Or the system could be operated by a public port district or a combination of districts. Port districts in Washington have broad capabilities although in this instance as well new legislation probably would be required.

Example 2

Development of a Saltwater Marina

Washington State with its 2,337 miles of saltwater shorelines is considered to be a boater's paradise. There are more than 180,000 recreational boats operating in state waters now and the number is expected to increase to more than half a million by the year 2000. With this boating popularity has come a concurrent demand for additional moorage facilities and for development of new private and public marinas. But at the same time there is growing public concern about protecting and preserving open shorelines. Marinas, because they often by necessity must be located in fragile estuaries, are considered by some to be an unwanted intrusion on tidelands and adjacent uplands. The state's coastal zone management program must respond to both the need and the concerns for protection. Tideland commercial activities such as marinas are a test for the state's management network.

Policy considerations are tackled at the state level through activities of the Legislature as well as at the local governmental level in the development of land use measures such as comprehensive and shoreline management plans. As previously mentioned, marinas could be proposed for environmentally sensitive estuarine areas, and they also may be sought in the harbors of both large and small communities. In any case, nearby residents, boat owners, and marine industry spokesmen generally make their feelings known during the proposal and development stages.

The state has provided a network through which this public interest can be addressed. Under SEPA, an EIS may be required for a marina development. The project definitely would require an SMA substantial development permit from a county or city. Unless the tidelands are privately owned (none have been sold by the state since 1969) the owner would have to lease the tidelands and any bedlands either from DNR or from a public port district. By statute DNR cannot sign the lease until the applicant has received appropriate Army Corps permits. Such permit applications trigger a full review of the project (coordinated by DOE) by state agencies. The Departments of Fisheries and Game generally look closely at marina proposals to see if natural fish runs are affected (particularly in the mouths of streams and rivers) or if activities such as dredging, bulkheading, or landfills are harmful to fish or bird or waterfowl habitat. Both agencies would have to approve a hydraulic permit.

In addition to coordinating the necessary Army Corps permits and reviewing the appropriate substantial development permit, DOE could be called upon to issue a state water quality permit if a package sewage disposal system were utilized with effluent discharge directly to the adjacent waters. Also, a water rights permit would be issued if a domestic water supply system hook-up were not available. Noise regulations, established by DOE and enforced by local governments, would be applicable to the boating activities.

The Department of Social and Health Services has established a set of guidelines relating to marina construction and has delegated authority to local health agencies to enforce them. The guidelines stipulate provisions for public water supplies and sewage systems, sewage pumpout stations for boats, potable water supply for boats, and other sanitary facilities and procedures.

It is quite possible that the proper zoning would not be existent for development of the marina, and consequently the proposed development would likely be required to obtain a rezone from the appropriate city or county jurisdiction. Also, if the development were in a flood control zone, as identified by either DOE or the local government, the appropriate flood control permit would have to be obtained if the development were to be allowed to occur at all.

Example 3

Development of a Public Recreation Area on a Saltwater Shoreline

As the state's population grows and more leisure time becomes available, the need for recreational facilities also increases. The State of Washington has some of the most beautiful and rugged marine shoreline in the world. The development of public recreation areas – parks, campgrounds, open space – on or near the state's ocean and inland beaches and adjacent uplands is a task which challenges the state's coastal zone management system.

The initial policy considerations have been undertaken by the people in their approval by statewide vote of several funding measures to support the acquisition and development of recreational facilities. The Legislature has also moved in the policy area by giving the State Interagency Committee for Outdoor Recreation (IAC) expanded authority in park and recreation planning. The IAC administers both state and federal funds for park site acquisition and funding and prepares and updates the Washington Statewide Comprehensive Outdoor Recreation and Open Space Plan (SCORP). This plan gives saltwater recreational development a high priority and in any case proposals for new public facilities would have to fit in with SCORP if they are to be funded through the IAC.

The most likely agency to develop major public recreation areas along saltwater shorelines would be the State Parks and Recreation Commission, although some other agencies also have authority to do so: DNR, particularly in tideland areas; port districts in harbors; and cities and counties within their respective boundaries.

The State Parks and Recreation Commission is authorized to acquire recreation sites by outright purchase or through leases from public agencies or private individuals. The tidelands and shorelands owned by DNR provide an interesting example case. The present procedure is for State Parks to purchase the site from DNR, which almost always withdraws the abutting tidelands and the bedlands out to one-quarter mile in favor of the Parks and Recreation Commission for development and management with the shoreline park.

If the IAC is involved, the filing of a specific park acquisition or development plan is required prior to site acquisition. Once the plan has been acquired, the State Parks and Recreation Commission would begin the development work. If the site falls within the SMA 200-foot boundary, a substantial development permit must be obtained from either a city or a county, whichever is appropriate. If any work is to be done in the waters offshore from the park site – boating docks, breakwaters, dredging of areas for swimming – then an Army Corps permit would also be obtained. In either case the development would be subject to formal review by many state agencies.

Prior to acquiring the site for construction, or before funding, the proposing agency would have to make a determination of environmental signifi-

cance and prepare an EIS if the development were determined to be significant. DOE would be involved in the review of the SMA substantial development permit application and the SEPA EIS if one is prepared and would also function as the coordinator for the Army Corps permit review. In addition, if a local, municipal, or private water supply system were not available and the park necessitated the drilling of a new well for its operation, appropriate water rights permits would have to be obtained from DOE.

The site plan is also subject to review by the Department of Social and Health Services (DSHS) relating to such things as numbers of sanitary facilities in relation to the park's capacity, the layout of camp sites to prevent overcrowding, waste disposal procedures, recreational vehicle disposal pump-out stations, and on-site sewage disposal systems. Regulations of DSHS, which may be enforced through local health units, are contained in the Chapter 248-72 WAC.

Example 4

A Residential Subdivision in a Shoreline Area

Of all the competing land uses within the coastal zone, the one which poses the most critical challenge in terms of siting factors is probably residential development. The building of housing has significant impact on numerous nearby uses like shopping facilities, factories, schools, and parks. When the residential site is adjacent to a shoreline, another element of complexity is added. How the state is meeting this challenge will in many respects give a clue to the effectiveness of the coastal zone management system.

Although the State of Washington has not yet established a comprehensive statewide land use program, it has addressed the subject through a number of individual statutes such as the Planning and Enabling Act, the Shoreline Management Act, and the Platting and Subdivision Act, all of which grant rather broad land use authority to local governments. In addition, the state and local regulatory network serves to monitor residential development with respect to public health, air, and water quality, building codes, solid waste management, noise regulation, and utility installations.

A subdivider must first ensure that the proposed development is compatible with the appropriate local government's comprehensive plan and, where applicable, the SMA master program. The next step would be to see that the proposed location is properly zoned if a zoning ordinance exists for the locality. The city or county may also require by ordinance that the subdivider provide public open space, individual front and rear yard setbacks, drainage ways, street paving, parks, and other public improvements.

A residential use in a shoreline area would also be reviewed by state and local agencies with respect to its influence upon public access to beaches and tidelands. The state's comprehensive park and recreation plan places high priority on acquiring saltwater shorelines for public use. While construction of a single family dwelling by the owner is generally excluded from the permit system under SMA and from the requirement to file an EIS under SEPA, it is possible that a major subdivision which is planned for an environmentally sensitive area and which has not already been affected by the provisions of a local comprehensive plan or zoning might be subject to the preparation of an EIS. And the subdivision would most certainly require an SMA substantial development permit.

If lots are to be sold without improvements, then the subdivider must register the development with the Real Estate Division of the Department of Motor Vehicles under the Land Development Registration Act.

DSHS, through the local health authority, reviews the subdivision plans for compliance with statutes relating to water supply and sewage disposal. If no public sewage system exists, the subdivider might be required to install a package sewer system in lieu of septic tanks. It would in all likelihood depend upon soil conditions, surrounding uses, and planning policies of the local government. If a local water supply system were not available to provide the domestic water and consequently wells or surface water appropriations were necessary, a water rights (ground or surface) permit would have to be obtained. Further, if a new water supply system serving more than 1,000 users was planned, DOE would notify DSHS which in turn would require a comprehensive plan for the pro-

posed development approved by DSHS. If a new water supply system were built by a local municipality or water district to serve the subdivision, Washington Future Referendum 27 monies would be available to assist in developing the system.

Most of the above reviews are triggered when the subdivider files a preliminary plat with the county or city government. In most cases the coordination of the review process is by the locality's planning department. The developer, if confronted by two or more state permits, could elect to use the ECPA procedures, which would be initially implemented by the affected county at the time of preliminary plat filing.

Example 5

A Logging Operation on Upland Property

Within the coastal zone uplands are some of the most productive forest lands in the world. How these lands are controlled is extremely important in the state's coastal zone management system. The environmental impact from industrial uses of these lands – primarily logging – has significant implications for the coastal area. Non-point sources of water pollution, disruption of streams used for anadromous fish runs, air pollution from slash burning or timber processing activities, and the conservation techniques used in the actual logging operation all are cause for concern.

The people of the state and the State Legislature have addressed these concerns in several ways. The most far-reaching action was the passage of the Forest Practices Act (RCW Chapter 76.09), which spells out acceptable procedures for virtually all types of logging activity on both public and private forest lands. Implemented through the Department of Natural Resources, this statute not only calls for enlightened management of forest practices but also brings into play considerable coordination of the appropriate regulatory functions of a number of state agencies and county governments. But other regulatory mechanisms are triggered too – the water quality requirements of DOE, health and sanitary guidelines from DSHS, the responsibilities of the Army Corps of Engineers, and meticulous review by the Departments of Fisheries and Game.

In this example, let us assume that the logging operation is to take place on state-owned lands managed by DNR. Under the latter's management program the forest has been assessed for its market potential and subjected to a variety of silvicultural practices including pre-commercial thinning, fertilization, and application of herbicides and pesticides. A specific logging plan is prepared. The timber cutting project may be scrutinized by a departmental team for its environmental impact although in most cases a formal EIS is not prepared. Then the timber is sold at public auction and a contract prepared. The contractor is required to obtain a number of permits and approvals – from the Army Corps if the logging operation affects a navigable stream or river, from the county under SMA if the project involves a stream or river or the construction of a road of more than 500 feet in length, from DOE for compliance with water quality requirements, from DOE or the local Air Pollution Control Authority for any burning, and from DSHS for sanitary facilities.

DNR has a master agreement with the Departments of Fisheries and Game regarding hydraulic permits. However, in cases where logging might affect a sensitive fish habitat, one or both of the departments may require that a specific hydraulic permit be obtained. By general guidelines, loggers must follow special instructions in construction of culverts in anadromous fish use waters, must keep debris out of the streams, and are not allowed to "yard" through or fall trees into streams. Timber contractors also must comply with safety regulations as promulgated in RCW Chapter 70.74 and if helicopters or other aircraft are used must meet safety requirements of the State Aeronautics Commission as well. When logging is completed and burning of slash is begun, the logging operator must receive approval from DNR for the burning of waste on the day it is to be burned. DNR in turn coordinates its approval with the DOE Office of Air Programs in order to minimize smoke impact.

GEOGRAPHIC AREAS OF PARTICULAR CONCERN AND AREAS FOR PRESERVATION AND RESTORATION

Chapter II identifies the state's areas of particular concern according to stated selection criteria. In addition, management programs are required by CZMA to show evidence that the state has developed and applied standards and criteria for the designation of areas of conservation, recreational, ecological or esthetic values for the purpose of preserving or restoring them. The state has made provisions for the identification of such areas primarily through the shoreline management process.

The state guidelines for local program preparation specify that local programs include the following plan elements which pertain to restoration and preservation:

(1) Public access element for assessing the need for providing public access to shoreline areas.

(2) Recreational element for the preservation and expansion of recreational opportunities through programs of development and acquisition including less-than-fee acquisition. Master programs were also to recognize existing state parks, wildlife recreation areas, national parks, national wildlife refuges, and other areas identified for preservation.

(3) Conservation element for the preservation of the natural shoreline resources, considering such characteristics as scenic vistas, parkways, estuarine areas for fish and wildlife protection, beaches, and other valuable natural or esthetic features.

(4) Historical/cultural elements for protection and restoration of buildings, sites, and areas having historic, cultural, educational, or scientific values.

(5) Restoration element for the restoration of blighted areas and abandoned or dilapidated structures to a natural or useful condition.

The guidelines also called for local programs to classify the shorelines into four environment categories (urban, rural, conservancy, and natural), each with its own range of permissible uses.

Two classifications, the natural and the conservancy, and particularly relevant for the identification of areas to be preserved or restored. The natural environment classification is intended to preserve and restore those natural resource systems existing relatively free of human influence, permitting an activity only if it contributes to the preservation of the existing character. The primary determinant for designating an area as a natural environment is the actual presence of some unique natural or cultural feature considered valuable in its natural or original condition which is relatively intolerant of intensive human use. The objective in designating a conservancy environment is to protect, conserve, and manage existing natural resources and valuable historic and cultural areas in order to ensure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization. The environment classification system is explained in Chapter III and the maps in Appendix 5h provide the location of approximately 140 miles of marine shoreline designated natural.

The State of Washington does not identify all areas of preservation and restoration as areas of particular concern. Areas of particular concern are designated by state and federal legislation to give prominence to certain large resource areas threatened by alternative or competitive uses. By contrast, an area for preservation or restoration is usually a specific site. It may or may not be within an area of particular concern.

With the final adoption of all local master programs, the Department will coordinate the designation of these identified areas along with other state programs to provide a consolidated list of candidate areas. In this regard, the Department has restrained its preservation and restoration activities, recognizing that numerous other state and federal programs effectively address the problem. While the state programs are discussed in detail in Chapter III, some of the more significant programs of preservation and restoration are summarized here.

Under the authority of RCW 79.70.630, the Department of Natural Resources is authorized to acquire and maintain natural areas or areas of scientific or educational value. Sand Island and Goose Island in Grays Harbor have been designated under this Act. The Department of Game has established

a natural area for rhinocerous auklets on Protection Island in the Strait of Juan de Fuca and on upland natural areas adjacent to Padilla Bay in Skagit County.

In 1972 the Legislature passed the Natural Area Preserves Act to "...establish a state system of natural area preserves and a means whereby the preservation of these aquatic and land areas can be accomplished" and provide for the acquisition of unique and natural lands for inclusion in a state-wide preserve system. The Act also created a natural area preserves advisory committee within the Department of Natural Resources to assist the Department in carrying out the intent of the Act.

The State of Washington historic preservation program legislation is patterned after the National Historic Preservation Act of 1966. The state law created an advisory council similar to the National Advisory Council. The state legislation also establishes a State Register of Historic Places. The State Register will include all nominations to the National Register and other nominations deemed sufficiently significant by the state advisory council. Of the 159 properties in Washington State that have been placed on the National Register of Historic Places since June 18, 1975, 97 sites are located in the 15 coastal zone counties.

STATE/FEDERAL RELATIONS

While the state's shoreline and related programs have traditionally involved inter-action with a variety of federal agencies, participation in the national coastal zone management program heightened the importance and broadened the scope of this interaction. The Coastal Zone Management Act stresses the pivotal role of the states in coastal management and imposes reciprocal coordination duties upon the states and federal agencies. States must provide for federal agency participation, adequate consideration of their views (including "national interests"), incorporation of water pollution and air pollution control requirements, and an effective mechanism for continuing state/federal consultation and coordination. This chapter and * Appendices B, D, and F set forth the Washington State coastal zone management program activities, approaches, and results associated with these objectives and requirements.

* (See App. 9C and 10A)

History of Federal Participation in the Washington Program

The state has provided several means for federal agency involvement in the development of its coastal zone management program. Prior to the passage of the Coastal Zone Management Act, interested federal agencies were invited to review and comment on the guidelines for shoreline management. Final guidelines for the Shoreline Management Act reflected many of the views contributed by federal agencies. Early participation of agencies was also solicited through the creation of a state/federal task force to review local master programs. Since early 1973, this task force has grown to include more than twenty interested federal agencies. Some agencies that were afforded this opportunity unfortunately lacked sufficient personnel to participate fully.

State and federal interest in the management of the coastal zone increased substantially with the 1972 passage of the Coastal Zone Management Act. As a result and in recognition of the need for additional federal involvement, the program was expanded to establish a better understanding of and relationships with federal agencies.

A major effort to increase federal involvement began in the fall of 1974. Many agencies were uninformed about the Act and national program and few agencies were prepared to work with it. While some agencies were developing policy at the national level, others were uncertain as to how it would impact their programs. The Department of Commerce had not yet finalized the Section 306 program guidelines, nor had the considerable legal uncertainties relating to the interpretation of many of the provisions of CZMA itself been resolved.

An early effort was made to identify as many of the federal agencies as possible that would be, as CZMA states, "principally affected" by the state's program. The original two dozen identified agencies have since grown to over forty (see Chapter IV), although the "principally affected" agencies are approximately half that number. No effort was made to eliminate agencies from the program, though some clearly have only a peripheral interest in coastal management.

Specific contact people for the program were selected by the agencies and correspondence was

directed to the contacts. Early in 1975, a meeting was held at the Federal Regional Council offices to discuss the state's program and to identify areas which would be of particular concern to a group of federal agencies with common concerns. The concept of several subcommittees of federal and state agencies with common interest, was explored and later rejected when it became apparent that common interests were difficult to identify, that such an approach would be unwieldy, and that there was more need for individual agency consultation. A questionnaire was sent out in February of 1975 and several of the agencies responded with details about their coastal zone management concerns, activities, programs, problems, and expectations. These have been considered in the refinement of the Washington program.

The preliminary Washington program document was made widely available in late March of 1975. Distribution of the document stimulated extensive federal review of the state's efforts. Many problems were revealed or clarified and positions and policies of federal agencies became known to the state, many for the first time. Many of the federal views identified legitimate deficiencies or desirable modifications to the program. Others were based on a misunderstanding of the state's program or a different interpretation of the Coastal Zone Management Act. A few were based on unrealistic expectations of the state's capability--or legal obligation--to provide detailed analyses or projections and affirmative functional program initiatives.

Generally, the objections addressed the following: lack of involvement in the development of the program; the need for a concise description of the overall program; the definition of coastal zone boundaries; lack of information on specific kinds of "permissible uses," "priorities of use," and "areas of particular concern"; inadequate expression of regional and national interests; and administrative or operational mechanisms for coordination and consistency. State consideration of specific views is contained in Appendix II although the federal comments received have been addressed throughout this document.

Participation of relevant agencies will continue and be refined as part of the state's packet system that is now in place as described in detail below.

Development of a State/Federal Coordination System (see Appendix 11, Program Supplement)

The Washington coastal zone management program has attempted to consider adequately the views of relevant federal agencies through a number of the participatory devices discussed above: involvement in key guidelines preparation; review of local master programs; questionnaire instruments; bilateral discussions; formal review of the initial program document; responses to agency comments; and acknowledgement of agency and national interests. This experience, however, made it clear that a more structured and continuing mechanism for state/federal interaction is needed to implement effectively the state's program. The essentials of this system are set forth below.

State coastal zone management policy concerning federal views and interests has been adopted in light of the positive spirit embodied in the Coastal Zone Management Act, that is, "to cooperate and participate in furthering the purposes of this title." Washington finds, as did the Congress, that there is a direct national interest in the effective management of the coastal zone and that its carefully planned development, protection, and public use is of concern to all of the citizens of the United States. Nationwide public interest is manifested in many ways: through the use of the coastal zone for international commerce, national defense and security, and active and passive recreational pursuits; and in recognition of the need for managing the natural systems and the uses of man-modified segments of the coastal zone.

Many of the federal agency missions, responsibilities, and activities directly share in this reflection of national concern and interest. National defense and security, for example, are among the highest priority of uses of Washington's coastal zone. Similarly, the needs and concerns of a broad spectrum of federal agencies such as the National Park Service, the Environmental Protection Agency, the Federal Energy Administration, the Army Corps of Engineers, the Fish and Wildlife Service, and the Coast Guard must be recognized and reflected in the program.

It is the intent and desire of the state to minimize any form of adversary confrontation when the legislated responsibilities, duties, or procedures of a federal agency conflict with those of the state

coastal zone program. Every effort will be exhausted through communication and informal channels before resorting to formal procedures for conflict resolution.

The state has committed itself to a continuing effort to understand and actively consider federal interests in the further refinement and implementation of its coastal zone management program. A major tool to achieve mutual understanding, develop consistency of activities, and resolve differences is the coordinative packet system adopted by the Department of Ecology. The packet system has been designed specifically to assure that a single documented basis for considering individual agency views and concerns is established and maintained in the future. It is also designed to be a dynamic record and focal point for at least the following ten elements of policy and programmatic relevance:

(1) The policy of the state regarding the major state/federal interfaces caused by, or part of, CZM.

(2) Organization charts of the agency and the state, showing the components of both that are particularly concerned with CZM.

(3) A statement about the mission of the agency and the CZM implications of that mission.

(4) A discussion of the plans, policies, and programs of the agency relative to CZM and a proposed methodology designed specifically to the agency whereby coordination and consultation may occur.

(5) A listing and discussion of the facilities which the agency does not control but which affect its mission. The facilities may be either in the coastal zone or near enough to it to impact it.

(6) A discussion of the types of activities the agency undertakes having CZM significance and a proposed methodology for determining the consistency of those activities with the state program.

(7) A discussion of the CZM-related developments of the agency which are in the coastal zone and a proposed methodology for determining consistency with the state program.

(8) A discussion of the permits and licenses issued by the agency which have CZM relevance and a proposal for determining the consistency of those permits and licenses with the state program.

(9) A discussion of any grant programs of CZM significance offered by the agency and a proposal for determining consistency.

(10) A map or series of maps which show those lands and water areas within the Washington coastal zone which the agency owns, leases, rents, holds in trust, manages, regulates, operates in, or otherwise directly influences.

Design and development of this system was fully underway by September of 1975 drawing upon a substantial amount of prior experience documented earlier. Twenty-nine agencies were identified by OCZM as having potential interests in coastal zone management; by late November this number had increased to forty-seven as a result of state initiatives. The packets are available in the Department of Ecology central offices in Olympia and range in length from 20 to 100 pages. While it is neither feasible nor desirable to reproduce these tools in this document, a representative packet is presented in Appendix C for interested reviewers. The packets are summarized briefly in Appendix B. (not included)

Although the development of the packet system involved a substantial and concentrated expenditure of resources, it is considered an essential in-progress beginning of an ongoing state/federal process. The process will be maintained and enhanced by the assignment of specific staff resources in the future.

Consideration of the National Interest in Facility Siting

The Coastal Zone Management Act at Section 306 (c) (8) and its approval regulations (Section 923.15) require the state to consider adequately the national interest in the siting of facilities necessary to meet requirements which are of greater than local concern. The Washington coastal zone management program and its related state network of policies and authorities establish a reasoned means to consider the siting of facilities of local as well as national import. Similarly, SMA and the other

components of the coastal zone management network are adequate to deal with uses of regional benefit.

A fundamental criterion to be met is that the state program neither arbitrarily exclude nor unreasonably restrict the siting of facilities or uses of regional benefit. This performance test is met primarily through the open planning process establishing the shoreline program, the appeals process available through the Shorelines Hearings Board (one basis of appeal being failure to consider greater-than-local interests), recognition of the statewide over local interests with respect to shorelines of statewide significance, and the checks, balances, and procedures associated with the Forest Practices Act, TPPSEC, water and air quality standards, and related programs.

In addition, DOE has been refining and will continue to refine its research and policy development concerning the development of outer continental shelf resources and the potential effects of Alaskan oil on the state's coastal zone.

While the state's coastal zone management program is not a physical siting program, tangible evidence of the state's coastal zone accommodation of national and regional interests and uses is found in the identification of substantial federal facilities and lands mapped in Appendix 5a. The range of permissible uses accommodated and designated in the coastal zone is also readily apparent from an examination of the aggregate of shoreline environments described and mapped in Appendix 5b.

Perhaps the most essential ingredient in meeting national or regional needs is the commitment to a coastal zone management program acknowledging national values and needs in Washington's coastal zone; establishing a responsive system of consultation and coordination; and committing the state to a continuing process of interaction with these interests. The state/federal coordination system is explicitly designed to deal with this dimension of coastal zone management.

The state believes that the full accommodation of all perceived national interests is an evolving though perhaps ultimately impossible task. The range of interests expressed by various federal agencies (see Appendix 10a) ranged from foreseeable needs to meet national security emergencies, through siting of energy facilities in undeveloped areas, to stringent requirements to enhance living marine resources and protect natural habitats. Some of these national interests are incompatible in the finite reaches of the coastal zone. Nevertheless, the state has established a process and has acknowledged in its identification of areas of particular concern that it is the primary objective of coastal zone management to deal openly with these needs and conflicts—including those stemming from national perspectives—in the implementation of its program.

Incorporation of Water Pollution and Air Pollution Requirements

Section 307(f) of CZMA and Section 923.44 of the approval regulations call for the "incorporation" of the requirements of the Federal Water Pollution Control Act as amended and the Clean Air Act as amended into coastal zone management programs. The Department of Ecology as the lead state agency for all three programs is the single institutional locus for integrating the standards, regulations, and guidelines necessary to achieve the related goals of these programs. The internal network of DOE policies and management practices assures that this important relationship has been established.

The Governor has certified that the state coastal zone management program incorporates both federal water quality and federal air quality standards. Furthermore, any action or proposal which would violate air or water quality standards or regulations is considered to be inconsistent with the Washington State coastal zone program.

The State Position on the Consistency Provisions of CZMA

Sections 307(c) and (d) of CZMA set forth the duties and general processes for federal agency consistency with the state's program. The state intends to develop further understanding of these requirements in consultation with the affected agencies during the initial period of program implementation. Developing such understanding will involve such

matters as: which activities should be subject to consistency and under what circumstances; workable organizational arrangements; the appropriate and reasonable procedures to be employed by the various parties involved; and methods to resolve disputes in a reasonable fashion.

A record of these interactions will become part of the federal/state coordinative packet system. In the interim, before joint understandings have been reached, it is the state's position that federal agencies should begin to examine their activities in light of the Shoreline Management Act and its guidelines, as well as the Congressional findings and policies in Sections 302 and 303 of CZMA. Uses in or activities affecting the "resource boundary" are generally considered by the state to be within the purview of the consistency provisions.

For coastal zone management purposes, determination of consistency and any determination relating to the process of permit and license certification shall be undertaken by the State of Washington (Department of Ecology) with the federal agency involved, either jointly or by methods proposed in the packets or established at a later date. The state will be responsible for assuring that local desires and concerns are considered by the state in determining the consistency and conformity of federal developments, grants, activities, and the certification of licenses and permits. The policy of the state is that any applicant for a federal license or permit to conduct an activity affecting land and water uses in the coastal zone shall provide the Department of Ecology with a copy of the certification that the proposed activity complies with the state program. Methods for determining which activities are subject to the certification process and how certification procedures will be developed will be addressed on a high priority basis with the affected agencies. The state will make every effort to notify the concerned federal agency that the state concurs with or objects to the applicant's certification in a timely fashion.

State and local government requests for federal assistance will be made consistent with the state program. Local and state government agencies will furnish their views to the federal agency as to the relationship of such federally funded activities to the approved state program. The primary mechanism for notification to the state will be the use of and consistency with the procedures of Title IV of the Intergovernmental Cooperation Act of 1968 (the A-95 process).

CITIZEN AND GOVERNMENTAL INVOLVEMENT IN PROGRAM DEVELOPMENT

Involvement in the Shoreline Management Process

The various state programs which make up the state coastal zone program have been developed under specific requirements relating to citizen involvement. The state's shoreline management program is probably a national model for maximizing involvement at all stages of development. Not only did the Act itself require and foster citizen involvement, but the controversial nature of the program made it newsworthy, which kept citizens aware of the program as it was being implemented.

The Act originated from the involvement of concerned citizens. As a direct result of the Washington Environmental Council's Initiative 43, the State Legislature passed the Shoreline Management Act of 1971, Alternative Measure 43B, and enacted it as an emergency law on June 1, 1971. On November 7, 1972, the voters went to the polls and affirmed the present law. Prior to the election and in order to inform the electorate of the issues involved in the two management proposals, an informational program was established throughout the state:

Information pamphlets were distributed widely throughout the state.

A state voters pamphlet was published which provided concise explanations of the opposing issues.

Workshops were sponsored by county extension offices to inform citizens about the Act and an article comparing the proposals was written and distributed in mass throughout the state; a slide show was developed by the county extension service and used extensively to educate the public on the issue of and need for shoreline management.

In addition, workshops were held with county assessors, legal representatives, county and city officials, and federal agency representatives who would be directly affected by the Shoreline Management Act, and newsletters, newspapers, and professional magazines were all provided with articles comparing the two shoreline management alternatives.

The effort resulted in a Shoreline Management Act which stressed the necessity for citizen input to shoreline programs with administration at the local level and review and advisory authority at the state level.

The Shoreline Management Act at 90.58.130 RCW provides that in order

> "[t]o insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall . . . [m]ake reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter..."

Participation in Establishment of the Final Guidelines

With the passage of the Shoreline Management Act of 1971, the Department of Ecology staff had 90 days to draft a set of guidelines for local governments and citizen advisory committees to utilize in the formulation of their shoreline programs.

The first draft was mailed out and all interested persons, groups, and agencies had 90 days to submit their comments and criticisms. The Department of Ecology staff then had another 90 days to modify the original draft and mail the modified draft out again for further comment. After receiving the second set of comments, the draft was amended for the second time and public meetings were held at various locations within the state. Federal and state agency participation in guideline preparation was considerable.

With the conclusion of the public meetings further modifications were made to the draft. Prior to the public hearings, a mailing list was put together consisting of all individuals who had attended the public meetings or had responded in some other way to the drafts that had previously been distributed. A copy of the final draft was then sent to each individual for one final review and two public hearings were held, one in Olympia and one in Spokane. Final adoption of the guidelines was made at a hearing held in Olympia.

Participation in Local Master Programs

Citizen involvement is stressed as a required integral part of local shoreline master programs. In fact, the final guidelines stipulate that failure of local governments to encourage and utilize citizen involvement without proper justification will be considered as a failure to comply with the Act. The guidelines for citizen involvement were quite explicit and have been adhered to by local governments throughout the state.

To insure that the needs and desires of the people were reflected in local master programs, local governments were required to appoint broadly based citizen advisory committees, representing both commercial interests and environmentalists, to define goals and to draft policy statements for the master programs. Selection procedures and the size and number of committees have varied among the participating jurisdictions, reflecting the unique needs and resources of each. Each local committee was to conduct a series of public meetings and encourage the participation of governmental agencies and private groups. Local committees were encouraged to issue newsletters to describe the results of the meetings and to give information about policy statements and program development.

During the process, which included the drafting of goals, policies, and regulations, the committee took the draft of the master program to public meetings for discussion. The committee then revised the draft and submitted it to local planning commissions and legislative bodies for action. Local government then sent the master programs

and a report of public involvement to the Department of Ecology for approval.

The response by local government to the challenge presented by the public participation requirements of the Act has been impressive. Of 224 cities and counties directly affected by the Act, only four declined to take on the task of preparing a master program. Program development has often extended over an 18-month period and required anywhere from five to 40 citizen advisory committee public meetings. In the lengthy process over 2,000 citizens have been directly involved in developing the shoreline program in the State of Washington.

While the state has been careful to assure that local interests have had an opportunity to participate in the formulation of shoreline policy, the need for balance and assurance that "greater than local interest" has been recognized has been provided through state and federal review. To assist the Department of Ecology in review of local shoreline master programs, review task forces were formed, representing various state and federal agencies. These task forces provided the opportunity for all interested agencies to comment on the master programs.

The state was divided into four review areas, thus reducing the number of programs any one task force would be required to review and to ensure that field personnel most familiar with the area could be involved in the review. The technical expertise of the task force members and their knowledge of the geographical areas have greatly aided the Department of Ecology staff in arriving at their decisions to approve or deny the shoreline master programs.

Involvement in the Permit Process

The regulatory portion of the program involves a permit system which cities and counties have the responsibility for administering. It is the responsibility of local government to instruct the applicant for a substantial development permit and to publish notices in a local newspaper within the county of the proposed development. The notices must be published at least once a week for two consecutive weeks. An affidavit of publication must be transmitted to the local government by the applicant. The affidavit is then attached to the application.

All persons interested in the proposed project have 30 days from the final publication of the notice within which they may submit, in writing, all comments, views, and criticisms to the appropriate local agency. Local governments may establish a mandatory or optional public hearing procedure to precede the issuance or denial of permits in order to allow citizens the opportunity to present their views.

As applications for permits increased, the state, local governments, and local committees recognized a need for professional expertise in the area of technical assistance in reviewing permits and in developing master programs. This resulted in the formation of the Interdisciplinary Advisory Committee (IDAC) in December of 1972. The IDAC provided counseling to local governments and local committees on a volunteer basis and provided an opportunity for the academic community in addition to the general public to become involved in the permit system.

Public Hearings

Major state programs which comprise the Washington State coastal zone management program have met state hearing and public involvement requirements. Hearings were held for the Shoreline Management Act itself, as well as for all the regulations and local master programs as required by the Administrative Procedures Act of Washington (RCW Chapter 34.04). In the implementation of SMA, several state regulations have been adopted in the Washington Administrative Code. Hearing procedures under the Code require notice of the hearing in advance of the date and availability of materials prior to the hearing. There is a period for written comments to be received and considered before the decision is made. These written comments match or exceed oral comments in utility to the decision maker and are often more voluminous than the content of oral presentations at hearings. Attendance figures for these hearings should not be taken as a lack of interest since most of the comments received were written. The

following table shows the hearing dates for relevant chapters of the Washington Administrative Code:

Chapter 173-14 Permits for Substantial Development on Shorelines of the State

Hearing date: December, 1971

Location: Olympia, Washington

Attendance: 80

Chapter 173-16 Shoreline Management Act Guidelines for Development of Master Program

Preliminary hearing #1 date: March 21, 1972

Location: Spokane, Washington

Attendance: 80

Preliminary hearing #2 date: March 23, 1972

Location: Olympia, Washington

Attendance: 150

Final hearing date: June 20, 1972

Location: Olympia, Washington

Attendance: 50

Chapter 173-19 State Master Program

Hearing #1 date: October 15, 1974

Location: Spokane, Washington

Attendance: 40

Hearing #2 date: October 23, 1974

Location: Olympia, Washington

Attendance: 30

Chapter 173-18 Shoreline Management Act—Streams and Rivers Constituting Shorelines of the State

Chapter 173-20 Shoreline Management Act—Lakes Constituting Shorelines of the State

Chapter 173-22 Adoption of Designations of Wetlands Associated with Shorelines of the State

173-18,-20 and -22 were all heard together. Hearing date: June 28, 1972. Location: Olympia, Washington. Attendance: 10

Additionally, a joint NOAA/DOE hearing on the entire proposed program was held on April 22, 1975, following press notification and individual invitations. A draft environmental impact statement was distributed at the hearings, in public libraries, and by mail to a number of citizen groups, federal agencies, and individuals. Sentiment at the hearing generally fell into two classes: recommending approval and recommending against approval, the latter stemming generally from concern over a lack of environmental protection in the program.

Washington's chief interstate involvement has been with the State of Oregon, which shares the Columbia River estuary. DOE and other state and local people have participated in CREST (Columbia River Estuary Study Team), a special organization created to examine and plan for the Columbia River estuary. Involvement with other states has been through correspondence and occasional meetings hosted by OCZM. In addition, Washington has had contact with Alaska at meetings hosted by the Federal Regional Council and DOE and through telephone and written communications.

DESIGNATED AGENCY AND AUTHORITY FOR PROPERTY ACQUISITON

Section 306 of the Coastal Zone Management Act requires that a single agency be designated to manage the coastal zone program. That agency must have the power to administer land and water uses, to control development, and to resolve conflicts among competing uses. The Governor's letter submitted with this document designates the Department of Ecology as the single agency and

certifies that the Department has the necessary authorities. This designation is particularly appropriate in view of the fact that the key to Washington's coastal management, the Shoreline Management Act, declares in relevant part that

> [t]he department of ecology is designated the state agency responsible for the program of regulation of the shorelines of the state, including coastal shorelines and the shorelines of the inner tidal waters of the state, and is authorized to cooperate with the federal government and sister states and to receive benefits of any statutes of the United States whenever enacted which relate to the programs of this chapter. [RCW 90.58.300]

The Act further identifies the Department's responsibilities in the relationship to the federal government in 90.58.260:

> The state, through the department of ecology and the attorney general, shall represent its interest before water resource regulations management, development, and use agencies of the United States, including among others, the federal power commission, environmental protection agency, corps of engineers, department of the interior, department of agriculture and the atomic energy commission, before interstate agencies and the courts with regard to activities or uses of shorelines of the state and the program of this chapter.

The Coastal Zone Management Act also states that where necessary for program implementation, the state must acquire "fee simple and less than fee simple interests in. . .property. . . ."

The Department of Ecology is empowered in RCW 90.58.240 to

> "[a]cquire lands and easements within shorelines of the state by purchase, lease, or gift, either alone or in concert with other governmental entities, when necessary to achieve implementation of master programs adopted hereunder. . . ."

In addition, state agencies and local governments have certain limited powers of eminent domain as follows:

Department of Ecology:	authority to acquire shorelines and related wetlands. (RCW 90.58.240)
Department of Natural Resources:	authority to acquire natural areas, natural area preserves or areas of scientific or educational value. (RCW 79.70.630)
Department of Game:	authority to acquire for sanctuary and other purposes. (RCW 77.12.200)
Parks and Recreation Commission:	authority to acquire for parks and parkways. (RCW 43.51.040)

The state does not currently consider it necessary to have outright power of condemnation to implement the coastal zone management program. The authorities cited above, in conjunction with the overall program, prevent inappropriate uses of the coastal zone.

III. DESCRIPTION OF THE ENVIRONMENT AFFECTED

Encompassing the Puget Sound-San Juan Islands-Straits of Juan de Fuca complex, the shores of the Pacific coast, and the mouth of the Columbia River as far as tidal influence, Washington's roughly 2700 mile coastal zone is one of the richest and most varied in the nation. It extends from the crest of the Cascades to the Pacific Ocean and includes some of the State's most valuable assets. Within its boundaries lie the centers of population and industry for the State as well as important living marine resources and large areas of striking natural beauty.

Puget Sound, the West Coast's largest deep water protected port and the focus of shipping and industry in the Pacific Northwest, is of central importance. Its excellent harbors and proximity to Alaska make the Puget Sound area a prime candidate for receiving oil from Alaska. The Sound is also vitally important to the marine life which both utilizes the Sound as habitat and which provides one of the major bases for the important commercial fishing and tourist industries. The close proximity and increasing interaction of the population to and with these natural resources has in recent years meant increasing demands on and conflicts for the area and its resources. The major competing uses include timber harvest, industry, commercial fishing, recreation, tourism, second home development, and to a lesser extent, agriculture. These uses are interrelated in a complex manner and highlight the need for coastal zone management.

The coastal zone encompasses two types of land formation: glaciated regions in the north and coastal plains to the south and west. The northern area, including Puget Sound, the north shore of the Olympic Peninsula, and the Pacific Coast south to Quinault River, was strikingly molded by glacial activity and is characterized by rugged mountains and glacial valleys. The beaches are narrow, rocky and are backed by high forested bluffs. Rocky outcrops and islands are common offshore. Limited river plains associated with the largest rivers provide the only low flatlands.

In contrast, the southern area is a broad coastal plain with wide sandy beaches, dunes, and extensive lowlands. Sand for this region both originates locally and is provided by the northward littoral drift of sediments along the Pacific Coast. The extensive elongated dunes have formed major estuaries at the mouths of the Chehallis and Willapa Rivers, which drain this area.

The climate of the entire area is maritime, with generally mild winter temperatures and cool, moderately dry summers. Nestled between the Olympics and the Cascades, the Puget Sound climate especially reflects the marine influences. The two mountain ranges, combined with the prevailing ocean breezes, cause large variations in precipitation

among localities. Precipitation varies from up to 200 inches per year in the mountains and western slope of the Olympic Peninsula, to a more moderate 35 to 50 inches per year in Puget Sound and the adjacent lowlands. Precipitation is seasonal, being heaviest from October to March and reaching a minimum in July and August. Extensive snowfall in the mountains, however, prolongs the seasonal river discharge into the coastal areas.

The Washington coast may be conveniently divided into three general regions: the Puget Sound-San Juan Island-Straits of Juan de Fuca; the Pacific coastline; and the Columbia River. Each region has different resources, use patterns, and problems.

Puget Sound

The Puget Sound region is the most valuable asset in Washington's coastal zone. The following discussion of Puget Sound's characteristics has been adapted with few changes from the National Estuary Study:

Puget Sound, an extension of the Pacific Ocean, involves approximately 2,700 square miles of water area within the United States. This area of deep channels, passages, inlets, bays and numerous major and minor islands forms a scenic area surrounded by snow-capped mountains of the Cascade range on the east and the Olympic range on the west. About 10 major and 14 minor rivers and numerous small streams flow into Puget Sound and its adjacent waters.

The Sound is basically a deep body of water with depths of 100 to 600 feet less than 1 mile offshore. In many shoreline reaches, shoal areas are nonexistent. Large tideflats and marshland areas are restricted to mouths of the major rivers, with Skagit Bay and Samish Bay flats on the north and Nisqually River delta on the south, the most noteworthy areas. Small tideflats and marshes occur at the head of many inlets in South Puget Sound and Hood Canal. The rest of the shoreline is characterized by forested bluffs 50 to 500 feet high.

The climate of Puget Sound is classed as mid-latitude marine with cool, moist winters and warm summers. The Olympic and Cascade mountain ranges modify the weather of Puget Sound. Port Townsend, in the rain shadow of the Olympic range, receives about 17 inches of precipitation annually. Seattle has an average annual precipitation of about 36 inches. Seventy-five percent of the precipitation occurs in the 6-month period, October through March. At Seattle, the average daily temperature in January is about 40° F., while in July it is about 65°F. Maximum recorded is 100°F., and the minimum is 0°F.

Puget Sound's major freshwater sources are the Nooksack, Skagit, Stillaguamish, Skokomish, Cedar, Elwha, Snohomish, Lake Washington, Green, Puyallup, and Nisqually Rivers. Numerous other streams, both large and small, flow into the Sound. Freshwater inflow, as a

result of rainy periods, occurs primarily during the period October through March. Snow melt from the Cascade and Olympic ranges occurs through June. River discharge plays a predominant role in the great productivity of Puget Sound.

Tidal circulation varies throughout the area. It is best in the North Sound, where relatively constricted channels and an open connection with the ocean promote good circulation and poorest in the sheltered bays of the South Sound and Hood Canal. Because of the north-south axis of the Sound, there is a difference in the flow of tides. A tide change at Olympia, on the southern most portion of the Sound, will occur approximately 1 hour, 15 minutes after a similar change at Port Townsend, at the north end of the Sound. Tidal amplitude also varies, being greatest in the southern portion of the Sound and decreasing generally toward its mouth. The tidal currents are variable and strong, and where affected by narrow passages or shallow sills, may exceed 7 knots.

Most areas of Puget Sound are usually well mixed. During periods of continuous heavy rainfall, the areas near the mouths of major rivers will approach freshwater condition. Mixing by strong winds occurs in some areas of the South Sound. Stratification occurs during the late summer in sheltered bays of the South Sound.

Census figures for 1974 indicate that about 2.2 million people live in the Puget Sound area. Areas such as the Duwamish Waterway and Commencement Bay have been modified by human activities. Channel modifications, diking, filling, port facilities and industrial complexes have substantially altered these two areas. Other areas, such as Bellingham, Anacortes, and the Snohomish River, have been modified to a lesser extent. Residential and industrial complexes add both domestic and industrial waste to the Sound. Agricultural runoff from the major river valleys add nutrients to the system.

Puget Sound has historically supported substantial fish and wildlife use. Major commercial and recreational fisheries for salmon, bottomfish, herring and smelt, oysters, shrimp, hardshell clams and crab occur on the Sound. With the development of the surrounding area, some of these fisheries, particularly in the Southern Sound, have declined. The principal causes of the decline have been (1) habitat degradation brought about by industrial and domestic wastes and unfavorable land use practices; (2) direct habitat destruction through diking and land fills, as well as construction of upstream water development projects and poor timber harvesting practices. The effect of dike and fills on fish populations is understood to damage or destroy nursery, rearing and spawning habitat. Loss of wildlife habitat has not been quantified; however, a noticeable deterioration of wildlife resources has occurred which can be attributed to habitat disruption. Decline in shellfish production in southern Puget Sound can also be related

to economic conditions. The shellfish stocks in this region are increasing and could be significantly expanded for commercial and recreational harvest.

Discharges of waste material, whether of industrial, domestic or thermal character, including the effects of logging, provide the single most important existing stress and threat to the environment of fish and wildlife resources of Puget Sound.

The most important anadromous fish species include chinook, coho, sockeye, chum and pink salmon; steelhead and searun cutthroat trout; and searun Dolly Varden. All of these species use Puget Sound as a migration and nursery area. Many spend the entire saltwater phase of their life cycle in the Sound.

Bait and forage fish include Pacific herring, smelt and anchovies. Herring use the shallow end of many inlets and bays of the Sound for spawning purposes. Some species, like surf smelt, spawn only in beach areas having particular substrate composition and water regime. All of these species are important food sources for other fishes.

Major species of marine fish inhabiting the Sound are Pacific cod, dogfish, skate, lingcod, sablefish, Pacific hake, starry flounder, Pacific halibut, ratfish, and numerous species of sole, rockfish and surfperch. A great many of these fish contribute substantially to commercial and sport fisheries.

A large variety of shellfish inhabit the Sound. Valued species include Pacific and native oysters; Dungeness crabs; littleneck, horse, jacknife, butter, Manila, geoduck, softshell, and cockel clams; rock and Puget Sound pink scallops; pinto abalone; and several species of shrimp. Puget Sound has long been recognized by oceanographers as a unique body of water characterized by great fertility and food producing potential. Primary productivity rates are among the highest observed in marine waters around the world. Because of the high rates of primary productivity, Puget Sound has the potential to produce an estimated 6 billion pounds of bivalve mollusk meats per year.

Shellfish stocks support major recreational fisheries in Puget Sound. Approximately 1 million user trips are spent harvesting intertidal shellfish during the low tides of spring and summer each year. The recreational harvest of crab and shrimp with traps (pots) accounts for an estimated 250,000 user trips each year.

Puget Sound is an important resting place, feeding area and wintering ground for many thousands of birds in the Pacific Flyway. This is due largely to the significant belt of tidelands around the Sound. Major waterfowl species include: Mallard, pintail, canvasback, ruddy, harlequin, ring-necked, and wood duck, widgeon, scaup, goldeneye, green-winged teal, shoveler, Canada, lesser Canada and snow geese,

and black grant. Merganser,scooter and American coot also occur. Gulls and terns are the most common shorebirds. Great blue herons are common salt marsh birds.

The major wintering areas for waterfowl in Puget Sound are the Skagit, Snohomish and Nisqually flats, and Padilla-Samish Bays. Each small bay and inlet provides a discreet area for a portion of the total water-front inhabitants population. For example, twenty to thirty thousand snow geese winter in Skagit Bay -- the only concentration of these geese found in the State of Washington.

Waterfowl hunting is a major recreational activity on the Sound in fall and early winter. Nearly one-third of Washington's duck and goose hunting occurs in Puget Sound.

Harbor seals, killer whales and porpoise are commonly found in Puget Sound, and mammals inhabiting adjacent freshwater areas include beaver, muskrat, mink, weasel, otter and raccoon.

Human benefits from natural resources of the Sound include food, industry, recreation, research, education and an environment for living. Estimates made for specific recreational uses of Puget Sound for 1965 include 800,000 man-days of hunting, 1.3 million angler-days of salmon fishing, 850,000 angler-days of bottom fishing, and 1.2 million man-days for sport shellfish harvest. In addition, commercial fishermen annually harvest over 6 million salmon, 20 million pounds of bottom fish, and over 6 million pounds of shellfish. The total value of recreational fishing effort exceeds that of the commercial fishery, but an estimate of total recreational use of Puget Sound and its resources is not available. (U.S. DOI National Estuary Study, Vol. 5, Appendix G, pp. 69-72.)

The Sound's principal physical resource is its deep water protected port facilities. The primary ports are at Port Angeles (on the Straits of Juan de Fuca), Bellingham, Everett and Seattle-Tacoma. These ports are the closest U.S. ports to the far East, and form the base for an expanding trade with the Orient. Because of the shipping facilities, the state's industries have located on the Sound. These natural features have also made it ideal for the location of defense installations to satisfy the needs of Navy and Coast Guard. These industries (including Defense), which form the economic base for most of the region's population, have located on the main river plains, filled and diked much of the valuable natural habitat, and chemically polluted the waters upon which the living population of the bay depend. The narrow channels and often fast tidal currents create navigational hazards to shipping; fogs are common and can obscure visual landmarks used in navigation. The potential future use of the Sound by larger tankers is an additional problem facing the state. Oil refineries, which will almost certainly be used more heavily in the future, and the lumber mills are also major industrial activities in the Sound.

Agriculture in this region is primarily restricted to the northeast and southeast sections of the Puget Sound Basin, largely in the flood plains and lowlands adjoining the major rivers.

The tourist, recreational and second home industries are among the fastest growing activities in Puget Sound. Currently ranked behind food, manufacturing and forest products, the tourist industry alone may assume the number one position by the year 2000. The three industries tend to center around the water resources of the area; the physical (waterways, bays, etc.), the biological (fish and shellfish), and esthetic resources of the Sound serve as the major attractions. The role of these water resources is indicated by the fact that the resident population has the highest boat ownership per capita in the nation. Because of the increase in tourism and recreation, and the number of watercraft, much of the Puget Sound area previously inaccessible by land has recently begun to feel the result of man's impact.

The National Estuary Study identified filling, dredging and diking; pollution; public access; industrial, commercial and residential development; upstream land and water use; agriculture; and mining as significant management problems facing the Sound.

Pacific Coast

The Pacific coastline, extending from Cape Flattery to the Columbia River, is divided into two major types: the rocky, mountainous terrain in the north and the flat coastal plain in the south. The northern coast from Cape Flattery and to the Quinault River is similar biophysically to the Straits of Juan de Fuca west of Port Angeles, and consists of narrow, steeply sloping rocky beaches backed by high forested bluffs. Numerous rocky outcrops exist just offshore. As in the rest of the state's coastline, the climate is strongly marine influenced with mild but wet winters. The areas of heaviest rainfall occur in this stretch of the coast.

Although a few fishing villages are located along the western coast of the Straits of Juan de Fuca, the northern Pacific Coast proper is scarcely populated and remains largely unaltered. Almost the entire coast (north coast and uplands adjacent to the north coast) are owned by the Federal government or are part of Indian reservations. There are large estuaries, good harbors, or industrial sites. The major use of the area is recreational; hikers, campers and climbers use the area, primarily Olympic National Park, on a seasonal basis. Intertidal hardshell clams and razor clams form an important and widely harvested resource along this region's coast. Commercial salmon fishing occurs off the whole coast, but sport fishing activity is concentrated off Cape Flattery and the mouth of the Quillayute River.

From the Quinault River south to the Columbia River, the coastal lands are characterized by wide sandy beaches and extensive dunes backed by grasslands and forests. Two major estuaries occur in this region: Grays Harbor at the mouth of the Chehalis River, and Willapa Bay at the mouth of the Willapa River. These two resources have served as a focus for development and industry along the Pacific portion of Washington's coastline, while providing as well important fish and wildlife habitat. The sandy beaches, mud flats, marshes, eelgrass beds, and waterways play an essential role in maintaining fish and shellfish, including salmon, sturgeon, herring, hard and softshell clams, oysters, crabs and waterfowl, which are of intrinsic as well as commercial and recreational value.

Food products (fishing and agriculture) and timber-related industries are the major industries in the region, although here, too, the tourist and recreation industries are playing an increasingly important role.

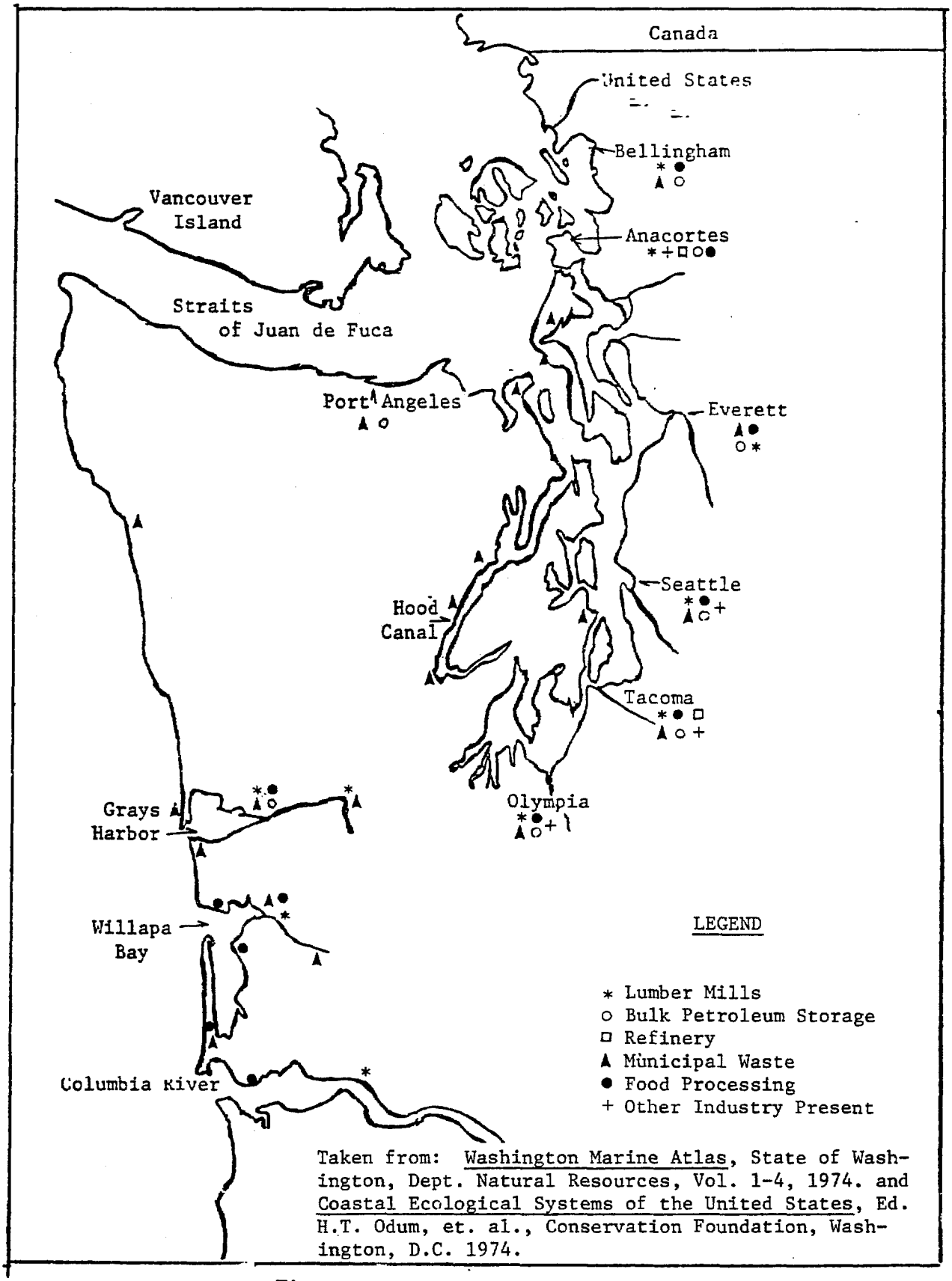
Grays Harbor is at present the area most severely impacted by man's activities on Washington's Pacific coast. Various industrial and domestic wastes are discharged into the area, which is also affected by the shipping and log storage associated with the logging industry. Willapa Bay is less affected by industry, but is increasingly affected by tourist and residential (largely second home) development. About 6,300 acres of marsh and tidelands have been filled for agricultural uses, with an equal amount of filling planned for pasture. An extensive discussion of the resources and management of Willapa Bay is presented in the National Estuary Study (Vol. 3, Appendix B., pp. 213-248).

Although the entire Pacific coast region is considered a favorable geologic environment for petroleum production, the area has yet to demonstrate a petroleum resource potential. Prior to 1970, 14 wells had been drilled along the continental margin of Washington and Oregon; all were dry holes. In a recent industry ranking of 17 offshore sites along the United States coasts, the Oregon-Washington coast placed last in desirability of leasing in order to initiate drilling activity.

Columbia River

For implementing the coastal zone management program, Washington has defined its coastal boundary as extending up the Columbia River to the eastern boundary of Wahkiakum County, which approximates the limit of measurable salt water influence. Although major port and industrial activity occurs upriver from this boundary (primarily in the Portland, Oregon area on the opposite bank of the Columbia), this portion of the Columbia has been little affected by man's activities.

The Columbia is the largest river in the Northwest United States, and is the only one with sufficient freshwater discharge to appreciably influence the neighboring Pacific. The portion within the state coastal zone can be classified as a positive coastal plain estuary, displaying



Taken from: Washington Marine Atlas, State of Washington, Dept. Natural Resources, Vol. 1-4, 1974. and Coastal Ecological Systems of the United States, Ed. H.T. Odum, et. al., Conservation Foundation, Washington, D.C. 1974.

Figure 1 - Major Industrial Sites

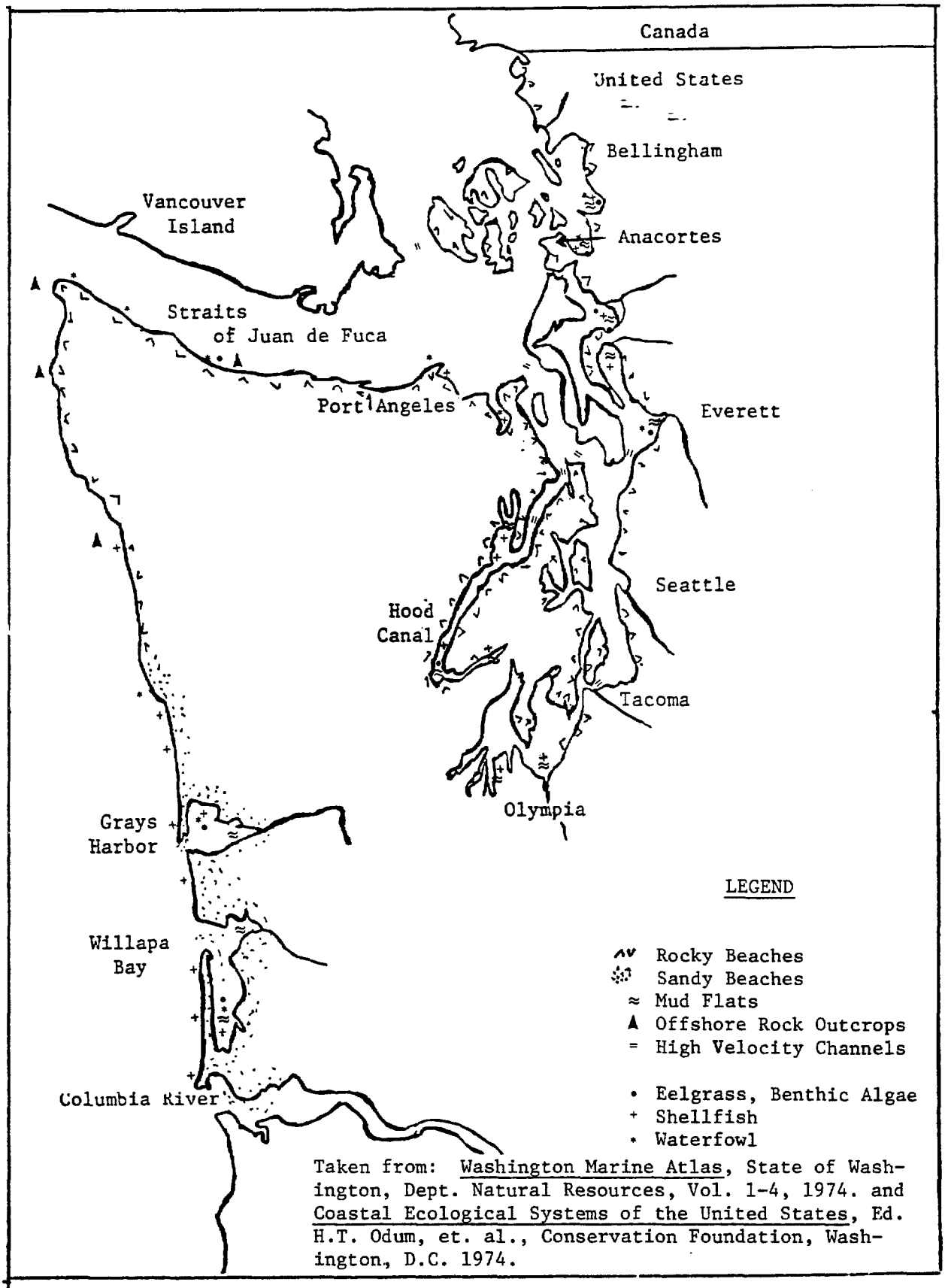
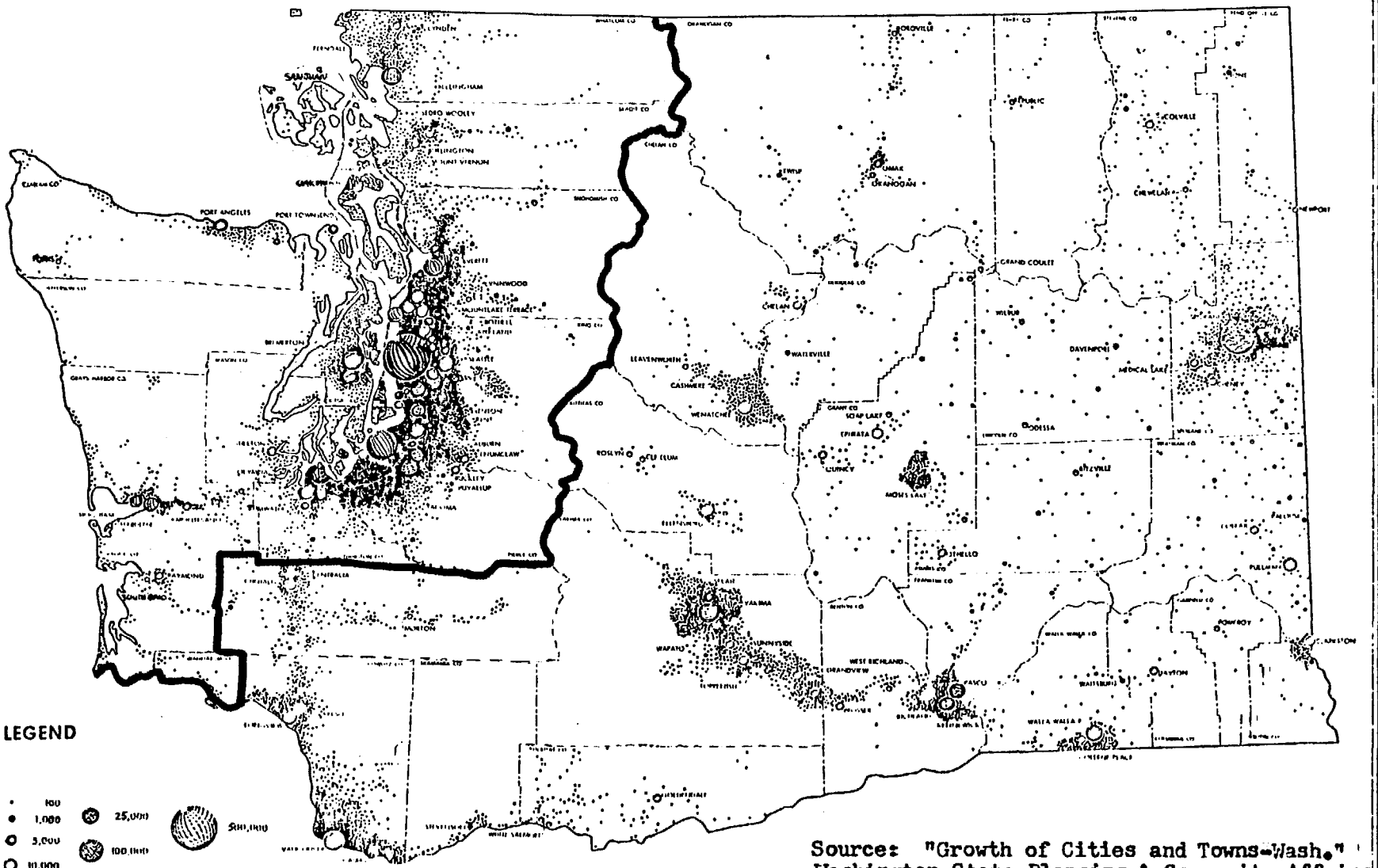


Figure 2 Selected Natural and Physical Resources

POPULATION DISTRIBUTION, WASHINGTON



Symbols used on this map are three dimensional. Numbers of people represented by each symbol is proportional to the volume following examples il' ate scale used on this map.

Figure 3

SELECTED SOCIO-ECONOMIC DATA

Region County City	Population 1960[1]	1970[1]	% Change	1980[2] Forecast	Shoreline[3] Ownership (in miles) Federal	Public (Non-Federal)	Private	Shoreline[3] Use (in miles) Recreational (Public)	Recreational (Private)	Non-recreational (Developed)	Undeveloped	Major[1] Industries Of Region
North Coast Region	39,661	45,431	14.5									
Clallam	30,022	34,770	15.8	40,348	35.4	8.0	112.6	8.9	0	6.0	141.1	Forest Products
Port Angeles	12,653	16,367	29.4									Tourism
Jefferson	9,639	10,661	10.6	11,562	35.4	3.3	155.3	15.6	2.2	2.0	174.2	Farming
Port Townsend	5,074	5,241	3.3									Commercial Fishing
South Coast Region	69,139	75,349	8.9									Forest Products
Grays Harbor	54,465	59,553	9.3	69,230	1.1	8.9	136.0	29.0	8.1	8.0	100.9	Fisheries
Aberdeen	18,741	18,489	(1.3)									Tourism
Hoquiam	10,762	10,446	(2.8)									Dairy & Cranberry
Pacific	14,674	15,796	(7.6)	17,066	35.4	7.9	141.7	46.8	0	1.0	137.2	Farming
Raymond	3,301	3,126	(5.8)									
Wahkiakum	3,573			4,141	0	0	8	0	0	0	8	
North Puget Sound	144,177	165,198	14.6									Forest Products
Whatcom	70,317	81,950	16.5	89,347	1.1	11.2	89.2	8.9	0	5.0	88.1	Oil Refining
Bellingham	34,688	39,375	13.5									Aluminum Production
Ferndale	1,442	2,164	50.1									Logging Equipment &
Skagit	51,350	52,381	2.0	69,871	2.2	3.3	121.5	4.5	3.5	6.0	113.0	Hoist Manufacturing
Mt. Vernon	7,921	8,804	11.1									Electronics
Sedro Valley	3,705	4,548	24.1									Food Processing & Boat
Anacortes	8,414	7,701	(8.5)									Building
San Juan	2,872	3,856	34.5	3,145	4.4	9.1	345.5	7.7	0	1.0	350.3	Government
Island	19,638	27,011	37.5	35,414	13.4	8.9	171.7	5.6	3.5	1.0	183.9	Dairy & Vegetable Farming
Oak Harbor	3,942	9,167	132.5									
Central Puget Sound	1,512,974	1,937,370	28.1									Transportation
King	935,014	1,159,375	24.0	1,355,544	2.2	12.2	98.6	6.7	0	14.0	92.3	Aerospace
Seattle	557,087	530,831	(4.7)									Shipbuilding & Repair
Bellevue	12,809	61,196	377.8									Lumber & Wood Products
Mercer Island	-	19,819	-									Paper & Allied Products
Redmond	1,426	11,020	672.8									Metals and Machinery
Kitsap	84,176	101,732	20.9	110,405	11.0	8.9	191.1	4.5	0	4.0	202.5	Food Processing
Bremerton	28,922	35,307	22.1									Retail and Wholesale
Pierce	321,598	411,027	27.8	467,683	13.4	14.3	207.3	3.3	0	9.0	222.7	Trade
Tacoma	147,979	154,407	4.3									Government
Puyallup	12,063	14,742	22.2									
Snohomish	172,149	265,236	54.0	299,174	0	2.2	40.8	1.1	0	15.0	26.9	
Edmonds	8,016	23,998	199.4									
Everett	40,304	53,622	33.0									
Lynnwood	7,207	16,919	134.8									
South Puget Sound												Forest Products
Mason	16,251	20,918	28.7	21,048	0	5.5	168.5	3.3	22.7	1.0	147.0	Agriculture
Shelton	5,651	6,515	15.3									Government
Thurston	55,049	76,894	39.7		0	3.3	86.7	1.1	0	4.0	84.9	
Olympia	18,273	23,296	27.5									
Tumwater	3,885	5,373	38.3									

Data: From
1 - Washington State/The Beauty of It, The Fact of the Matter Department of Commerce & Economic Development, Olympia 1979
2 - "Oil on Puget Sound"
3 - USCE National Shoreline Study, Washington

TABLE 1

slight horizontal and vertical salinity gradients, but no sharp stratification. The bottom sediments are largely mud or mixed sand and mud, and are subject to continual natural deposition and erosion patterns. The area is one of shifting sand bars, variously eroding and accreting islands and banks. The climate remains maritime until the Cascades, well beyond the boundaries of the state's defined coastal zone.

Fishery resources have been adversely affected by such upriver activities as dredging and spoil disposal, irrigation withdrawals, and problems created by dam construction. But the Columbia remains an important habitat for fish and waterfowl; it is probably best known for its extensive salmon fishery.

The river has been subject to extensive dredging for navigation purposes. Upriver hydroelectric dams have had significant effects on downstream water temperature and sediment loads; in fact, these impoundments have changed sediment deposition and discharge patterns in the area which may eventually lead to erosion along the beaches on the Pacific coast. Within Washington's coastal zone, large stretches of the Columbia have been used for log storage. There are few, small industrial and domestic waste discharge sites in the area.

Further information on a description of the physical environment is located in the WCZMP and the Washington Marine Atlas.

Socio-Economic Factors

In general, Washington has experienced a growth rate in excess of the national average since World War II. This increase has been due primarily to the employment opportunities and amenities found in the Puget Sound region, causing a net immigration to the state. The state experienced a particularly rapid growth in the years between about 1965 and 1969, and far slower growth from 1969 to the present, both demonstrating how the volatile economic condition of the aerospace industry affected the population of the state. In fact, from 1970 through 1973, the state experienced a net emigration, with an actual decline in total population in 1972. This trend has apparently now reversed, and the state, at least in terms of unemployment, is now healthier than the national average.

Figure 3 graphically shows that the majority of the state's population is concentrated in the central and southern region of Puget Sound. The four coastal counties of King, Kitsap, Pierce and Snohomish contain over 57% of the total state population as well as two of the state's three SMSA's: Seattle-Everett and Tacoma. From 1960 to 1970, these counties experienced an overall increase of 28.1%, with Snohomish County achieving the fastest rate of growth (54.0%). Large gains were realized by the smaller suburban communities surrounding the Seattle area while metropolitan Seattle experienced a 4.7% decline (See Table 2).

TABLE 2

POPULATION IN THE COUNTIES OF THE PUGET SOUND REGION, 1950, 1960, 1970, AND PROJECTED 1980

	1950		1960		1970		Projected 1980		% Change in Totals		
County	Number	% of PSR Total	Number	% of PSR Total	Number	% of PSR Total	Number	% of PSR Total	1950-60	1960-70	1970-80
Clallam	26,396	1.9	30,022	1.7	34,770	1.6	36,000	1.5	13.7	15.8	3.5
Island	11,079	0.8	19,638	1.1	27,011	1.2	31,200	1.3	77.2	37.5	15.5
Jefferson	11,618	0.8	9,639	0.5	10,661	0.5	11,500	0.5	-17.1	10.6	7.8
King	732,992	51.7	935,014	52.9	1,156,633	51.6	1,225,000	51.5	27.5	23.7	5.9
Kitsap	75,724	5.3	84,176	4.8	101,732	4.5	107,700	4.5	11.1	20.8	5.8
Mason	15,022	1.0	16,261	0.9	20,918	0.9	24,000	1.0	8.1	28.7	14.7
Pierce	275,876	19.4	321,590	18.2	411,027	18.3	428,800	18.0	16.5	27.8	4.3
San Juan	3,245	0.2	2,872	0.2	3,856	0.2	4,000	0.2	-11.5	34.2	3.7
Skagit	43,273	3.1	51,350	2.9	52,381	2.3	54,000	2.3	18.6	2.0	3.0
Snohomish	111,580	7.9	172,199	9.7	265,236	11.8	284,000	11.9	54.2	54.0	7.0
Thurston	44,884	3.2	55,049	3.1	76,894	3.4	88,000	3.7	22.6	39.6	14.4
Whatcom	66,738	4.7	70,317	4.0	81,950	3.7	85,000	3.6	5.3	16.5	3.7
PSR Total	1,418,424	100.0	1,768,117	100.0	2,245,069	100.0	2,379,200	100.0	24.7	26.9	6.1
Washington State Total	2,378,963		2,853,214		3,404,169		3,615,000		19.9	19.3	6.2
PSR as % of Washington State	59.6		61.9		65.8		65.8				

Source: U.S Bureau of the Census, *Census of Population* (1950, 1960, 1970), and Pacific Northwest Bell, *Population and Household Trends in Washington, Oregon, and Northern Idaho 1970-1985*.

A more thorough discussion of the population, urbanization, employment and income in the Puget Sound region can be found in "Coastal Resource Use - Decisions on Puget Sound" (see references). One of the more interesting observations made by the authors dealing with socio-economic trends is found in this summary statement.

> "While we observed that population growth, urbanization, and higher incomes are related to the degree to which counties have moved away from dependence upon fisheries, forestry, and agriculture, the traditional natural resource base of the region, population, urbanization, and income growth are closely related to the availability of excellent harbors and adjacent land for industrialization and urbanization. Northern Puget Sound, or the main basin, which provides the best harbors and most suitable adjacent land, is also the site of the largest, most urbanized, and highest income counties. Lesser development has occurred at other harbor sites, namely Olympia, Bellingham, and Port Angeles, and the least development has occurred elsewhere on the Sound where harbors are not nearly as good and there are no major port cities." p.33

On the other hand, with the exception of a few favorable port sites, the Olympic Peninsula and the Pacific Coast regions are sparsely populated. The population along the Pacific coast and mouth of the Columbia is far more stable, and in fact is actually slowly declining in Wahkiakum County.

About 2,075 miles or about 75% of Washington's shoreline landward of the extreme high waterline is in private ownership, as is about 60% of the state's tideland. Of the remaining coastline, the Federal government owns about 155 miles, including the Olympic National Park and various wildlife refuge areas and defense facilities. Non-Federal public ownership totals 107 miles, primarily state, county and city parks (see Table 1). When tidelands (between extreme low tide and ordinary high tide) which are owned by the state and managed by various public agencies are included, the public access shoreline mileage increases to 735 miles. Some of the non-Federal public land is owned by port districts and utilized for waterborne commerce facilities. Additionally, about 40 miles of privately owned shoreline is used for recreational purposes, such as resort areas and privately owned marinas.

Most of the 3,000 square miles of marine beds out to the three mile limit are owned by the state under management by the Washington State Department of Natural Resources, which also owns and administers leases for nearly 40% of the intertidal areas. State-owned intertidal areas often abut uplands owned by another land owner. Thus, within the shoreline/tideland interface, there are many miles of marine resources with a private or local port district upland owner and a state bedland or tidal owner. This situation leads to inherent conflicts between the aspirations and desires of the upland owner, as often expressed in local land use planning, and the state's interests as the manager of the bedlands or tidelands.

Each of the fifteen coastal counties and thirty-eight coastal cities is responsible for applying a variety of building, land use, and health codes to shoreline segments. Many localities, supported by separate local taxing port districts, compete for commerce and industry in the coastal zone. In these same areas county and regional efforts are often thwarted by city annexations which promote proposals inconsistent with local regional objectives. And on the other hand, well founded town and city development plans and programs are all too often disregarded or bypassed in favor of physically unsuited county locations where codes may be less stringent. Moreover, some counties and Indian reservations have established working relationships for managing the coastal zone, while others remain at odds over jurisdictional questions.

The major users of the coastal resources are the residential and development users; the timber industry; the commercial and sport fishing interests; the manufacturing industries; and tourist and recreational users. About 77 miles of shoreline have nonrecreational development such as commercial and industrial areas. Heavy industry is concentrated along the shores of Commencement Bay and Elliott Bay, on the tideflats of the Puyallup River, and in the lower Duwamish River area. Irrigated croplands, urban and industrial land use, surface water storage, and water related recreation facility development are all

projected to increase at the expense of forest land, nonirrigated agricultural land, and fish and wildlife lands.

The vast aesthetic resources of the Washington coastal zone are of benefit to the local, state and national populace as well. The coastal zone of Washington contains a tremendous variety of landforms, seascapes, vegetation and panoramic views which provide rich enjoyment and inspiration to those who view them.

An appreciation of this resource as well as the other rich coastal resources, has led the residents of Washington to be concerned about maintaining a quality environment. The recognition that the State's coastal resources were a limited commodity, while the pressures on them were increasing, led to the passage of the State Shoreline Management Act as well as other environmental laws, and in turn is a contributing reason why Washington is one of the first states to apply for approval of its coastal zone management program.

AREAS OF PARTICULAR CONCERN

Though a broad survey of the coastal zone in terms of the Puget Sound area and Washington's Pacific Coast can serve to isolate some important questions, many of the issues which constitute problems for effective management of the state's coastal resources are of unique or at least special significance in much smaller geographical areas. The state has given recognition to areas of particular concern in a great many ways, in response to both state concerns and those identified in the Coastal Zone Management Act. Special problems are frequently the subject of specific legislation or of specific regulatory or administrative action by resource ownership and management agencies.

Identified areas of particular concern will receive fresh attention under the Washington coastal zone management program. Because of the controversies surrounding their management and ultimate uses, such areas merit special study and will become foci of attention for the resolution of management problems as the program matures. Areas of particular concern to the state and the nation in terms of coastal zone management include only those problematic shoreline segments and water areas where options and alternative uses of the coastal resource are still open possibilities for action. Areas the fate of which has for all practical purposes already been determined provide no forum for the expression of dynamic concern that might result in more effective management and will not be treated in what follows here. An example of such predetermination is provided by the 50-mile Pacific Ocean Strip of Olympic National Park. The outstanding natural qualities of its rugged shoreline features have been recognized as a national asset and will be managed in their natural state. Though the Strip is an area of particular interest in the State of Washington, it is not an area of particular concern requiring the attention of the state's coastal zone management program.

Nor can the state's major harbor/industrial port areas be usefully identified as areas of particular concern, in spite of the fact that the Port of Seattle (Duwamish Waterway and Elliot Bay) and the Port of Tacoma (Commencement Bay and the Tacoma Tideflats) are of central significance to the economic vitality of the state and the Pacific Northwest. Significant port/harbor areas and their uplands are reserved through state legislation and local zoning for navigation and commerce. Generally speaking, large-scale investments in terms of harbor improvements, channel improvements and deepening, docking facilities, and long-range programs for general port enhancement ensure that uses other than navigation and commerce will not be seriously considered. Such commitments do not formally preclude other public uses within the harbor areas, but non-maritime commercial and industrial uses are considered secondary and usually allowed only when they do not interfere with the primary uses of commerce and navigation. While many interesting issues relating to ports remain to be addressed, the basic issue of primary port uses is already settled.

The fundamental principle used here for the identification of areas of particular concern is that such areas must be of greater than local interest and offer a live issue of competing uses and management options. More specifically, selection of the areas of particular concern discussed below has been guided by the following criteria: (1) the area contains a resource feature of environmental values considered to be of greater than local concern or significance; (2) the area is given recognition as of particular concern by state or federal legislation, administrative and regulatory programs, or land ownership; and (3) the area has the potential for more than one major land or water use or has a resource being sought by ostensibly incompatible users.

These criteria lead to the identification of the following areas as areas of particular concern: (1) the Nisqually Estuary; (2) Hood Canal; (3) the Snohomish River Estuary; (4) Skagit and Padilla Bays; (5) the Northern Strait and Puget Sound Petroleum Transfer and Processing Area; (6) the Dungeness Estuary and Spit Complex; (7) Grays Harbor; (8) the Willapa Bay Estuary; (9) the Pacific Coastal Dune Area; and (10) the Continental Shelf. A map delineating these areas is found on the following page.

One final remark should be made here in passing. Identified areas of particular concern are based on existing authorities, expressions of legislative concern, and current resource management conflicts. They are intended to represent areas which are responsive to the requirements

of the Coastal Zone Management Act and the state program at the present time. The list presented below is not to be considered exhaustive. Its purpose is simply to highlight special geographical areas. Other areas will be considered for inclusion over time with adjustments in designation criteria.

The Nisqually Estuary

The Nisqually Delta is one of the largest undeveloped estuarine areas in the state, second in size only to the delta of the Skagit River. The estuary serves as an important nursery area for the fisheries of Puget Sound and as the nesting and resting place for some 160 species of migratory waterfowl and marshbirds. Located between the Skagit and Columbia Rivers, the delta region is on the major fly line of the Pacific flyway and is the only place of any size left in southern Puget Sound for migratory birds to rest.

The Nisqually has the potential to provide significant opportunities for recreational activities ranging from wildlife photography, fishing, digging for clams, oysters and geoducks in the summer to waterfowl hunting in the fall. The delta is of historical significance as the site of Fort Nisqually, a fur trading post and one of the earliest settlements in the state. It is also the site of the signing of the Medicine Creek Treaty and the home of the Nisqually Indians.

The Nisqually Delta offers a classic example of values competing for the use of a limited resource. As one of few remaining large, relatively flat tidal areas in Puget Sound, the delta had long been intended by port and industrial interests to be the next major industrial and harbor area on Puget Sound. But the 4,000 acre delta was also recognized by conservationists for its environmental values as one of the few remaining unaltered wetland areas on the west coast. And so the stage was set for what was to become one of the major environmental issues in the state during the late 1960s and early 1970s.

Continuing controversy eventually prompted legislative action. In 1971, the Legislature gave recognition to the delta's importance to the state designating it a shoreline of statewide significance. During the same legislative session, the House of Representatives passed a resolution requesting the Legislative Council to conduct a study on potential uses of the Nisqually with the aid of two recognized scientists, Doctors Gordon Alcorn and Dixie Lee Ray. Their subsequent report found that the delta could not support industrial and port activities and at the same time serve as a national wildlife preserve and recreation site. As a result, the Governor created a task force to study and recommend a management system to protect the delta's resources, safeguard its potential for recreational uses, and permit orderly development in the Nisqually River Basin.

The ultimate disposition of the Nisqually's resources has not yet been determined. Most of the property west of the river is now within the Nisqually National Wildlife Refuge and the delta's tideflats were recently declared a National Natural Landmark. But the areas east of the river remain in private ownership, and property on the delta's periphery which could impact the whole area has been the subject of several local land use controversies.

Hood Canal

Hood Canal is a glacially carved fiord some sixty miles long which is bounded by the towering Olympic Mountains on the west and the low hills of the Kitsap Peninsula on the east. Its 242 miles of shoreline are owned by large timber companies, numerous private parties with small lots, and public agencies at all three levels of government. Its waters fall within three counties: Mason, Jefferson and Kitsap. Commercial fishing and shellfish production are prominent industrial activities in the Canal, which is also well known for its production of market and seed oysters. The relatively unspoiled nature of the region provides excellent opportunities for education and research on such subjects as oyster culture, water pollution, and bivalve bioassay procedures.

Fragmented ownership gives rise to an obvious problem in the Canal's management. State-owned uplands managed by the State Department of Natural Resources (DNR) are scattered throughout the region with the largest concentrations on the Tahuya Peninsula and near the Hamma Hamma River. Shoreline owned and managed by DNR

totals slightly less than 40 miles. Additional state-controlled shoreline totaling less than 3 1/2 miles is included within seven state parks managed by the State Parks and Recreation Commission.

Most federally controlled land is in Olympic National Park and Olympic National Forest with only one small segment of the National Forest actually extending to the shoreline. Other lands under the jurisdiction of the United States Navy occupy several miles of shoreline between Bangor and Vinland and on the Toandos Peninsula. Navy operations at Bangor involve substantial amounts of uplands and shoreline for munitions handling and shipping. A torpedo test range encompasses much of Dabob Bay. The Navy has recently initiated the establishment of a major Trident submarine base at Bangor.

Canal ownership is further complicated by the presence of two Indian reservations extending to the shoreline. The Skokomish Indian Reservation surrounds much of Annas Bay at the mouth of the Skokomish River, and the Port Gamble Indian Reservation includes approximately one mile of shoreline on the eastern side of the entrance to Port Gamble Bay.

Because of its attractiveness and relatively close proximity to Seattle and Tacoma, the Canal is extremely popular as a recreation destination and as a site for second homes. Its popularity, coupled with the fact that less than 20% of the shoreline is state-owned and available for public use, causes considerable crowding at public recreation sites and gives rise to conflicts between incoming recreational users and second home part-time residents. In order to take advantage of the waterfront locations, many home owners have filled into the intertidal area to create building sites. This in turn has been responsible for the loss of valued tideland and has resulted in crowded conditions and aesthetic losses to waterfront landscape.

Most of the south and west side of the Canal is bordered by extremely steep slopes, which, when coupled with the tideland landfills, render nearly impossible the effective utilization of individual septic drainfields. Widespread drainfield failures pose a threat both to water quality and to the productivity of oyster and clam beds at several locations. At first glance, sanitary sewers would appear to be an adequate long-range solution to the problem. But the population is widely scattered and few areas will ever have population densities necessary to support such a system. Further, state water quality standards make clear that the physical characteristics of Hood Canal make it unusuable as a receiving water without costly advanced municipal waste treatment. Sewage drainage basin studies have examined the alternative of waste discharge to land.

The maintenance of good water quality in the Canal is a complex problem, primarily because of the relatively slow flushing time for the inlet. Nearly six months are required for the change-over of Hood Canal as a whole, which is not conducive to the assimilation of waste from municipal and industrial sources. Concern over the potential effects of pollutants which find their way into the Canal is well justified.

Hood Canal has been the subject of major environmental controversies since the mid-1960s. Concern on the part of local residents has resulted in the rejection of several major development proposals, and individual bulkheads, land fills and docks have been the subject of numerous legal actions and requests for administrative review under the Shoreline Management Act. Statewide interest was formally voiced in 1971 when the Legislature declared the Canal a shoreline of statewide significance.

The Snohomish River Estuary

The Snohomish River system releases the second largest volume of fresh water entering Puget Sound from a single source and has formed an extensive delta and estuarine complex. Lying just to the north of industrial Everett, the state's fifth largest city, the tidal area has accommodated much of Everett's economic development and has often been targeted for additional industrial growth. But the recent maturity of environmental analysis in the state has made clear the sensitivity of the delta complex to development.

The state has taken a strong role in providing for development compatible with the environmentally sensitive nature of the river and associated estuar The estuarine complex was declared a shoreline o

statewide significance in 1971 and received further attention from a gubernatorial mediation team established for land use planning and flood control for the Snohomish Basin. In 1974 the team recommended that the seaward extensions of the delta and biologically functioning surge plains be maintained in a natural state. The mediation team also gave recognition to the possibility of some of the delta immediately to the north of Everett for industrial purposes and recommended that a feasibility study be undertaken to design an economic development study for the area west of Interstate 5. It was further recommended that the upstream floodplains be maintained for agricultural purposes and that the filling of wetlands be restricted. To implement the recommendations a Snohomish River Basin Coordinating Council was created to design the structure of a permanent council and to prepare the legislation and intergovernmental agreements necessary to complete the recommended tasks. The central problem to be worked through is maintaining a functioning estuary while at the same time allowing for some fill and loss of wetlands for water-dependent industries.

The other issue of particular concern with respect to the Snohomish River estuary is declining water quality. The problem is especially acute to the south in Port Gardner Bay, which is subject to pollution from municipal sewage treatment facilities, regional sanitary landfills, urban runoff, wood products industry wastes, and river water contaminants from the upper Snohomish drainage area.

The wood products industry is the most important cause of water quality degradation in the area, though solid waste disposal and sewage treatment are serious problems. Sulfite pulp mills currently discharge large amounts of wastewater which often result in concentrations of sulfite waste liquor toxic to fish and shellfish in Everett Harbor. Major wastewater improvements are scheduled for the near future.

The immediate area contains two sizable sanitary landfills which are discharging an undetermined quantity of leachate into the Snohomish River near its mouth. A large solid waste disposal area in the delta utilized by the City of Seattle on the Tulalip Indian Reservation has been the subject of recent litigation, and disposal at the site has apparently been terminated. Attempts to relocate the disposal area within the estuary have met with effective resistance. Such relocation is prohibited by Snohomish County's shoreline and solid waste progams.

For the most part, water pollution stemming from inadequate sewage treatment is not a serious problem in the estuary. The Marysville and Everett sewage treatment lagoons on the Snohomish River flats usually provide adequate secondary treatment. Occasionally, however, overloading during high flow periods results in the discharge of inadequately treated sewage to the lower Snohomish and adjacent marine waters.

Skagit and Padilla Bays

The Skagit River system accounts for over 35% of the fresh water entering the Straits and Puget Sound. It has created the largest flat tidal areas in the Puget Sound Basin. While the extensive estuarine area of Skagit and Padilla Bays are plysically separated by the Swinomish Channel, their creation from sediments from the same river system makes it appropriate to treat them together as parts of one natural system. At one time Padilla Bay received water from the Skagit River by channels through the Skagit flood plain and Skagit water still greatly reduces salinity in Padilla Bay during flood periods. Nonetheless, Padilla Bay is more subject to the marine influences common to Samish and Bellingham Bays and the eastern San Juan Islands than is Skagit Bay.

The estuary of the Skagit River is the most diverse, least disturbed, and most biologically productive of all the major estuaries on Puget Sound. Man has thus far had relatively little adverse effect on the estuarine portion of the system or on its water quality.

Because of the diversity of habitats it contains, almost all plant and animal species found in western Washington will be found within the estuarine area. The Skagit Delta is the most important estuary for waterfowl on the Pacific Coast of the United States. Padilla Bay, with its extensive eelgrass beds, hosts some 35,000 black brant.

More than 200 species of birds have been identified on the Skagit delta. Swans and snow geese are among the most noteworthy feathered visitors to the area.

The fisheries resources of the Skagit River system are outstanding in comparison to any other stream entering Puget Sound. Padilla and Skagit Bays are important nursery areas for marine fishes and highly productive of shellfish. Several tidal areas within both bays contain commercially valuable beds of softshell clams. Clam harvesting has been a controversial issue for some time in the estuarine area and in Port Susan Bay to the south. Conservationists and residents claim that the methods used by some of the larger clam harvest operators destroy important wildlife habitat and constitute a source of noise and sediments which have caused serious disruption to the area. The clam harvesters and the State Department of Fisheries which licenses the operations claim that the alleged problems are not serious and most of the legitimate concerns can be accommodated through technical adjustments to the harvesting equipment. The conflict has resulted in litigation. All parties appear to agree that there is a need for additional study analyzing the effects of mechanical clam harvesting by large-scale machinery.

The Skagit Wildlife Recreation Area operated by the State Department of Game contains about 13,000 acres of salt marsh and tide flats. At present, a unit of Game Department land and some private holdings are being considered for acquisition, development and operation as an estuarine sanctuary under a grant request from the Department of Ecology to the Office of Coastal Zone Management under the provisions of Section 312 of the Coastal Zone Management Act. Included in this same application are 5,700 acres of Padilla Bay and another area on Thorndyke Creek in Jefferson County on the Olympic Peninsula.

In 1971 Skagit and Padilla Bays were declared by the Legislature to be shorelines of statewide sign...cance. While there would appear to be few threats to the protection of these valuable wetlands, there remain some concerns. For one thing, Padilla Bay is adjacent to two major oil refineries at March Point and faces the possibility of petroleum spills. And for another, plans have been developed several times for diking the area, first for farming and later for industrial development. In fact, detailed plans that have now been abandoned were even developed for a combined dredge and fill operation to create a Venice-style residential area.

The Northern Strait and Puget Sound Petroleum Transfer and Processing Area

The state's northern marine waters and adjacent upland areas are within a petroleum transfer corridor which includes terminal areas for tanker shipments of crude petroleum. The shipping of petroleum to three major refineries in the area has occurred for some time and will increase correspondingly with a reduction in the Canadian pipeline supply. Prevailing state policy at this time indicates that the state is not interested in becoming a major petroleum processing center or transportation terminus for a major new pipeline to the midwest, though how much additional petroleum traffic would actually be generated is not entirely clear. But the current shipping of over 310,000 barrels daily to seven refineries with a combined capacity of 363,000 barrels has resulted in oil spills in the past and any increase in shipping could be expected to increase the likelihood of a spill in the future. While some spills have been contained or managed, there is widespread disagreement on the effectiveness of the cleanup techniques.

In recognition of the potential impacts of Alaska North Slope Oil on Puget Sound and the Strait of Juan de Fuca, the Washington State Legislature has taken several steps to prepare for spill threats to the state's inland marine waters. Senate Bill 3253 of May, 1974 set aside $427,000 for a study by the Oceanographic Commission of Washington of the feasibility of offshore monobuoy and related petroleum transfer facilities, which resulted in a report to the Legislature entitled "Offshore Petroleum Transfer System for Washington State". Senate Bill 2978 of 1974 requested the Department of Ecology to establish a continuing, comprehensive program of baseline studies for the waters of the state that would aid in the maintenance of water quality standards and address the specific problems associated with oil

contamination of the marine ecosystem. Further, the 1975 Legislature passed House Substitute Bill 527, which provides for safety standards and prohibits tankers larger than 125,000 deadweight tons from entering Puget Sound and the Strait of Juan de Fuca beyond a point east of the Dungeness Lighthouse. The prohibition is currently being appealed as unconstitutional by a major oil company.

The baseline study authorized in Senate Bill 2978 focused attention on waters which run the greatest risk of damage from oil spills including the areas where marine life is being utilized for food production. The first study area chosen was North Puget Sound, where there are existing refineries, crude and refined product transfer points, and tanker routes.

The upland impacts of petroleum transfer and processing could be particularly significant in the existing processing areas at Cherry Point in Whatcom County and March Point in the Anacortes area. Other specific areas which could be impacted significantly depending on the outcome of studies in process and on policy decisions yet to be made, include the Port Angeles area and Burrows Bay west of Anacortes. The Oceanographic report described a preferred alternative which contemplates unloading tankers at or west of Port Angeles and piping crude petroleum to Puget Sound refineries. This alternative would involve a major pipeline crossing of Admiralty Inlet. In February 1975, the Legislature authorized the Oceanographic Commission to conduct another study, a site-specific feasibility analysis of the Admiralty Inlet crossing area. Oil companies have proposed making Burrows Bay a major oil tanker unloading area as another alternative.

The Dungeness Estuary and Spit Complex

Dungeness Spit, on the Olympic Peninsula, is a narrow neck of land extending five-and-a-half miles into the Strait of Juan de Fuca. It is claimed by the U.S. Fish and Wildlife Service to be the longest natural sandspit in the world.

The Dungeness estuary and spit complex is a natural area unique within the state and has been recognized nationally for its significance in terms of wildlife and waterfowl. The area encompassing the mouth of the Dungeness River, Cline and Graveyard Spits, and the adjacent submerged lands and uplands is a highly complex geo-hydraulic system. The ecosystem's shoreline landforms have become highly valued public recreation and wildlife habitat areas. For this reason, resource management agencies directly involved with responsibilities in the area, including the Washington State Department of Game and the U.S. Fish and Wildlife Service, have indicated their concern that any major development in the area could have serious environmental consequences. Any development that required extensive filling, dredging, or breakwaters could affect currents and tidal patterns thereby altering deposition and sedimentation and eventually changing the shoreline landforms.

In 1915 when Woodrow Wilson formally established Dungeness Spit as a 556-acre refuge for migratory and resident birds, the primary importance of the area was as a wintering site for black brant. The shallow waters of the harbor provided the proper environment for the growth of eelgrass, and while many waterfowl use the plant for food, the brant is almost totally reliant upon it. Thousands of wintering waterfowl of many different kinds will be found today in New Dungeness Harbor between Dungeness and Graveyard Spit. Varied ecological conditions make the area a valuable habitat for fish and shellfish, too, providing productive shellfish beds on the tidal flats and sport fishing and crabbing in the relatively sheltered waters of New Dungeness Bay.

The Dungeness estuary and spit complex is a good example of resource use conflicts in the coastal zone. Competition is strong among commercial, aquacultural, recreational, and wildlife management interests.

Grays Harbor

Grays Harbor has long been an area of special concern. The shallow estuary of approximately 100 square miles of surface water presents complex management problems in terms of maintaining good water quality while providing a navigation channel for industrial needs. For many years Aberdeen and Hoquiam, located at the mouth of

the Chehalis River, have constituted a major port-industrial harbor. The resultant water quality problems of the harbor have long been recognized and in fact prompted some of the earliest water quality efforts and studies in the state. In recognition of the state's concern, the Bay has been designated a shoreline of statewide significance. The fact that the area contains several Wildlife Recreation Areas managed by the Department of Game is a further indication of the state's interest.

Substandard water quality in Grays Harbor results from pollution from municipal and industrial point sources and non-point sources. The wood products industry is the most important contributor to such water quality problems. Local pulp mills discharge large quantities of toxic wastewaters (largely sulfite waste liquor) into the harbor. Waste treatment before discharge ranges from good to nonexistent. A large amount of mill water is held during critical low flow periods (summer months) for discharge during higher flows. Other wastes are also commonly held for release during outgoing tides.

Grays Harbor bacterial contamination is partly due to inadequate facilities and treatment at the four municipal sewage treatment plants. Other Grays Harbor discharges and those from the upper Chehalis River drainage will continue to cause water quality standards violations. Point source discharges from local fish and shellfish processers, lumber companies, and cranberry processing firms are not considered significant compared with other area dischargers.

Nonpoint source contamination contributes significantly to the poor quality of the water in Grays Harbor. Pollutants include woodwaste landfill, septic tank leachates, urban runoff, dredging, and log storage wastes. Current studies deal with proper disposal of ship channel dredging spoils and the possible consolidation and relocation of woodwaste landfills.

Somewhat isolated from industrialized areas, the harbor is quite productive in terms of marine life and provides important waterfowl habitat. Anadromous fish pass through Grays Harbor to and from the ocean and anadromous fingerlings use the harbor as a feeding ground. Bottom fish, sturgeon, and herring are found in and around South Bay. Oysters, clams and crabs live in the outer bay. To assure continued productivity, a balance between the filling of intertidal areas and the preservation of wetlands must be maintained. Since the filling of lowlands has provided the only flatland available for industry and commerce in the area, pressures to fill are not uncommon.

The fact that Grays Harbor is extremely shallow, shrinking to less than one half of its total surface area at low tide, necessitates substantial dredging requirements to ensure the maintenance of harbor navigation channels. The dredged material in turn becomes a disposal problem. To dispose of it at sea or in deeper waters is likely to cause water quality problems, while to deposit it in intertidal areas causes the loss of valued wetlands. At present, the U.S. Army Corps of Engineers has funded a study to be completed by the State Departments of Game, Fisheries, and Ecology to determine the effects of dredge material on aquatic life and water quality. In the meantime, the Corps plans to undertake a study to determine the feasibility of deepening the navigation channel to forty feet.

Willapa Bay

Willapa Bay, one of the largest relatively natural estuaries on the west coast, is recognized in the Shoreline Management Act as a shoreline of statewide significance. About half of its shoreline is salt marshland containing large fish and shellfish populations.

The shellfish in the estuary support the Willapa Bay oyster industry and the Bay provides extensive feeding and nursery grounds for young fish. The area is an important producer of salmon, cutthroat and steelhead. Harbor seals, sea lions and porpoises will be found in the Bay as well.

Located on the Pacific flyway, the bay is of critical importance to a large number of water-related birds. The protected Bay waters and associated marshlands provide substantial shelter and nesting places, while the Bay's extensive tidal flats are a rich source of food. The Willapa National Wildlife Refuge was established in 1937 to provide protected areas for the Bay's bird populations, especially the Canadian geese and black brant that winter in the area.

The shorelines of Willapa Bay are relatively free of intrusions and modifications. The largest concentration of filled areas is along the Willapa River Channel and at the industrial shipping centers at Raymond and South Bend. This amounts to more than six thousand acres of marsh and tidelands that have been filled for agricultural purposes and a little over 300 acres reclaimed for highway and industry. This intrusion and siltation from other sources pose a threat to the Bay's shellfish industry. Area residents are also concerned about recent intrusions by recreationists into productive shellfish beds. A recent decision by the Corps of Engineers to discontinue maintenance of the Bay as a shipping channel after 1977 can be expected to cause some difficulties leading to readjustments in the local economy.

The Pacific Coastal Dune Area

The Pacific Coastal Dune Area of Grays Harbor and Pacific Counties is one of the most attractive resource features in the state. Located immediately to the north of the Columbia River, it ·cludes three shoreline segments interrupted by e mouths of Grays Harbor and Willapa Bays. In all, the beach areas are some 54 miles in length and vary in width from 500 feet to over 7,000 feet. The region attracts large numbers of visitors to its beaches and to several popular sport salmon fishing areas. The State Parks and Recreation Commission maintains several developed parks and provides numerous access points to the popular beaches, which attracted over three million visitors in 1974.

Management of the area's beaches has a long history of conflicts, most notably between state agencies and local or private upland owners over access to and development in the dune area. The Legislature has given clear indication of the state's concern by declaring the beaches a public highway and a public recreation area and by designating the area a shoreline of statewide significance. In recognition of the area's attractiveness to recreationists, the state's Interagency Committee for Outdoor Recreation and the State Parks and Recreation Commission have made acquisition of these Pacific beaches a high funding priority.

Because the dune system is very complex and ·elicate, there is considerable concern about its maintenance in the face of significant impacts from human activities. In many areas development has encroached into the dunes causing alteration of landscape and resource features. Developments usually require a drainage system which lowers the water table thereby destroying the vegetation and resulting in barren areas of blowing sand. The same result can be brought about by the removal of sand, the filling of wetlands between dunes, and other requirements of urban development.

The area's management has for many years suffered from conflicts between local interests and state interests. In addition to disputes over the ownership of accreted lands, there has been local resistance to state recreation development and programs to provide additional public access and overnight facilities in the area. The state has been concerned over the apparent lack of local land use restrictions to protect fragile dune areas, which has raised questions relating to the application of the Shoreline Management Act with respect to geographical jurisdiction. The question has already been the subject of some study and will continue to be evaluated under the coastal zone management program. Other conflicts have arisen over the potential dangers associated with allowing automobile traffic on public beaches.

The Continental Shelf

The continental shelf is the submerged land sloping gradually outward from the exposed edge of a continent for a varying distance to the continental slope, where the continental mass drops more abruptly to the ocean floor. State jurisdiction over the continental shelf extends seaward one marine league from the coastline of the state, which comes to three nautical miles or about 3.5 statute or land miles. The boundaries of counties on the ocean coast are coterminous with the boundaries of the state.

Beyond the state's continental shelf boundary lies the outer continental shelf under the jurisdiction of the federal government. The outer continental shelf is the seaward portion of the continental shelf and has been defined by Congress to include all submerged lands lying seaward and outside of the area of state jurisdiction and of

which the subsoil and sea bed appertain to the United States and are under its jurisdiction and control.

The continental shelf off the coast of Washington varies in width from 10 to 35 miles, averaging about 25 miles. Water depth graduates from mean low tide to about 600 feet at the edge of the continental slope.

Interest in managing the resources of the continental shelf is shared by a great many agencies. The primary federal actors include the Department of Commerce, through the National Oceanic and Atmospheric Administration's Offices of National Ocean Survey, National Marine Fisheries Service, Pacific Oceanographic Laboratories and Coastal Zone Management; the Department of the Interior, particularly through the Fish and Wildlife Service USGS, and the Bureau of Land Management; the Navy; the Army Corps of Engineers; and the Coast Guard. The submerged lands of the shelf that are under state jurisdiction are state lands owned and administered by the Department of Natural Resources. But the State Departments of Ecology, Fisheries, and Game also have managerial roles, and both the University of Washington and the Oceanographic Commission of Washington have been heavily involved in research activities in the area. The complexity of the ownership/management patterns that result from this web of responsibility necessitates a careful coordination among agency programs that may be difficult to achieve.

The need for coordination is dramatized by the increasing national attention given to the shelf as an energy source. The goals of the Ford Administration's Project Independence indicate that the expansion of domestic energy production is necessary to decrease national reliance on foreign energy sources. The outer continental shelf is viewed as a major source which will contribute significantly to national self-sufficiency. At present the development of outer continental shelf oil and gas resources is a very uncertain business, due largely to a lack of information on the available reserves of oil and gas in the shelf, the biological impacts of oil spills on marine ecosystems, and the environmental, economic and social impacts on the coast of offshore drilling operations.

IV. RELATIONSHIP OF THE PROPOSED ACTION TO LAND USE PLANS, POLICIES AND CONTROLS FOR THE AREA

In the introduction to the Coastal Zone Management Act, the Congress found that "present state and local institutional arrangements for planning and regulating land and water uses....are inadequate," and that "the key to more effective protection and use of the land and water resources of the coastal zone is for the states to...develop land and water use programs for the coastal zone, including unified policies, criteria, standards, methods and processes for dealing with land and water use decisions of more than local significance." (Section 302(g) and (h)). Both the Washington Shoreline Management Act and its coastal zone management program substantially recognize these objectives, and are in fact designed to provide both a more unified approach toward managing the coastal resources and a comprehensive management program itself. This action, by the State and (if approved) the Federal government combined, would be expected to have a direct relationship to and significant impact on existing land use plans, policies and controls in the State's coastal zone.

The majority of the State's coastal shorelands have been zoned by traditional zoning methods and for purposes of the SMA, all shorelines could be considered zoned. In addition, a variety of land use plans or projections of varying scope have been prepared by different local, state and even Federal agencies. These are frequently coincident to the state's coast, and are again primarily for areas around Puget Sound. The National Estuary Study identifies about 100 separate institutional organizations, including state agencies, city and county governments, special purpose districts and Federal agencies which in some way take part in the management of the coastal resources and users in Washington. These agencies, authorities and policies have generally been implemented in a fragmented fashion, frequently achieving conflicting objectives.

The Washington Coastal Zone Management Program is intended to coordinate government and agency actions into a comprehensive program to achieve common, explicit objectives. It will interact with existing or future land-use policies and controls in many ways. More explicit documentation on the interaction between state, local and Federal governments and agencies can be found in Chapters III and IV of the Washington Management Program.

The SMA and DOE have set, after extensive public hearings and input, statewide objectives and policies for management of the coastal zone. These will provide new and coordinated direction to existing agencies and controls. The SMA has also mandated that all coastal county and city governments must develop Master Programs regulating the use of land and waters in all associated

wetlands and the 200 foot uplands area of the shoreline. The DOE, again after public hearings, has established guidelines setting minimum requirements to be met by county and city governments as they develop their Master Programs.

The local government Master Programs for shoreline areas will supersede all existing local land use plans, zoning and other controls. Local zoning will function as the implementing tool of the new Master Programs. In general, however, the Master Programs reflect existing land use and policies (among other elements of consideration), so the impact of this requirement should not be great on those existing land uses. The Snohomish County government, for example, evaluated and coordinated several state and Federal programs, such as the Land Use Allocation Plan - Managed Marine Lands (Department of Natural Resources); Washington Marine Atlas (Department of Natural Resources); National Flood Insurance Program; Puget Sound Governmental Conference Interim Regional Development Plan; U.S. Corps of Engineers - Snohomish River Basin Study; and existing county, municipal and Port Authority plans, policies and regulations, during the preparation of its Master Program. In addition, the CZM Act requires that the state coastal zone management program be coordinated with the implementation and requirements of the Federal Water Pollution Control Act and the Clean Air Act.

A number of tribes in the Western Washington Agency have completed or are working on various land use plans; they are as follows:

701 Plans and Similar Plans
Makah, Tulalip, Squaxin Island, Muckleshoot, Nisqually, Skokomish, Lummi, Swinomish, Quileute, Port Gamble, Quinault and Shoalwater.

Water Resource Inventories
Chehalis, Lummi, Muckleshoot, Nisqually, Quinault, Skokomish, Squaxin Island and Tulalip have completed inventories or inventories presently in progress. It is planned to conduct water resource inventories on all reservations.

Housing Authorities
Makah, Swinomish, Quinault, Quileute, Lower Elwha, Port Gamble, Tulalip, Lummi, Muckleshoot, Chehalis, Nisqually, Shoalwater, Skokomish and Squaxin Island presently have established Housing Authorities. A demonstration housing project is ongoing at Quileute and is planned to continue construction for the next 10 years.

The State's policy with respect to Indian management of coastal zone resources is included in the WCZMP, p. 112-114. While Indian trust lands are exlcuded for legal purposes from the coastal zone, it is clear that the plans, policies and activities occurring on Indian lands will affect adjacent landholders and coastal waters and vice versa.

Finally, approval of the state coastal zone management program by the Secretary of Commerce will have implications on other Federal agency policies and controls. Section 307(c) of the Act provides that: (1) Federal agencies conducting or supporting activities or undertaking development in the coastal zone of a state shall insure that the activities or projects are to the maximum extent consistent with the approved state management program, and (2) except in the interest of national security, Federal agencies shall not issue licenses or permits for any activity affecting land or water uses in the coastal zone unless the state issues a certification within the time requirements of the CZMA that the activity complies with the approved program.

Although all of these impacts have the potential for significantly affecting land-use plans, policies and controls, it should again be recognized that throughout the development of the state guidelines, procedures and program, the DOE has maintained close contact with other affected Federal and state agencies and local governments. A variety of advisory committees and task forces have been established to provide greater cooperation and coordination in implementation of the program.

V. PROBABLE IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT

As indicated in the description of the Federal coastal zone management program (Section II), it is clearly the intention of the CZM Act to produce a net environmental gain or benefit in the Nation's coasts. The Act encourages states to achieve this goal through better coordination, explicit recognition of long-term objectives and the development of a more rational decision-making process in concert with the overall CZM policies. It might be expected that this process, which could affect much of the activity along the coasts, would have a substantial environmental impact.

Both beneficial and adverse environmental and socio-economic effects will derive from Federal approval and state implementation of the Washington Coastal Zone Management Program. However, it is clear that the fundamental criterion for assessment must be based upon the Act's declaration of policy that reads: "to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of land and water resources of the coastal zone giving full consideration to ecological, cultural, historic and esthetic values as well as to needs for economic development." (emphasis added)

Protection of the coastal zone may be viewed as beneficial to the environment and to the public welfare for many reasons but it also may have adverse socio-economic effects on property owners and would-be property owners who have based their plans on business as usual. Further, beneficial impacts will be classified as those that promote the intent of the CZMA and, in this case, primarily the SMA. These objectives are listed together in Table 3.

In an attempt to fully understand the impacts associated with Federal approval, it was determined that there should be an exploration of the impacts which have resulted from the implementation of the SMA as well as what may happen as a result of external comment, Federal funds and the implementation of Federal consistency requirements. This is an EIS based on a comprehensive program that will be implemented over many years. It is impossible to assess discreet impacts that may occur over time, but a few points can be made. There are safeguards built into the CZM system because both the CZMA and the SMA require, during program development and implementation, that the intent of NEPA be met. Resource inventories, designation of boundaries, permissible uses, areas of particular concern, areas to be preserved or restored, and consideration of alternatives are all part of an overall process associated with managing coastal resources in Washington State. Additionally, each major action associated

Table 3

Federal Coastal Zone Management Act

Congressional Declaration of Policy

Section 303: "...(a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations..."

State Shoreline Management Act

Legislative Findings

Chapter 90.58.020: "It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto."

and

"The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

(1) Recognize and protect the state-wide interest over local interest;
(2) Preserve the natural character of the shoreline;
(3) Result in long term over short term benefit;
(4) Protect the resources and ecology of the shoreline;

Table 3

	(5) Increase public access to publicly owned areas of the shorelines; (6) Increase recreational opportunities for the public in the shoreline; (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary."
Sec. 303: "...(b) To encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development..."	Chapter 90.58.020: "In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marines, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. " and "Permitted uses in the shorelines of the state shall be designed and conducted in a manner to

Section 303: "...(c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems."

Table 3

minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

Chapter 90.58.100(1): "...(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;
(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;..."

90.58.130: "Involvement of All Persons and Entities Having Interest, Means. To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:
(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and
(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations

having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments."

Table 3

with the WCZMP comes under the scrutiny of either NEPA or SEPA requirements. So, while actions will be studied for compliance on an individual basis, the overall purpose of this EIS is to determine if implementation of the WCZMP process can reasonably meet the objectives the State has set and therefore, further the cause of the broader national CZM and NEPA goals.

A. Impacts Resulting From the Federal Agency Review Process

The formal Federal agency review of the Washington program has and will have a profound impact upon the effects of the program and its administration by NOAA. The short term impacts have basically involved a substantial delay and clarification of program implementation in the State. The longer term impacts of this stringent review process appear to be salutary both on the effectiveness of the program and NOAA's administration and performance monitoring responsibilities.

Since the decision to award preliminary rather than final approval in May 1975 the Department of Ecology has directed a substantial amount of its limited resources to development of the management program document. This has diluted the program's ability to fully carry out its operational planning, review and regulatory functions. More importantly, the anticipation of additional resources by the State and especially its local governments, scheduled for March 1, 1976, has not materialized. Nor have the restrictions on the use of 305 funds only for planning and program development been lifted. Thus, the extended period of formal review has had the practical result of inhibiting needed implementary activities within the State.

The impacts of the review process in the longer range should prove beneficial to environmental management at all affected levels of government. NOAA believes that the following positive impacts of the Washington program have resulted from this review process:

1. The revised and amended management program document is a more precise and complete statement of Washington's CZM goals, policies, procedures, organizational arrangements, environmental controls and future plans. It is therefore a much more complete statement of the SMA/CZM program that will be made available widely to all interested parties.

2. In particular, the program proposed for approval now has undergone very rigorous evaluation by relevant Federal agencies -- has responded to their views in many different ways -- and therefore provides a solid framework for cooperative and reciprocal state-Federal CZM interaction in the future.

3. Key areas in need of priority managerial attention in the future have been identified by the State. This is true both in terms of geography (e.g. coastal waters management, regional planning integration) and specific functional problems (e.g. non-point source water quality management and oil transport or refining in the coastal zone).

4. The network of authorities within the State, including the State Environmental Policy Act, that can be used to support the Shoreline Management Program in a unified manner have been fully documented.

5. Finally, major progress has been made in the further adoption of coastal Local Master Programs during the additional nine months of the development-review process.

However, there remain some areas of uncertainty concerning the impact of Federal agency positions on the future implementation of the Washington CZM program. These positions, as they potentially relate to the environmental and other impacts of the program are set forth below:

1. Federal agencies owning or managing lands have taken the position that all such lands are excluded from a state's coastal zone under S.304(a) of the Act. NOAA and the State of Washington hold the different view that only those Federal lands that are under the exclusive legislative jurisdiction or are held in trust by the Federal Government are so excluded. Because this legal interpretation was a major cause of Federal agency objections to the program, and because it is so germane an issue, NOAA has requested an opinion of the U. S. Attorney General on the matter. The affected Federal agencies have been invited to also present their positions to him.

   Prior to an Attorney General's opinion on this matter, NOAA and Washington have agreed to exclude all Federal lands from its coastal zone so that its program may proceed with implementation. The major potential impact of this position is whether Federal land agencies will rely on "exclusion" to avoid their obligations to seek consistency with state CZM policies and standards for development projects under S. 307(c)(2) of the Act. Experience should quickly demonstrate whether this is the case, or whether this is an important flaw in the Act that should be revised.

2. The Act places the states in the pivotal and difficult position of "adequately considering" the views of Federal agencies and the "national interest" in the siting of facilities. As a review of Appendix 10 demonstrates, the Federal views and claims of national interest are extremely varied and sometimes conflicting or extend beyond the requirements of the Act. The Federal agency views range from specific consideration of transportation, urban development and future defense needs to marine ecosystem protection, preservation of critical areas and fisheries management. National interests are asserted concerning energy facilities and their long range planning, ports and highways, marine navigation and resource extraction.

   While the State has acknowledged that many of these views are legitimate expressions of agency and national interests, it in effect has asserted that these interests can be accommodated within the policy framework of the Shoreline Management Act and the associated environmental standards and criteria of the program. The State and CZM Act both recognize that there may be overriding national needs, authorities or feasibility factors that must vary from or preempt the program. However, these factors must be demonstrated and worked out in the context of the consistency provisions of the Act.

   Given this largely interested situation, it is difficult to assess the impact of various Federal agency or national interests as they may affect the coastal resources of Washington or the policies of NEPA. The State has committed itself to a sustained effort to enhance its program capabilities for dealing with these interests, but some uncertainty remains concerning the eventual impacts stemming from Federal activities.

   NOAA's continuing role in administering the CZM program thus assumes some importance. For instance, NOAA will have to maintain credibility in providing its "good offices," mediation and ultimate review functions as set forth in S.307 of the Act. It will also need to utilize the review of performance (S.309) and annual reporting (S.313) authorities to assure that approved state programs are effectively and judiciously implemented and that the Congress and other interested parties are apprised of inconsistencies, coordination or lack thereof and outstanding problems.

3. Finally, the Federal review (and DEIS) process raised questions of the scope, depth, detail and documentation expected to qualify for CZM approval. In Washington, breadth of Federal coverage (42 agencies are covered in the "packet system") initially resulted in lack of detailed consideration of key policies or issues. General or very specific expressions of Federal agency interests often were not directed to the objectives and policies of the proposed CZM program. The broad scope of some Federal interests (e.g. multi-state energy grid planning) simply overwhelmed the programmatic and geographic coverage of the CZM effort.

   NOAA believes that the impact of claims that CZM must address every possible ramification of Federal interest would so dilute the central thrust of coastal resource management as to make it ineffective. This underscores the importance of relating and even integrating other planning and managerial programs (e.g. comprehensive planning under "701", wastewater treatment planning under "208", planning for OCS development, etc.).

B. Impacts Directly Resulting From Federal Approval

Impacts associated with the Federal approval of the WCZMP fall into two categories: (1) impacts due to a direct increase of funds and funding options to the state and local governments, and (2) impacts from the implementation of the Coastal Zone Management Act.

Program Funding

Federal approval will permit the Office of Coastal Zone Management to award program administrative grants (Section 306) to Washington. This will increase the level of employment of specialists such as planners, scientists, permit review and enforcement officials at both the state and local government levels, and provide

or augment the professional basis for resource management which may not have previously existed. As pointed out in Section II, one of the weaknesses of the Washington program to date has been a lack of funding and inadequate staffing to administer and enforce the various program requirements. Federal 306 grants will be used to help administer and enforce the state and Local Master Programs, and provide the resources for continual improvement of those programs. Funds will be used to allow for more detailed studies related to the human and natural environments which will increase the quality of the base from which coastal zone management decisions will be made. An increase in the staff will speed up the permit review and appeals system and provide better enforcement of the program regulations.

In the first Section 306 grant application received for review by OCZM from the State in anticipation of approval, the following objectives were listed to be accomplished during the grant period.

1. ENHANCE LOCAL GOVERNMENT CAPABILITY TO MANAGE THEIR SEGMENTS OF THE COASTAL ZONE THROUGH THEIR SHORELINE MANAGEMENT PROGRAMS.

   This will be accomplished through direct grants and by State initiated programs designed for local use.

2. PROVIDE SPECIAL REGIONAL COASTAL ZONE RROGRAMS.

   Multi-jurisdictional activities whereby local programs may be coordinated, unified, and more effectively administered by the management of coastal resources shared by several local governments.

3. ASSIST OTHER STATE AGENCIES WHICH HAVE COASTAL AREA RESPONSIBILITIES

   While the Department of Ecology is the lead CZM agency, other State agencies have important roles to play in implementing the State Coastal Zone Management Program. The efforts of these agencies will be directly enhanced through assistance and by joint undertakings with DOE for specific purposes.

4. ORGANIZE AND MAKE MORE USABLE THE EXISTING INFORMATION ABOUT THE COASTAL ZONE.

   This useful information varies from scientific, land, and water data to existing state, Federal, and local regulations and policies applicable to the coastal zone. In addition to the fulfillment of identified needs, an equally important need is to assure that information is readily available and is of utility in the decision-making process. This becomes critical when judging or evaluating projects and proposals, environmental assessments, or new policy and regulations.

   To assure the utility of such system, data gaps must be filled and a continuously updatable data system must be established.

5. ENHANCE COORDINATION AND CONSULTATION WITH FEDERAL AGENCIES IN ORDER TO BETTER UNDERSTAND AND ACT IN THE NATIONAL INTEREST AND TO RESOLVE BASIC STATE FEDERAL CONFLICTS.

   This effort will involve considerable amounts of staff time to work with Federal agencies.

Three general program elements (coordination, administration, and enhancement) which are discussed in Chapter VI of the WCZMP document will be implemented by eight tasks. The total grant request is for $3,000,000 ($2,000,000 Federal/$1,000,000 State) for a 13 month period. The tasks are described below in order to show how funds will be used.

TASK AREA 1. LOCAL ADMINISTRATION AND COORDINATION

The primary burden of comprehensive land use and shorelands use rests with local governments. Using several systems and authorities, the 53 coastal counties and cities must consult with applicants and developers, examine and review proposals, conduct formal and informal review procedures and hearings, rule on permits, inspect the work, file complaints, initiate and follow through on legal and enforcement actions and so forth. Additionally, locals must deal with state and Federal agencies, as they conduct their CZM related affairs. A local government would have to have a complete, endorsed shoreline master program before it would be eligible for these grants.

TASK AREA 2. LOCAL PROGRAM ENHANCEMENT

The local shoreline Master Program is one of the primary elements of the State CZM program. There is a need to improve on and refine these programs. One of the most pressing needs is better Federal involvement and representation in many of the local programs. In other cases, local governments will need special inventories or studies to help them make critical land and water use decisions. None of the anticipated program enhancements are of a long-range nature but are directed to meet immediate and near future management needs.

This task benefits the general program element of enhancement as discussed in Chapter VI of WCZMP, but also benefits all of the local responsibilities in CZM. Local eligibility for these grants is dependent on having a completed Local Master Program.

Any scientific endeavor undertaken with these grants would be coordinated through and subject to the criteria established by the data management and CZM environmental studies program discussed in Task Area 7.

TASK AREA 3. REGIONAL PROGRAM ENHANCEMENTS

DOE has long encouraged regional treatment of problems or issues which affect more than one local government. This falls into several possible categories including such coastal resources as an estuary,water body, or bay which extends into several counties or cities. All of the Shoreline Master Programs for those jurisdictions address that resource, but often in a manner that is less comprehensive than is ultimately desired. There is a need at this time for the several local governments to re-address that resource in a more concentrated and coordinated effort.

Wherever possible, existing regional groups and associations will be used. The demand for this will be signficant, and DOE expects to make funds available on a no-match basis to local regional efforts to encourage such efforts. Such grants would be subject to stringent conditions. Any local government entering into such a regional grant program would first have to demonstrate that adequate administration of its present program was taking place and that government might also be under a CZM administration grant in addition to the regional grant.

Any scientific endeavor undertaken with these grants would be coordinated through, and subject to the criteria established by, the data management and CZM environmental studies program discussed in Task Area 7.

TASK AREA 4. DOE ADMINISTRATION

As the lead CZM agency, the Department of Ecology bears the principal burden of CZM administration for the State. Federal coordination remains a preeminent task and is treated separately as Task Area 6. Other duties include:

1. Review and approval of local permits, programs, grants planning activities,

2. Coordination of 1, above, with other State and Federal agencies,

3. Review, coordination, and involvement with Federal affairs, insofar as they involve matters related to the "consistency" requirements of Section 307 of the CZM Act,

4. Publication of special reports; conduct public information and involvement programs,

5. Administer special contracts for State program enhancement,

6. Administer interagency programs and contracts,

7. Assess effectiveness of CZM program; provide legislative liaison for CZM affairs,

8. Enforce DOE CZM regulations, including inspection of coastal developments; monitor coastal activities,

9. Conduct workshops for all CZM interested groups; meet routinely with local, State and Federal officials,

10. Develop legislation; refine and expand DOE's CZM related administrative regulations; analyze actions and findings of hearing boards and judicial bodies as they affect CZM,

11. Generally act in any capacity needed to promote sound land and water uses in the coastal zone.

TASK AREA 5. OTHER STATE AGENCY ADMINISTRATION

Involves 306 grants to other State agencies to enhance their ability to review permits, EIS's, and other CZM activities. Grants would be for environmental personnel.

TASK AREA 6. FEDERAL COORDINATION PROGRAM

This is a special task area for DOE CZM personnel and relates to the general work occurring in Task Area 4. This includes: completion and finalization of Federal packets; improvements to packets; special negotiations and agreements with Federal agencies, seeking better articulation of the national interest.

TASK AREA 7. CZM ENVIRONMENTAL STUDIES

Continuation of existing data management, baseline studies, and other. The entire program is now being directed toward providing the best data base and delivery/interpretative system possible for making CZM management decisions. These decisions are made routinely by local and state government. And major legislative and gubernatorial policy making which involves such matters as OCS development, tanker traffic, dredging, energy facilities and others will be aided by the data system.

TASK AREA 8. CZM PROGRAM ENHANCEMENT STUDIES

DOE will need to contract for assistance in several program areas, and this task area is intended to be used for this purpose. Areas to be examined will be:

1. Program effectiveness generally,

2. Enforcement effectiveness,

3. Legal studies,

4. Special studies for areas of particular concern, and for restoration and preservation,

5. Facility siting,

6. Program document supplements.

It is clear that the use of these funds is not intended for construction or development purposes or for any alterations to the environment, but will be used for the purpose of better managing the environment to preserve it, protect it and enhance it, while at the same time allowing economic development to occur in a manner which is least damaging to the coastal environment. It is therefore presumed that Section 306 funds will have a beneficial impact on the environment.

Federal Consistency

Federal approval and state implementation of the State's coastal zone management program will also have implications for Federal agency actions and on the national interest in the siting of facilities. As explained earlier, the Federal consistency requirements of the Act (Sections 307(c) and (d)) require that Federal activities or development projects must be consistent to the maximum extent practicable with approved state programs. Federal agencies issuing licenses or permits for any activity affecting the coastal zone are generally constrained from doing so until the state certifies that the proposed activity is in fact consistent with its management program. In addition, Federal agencies are in most cases restricted from assisting proposals affecting the coastal zone unless they are consistent with the coastal management program.

Although states have previously had the opportunity to comment upon Federal actions, licenses or permits, in the past this comment has not generally been required or binding. This new responsibility will provide for more coordinated and comprehensive management of coastal resources and uses, and has the potential for reducing the fragmented, single-purpose and frequently conflicting nature of activities affecting the coastal zone.

The process for determining consistency has been previously described in Chapter II, The Washington Coastal Zone Management Program, of this EIS. While no previous test cases exist under the administration of the CZMA, the following can be said about the impacts associated with the implementation of a consistency-seeking process.

The overall purpose of Federal consistency is to provide for closer cooperation and coordination between Federal, state and local government agencies involved in coastal zone related activities and management. This is considered to be a desirable impact, is one of the objectives of the CZMA, and is parallel with the general goals of NEPA for incorporating environmental and adopted plan values in Federal agency decision-making.

In cases where projects are judged inconsistent with the management program and the state has objected to or denied certification, Federal agencies will have to deny permit applications unless the appeal procedures established by the Act are applied.

The impacts associated with a Secretarial override, should it be exercised, could be significant, but would depend on an evaluation of each specific case. There are two reasons the Secretary may find it necessary to override a state decision which would be inconsistent with a state program, namely:

1) that an activity or project is consistent with the objectives of the CZMA, or

2) an activity or project is necessary in the interest of national security. When the time comes, these will be tough issues to face. National security may be easier to define than the objectives of the CZMA, but both could entail large scale projects and activities that could adversely affect a state's policies toward its natural and socio-economic environment. These could include anything from the establishment of a park or wildlife refuge to a large scale military exercise using landing barges and troop movements in the less inhabited areas. There may be large or small scale naval facilities that must be built with no other practicable alternative but to be located in the coastal zone.

It is not the purpose of this EIS to speculate on which types of activities or projects may fall within the "override" provisions in Section 307(c) and (d). Clearly, however, the Secretary would intervene directly in this state-Federal process only in extraordinary circumstances. It is important to note that these problems may arise and that there is a process which will enable difficult decisions to be made. It is not expected that there will be many such situations arising. The legislative history of the CZMA sheds further light on this subject.

"There may, however, arise, after the approval of the program, some circumstances not foreseen at the time of its (state program) approval which may present a federal agency with an obstacle or situation which as a practical matter may prevent complete adherence to the approved program. For that reason, the committee felt that some leeway should be written into the statute with respect to activities of federal agencies in connection with approved programs. (Referring to the clause: 'to the maximum extent practicable.'). It is not anticipated that there will be any considerable number of situations where as a practical matter a federal agency cannot conduct or support activities without deviating from approved state management programs." (H.R. 92-1049, p. 20).

Federal approval of a state's program would also signify that the state has an acceptable procedure to insure the adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature. Such facilities might include energy production and transmission; recreation; interstate transportation; production of food and fiber; preservation of life and property; national defense and aerospace; historic, cultural, esthetic and conservation values; and mineral resources, to the extent they are dependent on or relate to the coastal zone.

This policy requirement is intended to assure that national concerns over facility siting are expressed and dealt with in the development and implementation of state coastal zone management programs. The requirement should not be construed as compelling the states to propose a program which accommodates certain types of facilities, but to assure that such national concerns are included at an early stage in the state's planning activities and that such facilities not be arbitrarily excluded or unreasonably restricted in the management program.

This provision might have two impacts. First, it will prohibit a state from arbitrarily or categorically prohibiting or excluding any use or activity dependent on the coastal zone. Whereas in the lack of a comprehensive planning program such consideration might simply be ignored by oversight or default, this requirement will insure they are specfically included. On the other hand, the existence and approval of a consultative procedure will protect the state from the capricious imposition of actions or projects by Federal agencies in the name of the National Interest. In either event, the procedure should lead to the more deliberate and thoughtful and less fragmented and wasteful, siting of such facilities in the coastal zone.

Finally, Federal approval of the Washington Coastal Zone Management Program would be the first of thirty-four steps (there being thirty-four coastal states and territories) necessary to ultimately achieve the national goals and policies in the Act, to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations.

C. Impacts Resulting from the State and Local Government Actions

Although the Washington shoreline management program was begun prior to the passage of the Federal CZM Act, and would continue even if Federal funds or approval were withheld, approval by the Secretary can be expected to affect the program in such a fashion as to make it more complete, effective, and timely. It would therefore seem appropriate to examine the impacts of the state program.

An Overall Assessment of the Development and Beginning Implementation of the Shoreline Management Act.

Since the basis of the WCZMP is the implementation of the SMA, an attempt has been made to understand the impacts which have been, and are associated with, this Act. A great deal has been written on the SMA and several significant studies have been conducted. In addition, each EIS undertaken by local units of government on the Local Master Program has attempted to understand what the impacts would be to the locality.

One of the most important studies to date has been conducted by two graduate students at the University of Washington with a study supported by the Washington Sea Grant Program. The study entitled "Washington State Shoreline Management - An Interim Assessment" (see References) listed the following findings:

- The Shoreline Management Act has provided an impetus for better management of Washington state shorelines;
- Citizen involvement in shoreline use decisions has been enhanced through implementation of the SMA;
- Inadequate shoreline data bases have impeded the formulation of master programs and the issuance of shoreline permits;
- The Department of Ecology has represented statewide interests most actively through the review of shoreline permits and the issuance of the Final Guidelines;
- The quasi-judicial Shorelines Hearings Board has been both reasonable and efficient in handling increased shoreline litigation brought about by passage of the Act while reducing litigation to be dealt with by the courts;
- Public access to Puget Sound shorelines has only minimally increased;
- Non-water-dependent uses dominate the development projects on the upland shorelands, a primary source of which are single family residence developments;
- Minimizing shoreline damage and alteration has been the SMA goal most actively pursued by local and state agencies since enactment of the Shoreline Management Act.

The study was conducted on an interim basis before many Local Master Programs had been approved and is therefore an incomplete assessment. Three counties were intensively studied, namely: King (urban area); Snohomish (transitional rural-urban area), and San Juan (rural region). While the study has a great deal of interesting items of information, it is too lengthy to be made a part of the record. However, the conclusions and recommendations are included as part of Appendix 6.

The designation of all coastal areas into one of several environmental types (natural, conservancy, rural, urban and in some cases aquatic and suburban) in the Local Master Programs will have many effects. Some of the impacts, both beneficial and adverse, which may be expected occur as a result of these designations and the management applied to them are summarized in Table 4. These are intended to be a general description of types of impacts. Not all Master Programs are the same, but the impacts associated with each program are discussed at the county and city level through the SEPA process.

Lands designated as natural, or to a lesser extent conservancy, as well as lands designated by the State for preservation or restoration, will be provided increased long-term, if not permanent, protection. These resources, their values and benefits, will be perpetuated, which will be generally beneficial to the environment. In contrast, lands designated rural and especially urban potentially will guarantee the ultimate development of such areas with concomitant loss of natural resources. Population, commercial, and industrial densities will likely increase in such areas. While this might be considered a negative or adverse environmental impact, and assuredly will be in some circumstances, it must be recognized that not all development or activity in the coastal zone can or should be halted. As long as these determinations are based on sound information and processes which reflect the value of the natural environment, a process for determining where development should go, as well as where it should not, can be environmentally beneficial, for the designation of specific areas for development will focus and restrict such activities to carefully chosen sites. This will reduce the development pressures on other environmentally sensitive or valuable areas, and will also serve to reduce urban sprawl with its variety of induced impacts.

The environment designation maps included in Appendix 5h (see note in Appendix) show how the counties have allocated the use of their shoreline resources. A Shoreline Use Matrix of the uses which will be permitted or conditioned under the permit processing system within these environments is also included in Appendix 5C. The map and the matrix will give the best overall picture of the management of uses along the shoreline.

TABLE 4

IMPACTS ASSOCIATED WITH ENVIRONMENT DESIGNATIONS

URBAN

Beneficial	Adverse
1) Intensification of development within already developed areas and/or their redevelopment along with multiple use.	1) Continued accommodation of many activities that will have a detrimental effect on the ecological balance of the shoreland environment.
2) Discouragement of the type of development that would further degrade the environment or have adverse impacts upon adjacent environments.	2) Specification of shoreline dependent and water-oriented uses is left to the discretion of permit-issuing authorities.
3) Localization of urban land uses within a specific shoreline area.	3) Possible continued approval of past unrelated uses.
4) Control and prohibition of many activities that have taken place in the past and have adverse effects on the ecology of the shoreline.	4) Lack of consideration of regional issues.
5) Protection of the ecology of and public interest in shoreline areas without disrupting economic activities that are dependent upon it or find the location advantageous.	5) Possible incompatible designations at political boundaries.
6) Promotion of proper development in suitable locations.	6) Possible inconsistent use activity standards among jurisdictions.
7) Prevention of uncoordinated piecemeal development along the shorelines.	7) Increased costs to developers because of compliance with the program.
8) Enhancement of existing shoreline development and restoration of damaged shorelines.	8) Increased costs of administering permits and regulations.
9) Intensified use of partially developed but underutilized urban shoreline areas for shoreline related uses.	9) Possible reduction of the values and development potential of multi-family zoned properties.
	10) Subjection of property owners to disruption in their current situations and future plans.

Table 4

11) Loss of income, diminishment of capital resources, increase in expenses, and the reduction in work-force of large organizations.

12) Possible reduction in government sponsored social services through loss of taxable revenue.

RURAL

Beneficial	Adverse
1) Intention to preserve agricultural land, serve low-density residential development purposes, and maintain open spaces and opportunities for recreational use.	1) Continued accommodation of many activities that will have a detrimental effect on the ecological balance of the shoreland environment.
2) Development of industrial and commercial uses (in character with the environment) of the rural shoreline area.	2) Specification of shoreline dependent and water-oriented uses is left to the discretion of permit-issuing authorities.
3) Reduction of the pressure and increased time for review of the proposed development and greater opportunity to impose conditions that may favor the environment.	3) Possible continued approval of past unrelated issues.
4) Reduction of the environmental impacts of past development and use practices and provide for public use and enjoyment.	4) Lack of consideration of regional issues.
5) Promotion of proper development in suitable locations.	5) Possible incompatible designations at political boundaries.
6) Prevention of uncoordinated piecemeal development along the shorelines.	6) Possible inconsistent use activity standards among jurisdictions.
	7) Increased costs to developers because of compliance with the program.
	8) Increased costs of administering permits and regulations.

Table 4

	9) Possible reduction of the values and development potential of multi-family zoned properties. 10) Loss of past tax revenue on areas formerly zoned for higher densities. 11) Subjection of property owners to disruption in their current situations and future plans. 12) Loss of income, diminishment of capital resources increase in expenses, and the reduction in work force of large organizations. 13) Possible reduction in government sponsored social services through loss of taxable revenue.

CONSERVANCY

Beneficial	Adverse
1) Retention of this shoreline area primarily free from extensive development and maintenance of its existing character. 2) Protection, conservation, and management of existing naturel resources and valuable historic and cultural areas. 3) Prohibition of a number of major land use developments that are consumptive of shoreline resources. 4) Protection of 100-year flood plains and shorelines with steep slopes and all the natural conditions that are associated with unstable waterfront environments.	1) Possible continued approval of past unrelated uses. 2) Continued approval of activities that will perpetuate adverse impacts. 3) Possible damage by public recreational use. 4) Lack of consideration of regional issues. 5) Possible incompatible designations at political boundaries. 6) Possible inconsistent use activity standards among jurisdictions.

Table 4

5) Protection of scenic areas, commercial forest land, and low intensity agricultural and recreational activities.

6) Increase in a variety of active and leisure time opportunities near the shoreline with as little disruption of its natural character as possible.

7) Increase in recreational opportunities.

7) Increases costs to developers because of compliance with the program.

8) Increased costs of administering permits and regulations.

9) Loss of past tax revenue and speculative profit on areas formerly zoned for higher densities.

10) Subjection of property owners to disruption in their current situations and future plans.

11) Loss of income, diminishment of capital resources, increase in expenses, and the reduction in work force of large organizations.

12) Possible reduction in government sponsored social services through loss of taxable revenue.

NATURAL

Beneficial	Adverse
1) Preservation and restoration of natural features that are kept relatively free of human influences.	1) Possible continued approval of past unrelated uses.
2) Preservation of wildlife habitats for any native or migratory animal and especially for diminishing species.	2) Continued approval of activities that will perpetuate adverse impacts.
3) Protection of shoreline areas that have scientific, scenic, and recreational values.	3) Possible damage by public recreational use.
4) Prohibition of all developments that would adversely affect the natural character of the environment.	4) Lack of consideration of regional issues.
	5) Possible incompatible designations at political boundaries.

Table 4

5) Protection of wildlife, vegetation, water, and other resources on which the physical well being of residents depend. 6) Increase in recreational opportunities. 7) Increase in public access to publicly owned shorelines in areas where such access is not detrimental to environment.	6) Possible inconsistent use activity standards among jurisdictions. 7) Increased costs to developers because of compliance with the program. 8) Loss of harvestable timber resources. 9) Subjection of property owners to disruption in their current situations and future plans. 10) Loss of income, diminishment of capital resources, increase in expenses, and the reduction in work force of large operations. 11) Possible reduction in government sponsored social services through loss of taxable revenue.

AQUATIC

Beneficial	Adverse
1) Protection of the quality and quantity of water; preservation of it for shoreline dependent uses such as navigation, recreation, and its natural character including aquatic habitats. 2) Prohibitions upon some uses that were previously detrimental. 3) Restrictions upon other uses to alleviate impacts upon the environment.	1) Continued accommodation of many activities that will have a detrimental effect on the ecological balance of the shoreland environment. 2) Specification of shoreline dependent and water-oriented uses is left to the discretion of permit-issuing authorities. 3) Possible continued approval of past unrelated uses. 4) Lack of consideration of regional issues. 5) Possible incompatible designations at political boundaries.

Table 4

	6) Possible inconsistent use activity standards among jurisdictions. 7) Increased costs to developers because of compliance with the program. 8) Increased costs of administering permits and regulations. 9) Subjection of property owners to disruption in their current situations and future plans. 10) Loss of income, diminishment of capital resources, increase in expenses, and the reduction in work force of large organizations.

NO

Beneficial	Adverse
1) Improvement to the local vicinity and to conditions downstream because of prohibitions and restrictions imposed on upland development as a result of the Master Plan.	1) Lack of consideration of regional issues. 2) Possible incompatible designations at political boundaries. 3) Possible inconsistent use activity standards among jurisdictions. 4) Increased costs to developers because of compliance with the program. 5) Increased costs of administering permits and regulations. 6) Subjection of property owners to disruption in their current situations and future plans.

The protection of natural areas and conservancy areas will mean that some of the natural resources will not be able to be utilized. Mining is prohibited in most cases and the harvesting of timber is restricted but not totally prohibited. Considering the state's overall resources, these impacts should be minimal, however, the cumulative restrictions from a variety of environmental protection authorities could increase the adverse economic impacts especially within a local area. The drilling of oil directly within Puget Sound and on all lands within one thousand feet landward is prohibited. While it has not been fully determined what oil resources exist within this area and the economic opportunities foregone by this policy, it should not be considered as an irrevocable loss.

County Assessor and Real Estate Appraiser Evaluate The Shoreline Management Act

A Research Intern from the Community Services Program at Saint Martin's College, completed a Shoreline Management Property Value Study to evaluate and assess the impact of the SMA on property values.* The intern conducted a random sample questionnaire to county assessors and real estate appraisers. With a 51% response (considered good), he was able to evaluate the following:

1. That 70% of the appraisers believed that the SMA had an influence on property values while 73% of the assessors did not (a significant conflict between the responses). The major reason was that it limits use and development.

2. 78% of the county assessors felt that RCW 90.58.290, "The Restrictions imposed by this Chapter (SMA) shall be considered by the County Assessor in establishing the fair market value of the property," was adequate for them in their assessments. Some had already established in-house procedures.

A further example of the impact the implementation of the SMA has had on current property holders in the coastal zone, is shown in the Tax Appeal Board decision made on properties at Padilla Bay. The Board's two page decision is included in Appendix 7 but is summarized here. Prior to passage of the SMA, appellants had bought approximately 5,790 acres, or about 33,156.44 waterfront feet of second class tidelands. For several years they wanted

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*Final Report - County Assessor and Real Estate Appraiser Shoreline Management Property Value Study, Dave Tucker to Rod Mack, DOE, May 2, 1974.

to dredge and fill the tidelands and build a series of fingers of land on which to build homes. Because of the economy in 1968 and after an expenditure of $600,000, they stopped. The SMA classified Padilla Bay as a "shoreline of statewide significance," the purpose of which was to preserve the natural character if possible and minimize man-made intrusions. The appellant-assessor appraised the land at $252,480; the County Board of Equalization at $126,240, and the Board of Tax Appeals at $66,315, "in recognition of the lack of utility of subject property" for development purposes. The ramifications of this decision (April 12, 1975) has undoubtedly affected other private shoreland holders. Thus, there is a loss of tax revenue, private wealth, and the foreclosure of future options within the immediate boundaries of the coastal zone.

Impact on taxes, whether positive or negative, is of course only one measure of the impact to a community. The community will derive other substantive benefits resulting from coastal zone management; these include protection of natural resources and the benefits they provide, the protection of water quality and reduced costs associated with degraded water quality, and the maintenance of aesthetic, cultural, and historic features and values. Even if property taxes were to rise slightly in response to these CZM efforts, the overall costs to society would decline.

By reducing the careless destruction of coastal resources and the benefits they provide, the Washington Coastal Zone Management Program can be expected to produce long-term economic benefits, while reducing short-term gains made at the expense of those resources and which frequently encumber society with long-term maintenance costs.

The restriction on the use of land imposed by the categories, and the requirements to reduce the visual and environmental impacts of development and coastal activities, may increase operating or capital costs for some operations. These will be balanced by public gains from the continued protection or enhancement of the coastal resources. To the extent they occur such losses really reflect the external costs of such operations, which have traditionally been borne by the public but which are now through regulatory authority being charged to the responsible individual.

The designation of the 200 foot boundary may tend to increase the development pressure on adjacent lands immediately inland from the boundary (that is, just outside of the substantial development permit boundary). This will result from two causes: first, activities and development prohibited or restricted in the coastal zone may simply relocate just outside of its boundaries. In some cases developers may relocate simply to avoid the permit procedure.

Secondly, the value or attractiveness of these lands will be enhanced as the coastal resources are protected and as assurance is provided that future uses will remain consistent or compatible with desired objectives.

The state intends to closely monitor such activities and regulate them as necessary or desirable by other state authorities (such as air and water pollution controls, flood plain zoning, etc).

The 200 foot boundary in many cases will affect projects that lie beyond if part of the project is located in the 200 foot zone. In the case of Merkel et al vs. Port of Brownsville, et al No. 956-II, State of Washington, April 27, 1973, the Court of Appeals decisively ruled that in accordance with the SMA that lands adjacent to shorelines must be taken into consideration if the consistency stressed in the SMA was to be achieved. The following quotation from the court decision illustrates the judicial interpretation of the integrity of the SMA.

"The coercive effect the construction of one segment would have upon the other is obvious. If clearing and construction activity is allowed to continue in the uplands portion before the wetlands portion has been approved, it is obvious the entire area will be affected. The legislature, in extending the scope of SMA to consideration of the use of lands adjacent to shorelines, sought to prevent this type of coerced land use development.

To permit the piecemeal development urged upon us by the Port would lower the environmental mandates of these acts to the status of mere admonitions. The result would be frustration rather than fulfillment of the legislative intent inherent in these acts. This project will have a significant effect upon the environment. It is to the public's benefit that any project significantly affecting the environment and shorelines of this state comply with the procedures established by SEPA and SMA to insure that the environmental aspects have been fully considered. Irreparable damage would flow from allowing any portion of this project to proceed without full compliance with the permit requirements of the SMA. We can appreciate the added expense the Port must incur as a result of our holding but these inconveniences are far outweighed by the public's interest in attaining and maintaining an environment consistent with legislatively promulgated goals. It was, therefore, error to dissolve restraint in the area more than 200 feet inland from the level of ordinary high water."

A further sample of enforcement is included in Appendix 8 which shows some of the decisions of the Shoreline Hearing Board with respect to some of the different uses in the shoreline. A summary of shoreline permits for marine waters by type of activity and county is shown in Appendix 5d.

The exemption by the State of certain activities (e.g. agriculture, private residence, and private bulkheading) from SMA permit requirements will have the potential for an adverse environmental impact on coastal resources. Exemption from the SMA permit procedure, however, does not provide exemption from the policies and regulations of the Master Programs, the SMA or from other state and Federal regulatcry authorities, which will be fully utilized to minimize the impact of such activities on coastal lands and waters.

The impact of the program on the distribution of people in coastal areas may be significant. Future residential subdivisions and multi-family dwellings may be prohibited from specific areas. This may ultimately result in greater population densities in rural and urban areas, but will also tend to limit urban sprawl into non-developed areas.

The program is intended to protect water dependent uses and coastal resources. This would result in the protection and even enhancement of commercial and sport fishing industries, and the continuation of other water dependent industries. The program is not intended to displace existing non-water dependent industries, but with time and the arrival of new industries, gradual shifts in industrial patterns may occur. The program is not expected to affect employment.

The state program will also provide for greater coordination of state, local and Federal actions to explicitly identified goals. This will reduce conflict and counter-productive activities. Although the new mechanisms and procedures will undoubtedly disrupt established procedures, practices, and relationships, such disruptions will be only short-lived.

During the development process of the SMA, there has been little done to plan on an areawide basis. Generally speaking the impacts associated with inadequate planning on a large-scale resource basis could be significant if the planning remained localized. While the SMA gave the Department of Ecology authority to designate regional planning units to help coordinate local governments in the formulation of Master Programs, it did so sparingly for various reasons. The Lake Washington Region was, however, a pilot project in this endeavor. A significant part of Washington's first year Section 306 grant is allocated, however, for the benefit of better regional studies.

D. Impacts on Historic Properties

Since this proposed action does not directly involve a specific project, there will be no direct effect on National Register property. In keeping with the intent of the National Historic Preservation Act of 1966, and Executive Order 11593, provisions in both the CZMA and the SMA require that full consideration be given the historic values of coastal resources and properties.

The CZMA states that "important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrivably damaged or lost" (Section 302(e)), and therefore, it is the national policy "to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources giving full consideration to ecological, cultural, historic, and esthetic values as well as needs for economic development." (Emphasis added) (Section 303(b)).

Likewise, Section 90.58.100(2) of the SMA requires that seven basic land and water use elements must be incorporated into the Master Programs. (2)(g) states: "an historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values."

More explicit instructions on the intepretation of this particular element is noted below and taken from the "Final Guidelines - WAC 173-16." The full text is included to show the thoroughness of the process and the concern expressed by the State. This holds true for all the use activities.

"THE USE ACTIVITIES
(WAC-173-16-060)

This section contains guidelines for the local regulation of use activities proposed for shorelines. Each topic, representing a specific use or group of uses, is broadly defined and followed by several guidelines. These guidelines represent the criteria upon which judgments for proposed shoreline developments will be based until Master Programs are completed. In addition, these guidelines are intended to provide the basis for the development of that portion of the Master Program concerned with the regulation of such uses.

Archeological Areas and Historic Sites (WAC 173-16-060(20))

Archeological areas, ancient villages, military forts, old settlers homes, ghost towns, and trails were often located on shorelines because of the proximity of food resources and because water provided an important means of transportation. These sites are nonrenewable resources and many are in danger of being lost through present day changes in land use and urbanization. Because of their rarity and the educational link they provide to our past, these locations should be preserved. Guidelines:

(a) In preparing shoreline master programs, local governments should consult with professional archeologists to identify areas containing potentially valuable archeological data, and to establish procedures for salvaging the data.
(b) Where possible, sites should be permanently preserved for scientific study and public observation. In areas known to contain archeological data, local governments should attach a special condition to a shoreline permit providing for a site inspection and evaluation by an archeologist to ensure that possible archeological data are properly salvaged. Such a condition might also require approval by local government before work can resume on the project following such an examination.
(c) Shoreline permits, in general, should contain special provisions which require developers to notify local governments if any possible archeological data are uncovered during excavations.
(d) The National Historic Preservation Act of 1966 and chapter 43.51 RCW provide for the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures and objects significant in American and Washington history, architecture, archeology or culture. The state legislation names the director of the Washington state parks and recreation commission as the person responsible for this program."

As an example, the Snohomish County Master Program, a basic tool which will help implement the goals of the SMA, states that it is their policy to "preserve and protect to the maximum

extent all shoreline area sites, buildings, structures and objects which have been placed on the national or state historical register." In addition, local master programs are reviewed by the State historic preservation officer prior to approval.

In order to ensure full consideration of historic values, the Department of Ecology has prepared a base map which locates those historic sites, buildings, etc., (within the coastal zone) which are listed in the National Register of Historic Places, State and local registers. These maps in turn can be used by DOE and county permit processing agents to determine on a case by case basis if projects will affect these areas. Historic, archeological, and architectural areas will be included under the provision of areas for preservation or restoration (see p. 130 para. 2, WCZMP), and will therefore be included under the purview of the management program. Therefore, a policy exists for the preservation of historic properties and a process will exist to execute the program. A more thorough explanation of the State agencies involved is located on page 88, para. 2 of the WCZMP.

VI. ALTERNATIVES TO THE PROPOSED ACTION

The DEIS contained a description of nine alternatives. Based upon comments received on the DEIS and a re-evaluation by NOAA, it was determined that most of the alternatives were neither required to be considered nor feasible. Some alternatives would have caused indeterminant delays with no guarantees or hopes of possible action occurring in the affirmative. In addition, some alternatives, even though they were considered, would have made those who administer the Coastal Zone Management Act, negligent in their responsibilities as mandated by Congress.

The following alternatives have been deleted from the FEIS as deserving further consideration at this time. This does not mean that segments or even whole ideas expressed in some of the alternatives cannot be accommodated at a later date as circumstances change. Program approval is not irrevocable and the CZMA has specific provisions which allow for amendments and changes in programs.

1. The Secretary could delay Washington CZM program approval until all coastal city and county Master Programs are completed and approved by the Washington Department of Ecology.

2. The Secretary could delay approval of the Washington CZM program until legislation is passed for comprehensive statewide and nationwide land use programs.

3. The Secretary could delay CZM program approval until the Federal establishment has developed specific policies for the siting of facilities meeting requirements which are of national interest.

4. The State might exert complete control over the implementation of the CZM Program.

5. In contrast to the above alternative, county and city governments might exert complete control over implementation of the CZM programs with no overall guidelines and performance standards from the state. CZM money would be given directly to local governments through an organization such as an association of counties.

6. The State could extend the boundary of most direct control to 500 feet, measured horizontally, inland from the ordinary high tide instead of the proposed 200 feet. The proposed boundary around estuaries, river mouths, etc., would be maintained.

7. The definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on coastal waters could include uses excluded from the SMA definitions of "substantial development," as well as those included by that definition.

8. The State could compensate land owners for a drop in value of property or for economic opportunities lost as a result of construction permits denied by the SMA within the 200 foot boundary.

It has become clear to DOC that there are only two major alternatives to consider along with the major action of approval. The first deals with a delay or denial of approval based upon the management program in its revised and amended state. The importance of this alternative is minimized if the Program has met the thresholds of acceptability. However, there may be reasons based on incompleteness of certain program components or major alternatives still open to the State prior to anticipated approval that would make this a viable alternative. The only other feasible alternative is for the State to withdraw its program approval application because it has decided not to participate any longer. These two alternatives are discussed below. It is at the State level where the numerous other alternatives have been considered and decided upon prior to program approval submission (i.e., boundaries, uses, etc.).

The following are considered to be feasible alternatives which have been considered by DOC.

A. The Secretary Could Deny Approval Until All Outstanding Federal-State Issues are Fully Resolved

State CZM programs are required to provide for intergovernmental and public participation, consultation and consideration of the views of all relevent parties in the development of their programs. Washington has made significant efforts to comply with these stringent coordination duties. Specific activities and procedures for coordination are documented in the Washington State Coastal Zone Management Program (WCZMP), especially in Chapter V and Appendices D and F of that document, as amended. Comments supplied by Federal agencies indicate that there continue to be differences of interpretation of CZMA requirements and outstanding issues or needs for clarification.

Major issues that remain concerning the WCZMP include: The extent to which "national interests" have been considered by the State; the degree of specificity accorded by the State to various, often competing, functional objectives; and the specific policies and procedures the State will utilize to implement its program. A legal issue over the interpretation of Federal lands

that must also be excluded from the State's coastal zone has also risen.

The State's position on these matters is that the processes and policies it has developed and shall maintain or enhance during implementation adequately meet the requirements of the CZMA. The WCZMP acknowledges that there are needs to refine, supplement, and seek further clarification of its program during implementation. It has set forth objectives and proposed activities in Chapter VI, "Continuing Development of the Management Program," for program coordination, program administration, and program enhancement.

NOAA has considered many alternatives with the State and various representatives of Federal agencies concerning the final contents of the management program. The following paragraphs reflect the agreed NOAA/Washington positions on key review issues and the alternatives considered in reaching these positions.

1. Federal land-owning or management agencies seek exclusion of all their lands from the coastal zone as described in Section V. NOAA and the State were confronted with three alternatives given the strong objection to their initial legal interpretation of this issue: (a) deny approval of the State's program unless it change its position to that held by other Federal agencies; (b) approve the program over the strong objections of the reviewing agencies; or (c) seek a definitive opinion on the legal interpretation of S. 304(a) of the Act, adapt an interim position that injures none of the parties, and commit NOAA to abide by the Attorney General's opinion.

Adoption by NOAA of alternative (a) would have pre-judged an admittedly ambiguous legal issue that may have significant effects on the State by administrative fiat. Following alternative (b) equally would have attempted to adopt a position in opposition to the relevant Federal interests by administrative discretion and without the clarification of this issue which is expected from the Attorney General's "third party" analysis. A lengthy mediation process might be invoked over a legal issue that appears most appropriately to be settled as a matter of law, not program or administrative negotiation. Thus NOAA and the State have agreed to adopt alternative (c) which should allow for implementation without jeopardizing the positions of any participant.

2. NOAA and the State were also confronted with serious disagreements concerning the policies and general procedures that were to govern the consistency provisions of the Act. Two major alternatives were evaluated by NOAA and the State

in view of these objections: (a) to require that all of the detailed procedural understandings be worked out prior to approval; or (b) agree to establish the basic framework and direction for applying the consistency provisions, initiate detailed consultation on procedures, and finalize the details of consistency during the first year of program administration.

Alternative (a) is not a requirement under S. 306 of the Act, nor NOAA's implementing regulations. However, NOAA recognized that there were legitimate fears that a vaguely defined "system" of consistency would be imposed upon Federal agencies, without their opportunity to participate in its development. NOAA also believes that the development and refinement of the particulars of the consistency "system" must be worked out over time and with the experience that only implementation will provide. Therefore, NOAA and the State, in consultation with key regional Federal representatives, decided to adopt alternative (b) that reaches a middle ground and becomes part of the supplemented Washington program.

3. Many agencies continue to be concerned about the lack of detailed program "elements" to address the diverse interests or functional missions they represent. After considering the feasibility and utility of encyclopedic treatment of these interests in the program document, the State, with NOAA concurrence, has decided on the following course of action: to provide an updated synopsis of agency profiles in Appendix B of the management program; maintain an active "packet system" continuing consultation and refinement of agency interests; and to devote a specific portion of 306 resources to program enhancement of state-Federal relations.

4. Some Federal agencies still object to approval of the program prior to the final approval of all Local Master Programs. In considering alternatives to the imposition of this criterion, NOAA has been guided by the following factors: (a) the State's statutory authorities, regulations, review processes and appeal authorities under the Shoreline Management Act and associated CZM programs are sufficient to meet the Act's requirements without approval of local programs; (b) even though final approval is not considered a requirement; NOAA and the State made accelerated local progress a condition of the enhanced 305 grant; (c) substantial progress was made in bringing LMP's officially into the State program (all coastal LMP's will be submitted by March 31, 1976); and (d) the State has made submission of adopted LMP's a prerequisite for local participation in the 306 program.

The Secretary, and by delegation the Administrator of NOAA, was thus confronted with very significant alternatives in weighing his responsibility to deny, condition, or approve the WCZMP. The consequences of these options involve substantial matters of policy, the integrity of the national Coastal Zone Management Program and the financial capabilities of the State to implement its program pursuant to the Declaration of Policy in the CZMA. The following paragraphs set forth how these alternatives are viewed by NOAA.

Denial of approval pending full resolution of all outstanding issues is not required by the CZMA, or its implementing regulations. However. the Administrator must find that the State has provided for: full participation; coordination; and adequate consideration of Federal views, including "national interests"; and established an effective mechanism for continuing consultation and coordination. These are inherently judgmental criteria that must be weighed primarily in terms of demonstrated performance by the State during program development. It is also apparent that the Congress intended that these coordination processes continue after program approval to deal with unresolved, unclear or new CZM issues.

Pursuant to the requirements of Section 307(a) of the CZMA, NOAA has attempted "to consult with, cooperate with, and, to the maximum extent practicable,coordinate its activities with other interested Federal agencies." This has consisted of efforts to exchange information and views with all affected Federal agencies through designated headquarters and regional agency representatives. NOAA also responded to agency comments received during the initial and second formal reviews of the WCZMP. The State agreed to address many of these comments following preliminary approval in May, 1975. Subsequently, the State prepared an amendment for its program. NOAA believes that substantial improvements in dealing with these Federal issues are reflected in the program now being considered for approval. This program has also clarified other intergovernmental relationships, processes and arrangements.

An additional 45 day period for formal Federal agency and other interested parties to review the WCZMP was provided by NOAA December 18, 1975. It is a NOAA responsibility to fully consider whatever comments emerge from this review prior to approving the WCZMP.

NOAA may approve the WCZMP over the objections or reservations of Federal agencies or other governmental entities. It is clear however, that this course of action will be taken only after careful and full consideration of legitimate Federal and other views.

The Secretary concludes that: (1) the WCZMP can be approved even though all intergovernmental issues are not fully resolved, but that adequate policies and processes for their resolution must be in place; (2) significant remaining issues or differences have been dealt with in an official supplement to the program; (3) he has discretion to approve the WCZMP over the objections of other Federal agencies, but this action will only be taken after every effort has been made to resolve or to establish an effective framework for resolution of differences.

Any alternative to the above position would, in the view of the Secretary: (1) interpose Federal agency vetoes over State CZM programs that otherwise meet the threshold requirements of the CZMA; (2) virtually assure that the three year development period provided by the Congress cannot be met; (3) deny funding assistance for implementation that is critical to meeting the purposes of the CZMA; (4) also deny funding assistance for developing and refining specific administrative policies and procedures that must be worked out in practice; and (5) violate the major state managerial thrust of the CZMA, while weakening the reciprocal duties placed upon Federal agencies to support and seek consistency with State CZM programs.

B. The State could withdraw the approval application and continue either in a status quo or attempt to use other sources of funding to meet the objectives of the State's shoreline and related CZM programs.

In the voluntary, cooperative program provided for by the CZMA, there exists a possibility for a state to withdraw its application without sanctions or penalties, except withdrawal of OCZM funding. For a state who has made great strides in the development of a coastal zone management program, this would be considered as a real policy and fiscal loss not only to the state, but cumulatively, to the National objectives set forth in the Act.

The legislative history of the CZMA shows that Congress did not intend that the requirements of the Act be so stringent or difficult to achieve that any State would be precluded from achieving program approval after reasonable effort and time. Nevertheless, experience has shown that the process of adequate program development is not an easy one. Of particular significance are the difficult "balancing" policies of the Act, especially State-Federal relations. Programs must adequately consider myriad interests which are often conflicting and competing for a scarce resource that various interests would like to have managed "their way." In many cases, there are hurdles with legislatures and lack of adequate resources or staff to accomplish everything that must be done within a

relatively short time frame. Yet the developing maturity of the CZM program to date, with 33 of 34 coastal States and territories participating, speaks to the importance the States place on managing their coastal resources.

The reasons for a withdrawal can be diverse. There may still exist weaknesses in the development process that may go unnoticed even after the State has submitted its program for approval. A case in point would be the recent experience of the State of Maine. After the State had submitted a program for its Mid-Coast Region for segmented approval, the Governor asked for the application to be withdrawn after the public hearing revealed that some of the public and localities wanted extra time in order to more fully participate. The Program application was returned until such a time as the state felt it would be ready to resubmit the program.

Another situation that could arise during this critical transition period would be if there were a number of outstanding issues (as was discussed in Alternative A) which turned into unresolved or unresolvable issues. If the State were put into an uncompromising situation with respect to its policies or authorities, it may decide that the incentives are not strong enough to keep it in the CZM program while maintaining the integrity of its goals and objectives.

The SMA, Chapter 90.58.260, clearly states Washington's mandate in this regard,

"90.58.260 STATE TO REPRESENT ITS INTEREST BEFORE FEDERAL AGENCIES, INTER-STATE AGENCIES AND COURTS: The State, through the Department of Ecology and the Attorney General, shall represent its interest before water resource regulation, management, development, and use agencies of the United States, including among others, The Federal Power Commission, Environmental Protection Agency, Corps of Engineers, Department of Interior, Department of Agriculture, and the Atomic Energy Commission, before interstate agencies and the courts with regard to activities or uses of shorelines of the state and the program of this chapter. Where federal or interstate agency plans, activities or procedures conflict with state policies, all reasonable steps available shall be taken by the State to preserve the integrity of its policies."

Faced with this sort of conflict, a State might withdraw from the National CZM program and support its efforts with solely local resources. A review of other related Federal assistance programs and management policies indicates that States could achieve some of their coastal objectives utilizing other Federal programs, but that the unique managerial and integrative support contained in the CZMA would be diminished substantially, if not totally thwarted.

Although untested, it is believed that the CZMA set up a process whereby such drastic measures could be avoided and where serious disagreements can be mediated. Section 307(b) states: "The Secretary shall not approve the management program submitted by a State pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal Agency and the state in the development of the program, the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences." Section 307 Interim Regulations have been established to provide guidance on matters that reach this potential impasse,but as a matter of practical fact, the CZM program is dependent for success upon reciprocal acceptance of intergovernmental cooperation as the basis for achieving National CZM goals.

VII. PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

While an overall assessment of the probable effects would indicate the Washington coastal zone management program is environmentally beneficial, a number of potential adverse impacts can be identified.

The regulations and controls deriving from the Master Programs and the State Management Program will assure that some areas will be developed more fully and more swiftly than if development were to proceed in a fragmented, less controlled fashion. This can result in the loss of environmental amenities associated with those resources. This will be offset by a corresponding increased protection of other areas and resources.

The same program regulations and plans will reduce or restrict the usability of some lands; this may result in diminished value for some coastal property, with a loss to the property owner and a decrease in property taxes. Downzoning causes a disruption to the property owners' current situation and future plans.

Development pressures may increase on lands adjacent to but immediately inland from the 200 foot shoreline permit zone, with possible degradation of environmental resources in that zone.

Population and industrial growth will be limited to specific areas, with the result that both will ultimately become more densely concentrated.

Development in urban and rural environment can be intensified increasing further pressure on and degradation of coastal resources. However, environmental guidelines and policies can in many cases minimize the adverse impacts by imposing certain conditions on the construction.

The encouragement of public use of the conservancy and natural environments may adversely impact the fragile nature of these shoreline areas.

Landfills are prohibited from some areas but not all, and they are only discouraged for uses that are not shoreline dependent.

There may be particular circumstances in accordance with Sections 307(c)(3) and (d) of the CZMA, whereby Federal licenses, permits and projects will not be required to be consistent with the State's management program when based on the Secretary of

Commerce's findings that these actions would be consistent with the purposes of the CZMA or necessary in the interest of national security. The impacts of some of these actions may be detrimental to the environment.

VIII. RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

While approval of the proposed State Coastal Zone Management Program will restrict local, short-term uses of the environment, it will also provide long-term assurance that the natural resources and benefits provided by the Washington coast will be available for future use and enjoyment. This theme is central to the State and Federal programs.

Without the implementation of rationally based land and water use management programs intense short-term uses and gains, such as provided by residential or industrial development, might be realized. However, such uses would most likely result in long-term restrictions on coastal resource use and benefit because of degradation of the environment. Without proper management the traditional conflicts between coastal resource users -- residential, commercial, industrial, timber, recreational, and wildlife -- could be expected to occur.

By providing a sound basis for decision-making, and by protecting the important segments of the natural system, the Management Program will directly contribute to the long-term maintenance of the environment.

Public use and access preserves many options for future public use that may have been foreclosed without the program.

It has often been the case that where restrictions are imposed on, say the area and type of development contemplated, that technical and innovative improvements are generated, thereby bringing more returns from less opportunity.

Implementation of the Program will result in minimization of the social costs which inevitably accompany environmentally destructive development and whose mitigation requires public investment.

IX. IRREVOCABLE OR IRRETRIEVABLE COMMITMENTS OF RESOURCES THAT WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

Natural Resources

The approval of the State Coastal Zone Management Program, and implementation of the local government Master Programs, will lead certain areas of the Washington coastline to be intensely, and for all practical purposes, irrevocably developed. This is especially true for urban, and in many cases, rural environments. Although not irrevocable, limitations have been put on timber and mineral extraction in the 200 foot resource boundary and the drilling for oil in Puget Sound and 1000 feet environs.

Fiscal Resources

There may be an irretrievable loss of tax revenue within the first tier of the coastal zone boundary but the loss may be offset within the second tier or still within the local government jurisdiction. There will be an increase in the resources (time, money, personnel) needed to administer the Program for granting or denying permits and for enforcement. However, the Congress has seen fit to provide assistance to State and local governments to help in these matters. There will be additional costs involved in rezoning existing land use categories to conform with the Master Program and the scquisition, development and operation of public areas.

X. CONSULTATION AND COORDINATION WITH OTHERS

The State DOE has actively encouraged and solicited participation by a variety of State and Federal agencies, local governments, special interest groups and the public at large during the preparation and implementation of its Coastal Zone Management Program. A partial list of those involved includes representatives of all counties or county planning departments, all state agencies, and the following Federal agencies: EPA, FPC, FEA, Federal Highway Administration, U.S. Forest Service, U.S. Soil Conservation Service, Bureau of Indian Affairs, Bureau of Reclamation, Bureau of Outdoor Recreation, U.S. Fish and Wildlife Service, National Park Service, U.S. Geological Survey, Maritime Administration, Economic Development Administration, NOAA, U.S. Army Corps of Engineers, Department of Defense, Civil Preparedness Agency, U.S. Coast Guard, Federal Aviation Administration, and the Federal Regional Council. The State has established a Federal agency committee to assist in coordination and cooperation in development of the program.

As the State received Federal CZM funds to develop its Program, representatives from the Office of Coastal Zone Management also met with a variety of Federal and state agencies to ensure coordination. These included meetings, generally with the regional representatives, between OCZM and FEA, National Marine Fisheries Service, Soil Conservation Service, the Economic Development Administration, the Pacific Northwest River Basins Commission, the Federal Regional Council, and the Department of the Interior, HEW, HUD and Navy. Meetings were also held with the Puget Sound Governmental Conference and the Pacific Northwest National Seashore Alliance.

In accordance with Section 306(c)(2) of the CZMA, the State began a process of coordinating its Program with all plans applicable to areas within the coastal zone. This was done at the local, State and Federal levels of government. A sample of the types of responses received are included in Appendix 9. In all cases, attempts were made to formalize communications.

Meetings that were held with designated local government contacts brought out the following needs:

1. Need of an expert "Hotline" the counties could use to bring the knowledge and experience of recognized experts in various fields to bear on administrative problems. A rapid response capability is desired.

2. More formalization of county permit systems. That is, integration of the various locally-issued permits to streamline the process. Corollary to this is a desire to increase the integration of State and Federal permit systems. This could mean additional refinement and support to the Environmental Coordination Act of 1973 (ECPA), the State's existing permit coordination system.

3. Legal assistance. Often county prosecutors are overloaded and lack experience in environmental law.

4. Enforcement and enforcement analysis assistance. There is not enough manpower available to check the results of a permit ("Did the applicant do what he was told?") and to check the wisdom of permit decisions and conditions ("Did we make the applicant do the right things?")

5. Need for assistance in hearings and need for more formalization of hearing.

6. Need for additional scientific data on critical areas, both in terms of location and tolerance to human activity.

7. Need for broader efforts at public education. Newsletters, workshops, presentations, etc.

8. Some need for equipment, boats, etc.

9. Need for an encyclopedia of <u>good</u> development.

10. Most critical of all, counties must be supported and equipped in such a fashion that they will not have to be dependent on Federal funds forever. When CZM money runs out (guaranteed only three years), the Program should not run out with it.

These are items that local governments felt direct Section 306 assistance would be able to help. The State is attempting to meet these needs through large scale efforts and financial assistance.

In addition, one of the three major elements of DOE program administration and implementation deals directly with program coordination. An exerpt from the WCZMP follows:

" PROGRAM COORDINATION OBJECTIVES

It is the objective of the Department to continue to refine the processes and procedures for dealing with federal consistency and federal relationships generally to improve intra-state agency and program coordination, and to maintain a strong state/local interrelationship.

Federal Coordination

There is a clear need for greater state/federal cooperation and understanding. There are four specific actions intended to be under taken following program approval to meet this objective:

1. The preliminary packets sent to 43 federal agencies will be finalized in terms of informational content and agreement as to the methods and procedures suggested in them.

2. Where seen as necessary, agreements between individual federal agencies and the state will be developed to deal with matters not now addressed in the packets. Such agreements, specifically tailored to particular agencies and directed at specific issues, will ultimately be included as a part of the packets.

3. Additional effort will be undertaken to better coordinate agency policies from a coastal zone management perspective. Also, specific questions remain unanswered with some agencies in the area of consistency generally. An important activity to be undertaken is to clarify and formalize these issues in a manner acceptable to both the state and the affected agency.

4. The state will also build and enhance a special relationship with certain existing bodies which are ideally constituted to enhance coordination for coastal zone management needs. These are:

   (a) The Federal Regional Council, which can be helpful in coastal management as a federal "one-voice" on problems and issues that require a consensus for consistency purposes;

(b) The Pacific Northwest River Basins Commission, which can be helpful from the standpoint of a joint federal/state focus on technical applications of standards and principles of multi-purpose character stemming from Water Resource Council mandates; and

(c) The Pacific Northwest Regional Commission, which can be helpful as its preliminary plan evolves, to aid both state and federal "line operations" with coastal policy including criteria and constraints for both growth and energy questions.

Packets are prepared for these three bodies, which can be developed into mechanisms for all forms of coordination serving federal agencies and the state in many instances, especially those involving concerns shared by a number of federal departments.

State Coordination

Aside from the important coordination measures needed for federal participation in coastal zone management, the state will take further action to coordinate coastal zone activity among state agencies. The objective in this case is the coordinated application of all relevent state efforts in the coastal zone. These actions will be as follows:

1. There is a continuing need for restudy of the parent legislation for the components of the managerial network. Occasional gaps and overlaps in authorities have been identified and will be examined in detail with recommendations for corrective legislation.

2. In light of coastal zone management, it is necessary to reevaluate arrangements between and among state agencies (through interagency agreements or other formal mechanisms) to make the roles and responsibilities of respective agencies more explicit and effective.

3. Agency study committees and ad hoc advisory committees will be assembled as the need arises to deal with multi-agency concerns.

4. State agencies currently involved in local shoreline master program review will continue to participate in the review of new programs as well as major amendments of approved programs.

5. The use of state programs such as SEPA and ECPA (see Chapter III) will be emphasized in coordinating agency reviews of projects and proposals.

6. The Governor's Natural Resources Cabinet and other high level policy groups will be asked to deliberate major policy considerations.

7. Other existing multi-agency entities such as the IAC and TPPSEC can provide coastal zone management coordination for specialized facilities in the coastal zone such as recreation facilities and power plants, respectively, for the two groups cited.

Local Coordination

It is the role of the Department of Ecology to serve as an intermediary between federal and local entities within the context of the state's program. to insure that both federal and local interests are fully considered by each party and that all attempts will be made to achieve an equitable arrangement that is mutually satisfactory.

Actions to be taken to achieve local coordination with state, federal and other local entities are as follows:

1. Meetings of local citizen advisory and technical committees, which are composed of representatives for a broad spectrum of interests who meet to discuss issues in refining local shoreline programs, will continue.

2. The integration of other local planning efforts into the shoreline programs will be undertaken by a substantial number of local jurisdictions.

3. Emphasis will be placed on multi-jurisdictional approaches to program implementation so that coastal resources shared by more than one local government can be dealt with by all concerned entities.

4. The roles of the Washington State Association of Counties and the Association of Washington Cities, which are now staffed and charged with providing CZM/SMA assistance and coordination for all of their members, will be continued.

5. Periodic workshops and seminars, sponsored by DOE and/or the associations, will provide for the discussion of coastal zone management issues.

6. Revisions and corrections of local master programs will continue to be made so that the program components for adjoining jurisdictions are made compatible, emerging issues are addressed and administration is improved generally.

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APPENDIX I

COASTAL ZONE MANAGEMENT ACT (CZMA)

of 1972

Public Law 92-583
92nd Congress, S. 3507
October 27, 1972

An Act

86 STAT. 1280

To establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101-1124), is further amended by adding at the end thereof the following new title:

Marine Resources and Engineering Development Act of 1966, amendment.

80 Stat. 998; 84 Stat. 865.

TITLE III—MANAGEMENT OF THE COASTAL ZONE

SHORT TITLE

SEC. 301. This title may be cited as the "Coastal Zone Management Act of 1972".

CONGRESSIONAL FINDINGS

SEC. 302. The Congress finds that—

(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

DECLARATION OF POLICY

SEC. 303. The Congress finds and declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

DEFINITIONS

SEC. 304. For the purposes of this title—

(a) "Coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

(b) "Coastal waters" means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(c) "Coastal state" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(d) "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(e) "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set

aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(f) "Secretary" means the Secretary of Commerce.

(g) "Management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

(h) "Water use" means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of section 307(f).

(i) "Land use" means activities which are conducted in or on the shorelands within the coastal zone, subject to the requirements outlined in section 307(g).

MANAGEMENT PROGRAM DEVELOPMENT GRANTS

SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

(b) Such management program shall include:

(1) an identification of the boundaries of the coastal zone subject to the management program;

(2) a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on the coastal waters;

(3) an inventory and designation of areas of particular concern within the coastal zone;

(4) an identification of the means by which the state proposes to exert control over the land and water uses referred to in paragraph (2) of this subsection, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process.

(c) The grants shall not exceed 66⅔ per centum of the costs of the program in any one year and no state shall be eligible to receive more than three annual grants pursuant to this section. Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this section, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. After making the initial grant to a coastal state, no subsequent grant shall be made under this section unless the Secretary finds that the state is satisfactorily developing such management program. Limitation.

(d) Upon completion of the development of the state's management program, the state shall submit such program to the Secretary for

review and approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

Grants, allocation.

(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: *Provided, however*, That no management program development grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

(f) Grants or portions thereof not obligated by a state during the fiscal year for which they were first authorized to be obligated by the state, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of the grant under this section, for the purpose of carrying out the provisions of this section.

80 Stat. 1262; 82 Stat. 208. 42 USC 3334.

Expiration date.

(h) The authority to make grants under this section shall expire on June 30, 1977.

ADMINISTRATIVE GRANTS

Limitation.

SEC. 306. (a) The Secretary is authorized to make annual grants to any coastal state for not more than 66⅔ per centum of the costs of administering the state's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

Allocation.

(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however*, That no annual administrative grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

Program requirements.

(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

(2) The state has:

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration

Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and 80 Stat. 1262; 82 Stat. 208. 42 USC 3334.

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

(3) The state has held public hearings in the development of the management program.

(4) The management program and any changes thereto have been reviewed and approved by the Governor.

(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power--

(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(e) Prior to granting approval, the Secretary shall also find that the program provides:

(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone;

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(B) Direct state land and water use planning and regulation: or

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

(f) With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided*, That such allocation shall not relieve the state of the responsibility for ensuring that any funds so allocated are applied in furtherance of such state's approved management program.

80 Stat. 1262; 82 Stat. 208. 42 USC 3334.

Program modification.

(g) The state shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are made to the state under the program as amended.

Segmental development.

(h) At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided*, That the state adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

INTERAGENCY COORDINATION AND COOPERATION

SEC. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

(c)(1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

Certification.

(3) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such

certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security. Notification.

(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security. 42 USC 4231.

(e) Nothing in this title shall be construed—

(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

(f) Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal Government or by any state or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title and shall be the water pollution control and air pollution control requirements applicable to such program. Ante, p. 816. 81 Stat. 485; 84 Stat. 1676. 42 USC 1857 note.

(g) When any state's coastal zone management program, submitted for approval or proposed for modification pursuant to section 306 of this title, includes requirements as to shorelands which also would be subject to any Federally supported national land use program which may be hereafter enacted, the Secretary, prior to approving such pro-

gram, shall obtain the concurrence of the Secretary of the Interior, or such other Federal official as may be designated to administer the national land use program, with respect to that portion of the coastal zone management program affecting such inland areas.

PUBLIC HEARINGS

SEC. 308. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

REVIEW OF PERFORMANCE

SEC. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

Financial assistance, termination.

(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of the proposed termination and withdrawal and given an opportunity to present evidence of adherence or justification for altering its program.

RECORDS

SEC. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

ADVISORY COMMITTEE

Coastal Zone Management Advisory Committee, establishment; membership.

SEC. 311. (a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

Compensation, travel expenses.

(b) Members of the committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding $100 per diem; and while so serving away from their

homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently. 80 Stat. 499; 83 Stat. 190.

ESTUARINE SANCTUARIES

SEC. 312. The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal state grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed $2,000,000. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section. Grants. Federal share.

ANNUAL REPORT

SEC. 313. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be appropriate.

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

RULES AND REGULATIONS

SEC. 314. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title. 80 Stat. 383.

AUTHORIZATION OF APPROPRIATIONS

SEC. 315. (a) There are authorized to be appropriated—

(1) the sum of $9,000,000 for the fiscal year ending June 30, 1973, and for each of the fiscal years 1974 through 1977 for grants under section 305, to remain available until expended;

(2) such sums, not to exceed $30,000,000, for the fiscal year ending June 30, 1974, and for each of the fiscal years 1975 through 1977, as may be necessary, for grants under section 306 to remain available until expended; and

(3) such sums, not to exceed $6,000,000 for the fiscal year ending June 30, 1974, as may be necessary, for grants under section 312, to remain available until expended.

(b) There are also authorized to be appropriated such sums, not to exceed $3,000,000, for fiscal year 1973 and for each of the four succeeding fiscal years, as may be necessary for administrative expenses incident to the administration of this title.

Approved October 27, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 92-1049 accompanying H.R. 14146 (Comm. on Merchant Marine and Fisheries) and No. 92-1544 (Comm. of Conference).
SENATE REPORT No. 92-753 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 118 (1972):
Apr. 25, considered and passed Senate.
Aug. 2, considered and passed House, amended, in lieu of H.R. 14146.
Oct. 12, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 8, No. 44:
Oct. 28, Presidential statement.

APPENDIX 2

COASTAL ZONE MANAGEMENT

PROGRAM APPROVAL REGULATIONS

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

■

COASTAL ZONE MANAGEMENT PROGRAM ADMINISTRATIVE GRANTS

NOTICE OF FINAL RULEMAKING

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PART 923—COASTAL ZONE MANAGEMENT PROGRAM APPROVAL REGULATIONS

The National Oceanic and Atmospheric Administration (NOAA) on August 21, 1974, proposed guidelines (originally published as 15 CFR Part 923), pursuant to the Coastal Zone Management Act of 1972 (Pub. L. 92-583, 86 Stat. 1280), hereinafter referred to as the "Act," for the purpose of defining the procedures by which States can qualify to receive administrative grants under the Act.

Written comments were to be submitted to the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, before November 22, 1974, and consideration has been given these comments.

The Act recognizes that the coastal zone is rich in a variety of natural, commercial, recreational, industrial and esthetic resources of immediate and potential value to the present and future well-being of the nation. Present State and institutional arrangements for planning and regulating land and water uses in the coastal zone are often inadequate to deal with the competing demands and the urgent need to protect natural systems in the ecologically fragile area. Section 305 of the Act authorizes annual grants to any coastal State for the purpose of assisting the State in the development of a management program for the land and water resources of its coastal zone (development grant). Once a coastal State has developed a management program, it is submitted to the Secretary of Commerce for approval and, if approved, the State is then eligible under Section 306 to receive annual grants for administering its management program (administrative grants).

The regulations below set forth (a) criteria and procedures to be utilized in reviewing and approving coastal zone management programs pursuant to section 306 of the Act, and (b) procedures by which coastal States may apply to receive administrative grants under section 306(a) of the Act. The criteria and procedures under (a) constitute the "guidelines for section 306" referred to in 15 CFR 920.

The National Oceanic and Atmospheric Administration is publishing herewith the final regulations describing procedures for applications to receive administrative grants under section 306 of the Act. The final regulations and criteria published herewith were revised from the proposed guidelines based on the comments received. A total of thirty-two (32) States, agencies, organizations and individuals submitted responses to the proposed section 306 guidelines published in the FEDERAL REGISTER on August 21, 1974. Of those responses received, nine (9) were wholly favorable as to the nature and content of the guidelines as they appeared in the FEDERAL REGISTER on August 21, 1974. Twenty-three (23) commentators submitted suggestions concerning the proposed Section 306 guidelines.

The following analysis summarizes key comments received on various sections of the draft regulations and presents a rationale for the changes made:

1. Several commentators asserted that the guidelines did not adequately reflect the environmental considerations contained in the Act. No changes were made in response to these comments since the guidelines more than adequately reflect the environmental concerns in the legislation as evidenced in part by the comment section under § 923.4:

> Management programs will be evaluated in the light of the Congressional findings and policies as contained in Section 302 and Section 303 of the Act. These sections make it clear that Congress, in enacting the legislation, was concerned about the environmental degradation, damage to natural and scenic areas, loss of living marine resources and wildlife, decreasing open space for public use and shoreline erosion being brought about by population growth and economic development. The Act thus has a strong environmental thrust, stressing the 'urgent need to protect and to give high priority to natural systems in the coastal zone.

2. Several comments were received on the necessity of the Secretary of Commerce preparing and circulating an environmental impact statement on each individual State application as required by § 923.5. The National Environmental Policy Act, 42 USC 4332, and implementing regulations, 38 FR 20562, August 1, 1973, require an environmental impact statement be prepared and circulated on each individual State's application. An environmental impact statement shall be prepared on each individual State's application by the Secretary, primarily on the basis of an environmental assessment, and other relevant data, prepared and submitted by the individual States. This section was amended to reflect the requirement of the National Environmental Policy Act environmental impact statement requirements.

3. Several comments indicated that the States did not have a clear understanding as to what was meant under § 923.11 (b)(4) which refers to Federal lands subject solely to the discretion of, or which is held in trust by, the Federal government, its officers and agents. This section has been amended in order to provide a procedure for identifying those lands which are within the framework of this section.

4. Several commentators indicated that there was uncertainty as to what the requirements of the national interest were pursuant to § 923.15. This section has been amended in order to more succinctly state what the requirements are pursuant to this section and how a State must meet these requirements during the development and administration of its coastal zone management program. At the request of several commentators, several additions have been made to the list of requirements which are other than local in nature.

5. Several commentators indicated that § 923.26, which pertains to the degree of State control needed to implement a coastal zone management program, did not offer sufficient guidance in interpreting the legislation. In response to these comments, § 923.26 has been expanded to include specific examples of how a State may implement this section.

6. Comments received indicate there was some misunderstanding in interpreting § 923.43, which deals with geographical segmentation. This section has been substantially amended in order to indicate that the segmentation issue refers to geographical segmentation of a State's coastal zone management program. The requirements for a State to receive approval on a segmented basis are clearly set forth in the amendment to the regulations.

7. Extensive discussions have taken place with various elements of the U.S. Environmental Protection Agency (EPA) concerning the applicability of air and water pollution requirements to the development, approval and implementation of State management programs pursuant to § 923.44 of the proposed regulations. State coastal zone management programs have also been surveyed in order to determine current and anticipated problems, issues and opportunities associated with carrying out the requirements of section 307(f) of the Coastal Zone Management Act, and § 923.44 of the draft approval regulations. Consolidated EPA comments have been received, together with State reviews, and one comment from the private sector. Specific clarifications and changes as a result of these reviews are contained in §§ 923.4, 923.12, 923.32 and § 923.44 of these regulations.

8. One commentator objected to the amount of detail required in section 306 applications and the undue administrative burden proposed pursuant to Sub-

part F of the proposed regulations. The revisions attempt to both clarify and reduce those requirements, while still requiring sufficient information for the Office of Coastal Zone Management to approve management programs and make sound funding decisions.

Accordingly, having considered the comments and other relevant information, the Administrator concludes by adopting the final regulations describing the procedure for application to receive administrative grants under section 306 of the Act, as modified and set forth below.

Effective date: January 8, 1975.

Dated: January 6, 1975.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

Subpart A—General

Sec
923.1 Purpose.
923.2 Definitions.
923.3 Submission of management programs.
923.4 Evaluation of management programs—general.
923.5 Environmental impact assessment.

Subpart B—Land and Water Uses

923.10 General.
923.11 Boundary of the coastal zone.
923.12 Permissible land and water uses.
923.13 Areas of particular concern.
923.14 Guidelines on priorities.
923.15 National interest facilities.
923.16 Area designation for preservation and restoration.
923.17 Local regulations and uses of regional benefit.

Subpart C—Authorities and Organization

923.20 General.
923.21 Means of exerting State control over land and water uses.
928.22 Organizational structure to implement the management program.
923.23 Designation of a single agency.
923.24 Authorities to administer land and water uses, control development and resolve conflicts.
923.25 Authorities for property acquisition.
923.26 Techniques for control of land and water uses.

Subpart D—Coordination

923.30 General.
923.31 Full participation by relevant bodies in the adoption of management programs.
923.32 Consultation and coordination with other planning.

Subpart E—Miscellaneous

923.40 General.
923.41 Public hearings.
923.42 Gubernatorial review and approval.
923.43 Segmentation.
923.44 Applicability of air and water pollution control requirements.

Subpart F—Applications for Administrative Grants

923.50 General.
923.51 Administration of the program.
923.52 State responsibility.
923.53 Allocation.
923.54 Geographical segmentation.
23.55 Application for the initial administrative grant.
923.56 Approval of applications.
923.57 Amendments.
923.58 Applications for second and subsequent year grants.

AUTHORITY: 86 Stat. 1280 (16 U.S.C. 1451-1464).

Subpart A—General

§ 923.1 Purpose.

(a) This part establishes criteria and procedures to be employed in reviewing and approving coastal zone management programs submitted by coastal States and for the awarding of grants under Section 306 of the Act.

(b) The Act sets forth in sections 305, 306 and 307 a number of specific requirements which a management program must fulfill as a condition for approval by the Secretary. These requirements are linked together as indicated in the subparts which follow. Presentation of the State management program in a similar format is encouraged since it will enable more prompt and systematic review by the Secretary. However, there is no requirement that a State present its management program in the format which corresponds exactly to the listing of categories below. The broad categories are: Land and Water Uses, Subpart B; Authorities and Organization, Subpart C; Coordination, Subpart D; and Miscellaneous, Subpart E. Subpart F, Applications for Administrative Grants, deals with applications for administrative grants upon approval of State coastal zone management programs which will be subject to periodic review by the Secretary in accordance with Section 309 of the Act. In addition to providing criteria against which State coastal zone management programs can be consistently and uniformly judged in the approval process and establishing procedures for the application by States for administrative grants, it is the intent of this part to provide guidance to coastal States in the development of management programs. Therefore, many of the sections dealing with approval requirement in the subparts are followed by a "comment" which refers to a section or sections of the Act and indicates the interpretation placed upon the requirements of the Act or the regulation by the Secretary.

§ 923.2 Definitions.

In addition to the terms defined in the Act and 15 CFR 920.2, the following terms shall have the meanings indicated below:

"Final approval" means, with respect to a coastal zone management program, approval of a program which terminates the eligibility of the State for grants under Section 305 of the Act and makes the State eligible for grants under Section 306 of the Act. In cases where a State has elected to follow the geographical segmentation option pursuant to § 923.43, final approval will apply only to that specific geographical segment. The State will continue to remain eligible for development grants pursuant to Section 305 of the Act for the remainder of the State's coastal zone.

"Preliminary approval" means, with respect to a coastal zone management program, approval of a program which does not terminate the eligibility of the State for further grants under Section 305 of the Act, and which does not make the State eligible for grants under Section 306 of the Act.

"Use of regional benefit" means a land or water use that typically provides benefits to a significant area beyond the boundaries of a single unit of the lowest level of local, general-purpose government.

§ 923.3 Submission of management programs.

(a) Upon completion of the development of its management program, a State shall submit the program to the Secretary for review and final approval in accordance with the provisions of these regulations. A program submitted for final approval must comply with all of the provisions set forth in Subparts A-E of this part, including, in particular, Subpart C, which requires that certain authorities and plans of organization be in effect at the time of the submission.

(b) Optionally, the State may submit for the preliminary approval of the Secretary a program complying with the substantive requirements of this part, but for which the proposed authorities and organization complying with the provisions of Subpart C are not yet legally effective. In reviewing a program submitted for preliminary approval, the Secretary may grant such approval subject to establishment of a legal regime providing the authorities and organization called for in the program. If the State elects this option, it shall continue to be eligible for funding under Section 305 but it shall not yet be eligible for funding under Section 306 of the Act until such time as its program is finally approved. Upon a showing by the State that authorities and organization necessary to implement the program which has received preliminary approval are in effect, final approval shall be granted.

Comment. The purpose of the optional procedure is to provide a State with an opportunity for Secretarial review of its program before State legislation is enacted to put the program into legal effect. Some States may prefer not to utilize the optional procedure, especially those which have legislative authority enabling the coastal zone agency of the State to put the program into effect by administrative action. In any event, the Office of Coastal Zone Management will be available for consultation during all phases of development of the program.

(c) States completing the requirements set forth in Subpart B—Land and Water Uses, and Subpart D—Coordination, will be deemed to have fulfilled the statutory requirements associated with each criteria. If, however, a State chooses to adopt alternative methods and procedures, which are at least as comprehensive as the procedures set forth below, for fulfilling those statutory requirements contained in Subparts B and D, they may do so upon prior written approval of the Secretary. The States are encouraged to consult with the Office of Coastal Zone Management as early as possible.

Comment. The thrust of the Act is to encourage coastal States to exercise their full

authority over the lands and waters in the coastal zone by developing land and water use programs for the zone, including unified policies, criteria, standards, methods and processes for dealing with land and water uses of more than local significance. While the Act mandates a State to meet specific statutory requirements in order for the State to be eligible for administrative grants, it does not require the State to follow specific processes in meeting those requirements. The Secretary will review any State management program that meets the requirements contained in Subparts B and D in addition to the other subparts contained herein.

§ 923.4 Evaluation of management programs—general.

(a) In reviewing management programs submitted by a coastal State pursuant to § 923.3, the Secretary will evaluate not only all of the individual program elements required by the Act and set forth in Subparts B–E of this part, but the objectives and policies of the State program as well to assure that they are consistent with national policies declared in Section 303 of the Act.

(b) Each program submitted for approval shall contain a statement of problems and issues, and objectives and policies. The statements shall address:

(1) Major problems and issues, both within and affecting the State's coastal zone;

(2) Objectives to be attained in interagency and intergovernmental cooperation, coordination and institutional arrangements; and enhancing management capability involving issues and problem identification, conflict resolution, regulation and administrative efficiency at the State and local level;

(3) Objectives of the program in preservation, protection, development, restoration and enhancement of the State's coastal zone;

(4) Policies for the protection and conservation of coastal zone natural systems, cultural, historic and scenic areas, renewable and non-renewable resources, and the preservation, restoration and economic development of selected coastal zone areas.

(c) The Secretary will review the management program for the adequacy of State procedures utilized in its development and will consider the extent to which its various elements have been integrated into a balanced and comprehensive program designed to achieve the above objectives and policies.

Comment. Evaluation of the statutory requirements established in this subpart will concentrate primarily upon the adequacy of State processes in dealing with key coastal problems and issues. It will not, in general, deal with the wisdom of specific land and water use decisions, but rather with a determination that in addressing those problems and issues, the State is aware of the full range of present and potential needs and uses of the coastal zone, and has developed procedures, based upon scientific knowledge, public participation and unified governmental policies, for making reasoned choices and decisions.

Management programs will be evaluated in the light of the Congressional findings and policies as contained in Sections 302 and 303 of the Act. These sections make it clear that Congress, in enacting the legislation, was concerned about the environmental degradation, damage to natural and scenic areas, loss of living marine resources and wildlife, decreasing open space for public use and shoreline erosion being brought about by population growth and economic development. The Act thus has a strong environmental thrust, stressing the "urgent need to protect and to give high priority to natural systems in the coastal zone." A close working relationship between the agency responsible for the coastal zone management program and the agencies responsible for environmental protection is vital in carrying out this legislative intent. States are encouraged by the Act to take into account ecological, cultural, historic and esthetic values as well as the need for economic development in preparing and implementing management programs through which the States, with the participation of all affected interests and levels of government, exercise their full authority over coastal lands and waters.

Further assistance in meeting the intent of the Act may be found in the Congressional Committee Reports associated with the passage of the legislation (Senate Report 92-753 and House Report 92-1049). It is clear from these reports that Congress intended management programs to be comprehensive and that a State must consider all subject areas which are pertinent to the particular circumstances which prevail in the State. A comprehensive program should have considered at least the following representative elements:

(1) Present laws, regulations, and applicable programs for attainment of air and water quality standards, on land and water uses, and on environmental management by all levels of government;

(2) Present ownership patterns of the land and water resources, including administration of publicly owned properties;

(3) Present populations and future trends, including assessments of the impact of population growth on the coastal zone and estuarine environments;

(4) Present uses, known proposals for changes and long-term requirements of the coastal zone;

(5) Energy generation and transmission;

(6) Estuarine habitats of fish, shellfish and wildlife;

(7) Industrial needs;

(8) Housing requirements;

(9) Recreation, including beaches, parks, wildlife preserves, sport fishing, swimming and pleasure boating;

(10) Open space, including educational and natural preserves, scenic beauty, and public access, both visual and physical, to coastlines and coastal estuarine areas;

(11) Mineral resources requirements;

(12) Transportation and navigation needs;

(13) Floods and flood damage prevention, erosion (including the effect of tides and currents upon beaches and other shoreline areas), land stability, climatology and meteorology;

(14) Communication facilities;

(15) Commercial fishing; and

(16) Requirements for protecting water quality and other important natural resources.

The list of considerations is not meant to be exclusive, nor does it mean that each consideration must be given equal weight. State initiative to determine other relevant factors and consider them in the program is essential to the management of the coastal zone as envisioned by Congress.

In assessing programs submitted for approval, the Secretary, in consultation with other concerned Federal agencies, will examine such programs to determine that the full range of public problems and issues affecting the coastal zone have been identified and considered. In this connection, developments outside the coastal zone may often have a significant impact within the coastal zone and create a range of public problems and issues which must be dealt with in the coastal zone management program.

The Secretary encourages the States to develop objectives toward which progress can be measured and will review program submissions in this light. While it is recognized that many essential coastal zone management objectives are not quantifiable (e.g. public aspirations, "quality of life"), others are, and should be set forth in measurable terms where feasible (e.g. shore erosion, beach access, recreational demand, energy facility requirements). Identifying and analyzing problems and issues in measurable terms during the program development phase will facilitate the formulation of measurable objectives as part of the approval submission.

§ 923.5 Environmental impact assessment.

Individual environmental impact statements will be prepared and circulated by NOAA as an integral part of the review and approval process for State coastal zone management programs pursuant to the National Environmental Policy Act (Pub. L. 91-190, 42 USC 4321 et seq) and its implementing regulations. The Administrator of NOAA will circulate an environmental impact statement prepared primarily on the basis of an environmental impact assessment and other relevant data submitted by the individual applicant States.

Subpart B—Land and Water Uses

§ 923.10 General.

(a) This subpart deals with land and water uses in the coastal zone which are subject to the management program.

(b) In order to provide a relatively simple framework upon which discussion of the specific requirements associated with this subpart may proceed, it may be helpful to categorize the various types of land and water uses which the Act envisions.

(1) The statutory definition of the landward portion of the coastal zone states that it "extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters." Thus, the coastal zone will include those lands and only those lands where any existing, projected or potential use will have a "direct and significant impact on the coastal waters." Any such use will be subject to the terms of the management program, pursuant to Section 305(b)(2).

(2) There may well be uses of certain lands included within the coastal zone which will not have such "direct and significant impact." Such uses may be subject to regulation by local units of government within the framework of the management program.

(3) The Act also requires that management programs contain a method of assuring that "local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit." This requirement is described more fully in § 923.17.

(c) As part of the State's management program, it must address and exercise authority over the following:

(1) *Land and water uses which have a direct and significant impact upon coastal waters.* These uses are described more fully in § 923.12.

(2) *Areas of particular concern.* Section 305(b)(3) specifies that the management program include an inventory and designation of areas of particular concern within the coastal zone. Section 923.13 deals more thoroughly with this statutory requirement. Such areas must be considered of Statewide concern and must be addressed in the management program.

(3) *Siting of facilities necessary to meet requirements which are other than local in nature.* The management program must take "adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature" (Section 306(c)(8)). This requirement is more fully discussed in § 923.15.

§ 923.11 Boundaries of the coastal zone.

(a) *Requirement.* In order to fulfill the requirement contained in Section 305(b)(1), the management program must show evidence that the State has developed and applied a procedure for identifying the boundary of the State's coastal zone meeting the statutory definition of the coastal zone contained in Section 304(a). At a minimum this procedure should result in:

(1) A determination of the inland boundary required to control, through the management program, shorelands the uses of which have direct and significant impacts upon coastal waters,

(2) A determination of the extent of the territorial sea, or where applicable, of State waters in the Great Lakes,

(3) An identification of transitional and intertidal areas, salt marshes, wetlands and beaches,

(4) An identification of all Federally owned lands, or lands which are held in trust by the Federal government, its officers and agents in the coastal zone and over which a State does not exercise any control as to use.

(b) *Comment.* Statutory citation: Section 305(b)(1):

> Such management program shall include * * * an identification of the boundaries of the coastal zone subject to the management programs.

Useful background information concerning this requirement appears in Part 920.11, which is incorporated into this part by reference.

(1) The key to successful completion of this requirement lies in the development and use of a procedure designed to identify the landward extent of the coastal zone. Included in this procedure must be a method for determining those "shorelands, the uses of which have a direct and significant impact upon the coastal waters." These uses shall be considered the same as the "land and water uses" described in § 923.12, reflecting the requirements of Section 305(b)(2) of the Act regardless of whether those uses are found, upon analysis, to be "permissible." The coastal zone must include within it those lands which have any existing, projected or potential uses which have a direct and significant impact upon the coastal waters and over which the terms of the management program will be exercised. In some States, existing regulations controlling shoreland uses apply only in a strip of land of uniform depth (e.g. 250 feet, 1,000 yards, etc.) behind the shoreline. Such a boundary will be acceptable if it approximates a boundary developed according to the procedure outlined above and extends inland sufficiently for the management program to control lands the uses of which have a direct and significant impact upon coastal waters. States may wish, for administrative convenience, to designate political boundaries, cultural features, property lines or existing designated planning and environmental control areas, as boundaries of the coastal zone. While the Secretary will take into account the desirability of identifying a coastal zone which is easily regulated as a whole, the selection of the boundaries of the coastal zone must bear a reasonable relationship to the statutory requirement. Nothing in this part shall preclude a State from exercising the terms of the management program in a landward area more extensive than the coastal zone called for in this part. If such a course is selected, the boundaries of the coastal zone must nevertheless be identified as above and the provisions of the Act will be exercised only in the defined coastal zone. It should be borne in mind that the boundary should include lands and waters which are subject to the management program. This means that the policies, objectives and controls called for in the management program must be capable of being applied consistently within the area. The area must not be so extensive that a fair application of the management program becomes difficult or capricious, nor so limited that lands strongly influenced by coastal waters and over which the management program should reasonably apply, are excluded.

(2) Inasmuch as the seaward boundary of the coastal zone is established in the Act, the States will be required to utilize the statutory boundary, i.e. in the Great Lakes, the international boundary between the United States and Canada, and elsewhere the outer limits of the United States territorial sea. At present, this limit is three nautical miles from the appropriate baselines recognized by international law and defined precisely by the United States. In the event of a statutory change in the boundary of the territorial sea, the question of whether a corresponding change in coastal zone boundaries must be made, or will be made by operation of law, will depend on the specific terms of the statutory change and cannot be resolved in advance. In the waters of Lake Michigan, the boundary shall extend to the recognized boundaries with adjacent States.

(3) A State's coastal zone must include transitional and intertidal areas, salt marshes, wetlands and beaches. Hence the boundary determination procedure must include a method of identifying such coastal features. In no case, however, will a State's landward coastal zone boundary include only such areas in the absence of application of the procedure called for herein or in § 923.43.

(4) Since the coastal zone excludes lands the use of which is by law subject solely to the discretion of, or which is held in trust by the Federal government, its officers and agents, the coastal zone boundary must identify such lands which are excluded from the coastal zone. In order to complete this requirement, the State should indicate those Federally owned lands, or lands held in trust by the Federal government, *and* over which the State does not exercise jurisdiction as to use. In the event that a State fails to identify lands held by an agency of the Federal government as excluded lands, and the agency, after review of the program under Section 307(b), is of the opinion that such lands should be excluded, the disagreement will be subject to the mediation process set forth in said section.

§ 923.12 Permissible land and water uses.

(a) *Requirement.* In order to fulfill the requirements contained in Section 305(b)(2), the management must show evidence that the State has developed and applied a procedure for defining "permissible land and water uses within the coastal zone which have a direct and significant impact upon the coastal waters," which includes, at a minimum:

(1) a method for relating various specific land and water uses to impact upon coastal waters, including utilization of an operational definition of "direct and significant impact,"

(2) an inventory of natural and manmade coastal resources,

(3) an analysis or establishment of a method for analysis of the capability and suitability for each type of resource and application to existing, projected or potential uses.

(4) an analysis or establishment of a method for analysis of the environmental impact of reasonable resource utilizations.

(b) *Comment.* Statutory citation: Section 305(b)(2):

> Such management program shall include * * * a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact upon the coastal waters.

Useful background information concerning this requirement appears in 15 CFR 920.12, which is incorporated into this part by reference. Completion of this requirement should be divided into two distinct elements: a determination of those land and water uses having a direct and significant impact upon coastal waters, and an identification of such uses which the State deems permissible.

(1) *Section 305(b)(4).* In identifying those uses which have a "direct and sig-

nificant impact," the State should define that phrase in operational terms that can be applied uniformly and consistently, and should develop a method for relating various uses to impacts upon coastal waters. Existing, projected and potential uses should be analyzed as to the level and extent of their impact, be it adverse, benign or beneficial, intrastate or interstate. These impacts should then be assessed to determine whether they meet the definition of "direct and significant impact upon coastal waters." (These are the ones by which the boundaries of the coastal zone are defined.) Those uses meeting that definition are automatically subject to control by the management program.

(2) In determining which land and water uses may be deemed permissible, a State should develop a method for assuring that such decisions are made in an objective manner, based upon evaluation of the best available information concerning land and water capability and suitability. This method should include at a minimum:

(i) An inventory of significant natural and man-made coastal resources, including but not limited to, shorelands, beaches, dunes, wetlands, uplands, barrier islands, waters, bays, estuaries, harbors and their associated facilities. This should not be construed as requiring long-term, continuing research and baseline studies, but rather as providing the basic information and data critical to successful completion of a number of required management program elements. States are encouraged, however, to continue research and studies as necessary to detect early warnings of changes to coastal zone resources. It is recognized that in some States a complete and detailed inventory of such resources may be expensive and time consuming in relation to the value of information gathered in the development of the management program. Much information, of course, already exists and should be integrated into the inventory. The Secretary, in reviewing this particular requirement, will take into account the nature and extent of the State's coastline, the funding available and existing data sources.

(ii) An analysis or establishment of a method for analysis of the capabilities of each resource for supporting various types of uses (including the capability for sustained and undiminished yield of renewable resources), as well as of the suitability for such resource utilization when evaluated in conjunction with other local, regional and State resources and uses. Resource capability analysis should include physical, biological and chemical parameters as necessary.

(iii) An analysis or establishment of a method for analysis of the impact of various resource uses upon the natural environment (air, land and water). Based upon these analyses and applicable Federal, State and local policies and standards, the State should define permissible uses as those which can be reasonably and safely supported by the resource, which are compatible with surrounding resource utilization and which will have a tolerable impact upon the environment. These analyses, in part, will be provided through existing information on environmental protection programs, and should be supplemented to the extent necessary for determining the relationship between land uses and environmental quality. Where a State prohibits a use within the coastal zone, or a portion thereof, it should identify the reasons for the prohibition, citing evidence developed in the above analyses. It should be pointed out that uses which may have a direct and significant impact on coastal waters when conducted close to the shoreline may not have a direct and significant impact when conducted further inland. Similarly, uses which may be permissible in a highly industrialized area may not be permissible in a pristine marshland. Accordingly, the definition may also be correlated with the nature (including current uses) and location of the land on which the use is to take place. The analyses which the State will undertake pursuant to this section should also be useful in satisfying the requirements of § 923.13 through § 923.17.

§ 923.13 Areas of particular concern.

(a) *Requirement.* In order to fulfill the requirements contained in Section 305 (b)(3), the management program must show evidence that the State has made an inventory and designation of areas of particular concern within the coastal zone. Such designations shall be based upon a review of natural and man-made coastal zone resources and uses, and upon consideration of State-established criteria which include, at a minimum, those factors contained in 15 CFR 920.13, namely:

(1) Areas of unique, scarce, fragile or vulnerable natural habitat, physical feature, historical significance, cultural value and scenic importance;

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique geologic or topographic significance to industrial or commercial development;

(6) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(8) Areas needed to protect, maintain or replenish coastal lands or resources, including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits and mangrove stands.

(b) *Comment.* Statutory citation: Section 305(b)(3).

Such management program shall include * * * an inventory and designation of areas of particular concern within the coastal zone.

Useful background information concerning the requirement appears in 15 CFR 920.13, which is incorporated here by reference. It should be emphasized that the basic purpose of inventorying and designating areas of particular concern within the coastal zone is to express some measure of Statewide concern about them and to include them within the purview of the management program. Therefore, particular attention in reviewing the management program will be directed toward development by the State of implementing policies or actions to manage the designated areas of particular concern.

§ 923.14 Guidelines on priority of uses.

(a) *Requirement.* The management program shall include broad policies or guidelines governing the relative priorities which will be accorded in particular areas to at least those permissible land and water uses identified pursuant to § 923.12. The priorities will be based upon an analysis of State and local needs as well as the effect of the uses on the area. Uses of lowest priority will be specifically stated for each type of area.

(b) *Comment.* Statutory citation: Section 305(b)(5)

Such management program shall include * * * broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority.

As pointed out in 15 CFR 920.15, the priority guidelines will set forth the degree of State interest in the preservation, conservation and orderly development of specific areas including at least those areas of particular concern identified in § 923.13 within the coastal zone, and thus provide the basis for regulating land and water uses in the coastal zone, as well as a common reference point for resolving conflicts. Such priority guidelines will be the core of a successful management program since they will provide a framework within which the State, its agencies, local governments and regional bodies can deal with specific proposals for development activities in various areas of the coastal zone. In order to develop such broad guidelines, the management program shall indicate that a method has been developed and applied for (1) analyzing State needs which can be met most effectively and efficiently through land and water uses in the coastal zone, and (2) determining the capability and suitability of meeting these needs in specific locations in the coastal zone. In analyzing the States' needs, there should be a determination made of those requirements and uses which have Statewide, as opposed to local, significance. Section 302(h) of the Act states in part that land and water use programs for the coastal zone should include "unified policies, criteria, standards, methods and processes for dealing with land and water use decisions of more than local significance." The inventory and analyses of coastal resources and uses called for in § 923.12 will provide the State with most of the basic data needed to determine the specific locations where coastal resources are capable and suitable for meeting State-

wide needs. In addition, these analyses should permit the State to determine possible constraints on development which may be applied by particular uses. The program should establish special procedures for evaluating land use decisions, such as the siting of regional energy facilities, which may have a substantial impact on the environment. In such cases, the program should make provision for the consideration of available alternative sites which will serve the need with a minimum adverse impact. The identifying and ordering of use priorities in specific coastal areas should lead to the development and adoption of State policies or guidelines on land and water use in the coastal zone. Such policies or guidelines should be part of the management program as submitted by the State and should be consistent with the State's specified management program objectives. Particular attention should be given by the State to applying these guidelines on use priorities within those "areas of particular concern" designated pursuant to § 923.13. In addition, States shall indicate within the management program uses of lowest priority in particular areas, including guidelines associated with such uses.

§ 923.15 National interest in the siting of facilities.

(a) *Requirement.* A management program which integrates (through development of a body of information relating to the national interest involved in such siting through consultation with cognizant Federal and regional bodies, as well as adjacent and nearby States) the siting of facilities meeting requirements which are of greater than local concern into the determination of uses and areas of Statewide concern, will meet the requirements of Section 306(c)(8).

(b) *Comment.* Statutory citation: Section 306(c)(8):

> Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * the management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

This policy requirement is intended to assure that national concerns over facility siting are expressed and dealt with in the development and implementation of State coastal zone management programs. The requirement should not be construed as compelling the States to propose a program which accommodates certain types of facilities, but to assure that such national concerns are included at an early stage in the State's planning activities and that such facilities not be arbitrarily excluded or unreasonably restricted in the management program without good and sufficient reasons. It is recognized that there may or may not be a national interest associated with the siting of facilities necessary to meet requirements which are other than local in nature. Requirements which are other than local in nature shall be considered those requirements which, when fulfilled, result in the establishment of facilities designed clearly to serve more than one locality (generally, the lowest unit of local, general-purpose government, excluding situations such as with cities and counties which exercise concurrent jurisdiction for the same geographic areas). In order to provide assistance to the States in completing this requirement, a listing is presented below which identifies those requirements which are both (1) other than local in nature, and (2) possess siting characteristics in which, in the opinion of the Secretary, there may be a clear national interest. For each such need, there is a listing of associated facilities. In addition, the principal cognizant Federal agencies concerned with these facilities are also listed. This list must not be considered inclusive, but the State should consider each requirement and facility type in the development of its management program. Consideration of these requirements and facilities need not be seen as a separate and distinct element of the management program, and the listing is provided to assure that the siting of such facilities is not overlooked or ignored. As part of its determination of permissible uses in the coastal zone (§ 923.12), as well as of priority of uses (§ 923.14), the State will have developed a procedure for inventorying coastal resources and identifying their existing or potential utilization for various purposes based upon capability, suitability and impact analyses. The process for responding to the requirements of Section 306(c)(8) should be identical to, and part of, the same procedure. No separate national interest "test" need be applied and submitted other than evidence that the listed national interest facilities have been considered in a manner similar to all other uses, and that appropriate consultation with the Federal agencies listed has been conducted. As a preliminary to adequate consideration of the national interest, the State must determine the needs for such facilities. Management programs must recognize the need of local as well as regional and national populations for goods and services which can be supplied only through the use of facilities in the coastal zone in order to make reasonable provision for such facilities in light of the size and population of the State, the length and characteristics of its coast and the contribution such State is already making to regional and national needs. This will require the State to enter into discussions with appropriate Federal agencies and agencies of other States in the region, a process which should begin early in the development of the management program so that the full dimensions of the national interest may be considered as the State develops its program (§ 923.31 and §923.32). The management program should make reference to the views of cognizant Federal agencies as to how these national needs may be met in the coastal zone of that particular State. States should actively seek such guidance from these Federal agencies, particularly in view of the fact that all management programs will be reviewed with the opportunity for full comment by all affected Federal agencies prior to approval. It is recognized that Federal agencies will differ markedly in their abilities to articulate policies regarding utilization of individual State's coastal zones. NOAA's Office of Coastal Zone Management will encourage Federal agencies to develop policy statements regarding their perception of the national interest in the coastal zone and make these available to the States. The States should also consult with adjacent and nearby States which share similar or common coastal resources or with regional interstate bodies to determine how regional needs may be met in siting facilities. Specific arrangements of "tradeoffs" of coastal resource utilization should be documented with appropriate supporting evidence. The importance of this type of interstate consultation and cooperation in planning cannot be overemphasized for it offers the States the opportunity of resolving significant national problems on a regional scale without Federal intervention.

Requirements which are other than local in nature and in the siting of which there may be a clear national interest (with associated facilities and cognizant Federal agencies)

Requirements	Associated facilities	Cognizant Federal Agencies
1. Energy production and transmission.	Oil and gas wells; storage and distribution facilities; refineries; nuclear, conventional, and hydroelectric powerplants; deepwater ports.	Federal Energy Administration, Federal Power Commission, Bureau of Land Management, Atomic Energy Commission, Maritime Administration, Geological Survey, Department of Transportation, Corps of Engineers.
2. Recreation (of an interstate nature)..	National seashores, parks, forests; large and outstanding beaches and recreational waterfronts; wildlife reserves.	National Park Service, Forest Service, Bureau of Outdoor Recreation.
3. Interstate transportation.....	Interstate highways, airports, aids to navigation; ports and harbors, railroads.	Federal Highway Administration, Federal Aviation Administration, Coast Guard, Corps of Engineers, Maritime Administration, Interstate Commerce Commission.
4. Production of food and fiber.....	Prime agricultural land and facilities; forests; mariculture facilities; fisheries.	Soil Conservation Service, Forest Service, Fish and Wildlife Service, National Marine Fisheries Service.
5. Preservation of life and property....	Flood and storm protection facilities; disaster warning facilities.	Corps of Engineers, Federal Insurance Administration, NOAA, Soil Conservation Service.
6. National defense and aerospace.....	Military installations; defense manufacturing facilities; aerospace launching and tracking facilities.	Department of Defense, NASA.
7. Historic, cultural, esthetic and conservation values.	Historic sites; natural areas; areas of unique cultural significance; wildlife refuges; areas of species and habitat preservation.	National Register of Historic Places, National Park Service, Fish and Wildlife Service, National Marine Fisheries Service.
8. Mineral resources.....	Mineral extraction facilities needed to directly support activity.	Bureau of Mines, Geological Survey.

§ 923.16 Area designation for preservation and restoration.

(a) *Requirement.* In order to fulfill the requirement contained in Section 306(c)(9), the management program must show evidence that the State has developed and applied standards and criteria for the designation of areas of conservation, recreational, ecological or esthetic values for the purpose of preserving and restoring them.

(b) *Comment.* Statutory citation: Section 306(c)(9):

Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that • • • the management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreation, ecological or esthetic values.

(1) This requirement is closely linked to that contained in § 923.13, dealing with designation of areas of particular concern. Unless the State can make a compelling case to the contrary, all areas designated according to the methods called for in this part shall also be considered as areas of particular concern.

(2) This requirement is reasonably self-explanatory. The State must develop procedures for the designation of areas with certain characteristics. The State, in doing so, must:

(i) Establish standards and criteria for the possible designation of coastal areas intended for preservation or restoration because of their conservation, recreational, ecological or esthetic values, and

(ii) Apply those standards and criteria to the State's coastal resources. (In this, the inventory associated with the requirement of § 923.13 will be most helpful.)

(3) The requirement of the statute goes to the procedures rather than substance; the fact that a State may be unable to move rapidly ahead with a program of preservation or restoration will not prevent the program from being approved. The State should also rank in order of relative priority areas of its coastal zone which have been designated for the purposes set forth in this section. As funds become available, such a ranking will provide a set of priorities for selecting areas to be preserved or restored.

§ 923.17 Local regulations and uses of regional benefit.

(a) *Requirement.* In order to fulfill the requirement contained in Section 306(e)(2), the management program must show evidence that the State has developed and applied a method for determining uses of regional benefit, and that it has established a method for assuring that local land and water use controls in the coastal zone do not unreasonably or arbitrarily restrict or exclude those uses of regional benefit.

(b) *Comment.* Statutory citation: Section 306(e)(2):

Prior to granting approval, the Secretary shall also find that the program provides • • • for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

This requirement is intended to prevent local land and water use decisions from arbitrarily excluding certain land and water uses which are deemed of importance to more than a single unit of local government. For the purposes of this requirement, a use of regional benefit will be one which provides services or other benefits to citizens of more than one unit of local, general-purpose government (excluding situations such as in cities and counties which exercise jurisdiction over the same geographic areas). In order to assure that arbitrary exclusion does not occur, the State must first identify those uses which it perceives will affect or produce some regional benefit. This designation would normally be derived from the inventory and analysis of the uses contained in § 923.12. In any event, however, these uses should include those contained in the table of § 923.15. In addition, the State may determine that certain land and water uses may be of regional benefit under certain sets of circumstances; the State should then establish standards and criteria for determining when such conditions exist. There should be no blanket exclusion or restrictions of these uses in areas of the coastal zone by local regulation unless it can be shown that the exclusion or restriction is based upon reasonable considerations of the suitability of the area for the uses or the carrying capacity of the area. The requirement of this section does not exclude the possibility that in specific areas certain uses of regional benefit may be prohibited. However, such exclusions may not be capricious. The method by which the management program will assure that such unreasonable restrictions or exclusion not occur in local land and water use decisions will, of course, be up to the State, but it should include the preparation of standards and criteria relating to State interpretation of "unreasonable restriction or exclusion", as well as the establishment of a continuing mechanisms for such determination.

Subpart C—Authorities and Organization

§ 923.20 General.

This subpart deals with requirements that the State possess necessary authorities to control land and water uses and that it be organized to implement the management. It should be emphasized that before final approval of a coastal zone management program can be given by the Secretary of Commerce, the authorities and organizational structure called for in the management program must be in place. Preliminary approval, however, can be given to a proposal which will require subsequent legislative or executive action for implementation and eligibility for administrative grants under Section 306.

§ 923.21 Means of exerting State control over land and water uses.

(a) *Requirement.* In order to fulfill the requirements contained in Sections 305(b)(4) and 306(c)(7), the management program must show evidence that the State has identified a means for controlling each permissible land and water use specified in § 923.12, and for precluding land and water uses in the coastal zone which are not permissible. The management program should contain a list of relevant constitutional provisions, legislative enactments, regulations, judicial decisions and other appropriate official documents or actions which establish the legal basis for such controls, as well as documentation by the Governor or his designated legal officer that the State actually has and is prepared to implement the authorities, including those contained in Section 306(d), required to implement the objectives, policies and individual components of the program.

(b) *Comment.* Statutory citation: Section 305(b)(4):

Such management program shall include • • • an identification of the means by which the State proposes to exert control over the land and water uses referred to in paragraph (2) of this subsection, including a listing of relevant constitutional provisions, legislative enactments, regulations and judicial decisions;

Statutory citation: Section 306(c)(7):

Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that • • • the State has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

Useful information concerning this requirement appears in 15 CFR 920.14, which is incorporated into this part by reference. The key words in this requirement are, "to exert control over the land and water uses." This reflects the Congressional finding that the "key to more effective protection and use of the land and water resources of the coastal zone is to encourage the States to exercise their full authority over the lands and waters in the coastal zone • • •." It is not the intent of this part to specify for the States the "means" of control; this is a State responsibility. The State must, however, describe in the management program its rationale for developing and deciding upon such "means." The "means" must be capable of actually implementing the objectives, policies and individual components of the management program. As such, requirements shall be reviewed in close conjunction with § 923.24, 923.25 and § 923.26, relating to actual authorities which the State must possess. The management program should also indicate those specific land and water uses over which authority, jurisdiction or control will be exercised concurrently by both State and Federal agencies, particularly those uses affecting water resources, submerged lands and navigable waters. The management program must provide for control of land and water uses in the coastal zone, although the exercise of control may be vested in, or delegated to, various agencies or local government. As part of the approval of a management program, the Secretary must find that the means for controlling land and water uses identified in § 923.21 are established and in place, and that the means include the

authorities contained in § 923.24 and § 923.25. This finding will be based upon documentation by the Governor of the coastal State or his designated legal officer that the State possesses and is prepared to implement the requisite authorities.

§ 923.22 Organizational structure to implement the management program.

(a) *Requirement.* In order to fulfill the requirement contained in Section 305(b)(6), the management program must contain a description of how the State is organized to implement the authorities identified in § 923.21. In addition, the management program must contain a certification by the Governor of the State or his designated legal officer that the State has established its organizational structure to implement the management program.

(b) *Comment.* Statutory citation: Section 305(b)(6):

Such management program shall include * * * a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, areawide, State, regional and interstate agencies in the management process.

Statutory citation: Section 306(c)(6):

Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * the State is organized to implement the management program required under paragraph (1) of this subsection.

Useful background information and guidance concerning this requirement appears in 15 CFR 920.16, which is incorporated into this part by reference. The legislative history of the Act makes it clear that the States should be accorded maximum flexibility in organizing for implementation of their coastal zone management programs. Thus, neither the Act nor this part provide an organizational model which must be followed. While individual State programs may have a wide range of interstate, State, local or areawide agency roles to play, the program will be reviewed closely for assurance that it constitutes an organized and unified program. Consistent with this principle, there must be a clear point of responsibility for the program, although program implementation may be undertaken by several State entities. In those cases, where a complex interagency and intergovernmental process is established, the State must submit a description of roles and responsibilities of each of the participants and how such roles and responsibilities contribute to a unified coastal zone management program. This description should be sufficiently detailed to demonstrate that a coherent program structure has been proposed by the State and the State is prepared to act in accordance with the objectives of the management program. Although the Act does not prescribe the creation of a central management agency at the State level, it envisions the creation of a coastal zone management entity that has adequate legislative and/or executive authority to implement the policies and requirements mandated in the Act. Review of the management program for compliance with this requirement will be undertaken as a single review with review of the requirements contained in § 923.31, full participation by interested bodies in adoption of management programs, and § 923.23, designation of a single State agency.

§ 923.23 Designation of a single agency.

(a) *Requirement.* In order to fulfill the requirement of Section 306(c)(5), the management program must contain appropriate documentation that the Governor of the coastal State has designated a single agency to be responsible for receiving and administering grants under Section 306 for implementing an approved management program.

(b) *Comment.* Statutory citation: Section 306(c)(5):

Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * the Governor of the State has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

This requirement is closely related to that contained in § 923.22, relating to a description of the organizational structure which will implement the management program. While this requirement is self-explanatory, it should be pointed out that States will undoubtedly come forward with a wide variety of organizational structures to implement approved management programs. Some will probably be quite complex, utilizing a variety of control techniques at a number of governmental levels. Nothing in this part should be construed as limiting the options available to a State for implementing its program. The purpose of the requirement is simply to identify a single agency which will be fiscally and programmatically responsible for receiving and administering the grants under Section 306 to implement the approved management program.

§ 923.24 Authorities to administer land and water uses, control development and resolve conflicts.

(a) *Requirement.* (1) The management program must contain documentation by the Governor or his designated legal officer that the agencies and governments chosen by the State to administer the management program have the authority to administer land and water regulations, control development in accordance with the management program and to resolve use conflicts.

(b) *Comment.* Statutory citation: Section 306(d)(1):

Prior to granting approval of the management program, the Secretary shall find that the State, acting through its chosen agency or agencies, including local governments, areawide agencies designated under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power * * * to administer land and water use regulations, control development in order to ensure compliance with the management program and to resolve conflicts among competing uses * * *.

This requirement shall be reviewed in close conjunction with that of §§ 923.21, 923.25 and § 923.26, dealing with authorities which the State's organizational structure must possess in order to ensure implementation of the management program. The language of this requirement makes it clear that the State may choose to administer its program using a variety of levels of governments and agencies, but that if it does, the State must have available to it the authorities specified.

§ 932.25 Authorities for property acquisition.

(a) *Requirement.* The management program shall contain documentation by the Governor or his designated legal officer that the agency or agencies, including local governments, areawide agencies, regional or interstate agencies, responsible for implementation of the management program have available the power to acquire fee simple and less than fee simple interests in lands, waters and other property through condemnation or other means where necessary to achieve conformance with the management program. Where the power includes condemnation, the State shall so indicate. Where the power includes other means, the State shall specifically identify such means.

(b) *Comment.* Statutory citation: Section 306(d)(2):

Prior to granting approval of the management program, the Secretary shall find that the State, acting through its chosen agency or agencies, including local governments, areawide agencies designated under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power * * * to acquire fee simple and less than fee simple interests in lands, waters and other property through condemnation or other means when necessary to achieve conformance with the management program * * *.

In most cases, it will not be necessary to acquire fee simple ownership. Normally, appropriate use restrictions will be adequate to achieve conformance with the program. In other cases, an easement may be necessary to achieve conformance with the management program. Where acquisition is necessary, this section contemplates acquisition by condemnation or through other means. However, the mere authority to acquire an interest in lands or waters by purchase from a willing vendor will not be sufficient in cases where the acquisition of interests in real property is a necessary and integral part of the program. In such cases, the power of condemnation need be no broader than necessary to achieve conformance with the program. For example, if a State's program includes provisions expressly requiring that power transmission lines and pipelines be located in specified energy and transportation corridors to minimize environmental impact, and for State ac-

quisition of such transportation corridors, then the State should have the power to acquire corridors for such purposes through condemnation. It is not necessary that the power to acquire real property be held by any one particular agency involved in implementing the management program. The authority must, however, be held by one or more agencies or local governments with a statutory responsibility to exercise the authority without undue delay when necessary to achieve conformance with the management program.

§ 923.26 Techniques for control of land and water uses.

(a) *Requirement.* The management program must contain documentation by the Governor or his designated legal officer that all existing, projected and potential land and water uses within the coastal zone may be controlled by any one or a combination of the techniques specified in Section 306(e)(1).

(b) *Comment.* Statutory citation: Section 306(e)(1):

Prior to granting approval, the Secretary shall also find that the program provides * * * for any one or a combination of the following general techniques for control of land and water uses within the coastal zone:

(1) Section 306(e)(1)(A) "State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance." This option requires the State to establish general criteria and standards within the framework of the coastal zone program for implementation by local government. Such criteria and standards would provide for application of criteria and standards to specific local conditions. Implementation by a local unit of government would consist of adoption of a suitable local zoning ordinance or regulation, and enforcement on a continuing basis. Administrative review at the State level requires provision for review of local ordinances and regulations and local enforcement activity for consistency with the criteria and standards as well as programs, not review of specific cases on the merits. In the event of deficiencies either in regulation or local enforcement, State enforcement of compliance would require either appropriate changes in local regulation or enforcement or direct State intervention.

(2) Section 306(e)(1)(B) "Direct State land and water use planning and regulation." Under this option the State would become directly involved in the establishment of detailed land and water use regulations and would apply these regulations to individual cases. Initial determinations regarding land and water use in the coastal zone would be made at the State level. This option preempts the traditional role of local government in the zoning process involving lands or waters within the coastal zone.

(3) Section 306(e)(1)(C) "State administrative review for consistency with the management program of all development plans, projects, or land and water regulations, including exceptions and variances thereto proposed by any State or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings." This option leaves the local unit of government free to adopt zoning ordinances or regulations without State criteria and standards other than the program itself, but subjects certain actions by the local unit of government to automatic State review, including public notice and a hearing when requested by a party. Such actions include:

(i) Adoption of land and water use regulations, ordinarily in the form of a zoning ordinance or regulation.

(ii) Granting of an exception or variance to a zoning ordinance or regulation.

(iii) Approval of a development plan or project proposed by a private developer. This may be defined to exclude approval of minor projects, such as small residences or commercial establishments, or those which do not have a significant impact.

(4) It should be noted that State review is for consistency with the management program, not of the merits or of the facts on which the local decision is based.

(5) The State may choose to utilize only one of the specified techniques, or more than one, or a combination of them in different locations or at different times. Within the parameters set forth in the requirement, there is a large variety of tools which the management program could adopt for controlling land and water uses. The program should identify the techniques for control of land and water uses which it intends to use for existing, projected and potential uses within the coastal zone. This requirement will be reviewed in close conjunction with those contained in §§ 923.21, 923.24 and 923.25, dealing with State authorities to implement the management program.

Subpart D—Coordination

§ 923.30 General.

One of the most critical aspects of the development of State coastal zone management programs will be the ability of the States to deal fully with the network of public, quasi-public and private bodies which can assist in the development process and which may be significantly impacted by the implementation of the program. Each State will have to develop its own methods for accommodating, as appropriate, the varying, often conflicting interests of local governments, water and air pollution control agencies, regional agencies, other State agencies and bodies, interstate organizations, commissions and compacts, the Federal government and interested private bodies. It is the intent of these requirements for coordination with governmental and private bodies to assure that the State, in developing its management program, is aware of the full array of interests represented by such organizations, that opportunity for participation was provided, and that adequate consultation and cooperation with such bodies has taken place and will continue in the future.

§ 923.31 Full participation by relevant bodies in the adoption of management programs.

(a) *Requirement.* In order to fulfill the requirement contained in section 306(c)(1), the management program must show evidence that:

(1) The management program has been formally adopted in accordance with State law or, in its absence, administrative regulations;

(2) The State has notified and provided an opportunity for full participation in the development of its management program to all public and private agencies and organizations which are liable to be affected by, or may have a direct interest in, the management program. The submission of the management program shall be accompanied by a list identifying the agencies and organizations referred to in paragraph (a)(2) of this section, the nature of their interest, and the opportunities afforded such agencies and organizations to participate in the development of the management program. These organizations should include those identified pursuant to § 923.32, which have developed local, areawide or interstate plans applicable to an area within the coastal zone of the State as of January 1 of the year in which the management program is submitted for approval; and

(3) The management program will carry out the policies enumerated in section 303 of the Act.

(b) *Comment.* Statutory citation: Section 306(c)(1):

Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * (t)he State has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, State agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

This requirement embodies the actual approval by the Secretary of Commerce of a State's coastal zone management program pursuant to all of the terms of the Act, plus associated administrative rules and regulations. As the operative section, it subsumes all of the requirements included in this part, which shall be considered the "rules and regulations promulgated by the Secretary" mentioned in section 306(c)(1). The citation, however, also includes some specific additional requirements, for which guidance and performance criteria are necessary. These additional requirements include:

(1) Adoption of the management program by the State. The management program must demonstrate that it represents the official policy and objectives of the State. In general, this will require

documentation in the management program that the State management entity has formally adopted the management program in accordance with either the rules and procedures established by statute, or in the absence of such law, administrative regulations.

(2) Opportunity for full participation by relevant Federal agencies, State agencies, local governments, regional organizations, port authorities, and other interested parties, public and private. A major thrust of the Act is its concern for full participation and cooperation in the development and implementation of management programs by all interested and affected agencies, organizations and individuals. This is specifically included in the statement of national policy in section 303(c). The State must provide evidence that the listed agencies and parties were, in fact, provided with an opportunity for full participation. It will be left to the States to determine the method and form of such evidence, but it should contain at a minimum:

(i) A listing, as comprehensive as possible, of all Federal and State agencies, local governments, regional organizations, port authorities and public and private organizations which are likely to be affected by, or have a direct interest in, the development and implementation of a management program (including those identified in § 923.32), and

(ii) A listing of the specific interests of such organizations in the development of the management program, as well as an identification of the efforts made to involve such bodies in the development process.

(a) "Opportunity for full participation" is interpreted as requiring participation at all appropriate stages of management program development. The assistance which can be provided by these public and private organizations can often be significant, and therefore contact with them should be viewed not only as a requirement for approval, but as an opportunity for tapping available sources of information for program development. Early and continuing contact with these agencies and organizations is both desirable and necessary. In many cases it may be difficult or impossible to identify all interested parties early in the development of the State's program. However, the public hearing requirement of § 923.41 should afford an opportunity to participate to interested persons and organizations whose interest was not initially noted.

(3) Consistency with the policy declared in section 303 of the Act. In order to facilitate this review, the State's management program must indicate specifically how the program will carry out the policies enumerated in section 303.

§ 923.32 Consultation and coordination with other planning.

(a) *Requirement.* In order to fulfill the requirements contained in section 306(c)(2), the management program must include:

(1) An identification of those entities mentioned which have plans in effect on January 1 of the year submitted,

(2) A listing of the specific contacts made with all such entities in order to coordinate the management program with their plans,

(3) An identification of the conflicts with those plans which have not been resolved through coordination, and continuing actions contemplated to attempt to resolve them, and

(4) Indication that a regular consultative mechanism has been established and is active, to undertake coordination between the single State agency designated pursuant to § 923.23, and the entities in paragraph (B) of Section 306(c)(2).

(b) *Comment.* Statutory citation: Section 306(c)(2):

"Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find * * * that the State has:

(A) Coordinated its program with local, areawide and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the State's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

(B) Established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title."

Relevant background information on this requirement appears in 15 CFR 920.45(f), and is incorporated by reference herein. While the State will exercise its authority over land and water uses of Statewide significance in the coastal zone by one or more of the techniques set forth in § 923.28, the State management program must be coordinated with existing plans applicable to portions of the coastal zone. It should be noted that this section does not demand compliance of the State program with local plans, but the process envisioned should enable a State not only to avoid conflicts and ambiguities among plans and proposals, but to draw upon the planning capabilities of a wide variety of governments and agencies. Coordination implies a high degree of cooperation and consultation among agencies, as well as a mutual willingness on the part of the participants to accommodate their activities to the needs of the others in order to carry out the public interest. Perceptions of the public good will differ and it is recognized that not all real or potential conflicts can be resolved by this process. Nevertheless, it is a necessary step. Effective cooperation and consultation must continue as the management program is put into operation so that local governments, interstate, regional and areawide agencies can continue to participate in the carrying out of the management program. The "plans" referred to in (A) shall be considered those which have been officially adopted by the entity which developed them, or which are commonly recognized by the entity as a guide for action. The list of relevant agencies required under § 923.31 will be of use in meeting this requirement. It will enable the State to identify those entities mentioned in (A) which have such plans and to provide evidence that coordination with them has taken place. The process envisioned should not only enable a State to avoid conflicts between its program and other plans applying within its coastal zone, but to draw upon the planning capabilities of a wide variety of local governments and other agencies. In developing and implementing those portions of the program dealing with power transmission lines, pipelines, interstate transportation facilities and other facilities which will significantly impact on neighboring States of a region, particular attention should be paid to the requirements of this section.

Subpart E—Miscellaneous

§ 923.40 General.

The requirements in this subpart do not fall readily into any of the above categories but deal with several important elements of an approvable management program. They deal with public hearings in development of the management program, gubernatorial review and approval, segmentation of State programs and applicability of water and air pollution control requirements.

§ 923.41 Public hearings.

(a) *Requirements.* In order to fulfill the requirement contained in section 306(c)(3), the management program must show evidence that the State has held public hearings during the development of the management program following not less than 30 days notification, that all documents associated with the hearings are conveniently available to the public for review and study at least 30 days prior to the hearing, that the hearings are held in places and at times convenient to affected populations, that all citizens of the State have an opportunity to comment on the total management program and that a report on each hearing be prepared and made available to the public within 45 days.

(b) *Comment.* Statutory citation: Section 306(c)(3):

Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * (t)he State has held public hearings on the development of the management program.

Extensive discussion and statements of policy regarding this requirement appears in §§ 920.30, 920.31 and 920.32, which is incorporated herein by reference.

§ 923.42 Gubernatorial review and approval.

(a) *Requirement.* In order to fulfill the requirement contained in section 306(c)(4), the management program must contain a certification signed by the Governor of the coastal State to the effect that he has reviewed and approved the management program and any amendments thereto. Certification may be omitted in

the case of a program submitted for preliminary approval.

(b) *Comment.* Statutory citation: Section 306(c)(4):

Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * the management program and any changes thereto have been reviewed and approved by the Governor.

This requirement is self-explanatory.

§ 923.43 Segmentation.

(a) *Requirement.* If the State intends to develop and adopt its management program in two or more segments, it shall advise the Secretary as early as practicable stating the reasons why segmentation is appropriate and requesting his approval. Each segment of a management program developed by segments must show evidence (1) that the State will exercise policy control over each of the segmented management programs prior to, and following their integration into a complete State management program, such evidence to include completion of the requirements of § 923.11 (Boundaries of the coastal zone) and § 923.15 (National interest in the siting of facilities) for the State's entire coastal zone, (2) that the segment submitted for approval includes a geographic area on both sides of the coastal land-water interface, and (3) that a timetable and budget have been established for the timely completion of the remaining segments or segment.

(b) *Comment.* Statutory citation: Section 306(h):

At the discretion of the State and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided*, That, the State adequately provides for the ultimate coordination of the various segments of the management program into a single, unified program, and that the unified program will be completed as soon as reasonably practicable.

(1) This section of the Act reflects a recognition that it may be desirable for a State to develop and adopt its management program in segments rather than all at once because of a relatively long coastline, developmental pressures or public support in specific areas, or earlier regional management programs developed and adopted. It is important to note, however, that the ultimate objective of segmentation is completion of a management program for the coastal zone of the entire State in a timely fashion. Segmentation is at the State's option, but requires the approval of the Secretary. States should notify the Secretary at as early a date as possible regarding intention to prepare a management program in segments.

(2) Continuing involvement at the State as well as local level in the development and implementation of segmented programs is essential. This emphasis on State participation and coordination with the program as a whole should be reflected in the individual segments of a management program. Regional agencies and local governments may play a large role in developing and carrying out such segmented programs, but there must be a continuing State voice throughout this process. This State involvement shall be expressed in the first segment of the management program in the form of evidence that (i) the boundaries of the coastal zone for the entire State have been defined (pursuant to § 923.11) and (ii) there has been adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature (pursuant to § 923.15) for the State's entire coastal zone. These requirements are designed to assure that the development of a Statewide coastal zone management program proceeds in an orderly fashion and that segmented programs reflect accurately the needs and capabilities of the State's entire coastal zone which are represented in that particular segment.

(3) The Act's intent of encouraging and assisting State governments to develop a comprehensive program for the control of land and water uses in the coastal zone is clear. This intent should therefore apply to segments as well, and segmented management programs should be comprehensive in nature and deal with the relationship between and among land and water uses. No absolute minimum or maximum geographic size limitations will be established for the area of coverage of a segment. On the one hand, segments should include an area large enough to permit comprehensive analyses of the attributes and limitations of coastal resources within the segment of State needs for the utilization or protection of these resources and of the interrelationships of such utilizations. On the other hand, it is not contemplated that a segmented management program will be developed solely for the purpose of protecting or controlling a single coastal resource or use, however desirable that may be.

(4) One of the distinguishing features of a coastal zone management program is its recognition of the relationship between land uses and their effect upon coastal waters, and vice versa. Segments should likewise recognize this relationship between land and water by including at least the dividing line between them, plus the lands or waters on either side which are mutually affected. In the case of a segment which is predominantly land, the boundaries shall include those waters which are directly and significantly impacted by land uses in the segment. Where the predominant part of the segment is water, the boundaries shall include the adjacent shorelands strongly influenced by the waters, including at least transitional and inter-tidal areas, salt marshes, wetlands and beaches (or similar such areas in Great Lake States).

(5) Segmented management programs submitted for approval will be reviewed and approved in exactly the same manner as programs for complete coastal zones, utilizing the same approval criteria, plus those of this section.

§ 923.44 Applicability of air and water pollution control requirements.

(a) *Requirement.* In order to fulfill the requirements contained in Section 307(f) of the Act the management program must be developed in close coordination with the planning and regulatory systems being implemented under the Federal Water Pollution Control Act and Clean Air Act, as amended, and be consistent with applicable State or Federal water and air pollution control standards in the coastal zone. Documentation by the official or officials responsible for State implementation of air and water pollution control activities that those requirements have been incorporated into the body of the coastal zone management program should accompany submission of the management program.

(b) *Comment:* Statutory citation: Section 307(f):

Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal government, or any State or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title, and shall be the water pollution control requirements and air pollution control requirements applicable to such program.

(1) The basic purpose of this requirement is to ensure that the management program does not conflict with the national and State policies, plans and regulations mandated by the Federal Water Pollution Control Act, as amended, and the Clean Air Act as amended. The policies and standards adopted pursuant to these Acts should be considered essential baselines against which the overall management program is developed. This is a specific statutory requirement that reflects the overall coastal zone management objective of unified state management of environmental laws, regulations and applicable standards. To this end, management programs should provide for continuing coordination and cooperation with air and water programs during subsequent administration of the approved management program.

(2) There are also significant opportunities for developing working relationships between air and water quality agencies and coastal zone management programs. These opportunities include such activities as joint development of Section 208 areawide waste treatment management planning and coastal zone management programs; consolidation and/or incorporation of various planning and regulatory elements into these closely related programs; coordination of monitoring and evaluation activities; increased management attention being accorded specifically to the coastal waters; consultation concerning the desirability of adjusting state water quality standards and criteria to complement coastal zone management policies; and designation of areas of particular concern or priority uses.

Subpart F—Applications for Administrative Grants

§ 923.50 General.

The primary purpose of administrative grants made under section 306 of the Act is to assist the States to implement coastal zone management programs following their approval by the Secretary of Commerce. The purpose of these guidelines is to define clearly the processes by which grantees apply for and administer grants under the Act. These guidelines shall be used and interpreted in conjunction with the Grants Management Manual for Grants under the Coastal Zone Management Act, hereinafter referred to as the "Manual." This Manual contains procedures and guidelines for the administration of all grants covered under the Coastal Zone Management Act of 1972. It has been designed as a tool for grantees, although it addresses the responsibilities of the National Oceanic and Atmospheric Administration and its Office of Coastal Zone Management, which is responsible for administering programs under the Act. The Manual incorporates a wide range of Federal requirements, including those established by the Office of Management and Budget, the General Services Administration, the Department of the Treasury, the General Accounting Office and the Department of Commerce. In addition to specific policy requirements of these agencies, the Manual includes recommended policies and procedures for grantees to use in submitting a grant application. Inclusion of recommended policies and procedures for grantees does not limit the choice of grantees in selecting those most useful and applicable to local requirements and conditions.

§ 923.51 Administration of the program.

The Congress assigned the responsibility for the administration of the Coastal Zone Management Act of 1972 to the Secretary of Commerce, who has designated the National Oceanic and Atmospheric Administration (NOAA) as the agency in the Department of Commerce to manage the program. NOAA has established the Office of Coastal Zone Management for this purpose. Requests for information on grant applications and the applications themselves should be directed to:

Director, Office of Coastal Zone Management (OCZM)
National Oceanic and Atmospheric Administration,
U.S. Department of Commerce
Rockville, Maryland 20852

§ 923.52 State responsibility.

(a) The application shall contain a designation by the Governor of a coastal State of a single agency to receive and have fiscal and programmatic responsibility for administering grants to implement the approved management program.

(b) A single State application will cover all program management elements, whether carried out by State agencies, areawide/regional agencies, local governments, interstate or other entities.

§ 923.53 Allocation.

Section 306(f) allows a State to allocate a portion of its administrative grant to sub-State or multi-State entities if the work to result from the allocation contributes to the effective implementation of the State's approved coastal zone management program. The requirements for identifying such allocations are set forth in § 923.55(e).

§ 923.54 Geographical segmentation.

Authority is provided in the Act for a State's management program to be developed and adopted in segments. Additional criteria for the approval of a segmented management program are set forth in Subpart E § 923.43. Application procedures for an administrative grant to assist in administering an approved segmented management program will be the same as set forth in this subpart for applications to administer an approved management program for the entire coastal zone of a State.

§ 923.55 Application for the initial administrative grant.

(a) The Form CD–288, Preapplication for Federal Assistance, required only for the initial grant, must be submitted 120 days prior to the beginning date of the requested grant. The preapplication shall include documentation, signed by the Governor, designating the State office, agency or entity to apply for and administer the grant. Copies of the approved management program are not required. The preapplication form may be submitted prior to the Secretary's approval of the applicant's management program provided, after consultation with OCZM, approval is anticipated within 60 days of submittal of the preapplication.

(b) All applications are subject to the provisions of OMB Circular A–95 (revised). The Form CD–288, Preapplication for Federal Assistance, will be transmitted to the appropriate clearinghouses at the time it is submitted to the Office of Coastal Zone Management (OCZM). If the application is determined to be Statewide or broader in nature, a statement to that effect shall be attached to the Preapplication form submitted to OCZM. Such a determination does not preclude the State clearinghouse from involving areawide clearinghouses in the review. In any event, whether the application is considered to be Statewide or not, the Preapplication form shall include an attachment indicating the date copies of the Preapplication form were transmitted to the State clearinghouse and if applicable, the identity of the areawide clearinghouse(s) receiving copies of the Preapplication form and the date(s) transmitted. The Preapplication form may be used to meet the project notification and review requirements of OMB Circular A–95 with the concurrence of the appropriate clearinghouses. In the absence of such concurrence the project notification and review procedures, established State and areawide clearinghouses, should be implemented simultaneously with the distribution of the preapplication form.

(c) Costs claimed as charges to the grant project must be beneficial and necessary to the objectives of the grant project. The allowability of costs will be determined in accordance with the provisions of FMC 74–4. Administrative grants made under section 306(a) of the Act are clearly intended to assist the States in administering their approved management programs. Such intent precludes tasks and related costs for long range research and studies. Nevertheless it is recognized that the coastal zone and its management is a dynamic and evolving process wherein experience may reveal the need for specially focused, short-term studies, leading to improved management processes and techniques. The OCZM will consider such tasks and their costs, based upon demonstrated need and expected contribution to more effective management programs.

(d) The Form CD–292, Application for Federal Assistance (Non-Construction Programs), constitutes the formal application and must be submitted 60 days prior to the desired grant beginning date. The application must be accompanied by evidence of compliance with A–95 requirements including the resolution of any problems raised by the proposed project. The OCZM will not accept applications substantially deficient in adherence to A–95 requirements.

(e) The State's work program implementing the approved management program is to be set forth in Part IV, Program Narrative, of the Form CD–292 and must describe the work to be accomplished during the grant period. The work program should include:

(1) An identification of those elements of the approved management program that are to be supported all or in part by the grant and the matching share, hereinafter called the grant project. In any event, activities related to the establishment and implementation of State responsibilities pursuant to Section 307 (c)(3) and Section 307(d) of the Act, are to be included in the grant project.

(2) A precise statement of the major tasks required to implement each element.

(3) For each task, the following should be specified:

(i) A concise statement of how each task will accomplish all or part of the program element to which it is related. Identify any other State, areawide, regional or interstate agencies or local governments that will be allocated responsibility for carrying out all or portions of the task. Indicate the estimated cost of the subcontract/grant for each allocation.

(ii) For each task indicate the estimated total cost. Also indicate the estimated total man-months, if any, allocated to the task from the applicant's in-house staff.

(iii) For each task, list the estimated cost using the object class categories 6.a. through k., Part III, Section B—Budget Categories of Form CD–292.

(4) The sum of all the task costs in sub-paragraph (3) of this paragraph should equal the total estimated grant project costs.

(5) Using two categories, Professional and Clerical, indicate the total number of personnel in each category on the applicant's in-house staff, that will be assigned to the grant project. Additionally indicate the number assigned full time and the number assigned less than full time in the two categories.

(6) An identification of those management program elements, if any, that will not be supported by the grant project, and how they will be implemented.

§ 923.56 Approval of applications.

(a) The application for an administrative grant of any coastal State with a management program approved by the Secretary of Commerce, which complies with the policies and requirements of the Act and these guidelines, shall be approved by OCZM, assuming available funding.

(b) Should an application be found deficient, OCZM will notify the applicant in writing, setting forth in detail the manner in which the application fails to conform to the requirements of the Act or this subpart. Conferences may be held on these matters. Corrections or adjustments to the application will provide the basis for resubmittal of the application for further consideration and review.

(c) OCZM may, upon finding of extenuating circumstances relating to applications for assistance, waive appropriate administrative requirements contained herein.

§ 923.57 Amendments.

Amendments to an approved application must be submitted to, and approved by, the Secretary prior to initiation of the change contemplated. Requests for substantial changes should be discussed with OCZM well in advance. It is recognized that, while all amendments must be approved by OCZM, most such requests will be relatively minor in scope; therefore, approval may be presumed for minor amendments if the State has not been notified of objections within 30 working days of date of postmark of the request.

§ 923.58 Applications for second and subsequent year grants.

(a) Second and subsequent year applications will follow the procedures set forth in this subpart, with the following exceptions:

(1) The preapplication form may be used at the option of the applicant. If used, the procedures set forth in § 923.55 (b) will be followed and the preapplication is to be submitted 120 days prior to the beginning date of the requested grant. If the preapplication form is not used, the A-95 project notification and review procedures established by State and areawide clearinghouses should be followed.

(2) The application must contain a statement by the Governor of the coastal State or his designee that the management program as approved earlier by the Secretary of Commerce, with any approved amendments, is operative and has not been materially altered. This statement will provide the basis for an annual OCZM certification that the approved management program remains in effect, thus fulfilling, in part, the requirements of section 309(a) for a continuing review of management programs.

(3) The Governor's document designating the applicant agency is not required, unless there has been a change of designation.

(4) Copies of the approved management program or approved amendments thereto are not required.

[FR Doc.75-738 Filed 1-8-75;8:45 am]

APPENDIX 3

WASHINGTON SHORELINE

MANAGEMENT ACT OF 1971

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REVISED CODE OF WASHINGTON (RCW)
SHORELINE MANAGEMENT ACT OF 1971

Chapter 90.58 RCW
Amended effective February 14, 1974

Chapter 61, laws of 1974, amended one section.

Index

Sections

	90.58.010	RCW	Short title.
	90.58.020	RCW	Legislative findings--State policy enunciated--Use preference.
	90.58.030	RCW	Definitions and concepts.
	90.58.040	RCW	Program applicable to shorelines of the state.
	90.58.050	RCW	Program as cooperative between local government and state--Responsibilities differentiated.
	90.58.060	RCW	Timetable for adoption of initial guidelines--Public hearings, notice of.
	90.58.070	RCW	Local governments to submit letters of intent--Department to act upon failure of local government.
Amd	90.58.080	RCW	Timetable for local governments to complete shoreline inventories and master programs.
	90.58.090	RCW	Approval of master program or segments thereof, when--Departmental alternatives when shorelines of state-wide significance--Later adoption of master program supersedes department program.
	90.58.100	RCW	Programs as constituting use regulations--Duties when preparing programs and amendments thereto--Program contents.
	90.58.110	RCW	Development of program within two or more adjacent local government jurisdictions--Development of program in segments, when.
	90.58.120	RCW	Adoption of rules, programs, etc., subject to RCW 34.04.025--Public hearings, notice of--Public inspection after approval or adoption.

90.58.130	RCW	Involvement of all persons and entities having interest, means.
90.58.140	RCW	Development permits--Grounds for granting--Departmental appeal on issuance--Administration by local government, conditions--Rescission--When permits not required--Approval when permit for variance or conditional use.
90.58.150	RCW	Selective commerical timber cutting, when.
90.58.160	RCW	Prohibition against surface drilling for oil or gas, where.
90.58.170	RCW	Shorelines hearings board--Established--Members--Chairman--Quorum for decision--Administrative and clerical assistance--Expenses of members.
90.58.175	RCW	Shorelines hearings board may adopt rules.
90.58.180	RCW	Appeals from granting, denying or rescinding permits, procedure--Board to act, when--Local government appeals to board--Grounds for declaring master program invalid--Appeals to court, procedure.
90.58.190	RCW	Review and adjustments to master programs.
90.58.200	RCW	Rules and regulations.
90.58.210	RCW	Court actions to insure against conflicting uses and to enforce.
90.58.220	RCW	General penalty.
90.58.230	RCW	Violators liable for damages resulting from violation--Attorney's fees and costs.
90.58.240	RCW	Additional authority granted department and local governments.
90.58.250	RCW	Department to cooperate with local governments--Grants for development of master programs.
90.58.260	RCW	State to represent its interest before federal agencies, interstate agencies and courts.
90.58.270	RCW	Nonapplication to certain structures, docks, developments, etc., placed in navigable waters--Nonapplication to certain rights of action, authority.
90.58.280	RCW	Application to all state agencies, counties, public and municipal corporations.
90.58.290	RCW	Restrictions as affecting fair market value of property.
90.58.300	RCW	Department as regulating state agency--Special authority.
90.58.310	RCW	Designation of shorelines of state-wide significance by legislature--Recommendation by director, procedure.
90.58.320	RCW	Height limitation respecting permits.
90.58.330	RCW	Study of shorelines of cities and towns submitted to legislature--Scope.

90.58.340	RCW	Use policies for land adjacent to shorelines, development of.
90.58.350	RCW	Nonapplication to treaty rights.
90.58.360	RCW	Existing requirement for permits, certificates, etc., not obviated.
90.58.900	RCW	Liberal construction.
90.58.910	RCW	Severability.
90.58.920	RCW	Effective date.
90.58.930	RCW	Referendum to the people--1971 act--Determining if act continues in force and effect.

SHORELINE MANAGEMENT ACT OF 1971
As Amended by Chapter 203 Laws of 1973

RCW 90.58.010 SHORT TITLE. This chapter shall be known and may be cited as the "Shoreline Management Act of 1971." [1971 1st ex.s. c 286 § 1.]

90.58.020 Legislative findings--State policy enunciated---USE PREFERENCE. The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

(1) Recognize and protect the state-wide interest over local interest;
(2) Preserve the natural character of the shoreline;
(3) Result in long term over short term benefit;
(4) Protect the resources and ecology of the shoreline;
(5) Increase public access to publicly owned areas of the shorelines;
(6) Increase recreational opportunities for the public in the shoreline;
(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. [1971 1st ex.s. c286 § 2.]

Reviser's note: In subsection (7), a literal translation of the session law's reference " . . . section 11 of this 1971 act . . ." would read "RCW 90.58.110". The above reference to "RCW 90.58.100" which codifies section 10 of this act is believed proper in that (1) section 10 lists the elements includable within the master programs while section 11 neither defines nor mentions such elements, and (2) in the course of passage of the bill, section 7 was deleted causing old section 11 to be renumbered section 10, but the above reference was not amended in consonance with the renumbering.

90.58.030 DEFINITIONS AND CONCEPTS. As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:
(1) Administration:
(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971 or as it may naturally change thereafter: Provided, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of steams 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;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and

(E) Padilla Bay--from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2) (e);

(f) "Wetlands" or "wetland 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; and all marshes, bogs, swamps, floodways, river deltas, and flood plains 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.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "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 this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered

substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction of a barn or similar agricultural structure on wetlands;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.

(vii) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of a single family residence, the cost of which does not exceed two thousand five hundred dollars. [1973 c 203 § 1; 1971 1st ex.s. c 286 § 3.1]

90.58.040 PROGRAM APPLICABLE TO THE SHORELINES OF THE STATE The shoreline management program of this chapter shall apply to the shorelines of the state as defined in this chapter. [1971 1st ex.s. c 286 § 4.]

90.58.050 PROGRAM AS COOPERATIVE BETWEEN LOCAL GOVERNMENT AND STATE--RESPONSIBILITIES DIFFERENTIATED. This chapter establishes a cooperative program of shoreline management between local government and the state. Local government shall have the primary responsibility for initiating and administering the regulatory program of this chapter. The department shall act primarily in a supportive and review capacity with primary emphasis on insuring compliance with the policy and provisions of this chapter. [1971 1st ex.s. c 286 § 5.]

90.58.060 TIMETABLE FOR ADOPTION OF INITIAL GUIDELINES--PUBLIC HEARINGS, NOTICE OF. (1) Within one hundred twenty days from June 1, 1971, the department shall submit to all local governments proposed guidelines consistent with RCW 90.58.020 for:

(a) Development of master programs for regulations of the uses of shorelines; and

(b) Development of master programs for regulation of the uses of shorelines of state-wide significance.

(2) Within sixty days from receipt of such proposed guidelines, local governments shall submit to the department in writing proposed changes, if any, and comments upon the proposed guidelines.

(3) Thereafter and within one hundred twenty days from the submission of such proposed guidelines to local governments, the department, after review and consideration of the comments and suggestions submitted to it, shall resubmit final proposed guidelines.

(4) Within sixty days thereafter public hearings shall be held by the department in Olympia and Spokane, at which interested public and private parties shall have the opportunity to present statements and views on the proposed guidelines. Notice of such hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state.

(5) Within ninety days following such public hearings, the department at a public hearing to be held in Olympia shall adopt guidelines. [1971 1st ex.s. c 286 § 6.]

90.58.070 LOCAL GOVERNMENTS TO SUBMIT LETTERS OF INTENT --DEPARTMENT TO ACT UPON FAILURE OF LOCAL GOVERNMENT. (1) Local governments are directed with regard to shorelines of the state in their various jurisdictions to submit to the director of the department, within six months from June 1, 1971, letters stating that they propose to complete an inventory and develop master programs for these shorelines as provided for in RCW 90.58.080.

(2) If any local government fails to submit a letter as provided in subsection (1) of this section, or fails to adopt a master program for the shorelines of the state within its jurisdiction in accordance with the time schedule provided in this chapter, the department shall carry out the requirements of RCW 90.58.080 and adopt a master program for the shorelines of the state within the jurisdiction of the local government. [1971 1st ex.s. c 286 § 7.]

90.58.080 TIMETABLE FOR LOCAL GOVERNMENTS TO COMPLETE SHORELINE INVENTORIES AND MASTER PROGRAMS. Local governments are directed with regard to shorelines of the state within their various jurisdictions as follows:

(1) To complete within eighteen months after June 1, 1971, a comprehensive inventory of such shorelines. Such inventory shall include but not be limited to the general ownership patterns of the lands located therein in terms of public and private ownership, a survey of the general natural characteristics thereof, present uses conducted therein and initial projected uses thereof;

(2) To develop, within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060, a master program for regulation of uses of the shorelines of the state consistent with the guidelines adopted. [1974 3rd ex.s. c 61-§1, 1971 1st ex.s. c 286 § 8.]

This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. [1974 3rd ex.s. c 61 § 2.]

90.58.090 APPROVAL OF MASTER PROGRAM OR SEGMENTS THEREOF, WHEN--DEPARTMENTAL ALTERNATIVES WHEN SHORELINES OF STATE-WIDE SIGNIFICANCE--LATER ADOPTION OF MASTER PROGRAMS SUPERSEDES DEPARTMENTAL PROGRAM. Master programs or segments thereof shall become effective when adopted or approved by the department as appropriate. Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.

(1) As to those segments of the master program relating to shorelines, they shall be approved by the department unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines. If approval is denied, the department shall state within ninety days from the date of submission in detail the precise facts upon which that decision is based, and shall submit to the local government suggested modifications to the program to make it consistent with said policy and guidelines. The local government shall have ninety days after it receives recommendations from the department to make modifications designed to eliminate the inconsistencies and to resubmit the program to the department for approval. Any resubmitted program shall take effect when and in such form and content as is approved by the department.

(2) As to those segments of the master program relating to shorelines of state-wide significance the department shall have full authority following review and evaluation of the submission by local government to develop and adopt an alternative to the local government's proposal if in the department's opinion the program submitted does not provide the optimum implementation of the policy of this chapter to satisfy the state-wide interest. If the submission by local government is not approved, the department shall suggest modifications to the local government within ninety days from receipt of the submission. The local government shall have ninety days after it receives said modifications to consider the same and resubmit a master program to the department. Thereafter, the department shall adopt the resubmitted program or, if the department determines that said program does not provide for optimum implementation, it may develop and adopt an alternative as hereinbefore provided.

(3) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines. [1971 1st ex.s. c 286 § 9.]

90.58.100 PROGRAMS AS CONSTITUTING USE REGULATIONS--DUTIES WHEN PREPARING PROGRAMS AND AMENDMENTS THERETO--PROGRAM CONTENTS. (1) The master programs provided for in this chapter, when adopted and approved by the department, as appropriate, shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportion facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values; and

(h) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3). [1971 1st ex.s. c 286 § 10.]

90.58.110 DEVELOPMENT OF PROGRAM WITHIN TWO OR MORE ADJACENT LOCAL GOVERNMENT JURISDICTIONS--DEVELOPMENT OF PROGRAM IN SEGMENTS, WHEN. (1) Whenever it shall appear to the director that a master program should be developed for a region of the shorelines of the state which includes lands and waters located in two or more adjacent local government jurisdictions, the director shall designate such region and notify the appropriate units of local government thereof. It shall be the duty of the notified units to develop cooperatively an inventory and master program in accordance with and within the time provided in RCW 90.58.080.

(2) At the discretion of the department, a local government master program may be adopted in segments applicable to particular areas so that immediate attention may be given to those areas of the shorelines of the state in most need of a use regulation. [1971 1st ex.s. c 286 § 11.]

90.58.120 ADOPTION OF RULES, PROGRAMS, ETC., SUBJECT TO RCW 34.04.025--PUBLIC HEARINGS, NOTICE OF--PUBLIC INSPECTION AFTER APPROVAL OR ADOPTION. All rules and regulations, master programs, designations and guidelines, shall be adopted or approved in accordance with the provisions of RCW 34.04.025 insofar as such provisions are not inconsistent with the provisions of this chapter. In addition:

(1) Prior to the approval or adoption by the department of a master program, or portion thereof, at least one public hearing shall be held in each county affected by a program or portion thereof for the purpose of obtaining the views and comments of the public. Notice of each such hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newpapers of general circulation in the county in which the hearing is to be held.

(2) All guidelines, regulations, designations or master programs adopted or approved under this chapter shall be available for public inspection at the office of the department or the appropriate county auditor and city clerk. The terms "adopt" and "approve" for purposes of this section, shall include modifications and rescission of guidelines. [1971 1st ex.s. c 286 § 12.]

90.58.130 INVOLVEMENT OF ALL PERSONS AND ENTITIES HAVING INTEREST, MEANS. To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments. [1971 1st ex.s. c 286 § 13.]

90.58.140 DEVELOPMENT PERMITS--GROUNDS FOR GRANTING--DEPARTMENTAL APPEAL ON ISSUANCE--ADMINISTRATION BY LOCAL GOVERNMENT, CONDITIONS--RESCISSION--WHEN PERMITS NOT REQUIRED--APPROVAL WHEN PERMIT FOR VARIANCE OR CONDITIONAL USE.. (1) No development shall be undertaken on the shorelines of the state except those which are consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, regulations or master program.

(2) No substantial development shall be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020;

and (ii) after their adoption, the guidelines and regulations of the department; and (iii) so far as can be ascertained, the master program being developed for the area. In the event the department is of the opinion that any permit granted under this subsection is inconsistent with the policy declared in RCW 90.58.020 or is otherwise not authorized by this section, the department may appeal the issuance of such permit within thirty days to the hearings board upon written notice to the local government and the permittee;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and the policy of RCW 90.58.020.

(3) Local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. Any such system shall include a requirement that all applications and permits shall be subject to the same public notice procedures as provided for applications for waste disposal permits for new operations under RCW 90.48.170. The administration of the system so established shall be performed exclusively by local government.

(4) Such system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until forty-five days from the date of final approval by the local government or, except in the case of any permit issued to the state of Washington, department of highways, for the construction and modification of the SR 90 (I-90) bridges across Lake Washington, until all review proceedings are terminated if such proceedings were initiated within forty-five days from the date of final approval by the local government.

(5) Any ruling on an application for a permit under authority of this section, whether it be an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general.

(6) Applicants for permits under this section shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.160 (1), the person requesting the review shall have the burden of proof.

(7) Any permit may be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. In the event the department is of the opinion that such noncompliance exists, the department may appeal within thirty days to the hearings board for a rescission of such permit upon written notice to the local government and the permittee.

(8) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(9) No permit shall be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government prior to April 1, 1971, if:

(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969, or

(b) Sales of lots to purchasers with reference to the plat, or substantial development incident to platting or required by the plat, occurred prior to April 1, 1971, and

(c) The development to be made without a permit meets all requirements of the applicable state agency or local government, other than requirements imposed pursuant to this chapter, and

(d) The development does not involve construction of buildings, or involves construction on wetlands of buildings to serve only as community social or recreational facilities for the use of owners of platted lots and the buildings do not exceed a height of thirty-five feet above average grade level, and

(e) The development is completed within two years after the effective date of this chapter.

(10) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and prior to April 1, 1971: Provided, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (9) of this section, or does not require a permit because of substantial development occurred prior to June 1, 1971.

(11) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval. [1973 2nd ex.s. c 19 § 1, 1971 1st ex.s. c 286 § 14.]

90.58.150 SELECTIVE COMMERICAL TIMBER CUTTING, WHEN. With respect to timber situated within two hundred feet abutting landward of the ordinary high water mark within shorelines of state-wide significance, the department or local government shall allow only selective commerical timber cutting, so that no more than thirty percent of the merchantable trees may be harvested in any ten 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: 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. [1971 1st ex.s. c 286 § 15.]

90.58.160 PROHIBITION AGAINST SURFACE DRILLING FOR OIL OR GAS, WHERE. Surface drilling for oil or gas is prohibited in the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca seaward from the ordinary high water mark and on all lands within one thousand feet landward from said mark. [1971 1st ex.s. c 286 § 16.]

90.58.170 SHORELINES HEARINGS BOARD--ESTABLISHED--MEMBERS--CHAIRMAN--QUORUM FOR DECISION--ADMINISTRATIVE AND

CLERICAL ASSISTANCE--EXPENSES OF MEMBERS. A shorelines hearings board sitting as a quasi judicial body is hereby established which shall be made up of six members: Three members shall be members of the pollution control hearings board; two members, one appointed by the association of Washington cities and one appointed by the association of county commissioners, both to serve at the pleasure of the associations; and the state land commissioner or his designee. The chairman of the pollution control hearings board shall be the chairman of the shorelines hearings board. A decision must be agreed to by at least four members of the board to be final. The pollution control hearings board shall provide the shorelines appeals board such administrative and clerical assistance as the latter may require. The members of the shorelines appeals board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and 43.03.060. [1971 1st ex.s. c 286 § 17.]

90.58.175 The shorelines hearings board may adopt rules and regulations governing the administrative practice and procedure in and before the board. [1973 2nd ex.s. c 203-§ 3.]

90.58.180 APPEALS FROM GRANTING, DENYING OR RESCINDING PERMITS, PROCEDURE--BOARD TO ACT, WHEN--LOCAL GOVERNMENT APPEALS TO BOARD--GROUNDS FOR DECLARING MASTER PROGRAM INVALID--APPEALS TO COURT, PROCEDURE. (1) Any person aggrieved by the granting or denying of a permit on shorelines of the state, or rescinding a permit pursuant to RCW 90.58.150 may seek review from the shorelines hearings board by filing a request for the same within thirty days of receipt of the final order. Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor: Provided, That the failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within forty-five days from the date of the filing of said copies by the requestor.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines appeals board and the appropriate local government within forty-five days from the date the final order was filed as provided in subsection (5) of RCW 90.58.140.

(3) The review proceedings authorized in subsection (1) and (2) of this section are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases. Judicial review of such proceedings of the shorelines hearings board may be had as provided in chapter 34.04 RCW.

(4) Local government may appeal to the shorelines hearings board any rules, regulations, guidelines, designations or master programs for shorelines of the state adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(a) In an appeal relating to a master program for shorelines, the board, after full consideration of the positions of the local government and the department, shall determine the validity of the master program. If the board determines that said program:

(i) is clearly erroneous in light of the policy of this chapter; or

(ii) constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(iii) is arbitrary and capricious; or

(iv) was developed without fully considering and evaluating all proposed master programs submitted to the department by the local government; or

(v) was not adopted in accordance with required procedures; the board shall enter a final decision declaring the program invalid, remanding the master program to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new master program. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the master program to be valid and enter a final decision to that effect.

(b) In an appeal relating to a master program for shorelines of state-wide significance the board shall approve the master program adopted by the department unless a local government shall, by clear and convincing evidence and argument, persuade the board that the master program approved by the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to rules, regulations, guidelines, master programs of state-wide significance and designations, the standard of review provided in RCW 34.04.070 shall apply.

(5) Rules, regulations, designations, master programs and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.04.070: Provided, That no review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is filed within three months after the date of final decision by the shorelines hearings board. [1973 c 203 § 2; 1971 1st ex.s. c 286 § 18.]

90.58.190 REVIEW AND ADJUSTMENTS TO MASTER PROGRAMS. The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. Each local government shall submit any proposed adjustments, to the department as soon as they are completed. No such adjustment shall become effective until it has been approved by the department. [1971 1st ex.s. c 286 § 19.]

90.58.200 RULES AND REGULATIONS. The department and local governments are authorized to adopt such rules as are necessary and appropriate to carry out the provisions of this chapter. [1971 1st ex.s. c 286 § 20.]

90.58.210 COURT ACTIONS TO INSURE AGAINST CONFLICTING USES AND TO ENFORCE. The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter. [1971 1st ex.s. c 286 § 21.]

90.58.220 GENERAL PENALTY. In addition to incurring civil liability under RCW 90.58.210, any person found to have wilfully engaged in activities on the shorelines of the state in violation of the provisions of this chapter or any of the master programs, rules, or regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment: Provided, That the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred nor more than ten thousand dollars. [1971 1st ex.s. c 286 § 22.]

90.58.230 VIOLATORS LIABLE FOR DAMAGES RESULTING FROM VIOLATION--ATTORNEY'S FEES AND COSTS. Any person subject to the regulatory program of this chapter who violates any provision of this chapter or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The attorney general or local government attorney shall bring suit for damages under this section on behalf of the state or local governments. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages,

the court in its discretion may award attorney's fees and costs of the suit to the prevailing party. [1971 1st ex.s. c 286 § 23.]

90.58.240 ADDITIONAL AUTHORITY GRANTED DEPARTMENT AND LOCAL GOVERNMENTS. In addition to any other powers granted hereunder, the department and local governments may:

(1) Acquire lands and easements within shorelines of the state by purchase, lease, or gift, either alone or in concert with other governmental entities, when necessary to achieve implementation of master programs adopted hereunder;

(2) Accept grants, contributions, and appropriations from any agency, public or private, or individual for the purposes of this chapter;

(3) Appoint advisory committees to assist in carrying out the purposes of this chapter;

(4) Contract for professional or technical services required by it which cannot be performed by its employees. [1972 1st ex.s. 53 § 1; 1971 ex.s. c 286 § 24.]

90.58.250 DEPARTMENT TO COOPERATE WITH LOCAL GOVERNMENTS --GRANTS FOR DEVELOPMENT OF MASTER PROGRAMS. The department is directed to cooperate fully with local governments in discharging their responsibilities under this chapter. Funds shall be available for distribution to local governments on the basis of applications for preparation of master programs. Such applications shall be submitted in accordance with regulations developed by the department. The department is authorized to make and administer grants within appropriations authorized by the legislature to any local government within the state for the purpose of developing a master shorelines program. No grant shall be made in an amount in excess of the recipient's contribution to the estimated cost of such program. [1971 1st ex.s. c 286 § 25.]

90.58.260 STATE TO REPRESENT ITS INTEREST BEFORE FEDERAL AGENCIES, INTERSTATE AGENCIES AND COURTS. The state, through the department of ecology and the attorney general, shall represent its interest before water resource regulation management, development, and use agencies of the United States, including among others, the federal power commission, environmental protection agency, corps of engineers, department of interior, department of agriculture and the atomic energy commission, before interstate agencies and the courts with regard to activities or uses of shorelines of the state and the program of this chapter. Where federal or interstate agency plans, activities, or procedures conflict with state policies, all reasonable steps available shall be taken by the state to preserve the integrity of its policies. [1971 1st ex.s. c 286 § 26.]

90.58.270 NONAPPLICATION TO CERTAIN STRUCTURES, DOCKS, DEVELOPMENTS, ETC., PLACED IN NAVIGABLE WATERS--NONAPPLICATION TO CERTAIN RIGHTS OF ACTION, AUTHORITY. (1) Nothing in this statute shall constitute authority for requiring or ordering the removal of any structures, improvements, docks, fills, or developments placed in navigable waters prior to December 4, 1969, and the consent and authorization of the state of Washington to the impairment of public rights of navigation, and corollary rights incidental thereto, caused by the retention and maintenance of said structures, improvements, docks, fills or developments are hereby granted: Provided, That the consent herein given shall not relate to any structures, improvements, docks, fills, or developments placed on tidelands, shorelands, or beds underlying said waters which are in trespass or in violation of state statutes.

(2) Nothing in this section shall be construed as altering or abridging any private right of action, other than a private right which is based upon the impairment of public rights consented to in subsection (1) hereof.

(3) Nothing in this section shall be construed as altering or abridging the authority of the state or local governments to suppress or abate nuisances or to abate pollution.

(4) Subsection (1) of this section shall apply to any case pending in the courts of this state on June 1, 1971 relating to the removal of structures, improvements, docks, fills, or developments based on the impairment of public navigational rights. [1971 1st ex.s. c 286 § 27.]

90.58.280 APPLICATIONS TO ALL STATE AGENCIES, COUNTIES, PUBLIC AND MUNICIPAL CORPORATIONS. The provisions of this chapter shall be applicable to all agencies of state government, counties, and public and municipal corporations and to all shorelines of the state owned or administered by them. [1971 1st ex.s. c 286 § 28.]

90.58.290 RESTRICTIONS AS AFFECTING FAIR MARKET VALUE OF PROPERTY. The restrictions imposed by this chapter shall be considered by the county assessor in establishing the fair market value of the property. [1971 1st ex.s. c 286 § 29.]

90.58.300 DEPARTMENT AS REGULATING STATE AGENCY--SPECIAL AUTHORITY. The department of ecology is designated the state agency responsible for the program of regulation of the shorelines of the state, including coastal shorelines and the shorelines of the inner tidal waters of the state, and is authorized to cooperate with the federal government and sister states and to receive benefits of any statutes of the United States whenever enacted which relate to programs of this chapter. [1971 1st ex.s. c 286 § 30.]

90.58.310 DESIGNATION OF SHORELINES OF STATE-WIDE SIGNIFICANCE BY LEGISLATURE--RECOMMENDATION BY DIRECTOR, PROCEDURE.

Additional shorelines of the state shall be designated shorelines of state-wide significance only by affirmative action of the legislature.

The director of the department may, however, from time to time, recommend to the legislature areas of the shorelines of the state which have state-wide significance relating to special economic, ecological, educational, developmental, recreational, or aesthetic values to be designated as shorelines of state-wide significance.

Prior to making any such recommendation the director shall hold a public hearing in the county or counties where the shoreline under consideration is located. It shall be the duty of the county commissioners of each county where such a hearing is conducted to submit their views with regard to a proposed designation to the director at such date as the director determines but in no event shall the date be later than sixty days after the public hearing in the county. [1971 1st ex.s. 286 § 31.]

90.58.320 HEIGHT LIMITATION RESPECTING PERMITS. No permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served. [1971 1st ex.s. c 286 § 32.]

90.58.330 STUDY OF SHORELINES OF CITIES AND TOWNS SUBMITTED TO LEGISLATURE--SCOPE. The department of ecology, the attorney general, and the harbor line commission are directed as a matter of high priority to undertake jointly a study of the locations, uses and activities, both proposed and existing, relating to the shorelines of the cities, and towns of the state and submit a report which shall include but not be limited to the following:

(1) Events leading to the establishment of the various harbor lines pertaining to cities of the state;

(2) The location of all such harbor lines;

(3) The authority for establishment and criteria used in location of the same;

(4) Present activities and uses made within harbors and their relationship to harbor lines;

(5) Legal aspects pertaining to any uncertainty and inconsistency; and

(6) The relationship of federal, state and local governments to regulation of uses and activities pertaining to the area of study.

The report shall be submitted to the legislature not later than December 1, 1972. [1971 1st ex.s c 286 § 33.]

90.58.340 USE POLICIES FOR LAND ADJACENT TO SHORELINES, DEVELOPMENT OF. All state agencies, counties, and public and

municipal corporations shall review administrative and management policies, regulations, plans, and ordinances relative to lands under their respective jurisdictions adjacent to the shorelines of the state so as to achieve a use policy on said land consistent with the policy of this chapter, the guidelines, and the master programs for the shorelines of the state. The department may develop recommendations for land use control for such lands. Local governments shall, in developing use regulations for such areas, take into consideration any recommendations developed by the department as well as any other state agencies or units of local government. [1971 1st ex.s. c 286 § 34.]

90.58.350 NONAPPLICATION TO TREATY RIGHTS. Nothing in this chapter shall affect any rights established by treaty to which the United States is a party. [1971 1st ex.s c 286 § 35.]

90.58.360 EXISTING REQUIREMENTS FOR PERMITS, CERTIFICATES, ETC., NOT OBVIATED. Nothing in this chapter shall obviate any requirement to obtain any permit, certificate, license, or approval from any state agency or local government. [1971 1st ex.s. c 286 § 36.]

90.58.900 LIBERAL CONSTRUCTION--1971 1st ex.s. c 286. This chapter is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. [1971 1st ex.s. c 286 § 37.]

90.58.910 SEVERABILITY--1971 1st ex.s. c 286. If any provision of this chapter, or its application to any person or legal entity or circumstances, is held invalid, the remainder of the act, or the application of the provision to other persons or legal entities or circumstances, shall not be affected. [1971 1st ex.s. c 286 § 40.]

90.58.920 EFFECTIVE DATE--1971 1st ex.s. c 286. This chapter is necessary for the immediate preservation of the public peace, health and safety, the support of the state government, and its existing institutions. This 1971 act shall take effect on June 1, 1971. The director of ecology is authorized to immediately take such steps as are necessary to insure that this 1971 act is implemented on its effective date. [1971 1st ex.s. c 286 § 41.]

90.58.930 REFERENDUM TO THE PEOPLE--1971 ACT--DETERMINING IF ACT CONTINUES IN FORCE AND EFFECT. This 1971 act constitutes an alternative to Initiative 43. The secretary of

state is directed to place this 1971 act on the ballot in conjunction with Initiative 43 at the next ensuing regular election.

This 1971 act shall continue in force and effect until the secretary of state certifies the election results on this 1971 act. If affirmatively approved at the ensuing regular general election, the act shall continue in effect thereafter. [1971 1st ex.s. c 286 § 42.]

APPENDIX 4

FINAL GUIDELINES FOR

THE WASHINGTON SHORELINE

MANAGEMENT ACT OF 1971

State of Washington Department of Ecology

FINAL GUIDELINES SHORELINE MANAGEMENT ACT OF 1971

June 20, 1972

STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

OLYMPIA

DANIEL J. EVANS
GOVERNOR

The State of Washington possesses shoreline areas whose uniqueness and diversity are unequalled in the Nation. We have inherited a treasure of untamed rivers, peaceful lakes, and bountiful marine areas. Such grandeur lured our forefathers here and continues to attract tourists in ever-increasing numbers. We have all had the opportunity to explore these natural areas - to swim and boat in the waters, observe the marine life, and fish in our cold, clear mountain streams.

Experiences in other parts of the Country, however, and increasingly so here in Washington, show that we cannot continue to take our shoreline resources for granted. Our shorelines are a limited asset - we cannot increase them, but we can lose them if we fail to protect them through a sound, comprehensive management program.

The Shoreline Management Act of 1971, which was passed by our Legislature and became effective on June 1, 1971, provides the means for developing the necessary planning and management program between local government and the state. Local governments have the primary responsibility for initiating the planning program and administering the regulatory requirements of the Act, with the Department of Ecology acting in a supportive and review capacity.

Another important feature of the Shoreline Act is the emphasis it places on citizen involvement, for only through an active shoreline program in which the citizens are able to participate from the outset can the objectives of shoreline management be attained.

The need for comprehensive shoreline management is clear - the tools for implementing a management program are available. I urge you to accept these guidelines and use them in moving toward a level of environmental quality in our shoreline areas which we can share with pride.

Sincerely,

Daniel J. Evans

Daniel J. Evans
Governor

June 2, 1972

State of Washington
Department of Ecology

Enclosed is a copy of the Final Guidelines for local government, prepared in accordance with the requirements of the Shoreline Management Act of 1971. As required by the Shoreline Act, these Guidelines will be formally adopted in a public hearing, to be held in the Olympia City Hall on June 20, 1972, at 9:30 A. M.

Following the time table set forth in the Act, the first set of proposed guidelines was distributed to local governments on September 28, 1971. Local governments then had a period of ninety days to review the guidelines and submit comments and suggestions to the Department of Ecology for consideration in the revision of the guidelines. Final proposed guidelines were then submitted to local governments and interested citizens and groups on January 26, 1972. An extensive series of public information meetings were held to discuss the final proposed guidelines and to obtain additional input for their refinement. Two public hearings were held on the final proposed guidelines-one in Spokane on March 21, 1972, and one in Olympia on March 23, 1972. The enclosed Final Guidelines are a result of comments received in those hearings and from the correspondence and comments of concerned individuals, citizen groups and industry.

We feel confident that these Final Guidelines are expressive of the concerns of the citizens of the State for the management of their shorelines and of the intent of the Legislature in framing the Shoreline Act. The primary duty for implementing the planning phase of the shoreline program, based on the direction set by these Guidelines, now rests with the cities and counties of our State.

Sincerely,

John A. Biggs
Director

JAB:gk

State of Washington

DEPARTMENT OF ECOLOGY

ADMINISTRATIVE ORDER NO. DE 72-12

(1) I, John A. Biggs, Director, Department of Ecology of the State of Washington, by virtue of the authority vested in me, after due notice and in a meeting open to the public, held in the City of Olympia Commission Chambers, City Hall, 8th and Plum, Olympia, Washington, on June 20, 1972, do promulgate and adopt the annexed rules and regulations, to wit:

> The adoption of guidelines for the development of master programs for regulation of the uses of shorelines of the state pursuant to the Shoreline Management Act of 1971, Chapter 286, Laws of 1971, First Extraordinary Session, Chapter 90.58 RCW, adopting a new chapter 173-16 WAC.

as permanent rules of this agency.

(2) This order after being first recorded in the order register of this agency, shall be forwarded to the Code Reviser for filing, pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED June 20, 1972.
By JOHN A. BIGGS
Director

PURPOSE

WAC 173-16-010 PURPOSE. This regulation is adopted pursuant to chapter 90.58 RCW, in order to: (1) Serve as standards for implementation of the policy of chapter 90.58 RCW for regulations of uses of the shorelines; and

(2) Provide criteria to local governments and the department of ecology in developing master programs.

WAC 173-16-020 APPLICABILITY. The provisions of this chapter shall apply state-wide to all shorelines and shorelines of state-wide significance as defined in RCW 90.58 and WAC 173-16-030.

TABLE OF CONTENTS

	Page	Washington Administrative Code Number
INTRODUCTION	1	
THE MASTER PROGRAM	2	WAC 173-16-040
CITIZEN INVOLVEMENT	2	WAC 173-16-040(1)
POLICY STATEMENTS	3	WAC 173-16-040(2)
MASTER PROGRAM ELEMENTS	3	WAC 173-16-040(3)
ENVIRONMENTS	4	WAC 173-16-040(4)
Natural Environment	4	WAC 173-16-040(4)(i)
Conservancy Environment	5	WAC 173-16-040(4)(ii)
Rural Environment	5	WAC 173-16-040(4)(iii)
Urban Environment	5	WAC 173-16-040(4)(iv)
SHORELINES OF STATEWIDE SIGNIFICANCE	6	WAC 173-16-040(5)
THE NATURAL SYSTEMS	6	WAC 173-16-050
MARINE BEACHES	6	WAC 173-16-050(1)
SPITS & BARS	7	WAC 173-16-050(2)
DUNES	7	WAC 173-16-050(3)
ISLANDS	8	WAC 173-16-050(4)
ESTUARIES	8	WAC 173-16-050(5)
MARSHES, BOGS AND SWAMPS	8	WAC 173-16-050(6)
LAKES	8	WAC 173-16-050(7)
RIVERS, STREAMS AND CREEKS	8	WAC 173-16-050(8)
FLOOD PLAINS	9	WAC 173-16-050(9)
PUGET SOUND	9	WAC 173-16-050(10)
PACIFIC OCEAN	9	WAC 173-16-050(11)
THE USE ACTIVITIES	10	WAC 173-16-060
AGRICULTURAL PRACTICES	10	WAC 173-16-060(1)
AQUACULTURE	11	WAC 173-16-060(2)
FOREST MANAGEMENT PRACTICES	11	WAC 173-16-060(3)
COMMERCIAL DEVELOPMENT	11	WAC 173-16-060(4)
MARINAS	12	WAC 173-16-060(5)
MINING	12	WAC 173-16-060(6)
OUTDOOR ADVERTISING, SIGNS AND BILLBOARDS	12	WAC 173-16-060(7)
RESIDENTIAL DEVELOPMENT	13	WAC 173-16-060(8)
UTILITIES	13	WAC 173-16-060(9)
PORTS AND WATER-RELATED INDUSTRY	13	WAC 173-16-060(10)
BULKHEADS	14	WAC 173-16-060(11)
BREAKWATERS	14	WAC 173-16-060(12)
JETTIES AND GROINS	14	WAC 173-16-060(13)
LANDFILL	15	WAC 173-16-060(14)
SOLID WASTE DISPOSAL	15	WAC 173-16-060(15)
DREDGING	15	WAC 173-16-060(16)
SHORELINE FLOOD PROTECTION	15	WAC 173-16-060(17)
ROAD AND RAILROAD DESIGN AND CONSTRUCTION	16	WAC 173-16-060(18)
PIERS	16	WAC 173-16-060(19)
ARCHEOLOGICAL AREAS AND HISTORIC SITES	16	WAC 173-16-060(20)
RECREATION	17	WAC 173-16-060(21)
VARIANCES AND CONDITIONAL USES	17	WAC 173-16-070
GLOSSARY	18	WAC 173-16-030
APPENDIX	19	WAC 173-16-200

INTRODUCTION

The Shoreline Management Act of 1971 is based on the philosophy that the shorelines of the State are among the most valuable, and fragile, of its natural resources and that there is great concern throughout the State relating to their utilization, protection, restoration, and preservation. Therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the State, while at the same time recognizing and protecting private property rights consistent with public interest. This planning is to be a rational and concerted effort, jointly performed by federal, state and local government. It is further felt that the interest of all of the people shall be paramount in the management of shorelines of statewide significance, and that the public should have the opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State.

The express purpose of the Shoreline Management Act is to provide for management of Washington's shorelines by planning for and fostering all reasonable and appropriate uses. This policy is directed at enhancement of shorelines rather than restriction of uses.

As required by the Shoreline Management Act of 1971, these guidelines have been written to serve as standards for implementation of the policy of this legislation for regulation of uses of the shorelines, prior to adoption of master programs, while also providing criteria to local governments and the Department of Ecology in developing master programs.

The guidelines have been written in relatively general terms so that they can be used by all local governments, regardless of size or geographical location. The critical point of the entire program is the manner in which local governments interpret and utilize these guidelines in the development of their master programs.

The information in this guideline package has been presented in three parts: The Master Program, which sets forth the procedures required for completion of the master programs; The Natural Systems, which provides a brief look at each of the natural phenomena which is part of the total shoreline environment; and, The Use Activities, which presents the actual standards for the establishment of master programs and provides direction for shoreline development until master programs are completed. Each of the parts is preceded by an explanatory paragraph which relates that part to the others in the program.

These guidelines are the beginning of a program which will become more meaningful as our knowledge of our environment increases. Our knowledge is not yet sophisticated enough to precisely determine the nature of the complex and interrelated chemical, biological, physical and aesthetic factors within our environment.

The guidelines were written with a spirit of optimism, with the hope that our legacy of natural grandeur in Washington will be used more wisely in the brief period of time it is entrusted to us, so that succeeding generations may have it to enjoy and extend our concern into their future.

THE MASTER PROGRAM

(WAC 173-16-040)

The master program is to be developed by local government to provide an objective guide for regulating the use of shorelines. The master program should clearly state local policies for the development of shorelands and indicate how these policies relate to the goals of the local citizens and to specific regulations of uses affecting the physical development of land and water resources throughout the local governments' jurisdiction.

The master program developed by each local government will reflect the unique shoreline conditions and the development requirements which exist and are projected in that area. As part of the process of master program development, local governments can identify problems and seek solutions which best satisfy their needs.

A master program, by its definition, is general, comprehensive and long-range in order to be applicable to the whole area for a reasonable length of time under changing conditions.

"General" means that the policies, proposals and guidelines are not directed towards any specific sites.

"Comprehensive" means that the program is directed towards all land and water uses, their impact on the environment and logical estimates of future growth. It also means that the program shall recognize plans and programs of the other government units, adjacent jurisdictions and private developers.

"Long-range" means that the program is to be directed at least 20 to 30 years into the future, look beyond immediate issues, and follow creative objectives rather than a simple projection of current trends and conditions.

Finally, chapter 90.58 RCW requires that the master program shall constitute use regulations for the various shorelines of the state. Specific guidelines are outlined in RCW 90.58.100(1) for preparing the master programs to accomplish this purpose. It is the intention of these guidelines, especially those related to citizen involvement, and the inventory to aid in carrying out this section of the act.

To facilitate an effective implementation of chapter 90.58 RCW throughout the state, the procedures on the following pages shall be observed while developing master programs for the shorelines. Exceptions to some of the specific provisions of these guidelines may occur where unique circumstances justify such departure. Any departure from these guidelines must, however, be compatible with the intent of the Shoreline Management Act as enunciated in RCW 90.58.020. Further, in all cases, local governments must meet the master program requirements specified in the Shoreline Management Act of 1971.

Citizen Involvement (WAC 173-16-040(1))

While public involvement and notification is required of the master program at the time of adoption by the act, the general public must be involved in the initial planning stage during formulation of the master plan.

The act requires that prior to approval or adoption of a master program, or a portion thereof, by the department, at least one public hearing shall be held in each county affected by the program for the purpose of obtaining the views and comments of the public.

The act charges the state and local government with not only the responsibility of making reasonable efforts to inform the people of the state about the shoreline management program, but also actively encourages participation by all persons, private groups, and entities, which have an interest in shoreline management.

To meet these responsibilities, the local government agencies responsible for the development of the master program should establish a method for obtaining and utilizing citizen involvement. The extent of citizen involvement in the formulation of the master program will be considered by the department in the review of the program. A failure by the local government to encourage and utilize citizen involvement, or to justify not having done so, may be noted as a failure to comply with the act.

Though the department recognizes various forms of citizen involvement as viable approaches for involving the public in the master program, the local government will be encouraged to utilize the method as suggested in these guidelines. If a local government does not follow these guidelines, it should provide an explanation of the method used. The department will be available to explain and help organize the suggested approach to citizen involvement upon request.

The suggested approach to citizen involvement to be utilized by the local government agency responsible for the development of the master program includes the following:

(a) Appoint a citizen advisory committee whose function will be to guide the formulation of the master program through a series of public evening meetings and at least one public hearing. The committee members should represent both commercial interests as well as environmentalists. However, the advisory committee itself is not to be a substitute for general citizen involvement and input. The aim of the committee will be to utilize citizen input in:

(i) Studying existing public policies related to shorelines.

(ii) Defining the needs to satisfy local demands for shorelines.

(iii) Studying the type and condition of local shorelines relative to needs.

(iv) Developing goals and policies for the master program with the local government fulfilling the specifications of the master program, including designation of the environments.

(v) Identifying use conflicts.

(vi) Proposing alternatives for the use of shorelines.

(vii) Examining the effects of the master program on the environment.

(b) The citizen advisory committee should hold at least three public meetings during development of the master program and designation of the environments according to the following guidelines:

(i) Public notice (as stated in subsection 1 below)

must be provided seven days prior to the evening meeting.

(ii) All meetings must be open to the public for free discussion.

(iii) Meetings should be held in the evening at a location accessible to the general public.

(iv) Record of all meetings should be filed with the local government and made available to the public.

(v) Local government should provide resource persons to assist in the preparation, organization and diffusion of information.

(vi) The final evening meeting should be held at least seven days prior to the public hearing.

(c) A newsletter should be published by the advisory committee in cooperation with the local government.

(i) The information sheet should be available to the public at posted locations.

(ii) It should be available after the first evening public meeting and prior to the second.

(iii) The date, time, and location of future meetings and hearings should be stated.

(iv) A phone number should be provided to obtain further information.

(v) Public notice should be made of the availability of the newsletter as stated in subsection (d)

(d) Publicity of the master program should utilize:

(i) Public notice postings as per subsection (i) below.

(ii) Newsletter.

(iii) Radio, T.V. and local news media.

(iv) A local paper of general circulation.

(v) Announcements to community groups.

(e) At least one public hearing should be held by the local government after the three public meetings have been held to discuss the proposed master plan.

(i) Public notice (as stated in subsection (i) below) must be made a minimum of once in each of three weeks immediately preceding the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held.

(ii) The master program should be available for public inspection at the local government office and available upon request at least seven days prior to the public hearing.

(f) Prior to adoption of the master program, all reasonable attempts should have been made to obtain a general concurrence of the public and the advisory committee. The method of obtaining or measuring concurrence must be established by the local government and must provide a clear indication of how citizen input is utilized.

(g) If the level of concurrence on the master program is not considered adequate by the advisory committee at the conclusion of the public hearing, the local government should hold subsequent public meetings and public hearings until such time as adequate concurrence as per subsection (f) above is reached.

(h) Attached to the master program upon its submission to the department of ecology shall be a record of public meetings and citizen involvement. A discussion of the use of citizen involvement and measurement on concurrence should be included.

(i) Public notice shall include:

(i) Reference to the authority under which the rule is proposed.

(ii) A statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved.

(iii) The time, place and manner in which interested persons may present their views thereon (as stated in RCW 30.04.025).

Policy Statements (WAC 173-16-040(2))

Each local government shall submit policy statements, developed through the citizen involvement process, regarding shoreline development as part of its master program. Because goal statements are often too general to be useful to very specific decision problems, the policy statements are to provide a bridge for formulating and relating use regulations to the goals also developed through the citizen involvement process. In summary, the policy statements must reflect the intent of the act, the goals of the local citizens, and specifically relate the shoreline management goals to the master program use regulations.

Clearly stated policies are essential to the viability of the master programs. The policy statements will not only support the environmental designations explained below, but, also being more specific than goal statements, will provide an indication of needed environmental designations and use regulations.

The following methodology for developing policy statements is recommended:

(a) Obtain a broad citizen input in developing policy by involving interested citizens and all private and public entities having interest or responsibilities relating to shorelines. Form a citizen advisory committee and conduct public meetings as outlined in WAC 173-16-040(1) to encourage citizens to become involved in developing a master program.

(b) Analyze existing policies to identify those policies that may be incorporated into the master program and those which conflict with the intent of the act. Further, identify constraints to local planning and policy implementation which are a result of previous government actions, existing land-use patterns, actions of adjacent jurisdictions or other factors not subject to local control or influence.

(c) Formulate goals for the use of shoreline areas and develop policies to guide shoreland activities to achieve these goals.

The policies should be consistent with RCW 90.58.020 and provide guidance and support to local government actions regarding shoreline management. Additionally, the policies should express the desires of local citizens and be based on principles of resource management which reflect the state-wide public interest in all shorelines of state-wide significance.

Master Program Elements (WAC 173-16-040(3))

Consistent with the general nature of master programs, the following land and water use elements are to be dealt with, when appropriate, in the local master programs. By dealing with shoreline uses, systematically as belonging to these generic classes of activities, the policies and goals in the master programs can be clearly applied to different shoreline uses. In

the absence of this kind of specificity in the master programs the application of policy and use regulations could be inconsistent and arbitrary.

The plan elements are:

(a) **Economic development element** for the location and design of industries, transportation facilities, port facilities, tourist facilities, commercial and other developments that are particularly dependent on shoreland locations.

(b) **Public access elements** for assessing the need for providing public access to shoreline areas.

(c) **Circulation element** for assessing the location and extent of existing and proposed major thoroughfares, transportation routes, terminals and other public facilities and correlating those facilities with the shoreline use elements.

(d) **Recreational element** for the preservation and expansion of recreational opportunities through programs of acquisition, development and various means of less-than-fee acquisition.

(e) **Shoreline use element** for considering:

(i) The pattern of distribution and location requirements of land uses on shorelines and adjacent areas, including, but not limited to, housing, commerce, industry, transportation, public buildings and utilities, agriculture, education and natural resources.

(ii) The pattern of distribution and location requirements of water uses including, but not limited to, aquaculture, recreation and transportation.

(f) **Conservation element** for the preservation of the natural shoreline resources, considering such characteristics as scenic vistas, parkways, estuarine areas for fish and wildlife protection, beaches and other valuable natural or aesthetic features.

(g) **Historical/cultural eelment** for protection and restoration of buildings, sites and areas having historic, cultural, educational or scientific values.

(h) In addition to the above-described elements, local governments are encouraged to include in their master programs, an element concerned with the restoration of areas to a natural useful condition which are blighted by abandoned and dilapidated structures. Local governments are also encouraged to include in their master programs any other elements, which, because of present uses or future needs, are deemed appropriate and necessary to effectuate the Shoreline Management Act.

Environments (WAC 173-16-040(4))

In order to plan and effectively manage shoreline resources, a system of categorizing shoreline areas is required for use by local governments in the preparation of master programs. The system is designed to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. To accomplish this, the environmental designation to be given any specific area is to be based on the existing development pattern, the biophysical capabilities and limitations of the shoreline being considered for development and the goals and aspirations of local citizenry.

The recommended system classifies shorelines into four distinct environments (natural, conservancy, rural and urban) which provide the framework for implementing shoreline policies and regulatory measures.

This system is designed to encourage uses in each environment which enhance the character of that environment. At the same time, local government may place reasonable standards and restrictions on development so that such development does not disrupt or destroy the character of the environment.

The basic intent of this system is to utilize performance standards which regulate use activities in accordance with goals and objectives defined locally rather than to exclude any use from any one environment. Thus, the particular uses or type of developments placed in each environment must be designed and located so that there are no effects detrimental to achieving the objectives of the environment designations and local development criteria.

This approach provides an "umbrella" environment class over local planning and zoning on the shorelines. Since every area is endowed with different resources, has different intensity of development and attaches different social values to these physical and economic characteristics, the environment designations should not be regarded as a substitute for local planning and land-use regulations.

The basic concept for using the system is for local governments to designate their shorelines into environment categories that reflect the natural character of the shoreline areas and the goals for use of characteristically different shorelines. The determination as to which designation should be given any specific area should be made in the following manner:

(i) The resources of the shoreline areas should be analyzed for their opportunities and limitations for different uses. Completion of the comprehensive inventory of resources is a requisite to identifying resource attributes which determine these opportunities and limitations.

(ii) Each of the plan elements should be analyzed for their effect on the various resources throughout shoreline areas. Since shorelines are only a part of the system of resources within local jurisdiction, it is particularly important that planning for shorelines be considered an integral part of area-wide planning. Further, plans, policies and regulations for lands adjacent to the shorelines of the state should be reviewed in accordance with RCW 90-.58.340.

(iii) Public desires should be considered through the citizen involvement process to determine which environment designations reflect local values and aspirations for the development of different shoreline areas.

The management objectives and features which characterize each of the environments are given below to provide a basis for environment designation within local jurisdictions.

Natural Environment (WAC 173-16-040(4)(b)(i)) The natural environment is intended to preserve and restore those natural resource systems existing relatively free of human influence. Local policies to achieve this objective should aim to regulate all potential developments degrading or changing the natural characteristics which make these areas unique and valuable.

The main emphasis of regulation in these areas should be on natural systems and resources which require severe restrictions of intensities and types of uses to maintain them in a natural state. Therefore, activities which may degrade the actual or potential value of this environment should be strictly regulated. Any activity which would bring about a change in the existing situation would be desirable only if such a change would contribute to the preservation of the existing character.

The primary determinant for designating an area as a natural environment is the actual presence of some unique natural or cultural features considered valuable in their natural or original condition which are relatively intolerant of intensive human use. Such features should be defined, identified and quantified in the shoreline inventory. The relative value of the resources is to be based on local citizen opinion and the needs and desires of other people in the rest of the state.

Conservancy Environment (WAC 173-16-040(4)(b)(ii)) The objective in designating a conservancy environment is to protect, conserve and manage existing natural resources and valuable historic and cultural areas in order to ensure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization.

The conservancy environment is for those areas which are intended to maintain their existing character. The preferred uses are those which are nonconsumptive of the physical and biological resources of the area. Nonconsumptive uses are those uses which can utilize resources on a sustained yield basis while minimally reducing opportunities for other future uses of the resources in the area. Activities and uses of a nonpermanent nature which do not substantially degrade the existing character of an area are appropriate uses for a conservancy environment. Examples of uses that might be predominant in a conservancy environment include diffuse outdoor recreation activities, timber harvesting on a sustained yield basis, passive agricultural uses such as pasture and range lands, and other related uses and activities.

The designation of conservancy environments should seek to satisfy the needs of the community as to the present and future location of recreational areas proximate to concentrations of population, either existing or projected. For example, a conservancy environment designation can be used to complement city, county or state plans to legally acquire public access to the water.

The conservancy environment would also be the most suitable designation for those areas which present too severe biophysical limitations to be designated as rural or urban environments. Such limitations would include areas of steep slopes presenting erosion and slide hazards, areas prone to flooding, and areas which cannot provide adequate water supply or sewage disposal.

Rural Environment (WAC 173-16-040(4)(b)(iii)) The rural environment is intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, function as a buffer between urban areas, and maintain open spaces and opportunities for recreational uses compatible with agricultural activities.

The rural environment is intended for those areas characterized by intensive agricultural and recreational uses and those areas having a high capability to support active agricultural practices and intensive recreational development. Hence, those areas that are already used for agricultural purposes, or which have agricultural potential should be maintained for present and future agricultural needs. Designation of rural environments should also seek to alleviate pressures of urban expansion on prime farming areas.

New developments in a rural environment are to reflect the character of the surrounding area by limiting residential density, providing permanent open space and by maintaining adequate building setbacks from water to prevent shoreline resources from being destroyed for other rural types of uses.

Public recreation facilities for public use which can be located and designed to minimize conflicts with agricultural activities are recommended for the rural environment. Linear water access which will prevent overcrowding in any one area, trail systems for safe nonmotorized traffic along scenic corridors and provisions for recreational viewing of water areas illustrate some of the ways to ensure maximum enjoyment of recreational opportunities along shorelines without conflicting with agricultural uses. In a similar fashion, agricultural activities should be conducted in a manner which will enhance the opportunities for shoreline recreation. Farm management practices which prevent erosion and subsequent siltation of water bodies and minimize the flow of waste material into water courses are to be encouraged by the master program for rural environments.

Urban Environment (WAC 173-16-040(4)(b)(iv)) The objective of the urban environment is to ensure optimum utilization of shorelines within urbanized areas by providing for intensive public use and by managing development so that it enhances and maintains shorelines for a multiplicity of urban uses.

The urban environment is an area of high-intensity land-use including residential, commercial, and industrial development. The environment does not necessarily include all shorelines within an incorporated city, but is particularly suitable to those areas presently subjected to extremely intensive use pressure, as well as areas planned to accommodate urban expansion. Shorelines planned for future urban expansion should present few biophysical limitations for urban activities and not have a high priority for designation as an alternative environment.

Because shorelines suitable for urban uses are a limited resource, emphasis should be given to development within already developed areas and particularly to water-dependent industrial and commercial uses requiring frontage on navigable waters.

In the master program, priority is also to be given to planning for public visual and physical access to water in the urban environment. Identifying needs and planning for the acquisition of urban land for permanent public access to the water in the urban environment should be accomplished in the master program. To enhance waterfront and ensure maximum public use, industrial and commercial facilities should

be designed to permit pedestrian waterfront activities. Where practicable, various access points ought to be linked to nonmotorized transportation routes, such as bicycle and hiking paths.

Shorelines of State-wide Significance (WAC 173-16-040(5))

The act designated certain shorelines as shorelines of state-wide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, the guidelines and master programs must give preference to uses which favor public and long-range goals.

Accordingly, the act established that local master programs shall give preference to uses which meet the principles outlined below in order of preference. Guidelines for ensuring that these principles are incorporated into the master programs and adhered to in implementing the act follow each principle.

(a) **Recognize and protect the state-wide interest over local interest.** Development guidelines:

(i) Solicit comments and opinions from groups and individuals representing state-wide interests by circulating proposed master programs for review and comment by state agencies, adjacent jurisdictions' citizen advisory committees, and state-wide interest groups. (See appendix, Reference No. 32.)

(ii) Recognize and take into account state agencies' policies, programs and recommendations in developing use regulations. Reference to many of these agencies' policies are provided in the appendix. This information can also be obtained by contacting agencies listed in the **Shoreline Inventory Supplement Number One.**

(iii) Solicit comments, opinions and advice from individuals with expertise in ecology, oceanography, geology, limnology, aquaculture and other scientific fields pertinent to shoreline management. Names of organizations and individuals which can provide expert advice can be obtained from the department's resource specialist listing.

(b) **Preserve the natural character of the shoreline.** Development guidelines:

(i) Designate environments and use regulations to minimize man-made intrusions on shorelines.

(ii) Where intensive development already occurs, upgrade and redevelop those areas to reduce their adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.

(iii) Ensure that where commercial timber-cutting is allowed as provided in RCW 90.58.150, reforestation will be possible and accomplished as soon as practicable.

(c) **Result in long-term over short-term benefit.** Development guidelines:

(i) Prepare master programs on the basis of preserving the shorelines for future generations. For example, actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of state-wide significance, should be severely limited.

(ii) Evaluate the short-term economic gain or convenience of developments in relationship to long-term and potentially costly impairments to the natural environment.

(iii) Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities or for the general enhancement of shoreline areas.

(d) **Protect the resources and ecology of shorelines.** Development guidelines:

(i) Leave undeveloped those areas which contain a unique or fragile natural resource.

(ii) Prevent erosion and sedimentation that would alter the natural function of the water system. In areas where erosion and sediment control practices will not be effective, excavations or other activities which increase erosion are to be severely limited.

(iii) Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human uses.

(e) **Increase public access to publicly owned areas of the shorelines.** Development guidelines:

(i) In master programs, give priority to developing paths and trails to shoreline areas, linear access along the shorelines, and to developing upland parking.

(ii) Locate development inland from the ordinary highwater mark so that access is enhanced.

(f) **Increase recreational opportunities for the public on the shorelines.** Development guidelines:

(i) Plan for and encourage development of facilities for recreational use of the shorelines.

(ii) Reserve areas for lodging and related facilities on uplands well away from the shorelines with provisions for nonmotorized access to the shorelines.

THE NATURAL SYSTEMS

(WAC 173-16-050)

This section contains brief and general descriptions of the natural geographic systems around which the shoreline management program is designed. The intent of this section is to define those natural systems to which the Shoreline Management Act applies, to highlight some of the features of those systems which are susceptible to damage from human activity, and to provide a basis for the guidelines pertaining to human-use activities contained in WAC 173-16-060.

It is intended that this section will provide criteria to local governments in the development of their master programs, as required in RCW 90.58.030(a).

(1) **Marine Beaches**—Beaches are relatively level land areas which are contiguous with the sea and are directly affected by the sea even to the point of origination. The most common types of beaches in Washington marine waters are:

Sandy beaches: Waves, wind, tide and geological material are the principal factors involved in the formation of beaches. The beach material can usually be traced to one of four possible sources: The cliffs behind the beach; from the land via rivers; offshore wind; and finally from longshore drifting of material. Longshore-drifting material must have been derived initially from the first three sources. Most beach material

in Puget Sound is eroded from the adjacent bluffs composed of glacial till.

The effect of wave action on the movement and deposition of beach material varies depending upon the size of the material. Hence, in most cases, beaches composed of different sized material are usually characterized by different slopes and profiles. The entire process of beach formation is a dynamic process resulting from the effect of wave action on material transport and deposition. Initially, wave action will establish currents which transport and deposit material in various patterns. However, once a particular beach form and profile is established it begins to modify the effects of waves thus altering the initial patterns of material transport and deposition. Hence, in building beach structures such as groins, bulkheads or jetties, it is particularly important to recognize that subsequent changes in wave and current patterns will result in a series of changes in beach formation over time. [See WAC 173-16-060(6), (11), (12) and (13)].

In the process of beach formation, sand particles are transported up the beach by breaking waves that wash onto the beach in a diagonal direction and retreat in a vertical direction. At the same time, longshore currents are created in the submerged intertidal area by the force of diagonally approaching waves. Beach material suspended by the force of the breaking waves is transported in one direction or another by the longshore current. Longshore drifting of material often results in the net transportation of beach material in one direction causing the loss of material in some areas and gains in others.

The profile of a beach at any time will be determined by the wave conditions during the preceding period. Severe storms will erode or scour much material away from the beaches due to the force of retreating waves. During calm weather, however, the waves will constructively move material back onto the beach. This destructive and constructive action, called cut and fill, is evidenced by the presence of beach ridges or berms. New ridges are built up in front of those that survive storm conditions as sand is supplied to the beach in succeeding phases of calmer weather. In time, the more stable landward ridges are colonized by successional stages of vegetation. The vegetation stabilizes the ridges, protects them from erosion and promotes the development of soil.

Rocky beaches: Rocky beaches, composed of cobbles, boulders and/or exposed bedrock are usually steeper and more stable than sandy shores. Coarse material is very permeable which allows attacking waves to sink into the beach causing the backwash to be reduced correspondingly. On sandy shores a strong backwash distributes sand more evenly, thus creating a flatter slope.

On rocky shores a zonal pattern in the distribution of plants and animals is more evident than on muddy or sandy shores. The upper beach zone is frequently very dry, limiting inhabitants to species which can tolerate a dry environment. The intertidal zone is a narrow area between mean low tide and mean high tide that experiences uninterrupted covering and uncovering by tidal action. One of the major characteristics of this zone is the occurrence of tidal pools which harbor separate communities which can be considered subzones within the intertidal zone. The subtidal zone is characterized by less stressful tidal influences but is subject to the forces of waves and currents which affect the distribution and kinds of organisms in this zone.

Muddy shores: Muddy shores occur where the energy of coastal currents and wave action is minimal, allowing fine particles of silt to settle to the bottom. The result is an accumulation of mud on the shores of protected bays and mouths of coastal streams and rivers. Most muddy beaches occur in estuarine areas. However, some muddy shore areas may be found in coastal inlets and embayments where salinity is about the same as the adjacent sea.

Few plants have adapted to living on muddy shores. Their growth is restricted by turbidity which reduces light penetration into the water and thereby inhibits photosynthesis. In addition, the lack of solid structures to which algae may attach itself and siltation which smothers plants effectively prevents much plant colonization of muddy shores. While the lack of oxygen in mud makes life for fauna in muddy shores difficult, the abundance of food as organic detritus provides nutrition for a large number of detritus feeders.

(2) **Spits and Bars**—Spits and bars are natural formations composed of sand and gravel and shaped by wind and water currents and littoral drifting. Generally a spit is formed from a headland beach (tall cliff with a curved beach at the foot) and extends out into the water (hooks are simply hookshaped spits). While spits usually have one end free in open water, bars generally are attached to land at both ends. These natural forms enclose an area which is protected from wave action, allowing life forms such as shellfish, to reproduce and live protected from the violence of the open coast. [See WAC 173-16-060(16)].

(3) **Dunes**—Dunes are mounds or hills of sand which have been heaped up by wind action. Typically, dunes exhibit four distinct features:

Primary dunes: The first system of dunes shoreward of the water, having little or no vegetation, which are intolerant of unnatural disturbances.

Secondary dunes: The second system of dunes shoreward from the water, with some vegetative cover.

Back dunes: The system of dunes behind the secondary dunes, generally having vegetation and some top soil, and being more tolerant of development than the primary and secondary systems.

Troughs: The valleys between the dune systems.

Dunes are a natural levee and a final protection line against the sea. The destructive leveling of, or interference with the primary dune system (such as cutting through the dunes for access) can endanger upland areas by subjecting them to flooding from heavy wave action during severe storms and destroy a distinct and disappearing natural feature. Removal of sand from the beach and shore in dune areas starves dunes of their natural supply of sand and may cause their destruction from lack of sand. [See WAC 173-16-060(16)]. Appropriate vegation can and should be encouraged throughout the entire system for stabilization. [See WAC 173-16-060(21)].

(4) **Islands**—An island, broadly defined, is a land mass surrounded by water. Islands are particularly important to the state of Washington since two entire counties are made up of islands and parts of several other counties are islands. A fairly small island, such as those in our Puget Sound and north coast area, is an intriguing ecosystem, in that no problem or area of study can be isolated. Every living and nonliving thing is an integral part of the functioning system. Each island, along with the mystique afforded it by man, is a world of its own, with a biological chain, fragile and delicately balanced. Obviously it does not take as much to upset this balance as it would the mainland system. Because of this, projects should be planned with a more critical eye toward preserving the very qualities which make island environments viable systems as well as aesthetically captivating to humans.

(5) **Estuaries**—An estuary is that portion of a coastal stream influenced by the tide of the marine waters into which it flows and within which the sea water is measurably diluted with freshwater derived from land drainage.

Estuaries are zones of ecological transition between fresh and saltwater. The coastal brackish water areas are rich in aquatic life, some species of which are important food organisms for anadromous fish species which use these areas for feeding, rearing and migration. An estuarine area left untouched by man is rare since historically they have been the sites for major cities and port developments. Because of their importance in the food production chain and their natural beauty, the limited estuarial areas require careful attention in the planning function. Close scrutiny should be given to all plans for development in estuaries which reduce the area of the estuary and interfere with water flow. [See WAC 173-16-060(14)]. Special attention should be given to plans for upstream projects which could deplete the freshwater supply of the estuary.

(6) **Marshes, Bogs and Swamps**—Marshes, bogs and swamps are areas which have a water table very close to the surface of the ground. They are areas which were formerly shallow water areas that gradually filled through nature's processes of sedimentation (often accelerated by man's activities) and the decay of shallow water vegetation.

Although considered abysmal wastelands by many, these wet areas are extremely important to the food chain. Many species of both animal and plant life depend on this wet environment for existence. Birds and waterfowl choose these locations for nesting places. Wet areas are important as ground water recharge areas and have tremendous flood control value.

The high-water table and poor foundation support provided by the organic soils in these areas usually prevent development on them. The extraction of peat from bogs is possible when it is accomplished in such a manner that the surrounding vegetation and wildlife is left undisturbed and the access roads and shorelines are returned to a natural state upon completion of the operation.

The potential of marshes, bogs and swamps to provide permanent open space in urbanizing regions is high because of the costs involved in making these areas suitable for use. Unlimited public access into them, however, may cause damage to the fragile plant and animal life residing there.

(7) **Lakes**—A lake can be defined broadly as a body of standing water located inland. Lakes originate in several ways. Many lakes are created each year by man, either by digging a lake basin or by damming a natural valley. Natural lakes can be formed in several ways: by glaciers gouging basins and melting and depositing materials in such a way as to form natural dams; by landslides which close off open ends of valleys; extinct craters which fill with water; changes in the earth's crust, as can happen during earthquakes, forming basins which fill with water; or by changes in a river or stream course which isolate parts of the old course forming lakes, called oxbow lakes.

A lake, like its inhabitants, has a life span. This lifetime may be thousands of years for a large lake or just a few years for a pond. This process of a lake aging is known generally as eutrophication. It is a natural process which is usually accelerated by man's activities. Human sewage, industrial waste, and the drainage from agricultural lands increases the nutrients in a lake which in turn increases the growth of algae and other plants. As plants die, the chemical process of decomposition depletes the water's supply of oxygen necessary for fish and other animal life. These life forms then disappear from the lake, and the lake becomes a marsh or swamp.

Shallow lakes are extremely susceptible to increases in the rate of eutrophication resulting from discharges of waste and nutrient-laden-runoff waters. Temperature stratification does not normally occur in shallow lakes. Efficient bottom-to-surface circulation of water in these shallow lakes moves nutrients to the surface photosynthetic zone encouraging increased biotic productivity. Large quantities of organic matter are produced under these conditions. Upon decomposition, heavy demands are made on the dissolved oxygen content of shallow lakes. Eventually, the oxygen level drops and some fish and other life forms die.

The entire ecosystem of a lake can be altered by man. By removing the surrounding forest for lumber or to provide a building site or farm land, erosion into the lake is accelerated. Fertilizers, whether agricultural or those used by homeowners, can enter the lake either from runoff or leaching along with other chemicals that interfere with the intricate balance of living organisms. The construction of bulkheads to control erosion and filling behind them to enlarge individual properties can rob small fish and amphibians of their habitats. The indiscriminate construction of piers, docks and boathouses, can deprive all of the waterfront owners and the general public of a serene natural view and reduce the lake's surface. [See WAC 173-16-060(5), (8), (11), (12), (13)].

(8) **Rivers, Streams and Creeks**—Generally, rivers, streams and creeks can be defined as surface-water runoff flowing in a natural or modified channel. Runoff results either from excessive precipitation which cannot infiltrate the soil, or from ground water where the water table intersects the surface of the ground. Drawn by gravity to progressively lower levels and eventually to the sea, the surface runoff organizes into

a system of channels which drain a particular geographic area.

The drainage system serves as a transportation network for nature's leveling process, selectively eroding materials from the higher altitudes and transporting the materials to lower elevations where they are deposited. A portion of these materials eventually reaches the sea where they may form beaches, dunes or spits.

Typically, a river exhibits several distinct stages as it flows from the headwaters to the mouth. In the upper reaches where the gradient is steepest, the hydraulic action of the flowing water results in a net erosion of the stream bed and a V-shaped cross section, with the stream occupying all or most of the valley floor.

Proceeding downstream, the gradient decreases and the valley walls become gentler in slope. A point is eventually reached where erosion and deposition equalize and the action of the stream changes from vertical cutting to lateral meandering. As the lateral movement continues, a flood plain is formed, over which the river meanders and upon which materials are deposited during floods. Finally, when the river enters a body of standing water, the remaining sediment load is deposited.

Extensive human use is made of rivers, including transportation, recreation, waste and sewage dumping and for drinking water. Rivers are dammed for the production of electric power, diked for flood control and withdrawn for the irrigation of crops. Many of these activities directly affect the natural hydraulic functioning of the streams and rivers as well as the biology of the water courses. [See WAC 173-16-060 (17)].

(9) **Flood Plains**—A flood plain is a shoreland area which has been or is subject to flooding. It is a natural corridor for water which has accumulated from snow melt or from heavy rainfall in a short period. Flood plains are usually flat areas with rich soil because they have been formed by deposits from flood waters. As such they are attractive places for man to build and farm until the next flood passes across the plain. In certain areas, these plains can be "flood proofed" by diking or building levees along the adjacent river or stream, but always with provisions for tremendous amounts of water that will sooner or later be generated by weather conditions. Streamway modifications can be placed in such a way to cause channelization. Channelization tends to destroy the vital and fragile flood plain shoreline habitats and increase the velocity of waters in times of extreme flow. [See WAC 173-16-060(17)]. This may cause considerable damage downstream even in areas already given some flood protection. In unprotected flood plains, land-use regulations must be applied to provide an adequate open corridor within which the effects of bank erosion, channel shifts and increased runoff may be contained. Obviously, structures which must be built on a flood plain should be of a design to allow the passage of water and, wherever possible, permanent vegetation should be preserved to prevent erosion, retard runoff, and contribute to the natural beauty of the flood plain.

(10) **Puget Sound**—Puget Sound is a complex of interconnected inlets, bays and channels with tidal sea water entering from the west and freshwater streams entering at many points throughout the system. Most of what is known as Puget Sound was formed by glacial action that terminated near Tenino in Thurston County. The entire system, of which Puget Sound is actually a small portion, also includes the Strait of Georgia and the Strait of Juan de Fuca. The large complex may be divided into nine oceanographic areas which are interrelated: Strait of Juan de Fuca, Admiralty Inlet, Puget Sound Basin, Southern Puget Sound, Hood Canal, Possession Sound, Bellingham Bay, San Juan Archipelago, and Georgia Strait (from **Puget Sound and Adjacent Waters, Appendix XV, Plan Formulation**).

The economic development of the central Puget Sound Basin has been stimulated by the fact that the sound is one of the few areas in the world which provides several deepwater inland harbors. The use of Puget Sound waters by deep-draft vessels is on the increase due to its proximity to the developing Asian countries. This increased trade will attract more industry and more people which will put more use pressure on the Sound in the forms of recreation (sport fishing, boating and other water-related sports) and the requirements for increased food supply.

Puget Sound waters are rich in nutrients and support a wide variety of marine fish and shellfish species. An estimated 2,820 miles of stream are utilized by anadromous fish for spawning and rearing throughout the area. Some of these fish are chinook, coho, sockeye, pink and chum salmon, steelhead, searun cutthroat and Dolly Varden trout. All these fish spend a portion of their lives in the saltwaters of Puget Sound and the Pacific Ocean before returning to streams of origin to spawn. The juveniles of these fish spend varying amounts of time in the shore waters of the area before moving to sea to grow to maturity. Aquaculture or sea farming is now in the process of becoming reality in the Puget Sound complex. The mass production of seaweed, clams, geoducks, scallops, shrimp, oysters, small salmon, lobsters and other possibilities looms as an important new industry. Shoreline management is particularly crucial to the success of sea farming. Aquaculture on any scale can be compatible and coexist with maritime shipping and shoreland industrial activities only by careful planning and regulation.

The shoreline resources of Puget Sound include few beach areas which are not covered at high tide. Bluffs ranging from 10 to 500 feet in height rim nearly the entire extent of the Sound making access to beach and intertidal areas difficult. Because of the glacial-till composition of these bluffs, they are susceptible to fluvial and marine erosion and present constant slide hazards. Although Puget Sound is protected from the direct influence of Pacific Ocean weather, storm conditions can create very turbulent and sometimes destructive wave action. Without recognizing the tremendous energy contained in storm waves, development of shoreline resources can be hazardous and deleterious to the resource characteristics which make Puget Sound beaches attractive. [WAC 173-16-060(11), (12), (13)].

(11) **Pacific Ocean**—From Cape Flattery on the north to Cape Disappointment on the south, there are ap-

proximately 160 miles of beaches, rocky headlands, inlets and estuaries on Washington's Pacific Coast. The shoreline south of Cape Flattery to the Quinault River is generally characterized as being rugged and rocky, with high bluffs. The remaining shoreline south of the Quinault River is predominantly flat sandy beaches with low banks and dunes.

During the winter, Pacific currents set toward the north, while during summer months they set to the south. Associated with the summer currents is a general offshore movement of surface water, resulting in upwelling of water from lower depths. This upwelled water is cold, high in salinity, low in oxygen content and rich in nutrients. It is this latter characteristic which causes upwelled water to be extremely significant in biological terms, since it often triggers "blooms" of marine plant life.

Directions of wave action and littoral drift of sediments shift seasonally with Pacific Ocean storms. Although very little data are available on the net direction of littoral transport, the University of Washington has offshore data which indicate a northerly offshore flow. RCW 43.51.650 declares:

> "The beaches bounding the Pacific Ocean from the Straits of Juan de Fuca to Cape Disappointment at the mouth of the Columbia River constitute some of the last unspoiled seashore remaining in the United States. They provide the public with almost unlimited opportunities for recreational activities, like swimming, surfing and hiking; for outdoor sports, like hunting, fishing, clamming, and boating; for the observation of nature as it existed for hundreds of years before the arrival of white men and for relaxation away from the pressures and tensions of modern life. In past years, these recreational activities have been enjoyed by countless Washington citizens, as well as by tourists from other states and countries. The number of people wishing to participate in such recreational activities grow annually. This increasing public pressure makes it necessary that the state dedicate the use of the ocean beaches to public recreation and to provide certain recreational and sanitary facilities. Nonrecreational use of the beach must be strictly limited. Even recreational uses must be regulated in order that Washington's unrivaled seashore may be saved for our children in much the same form as we know it today." (See Appendix Reference Nos. 30 and 31).

THE USE ACTIVITIES

(WAC 173-16-060)

This section contains guidelines for the local regulation of use activities proposed for shorelines. Each topic, representing a specific use or group of uses, is broadly defined and followed by several guidelines. These guidelines represent the criteria upon which judgments for proposed shoreline developments will be based until master programs are completed. In addition, these guidelines are intended to provide the basis for the development of that portion of the master program concerned with the regulation of such uses.

In addition to application of the guidelines in this section, the local government should identify the type or types of natural systems (as described in WAC 173-16-050) within which a use is proposed and should impose regulations on those developments and uses which would tend to affect adversely the natural characteristics needed to preserve the integrity of the system. Examples would include but would not be limited to proposed uses that would threaten the character of fragile dune areas, reduce water tables in marshes, impede water flow in estuaries, or threaten the stability of spits and bars.

These guidelines have been prepared in recognition of the flexibility needed to carry out effective local planning of shorelines. Therefore, the interpretation and application of the guidelines may vary relative to different local conditions. Exceptions to specific provisions of these guidelines may occur where local circumstances justify such departure. Any departure from these guidelines must, however, be compatible with the intent of the act as enunciated in RCW 90.58.020.

It should be noted that there are several guidelines for certain activities which are not explicitly defined in the shoreline act as developments for which substantial development permits are not required (for example, the suggestion that a buffer of permanent vegetation be maintained along water bodies in agriculture areas). While such activities generally cannot be regulated through the permit system, it is intended that they be dealt with in the comprehensive master program in a manner consistent with policy and intent of the Shoreline Act. To effectively provide for the management of the shorelines of the state, master programs should plan for and foster all reasonable and appropriate uses as provided in RCW 90.58.020.

Finally, most of the guidelines are intentionally written in general terms to allow some latitude for local government to expand and elaborate on them as local conditions warrant. The guidelines are adopted state regulations, however, and must be complied with both in permit application review and in master program development.

Agricultural Practices

(WAC 173-16-060(1))

Agricultural practices are those methods used in vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization. Many of these practices require the use of agricultural chemicals, most of which are water soluble and may wash into contiguous land or water areas causing significant alteration and damage to plant and animal habitats, especially those in the fragile shoreline areas. Also, large quantities of mineral and organic sediments enter water bodies through surface erosion when proper land management techniques are not utilized. Guidelines:

(a) Local governments should encourage the maintenance of a buffer of permanent vegetation between tilled areas and associated water bodies which will retard surface runoff and reduce siltation.

(b) Master programs should establish criteria for

the location of confined animal feeding operations, retention and storage ponds for feed lot wastes, and stock piles of manure solids in shorelines of the state so that water areas will not be polluted. Control guidelines prepared by the U.S. Environmental Protection Agency should be followed. (Also see Reference Nos. 3, 4, 5, 6, 7 and 8.)

(c) Local governments should encourage the use of erosion control measures, such as crop rotation, mulching, strip cropping and contour cultivation in conformance with guidelines and standards established by the Soil Conservation Service, U.S. Department of Agriculture.

Aquaculture

(WAC 173-16-060(2))

Aquaculture (popularly known as fish farming) is the culture or farming of food fish, shellfish, or other aquatic plants and animals. Potential locations for aquacultural enterprises are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, and, in marine waters, salinity. The technology associated with present-day aquaculture is still in its formative stages and experimental. Guidelines for aquaculture should therefore recognize the necessity for some latitude in the development of this emerging economic water use as well as its potential impact on existing uses and natural systems. Guidelines:

(a) Aquacultural enterprises should be located in areas where the navigational access of upland owners and commercial traffic is not significantly restricted.

(b) Recognition should be given to the possible detrimental impact aquacultural development might have on the visual access of upland owners and on the general aesthetic quality of the shoreline area.

(c) As aquaculture technology expands with increasing knowledge and experience, emphasis should be placed on underwater structures which do not interfere with navigation or impair the aesthetic quality of Washington shorelines.

Forest Management Practices

(WAC 173-16-060(3))

Forest management practices are those methods used for the protection, production and harvesting of timber. Trees along a body of water provide shade which insulate the waters from detrimental temperature change and dissolved oxygen release. A stable water temperature and dissolved oxygen level provide a healthy environment for fish and other more delicate forms of aquatic life. Poor logging practices on shorelines alter this balance as well as result in slash and debris accumulation and may increase the suspended sediment load and the turbidity of the water. Guidelines:

(a) Seeding, mulching, matting and replanting should be accomplished where necessary to provide stability on areas of steep slope which have been logged. Replanted vegetation should be of a similar type and concentration as existing in the general vicinity of the logged area.

(b) Special attention should be directed in logging and thinning operations to prevent the accumulation of slash and other debris in contiguous waterways.

(c) Shoreline areas having scenic qualities, such as those providing a diversity of views, unique landscape contrasts, or landscape panoramas should be maintained as scenic views in timber harvesting areas. Timber harvesting practices, including road construction and debris removal, should be closely regulated so that the quality of the view and viewpoints in shoreline areas of the state are not degraded.

(d) Proper road and bridge design, location and construction and maintenance practices should be used to prevent development of roads and structures which would adversely affect shoreline resources.

(e) Timber harvesting practices in shorelines of the state should be conducted to maintain the state board of health standards for public water supplies. (See Reference No. 34).

(f) Logging should be avoided on shorelines with slopes of such grade that large sediment runoff will be precipitated, unless adequate restoration and erosion control can be expeditiously accomplished.

(g) Local governments should ensure that timber harvesting on shorelines of state-wide significance does not exceed the limitations established in RCW 90.58.150 except as provided in cases where selective logging is rendered ecologically detrimental or is inadequate for preparation of land for other uses.

(h) Logging within shoreline areas should be conducted to ensure the maintenance of buffer strips of ground vegetation, brush, alder and conifers to prevent temperature increases adverse to fish populations and erosion of stream banks.

Commercial Development

(WAC 173-16-060(4))

Commercial developments are those uses which are involved in wholesale and retail trade or business activities. Commercial developments range from small businesses within residences, to high-rise office buildings. Commercial developments are intensive users of space because of extensive floor areas and because of facilities, such as parking, necessary to service them. Guidelines:

(a) Although many commercial developments benefit by a shoreline location, priority should be

given to those commercial developments which are particularly dependent on their location and/or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

(b) New commercial developments on shorelines should be encouraged to locate in those areas where current commercial uses exist.

(c) An assessment should be made of the effect a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people.

(d) Parking facilities should be placed inland away from the immediate water's edge and recreational beaches.

Marinas

(WAC 173-16-060(5))

Marinas are facilities which provide boat launching, storage, supplies and services for small pleasure craft. There are two basic types of marinas: the open-type construction (floating breakwater and/or open-pile work) and solid-type construction (bulkhead and/or landfill). Depending upon the type of construction, marinas affect fish and shellfish habitats. Guidelines:

(a) In locating marinas, special plans should be made to protect the fish and shellfish resources that may be harmed by construction and operation of the facility.

(b) Marinas should be designed in a manner that will reduce damage to fish and shellfish resources and be aesthetically compatible with adjacent areas.

(c) Master programs should identify locations that are near high-use or potentially high-use areas for proposed marina sites. Local as well as regional "need" data should be considered as input in location selection.

(d) Special attention should be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.

(e) Shallow-water embayments with poor flushing action should not be considered for overnight and long-term moorage facilities.

(f) The Washington state department of fisheries has prepared guidelines concerning the construction of marinas. These guidelines should be consulted in planning for marinas. (See Reference No. 16).

(g) State and local health agencies have standards and guidelines for the development of marinas which shall be consulted by local agencies. (See Reference No. 18).

Mining

(WAC 173-16-060(6))

Mining is the removal of naturally occurring materials from the earth for economic use. The removal of sand and gravel from shoreline areas of Washington usually results in erosion of land and silting of water. These operations can create silt and kill bottom-living animals. The removal of sand from marine beaches can deplete a limited resource which may not be restored through natural processes. Guidelines:

(a) When rock, sand, gravel and minerals are removed from shoreline areas, adequate protection against sediment and silt production should be provided.

(b) Excavations for the production of sand, gravel and minerals should be done in conformance with the Washington State Surface Mining Act. (See Reference No. 20).

(c) Local governments should strictly control or prohibit the removal of sand and gravel from marine beaches.

(d) When removal of sand and gravel from marine beaches is permitted by existing legislation, it should be taken from the least sensitive biophysical areas of the beach.

Outdoor Advertising, Signs and Billboards

(WAC 173-16-060(7))

Signs are publicly displayed boards whose purpose is to provide information, direction, or advertising. Signs may be pleasing or distracting, depending upon their design and location. A sign, in order to be effective, must attract attention; however, a message can be clear and distinct without being offensive. There are areas where signs are not desirable, but generally it is the design that is undesirable, not the sign itself. Guidelines:

(a) Off-premise outdoor advertising signs should be limited to areas of high-intensity land use, such as commercial and industrial areas.

(b) Master programs should establish size, height, density, and lighting limitations for signs.

(c) Vistas and viewpoints should not be degraded and visual access to the water from such vistas should not be impaired by the placement of signs.

(d) Outdoor advertising signs (where permitted under local regulations) should be located on the upland side of public transportation routes which parallel and are adjacent to rivers and water bodies (unless it can be demonstrated that views will not be substantially obstructed).

(e) When feasible, signs should be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies.

Residential Development

(WAC 173-16-060(8))

The following guidelines should be recognized in the development of any subdivision on the shorelines of the state. To the extent possible, planned unit developments (sometimes called cluster developments) should be encouraged within the shoreline area. Within planned unit developments, substantial portions of land are reserved as open space or recreational areas for the joint use of the occupants of the development. This land may be provided by allowing houses to be placed on lots smaller than the legal minimum size for normal subdivisions, as long as the total number of dwellings in the planned unit development does not exceed the total allowable in a regular subdivision. Guidelines:

(a) Subdivisions should be designed at a level of density of site coverage and of occupancy compatible with the physical capabilities of the shoreline and water.

(b) Subdivisions should be designed so as to adequately protect the water and shoreline aesthetic characteristics.

(c) Subdividers should be encouraged to provide public pedestrian access to the shorelines within the subdivision.

(d) Residential development over water should not be permitted.

(e) Floating homes are to be located as moorage slips approved in accordance with the guidelines dealing with marinas, piers, and docks. In planning for floating homes, local governments should ensure that waste disposal practices meet local and state health regulations, that the homes are not located over highly productive fish food areas, and that the homes are located to be compatible with the intent of the designated environments.

(f) Residential developers should be required to indicate how they plan to preserve shore vegetation and control erosion during construction.

(g) Sewage disposal facilities, as well as water supply facilities, must be provided in accordance with appropriate state and local health regulations. Storm drainage facilities should be separate, not combined with sewage disposal systems.

(h) Adequate water supplies should be available so that the ground water quality will not be endangered by overpumping.

Utilities

(WAC 173-16-060(9))

Utilities are services which produce and carry electric power, gas, sewage, communications and oil. At is time the most feasible methods of transmission re the lineal ones of pipes and wires. The installation of this apparatus necessarily disturbs the landscape but can usually be planned to have minimal visual and physical effect on the environment. Guidelines:

(a) Upon completion of installation/maintenance projects on shorelines, banks should be restored to pre-project configuration, replanted with native species and provided maintenance care until the newly planted vegetation is established.

(b) Whenever these facilities must be placed in a shoreline area, the location should be chosen so as not to obstruct or destroy scenic views. Whenever feasible, these facilities should be placed underground, or designed to do minimal damage to the aesthetic qualities of the shoreline area.

(c) To the extent feasible, local government should attempt to incorporate major transmission line rights of way on shorelines into their program for public access to and along water bodies.

(d) Utilities should be located to meet the needs of future populations in areas planned to accommodate this growth.

The Washington State Thermal Power Plant Siting Law (chapter RCW 80.50) regulates the location of electrical generating and distribution facilities. Under this law, the state preempts the certification and regulation of thermal power plant sites and thermal power plants. (See Reference No. 28).

Ports and Water-Related Industry

(WAC 173-16-060(10))

Ports are centers for water-borne traffic and as such have become gravitational points for industrial/manufacturing firms. Heavy industry may not specifically require a waterfront location, but is attracted to port areas because of the variety of transportation available. Guidelines:

(a) Water-dependent industries which require frontage on navigable water should be given priority over other industrial uses.

(b) Port facilities should be designed to permit viewing of harbor areas from viewpoints, waterfront restaurants and similar public facilities which would not interfere with port operations or endanger public health and safety.

(c) Sewage treatment, water reclamation, desalinization and power plants should be located where they do not interfere with and are compatible with recreational, residential or other public uses of the water and shorelands. Waste treatment ponds for water-related industry should occupy as little shoreline as possible.

(d) The cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas.

(e) Land transportation and utility corridors serving ports and water-related industry should follow the guidelines provided under the sections dealing with utilities and road and railroad design and construction. Where feasible, transportation and utility corridors should be located upland to reduce pressures for the use of waterfront sites.

(f) Master program planning should be based on a recognition of the regional nature of port services. Prior to allocating shorelands for port uses, local governments should consider statewide needs and coordinate planning with other jurisdictions to avoid wasteful duplication of port services within port-service regions.

(g) Since industrial docks and piers are often longer and greater in bulk than recreational or residential piers, careful planning must be undertaken to reduce the adverse impact of such facilities on other water-dependent uses and shoreline resources. Because heavy industrial activities are associated with industrial piers and docks, the location of these facilities must be considered a major factor determining the environmental compatibility of such facilities.

Bulkheads

(WAC 173-16-060(11))

Bulkheads or seawalls are structures erected parallel to and near the high-water mark for the purpose of protecting adjacent uplands from the action of waves or currents. Bulkheads are constructed of steel, timber or concrete piling, and may be either of solid or open-piling construction. For ocean-exposed locations, bulkheads do not provide a long-lived permanent solution, because eventually a more substantial wall is required as the beach continues to recede and layer waves reach the structure.

While bulkheads and seawalls may protect the uplands, they do not protect the adjacent beaches, and in many cases are actually detrimental to the beaches by speeding up the erosion of the sand in front of the structures.

The following guidelines apply to the construction of bulkheads and seawalls designed to protect the immediate upland area. Proposals for landfill must comply with the guidelines for that specific activity. Guidelines:

(a) Bulkheads and seawalls should be located and constructed in such a manner which will not result in adverse effects on nearby beaches and will minimize alterations of the natural shoreline.

(b) Bulkheads and seawalls should be constructed in such a way as to minimize damage to fish and shellfish habitats. Open-piling construction is preferable in lieu of the solid type.

(c) Consider the effect of a proposed bulkhead on public access to publicly owned shorelines.

(d) Bulkheads and seawalls should be designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shoreline.

(e) The construction of bulkheads should be permitted only where they provide protection to upland areas or facilities, not for the indirect purpose of creating land by filling behind the bulkhead. Landfill operations should satisfy the guidelines under WAC 173-16-060(14).

Breakwaters

(WAC 173-16-060(12))

Breakwaters are another protective structure usually built offshore to protect beaches, bluffs, dunes or harbor areas from wave action. However, because offshore breakwaters are costly to build, they are seldom constructed to protect the natural features alone, but are generally constructed for navigational purposes also. Breakwaters can be either rigid in construction or floating. The rigid breakwaters, which are usually constructed of riprap or rock, have both beneficial and detrimental effects on the shore. All breakwaters eliminate wave action and thus protect the shore immediately behind them. They also obstruct the free flow of sand along the coast and starve the downstream beaches. Floating breakwaters do not have the negative effect on sand movement, but cannot withstand extensive wave action and thus are impractical with present construction methods in many areas. Guidelines:

(a) Floating breakwaters are preferred to solid landfill types in order to maintain sand movement and fish habitat.

(b) Solid breakwaters should be constructed only where design modifications can eliminate potentially detrimental effects on the movement of sand and circulation of water.

(c) The restriction of the public use of the water surface as a result of breakwater construction must be recognized in the master program and must be considered in granting shoreline permits for their construction.

Jetties and Groins

(WAC 173-16-060(13))

Jetties and groins are structures designed to modify or control sand movement. A jetty is generally employed at inlets for the purpose of navigation improvements. When sand being transported along the coast by waves and currents arrives at an inlet, it flows inward on the flood tide to form an inner bar, and outward on ebb tide to form an outer bar. Both formations are harmful to navigation through the inlet.

A jetty is usually constructed of steel, concrete or rock. The type depends on foundation conditions and wave, climate and economic considerations. To be of maximum aid in maintaining the navigation channel, the jetty must be high enough to completely obstruct the sand stream. The adverse effect of a jetty is that sand is impounded at the updrift jetty and the supply of sand to the shore downdrift from the inlet is reduced, thus causing erosion.

Groins are barrier-type structures extending from the backshore seaward across the beach. The basic purpose of a groin is to interrupt the sand movement along a shore.

Groins can be constructed in many ways using timber, steel, concrete or rock, but can be classified

into basic physical categories as high or low, long or short and permeable or impermeable.

Trapping of sand by a groin is done at the expense of the adjacent downdrift shore, unless the groin system is filled with sand to its entrapment capacity. Guidelines:

(a) Master programs must consider sand movement and the effect of proposed jetties or groins on that sand movement. Provisions can be made to compensate for the adverse effects of the structures either by artificially transporting sand to the downdrift side of an inlet with jetties, or by artificially feeding the beaches in case of groins.

(b) Special attention should be given to the effect these structures will have on wildlife propagation and movement, and to the design of these structures which will not detract from the aesthetic quality of the shoreline.

Landfill

(WAC 173-16-060(14))

Landfill is the creation of dry upland area by the filling or depositing of sand, soil or gravel into a wetland area. Landfills also occur to replace shoreland areas removed by wave action or the normal erosive processes of nature. However, most landfills destroy the natural character of land, create unnatural heavy erosion and silting problems and diminish the existing water surface. Guidelines:

(a) Shoreline fills or cuts should be designed and located so that significant damage to existing ecological values or natural resources, or alteration of local currents will not occur, creating a hazard to adjacent life, property, and natural resources systems.

(b) All perimeters of fills should be provided with vegetation, retaining walls, or other mechanisms for erosion prevention.

(c) Fill materials should be of such quality that it will not cause problems of water quality. Shoreline areas are not to be considered for sanitary landfills or the disposal of solid waste.

(d) Priority should be given to landfills for water-dependent uses and for public uses. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat should be considered.

Solid Waste Disposal

(WAC 173-16-060(15))

Generally, all solid waste is a possible source of much nuisance. Rapid, safe and nuisance-free storage, collection, transportation and disposal are of vital concern to all persons and communities. If the disposal of solid waste material is not carefully planned and regulated, it can become not only a nuisance but a severe threat to the health and safety of human beings, livestock, wildlife and other biota. Guidelines:

(a) Local master programs and use regulations must be consistent with approved county or multicounty comprehensive solid waste management plans and regulations of jurisdictional health agencies.

(b) Local governments must regulate sanitary landfills and solid waste handling in accordance with regulations for solid waste handling when adopted by the department of ecology. New regulations restricting sanitary landfills within any water course and within flood plains of any water course have been proposed for adoption by the department.

Dredging

(WAC 173-16-060(16))

Dredging is the removal of earth from the bottom of a stream, river, lake, bay or other water body for the purposes of deepening a navigational channel or to obtain use of the bottom materials for landfill. A significant portion of all dredged materials are deposited either in the water or immediately adjacent to it, often resulting in problems of water quality. Guidelines:

(a) Local governments should control dredging to minimize damage to existing ecological values and natural resources of both the area to be dredged and the area for deposit of dredged materials.

(b) Local master programs must include long-range plans for the deposit and use of spoils on land. Spoil deposit sites in water areas should also be identified by local government in cooperation with the state departments of natural resources, game and fisheries. Depositing of dredge material in water areas should be allowed only for habitat improvement, to correct problems of material distribution affecting adversely fish and shellfish resources, or where the alternatives of depositing material on land is more detrimental to shoreline resources than depositing it in water areas.

(c) Dredging of bottom materials for the single purpose of obtaining fill material should be discouraged.

Shoreline Protection

(WAC 173-16-060(17))

Flood protection and streamway modifications are those activities occurring within the streamway and wetland areas which are designed to reduce overbank flow of high waters and stabilize eroding stream-

banks. Reduction of flood damage, bank stabilization to reduce sedimentation, and protection of property from erosion are normally achieved through watershed and flood plain management and by structural works. Such measures are often complementary to one another and several measures together may be necessary to achieve the desired end. Guidelines:

(a) Riprapping and other bank stabilization measures should be located, designed and constructed so as to avoid the need for channelization and to protect the natural character of the streamway.

(b) Where flood protection measures such as dikes are planned, they should be placed landward of the streamway, including associated swamps and marshes and other wetlands directly interrelated and interdependent with the stream proper.

(c) Flood protection measures which result in channelization should be avoided.

Road and Railroad Design and Construction

(WAC 173-16-060(18))

A road is a linear passageway, usually for motor vehicles, and a railroad is a surface linear passageway with tracks for train traffic. Their construction can limit access to shorelines, impair the visual qualities of water-oriented vistas, expose soils to erosion and retard the runoff of flood waters. Guidelines:

(a) Whenever feasible, major highways, freeways and railways should be located away from shorelands, except in port and heavy industrial areas, so that shoreland roads may be reserved for slow-moving recreational traffic.

(b) Roads located in wetland areas should be designed and maintained to prevent erosion and to permit a natural movement of ground water.

(c) All debris, overburden, and other waste materials from construction should be disposed of in such a way as to prevent their entry by erosion from drainage, high water, or other means into any water body.

(d) Road locations should be planned to fit the topography so that minimum alterations of natural conditions will be necessary.

(e) Scenic corridors with public roadways should have provision for safe pedestrian and other nonmotorized travel. Also, provision should be made for sufficient view points, rest areas and picnic areas in public shorelines.

(f) Extensive loops or spurs of old highways with high aesthetic quality should be kept in service as pleasure bypass routes, especially where main highways, paralleling the old highway, must carry large traffic volumes at high speeds.

(g) Since land-use and transportation facilities are so highly interrelated, the plans for each should be coordinated. The designation of potential high-use areas in master programs should be done after the environmental impact of the transportation facilities needed to serve those areas have been assessed.

Piers

(WAC 173-16-060(19))

A pier or dock is a structure built over or floating upon the water, used as a landing place for marine transport or for recreational purposes. While floating docks generally create less of a visual impact than those on piling, they constitute an impediment to boat traffic and shoreline trolling. Floating docks can also alter beach sand patterns in areas where tides and littoral drift are significant. On lakes, a proliferation of piers along the shore can have the effect of substantially reducing the usable water surface. Guidelines:

(a) The use of floating docks should be encouraged in those areas where scenic values are high and where conflicts with recreational boaters and fishermen will not be created.

(b) Open-pile piers should be encouraged where shore trolling is important, where there is significant littoral drift and where scenic values will not be impaired.

(c) Priority should be given to the use of community piers and docks in all new major waterfront subdivisions. In general, encouragement should be given to the cooperative use of piers and docks.

(d) Master programs should address the problem of the proliferation of single-purpose private piers and should establish criteria for their location, spacing, and length. The master programs should also delimit geographical areas where pile piers will have priority over floating docks.

(e) In providing for boat docking facilities in the master program, local governments should consider the capacity of the shoreline sites to absorb the impact of waste discharges from boats including gas and oil spillage.

Archeological Areas and Historic Sites

(WAC 173-16-060(20))

Archeological areas, ancient villages, military forts, old settlers homes, ghost towns, and trails were often located on shorelines because of the proximity of food resources and because water provided an important means of transportation. These sites are nonrenewable resources and many are in danger of being lost through present day changes in land use and urbanization. Because of their rarity and the educational link they provide to our past, these locations should be preserved. Guidelines:

(a) In preparing shoreline master programs, local governments should consult with professional

archeologists to identify areas containing potentially valuable archeological data, and to establish procedures for salvaging the data.

(b) Where possible, sites should be permanently preserved for scientific study and public observation. In areas known to contain archeological data, local governments should attach a special condition to a shoreline permit providing for a site inspection and evaluation by an archeologist to ensure that possible archeological data are properly salvaged. Such a condition might also require approval by local government before work can resume on the project following such an examination.

(c) Shoreline permits, in general, should contain special provisions which require developers to notify local governments if any possible archeological data are uncovered during excavations.

(d) The National Historic Preservation Act of 1966 and chapter 43.51 RCW provide for the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures and objects significant in American and Washington history, architecture, archeology or culture. The state legislation names the director of the Washington state parks and recreation commission as the person responsible for this program.

Recreation

(WAC 173-16-060(21))

Recreation is the refreshment of body and mind through forms of play, amusement or relaxation. Water-related recreation accounts for a very high proportion of all recreational activity in the Pacific Northwest. The recreational experience may be either an active one involving boating, swimming, fishing or hunting or the experience may be passive such as enjoying the natural beauty of a vista of a lake, river or saltwater area. Guidelines:

(a) Priority will be given to developments, other than single-family residences which are exempt from the permit requirements of the act, which provide recreational uses and other improvements facilitating public access to shorelines.

(b) Access to recreational locations such as fishing streams and hunting areas should be a combination of areas and linear access (parking areas and easements, for example) to prevent concentrations of use pressure at a few points.

(c) Master programs should encourage the linkage of shoreline parks and public access points through the use of linear access. Many types of connections can be used such as hiking paths, bicycle trails and/or scenic drives.

(d) Attention should be directed toward the effect the development of a recreational site will have on the environmental quality and natural resources of an area.

(e) Master programs should develop standards for the preservation and enhancement of scenic views and vistas.

(f) To avoid wasteful use of the limited supply of recreational shoreland, parking areas should be located inland away from the immediate edge of the water and recreational beaches. Access should be provided by walkways or other methods. Automobile traffic on beaches, dunes and fragile shoreland resources should be discouraged.

(g) Recreational developments should be of such variety as to satisfy the diversity of demands from groups in nearby population centers.

(h) The supply of recreation facilities should be directly proportional to the proximity of population and compatible with the environment designations.

(i) Facilities for intensive recreational activities should be provided where sewage disposal and vector control can be accomplished to meet public health standards without adversely altering the natural features attractive for recreational uses. (See Reference No. 35).

(j) In locating proposed recreational facilities such as playing fields and golf courses and other open areas which use large quantities of fertilizers and pesticides in their turf maintenance programs, provisions must be made to prevent these chemicals from entering water. If this type of facility is approved on a shoreline location, provision should be made for protection of water areas from drainage and surface runoff.

(k) State and local health agencies have broad regulations which apply to recreation facilities, recreation watercraft and ocean beaches which should be consulted by local governments in preparing use regulations and issuing permits. (See Reference Nos. 30, 31, 35, 36, 37).

VARIANCES AND CONDITIONAL USES

(WAC 173-16-070)

The act states that each local master program shall contain provisions covering conditional uses and variances. Any permit for a variance or a conditional use granted by the local government under approved master programs must be submitted to the department for approval or disapproval.

This provision of the act should be utilized in a manner which, while protecting the environment, will assure that a person will be able to utilize his property in a fair and equitable manner.

(1) **Conditional uses.** The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the master program. With provisions to control undesirable effects, the scope of uses within each of the four environments can be expanded to include many uses.

Uses classified as conditional uses can be permitted only after consideration by the local government and by meeting such performance standards that

make the use compatible with other permitted uses within that area.

Conditional use permits will be granted only after the applicant can demonstrate all of the following:

(a) The use will cause no unreasonably adverse effects on the environment or other uses.

(b) The use will not interfere with public use of public shorelines.

(c) Design of the site will be compatible with the surroundings and the Master Program.

(d) The proposed use will not be contrary to the general intent of the master program.

(2) **Variances.** Variance deals with specific requirements of the master program and its objective is to grant relief when there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the master program. The property owner must show that if he complies with the provisions he cannot make any reasonable use of his property. The fact that he might make a greater profit by using his property in a manner contrary to the intent of the program is not a sufficient reason for variance. A variance will be granted only after the applicant can demonstrate the following:

(a) The hardship which serves as basis for granting of variance is specifically related to the property of the applicant.

(b) The hardship results from the application of the requirements of the act and master program and not from, for example, deed restrictions or the applicant's own actions.

(c) The variance granted will be in harmony with the general purpose and intent of the master program.

(d) Public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied.

GLOSSARY

(WAC 173-16-030)

DEFINITIONS. As used herein, the following words and phrases shall have the following meanings:

(1) **"Act"** means Shoreline Management Act of 1971, chapter 90.58 RCW.

(2) **"Department"** means state of Washington, department of ecology.

(3) **"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.

(4) **"Director"** means the director of the department of ecology.

(5) **"Extreme low tide"** means the lowest line on the land reached by a receding tide.

(6) **"Guidelines"** means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs.

(7) **"Hearings board"** means the shorelines hearings board established by the act.

(8) **"Local government"** means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to the Shoreline Act of 1971.

(9) **"Master program"** means the comprehensive use plan for a described area, and the use regulations, together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in section 2 of the act.

(10) **"Ordinary high-water mark"** means the mark on all lakes, streams, and tidal waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter: PROVIDED, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high water.

(11) **"Permit"** means that required by the act for substantial development on shorelines, to be issued by the local government entity having administrative jurisdiction and subject to review by the department of ecology and the attorney general.

(12) **"Shorelines"** means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them, except:

(a) Shorelines of state-wide significance;

(b) Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments; and

(c) Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

(13) **"Shorelines of state-wide significance"** means the following shorelines of the state:

(a) The area between the ordinary high-water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(b) Those areas of Puget Sound and adjacent saltwaters and the Strait of Juan de Fuca between the ordinary high-water mark and the line of extreme low tide as follows:

(i) Nisqually Delta—from DeWolf Bight to Tatsolo Point;

(ii) Birch Bay—from Point Whitehorn to Birch Point;

(iii) Hood Canal—from Tala Point to Foulweather Bluff

(iv) Skagit Bay and adjacent area—from Brown Point to Yokeko Point; and

(v) Padilla Bay—from March Point to William Point.

(c) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent saltwaters north to the Canadian line and lying seaward from the line of extreme low tide;

(d) Those lakes, whether natural, artificial or a combination thereof, with a surface acreage of 1,000 acres, or more, measured at the ordinary high-water mark;

(e) Those natural rivers or segments thereof, as follows:

(i) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second, or more;

(ii) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at 200 cubic feet per second, or more, or those portions of rivers east of the crest of the Cascade range downstream from the first 300 square miles of drainage area, whichever is longer;

(f) Those wetlands associated with (a) through (e) above.

(14) **"Shorelines of the state"** means the total of all "shorelines" and "shorelines of state-wide significance" within the state.

(15) **"State master program"** means the cumulative total of all master programs approved or adopted by the department of ecology.

(16) **"Substantial development"** means any development of which the total cost, or fair market value, exceeds $1,000, or any development which materially interferes with normal public use of the water or shorelines of the state except that the following shall not be considered substantial developments:

(a) Normal maintenance or repair of existing structures or developments, including damage by fire, accident, or elements;

(b) Construction of the normal protective bulkhead, common to single-family residences;

(c) Emergency construction necessary to protect property from damage by the elements;

(d) Construction of a barn or similar agricultural structure on wetlands;

(e) Construction or modification of navigational aids, such as channel markers and anchor buoys;

(f) Construction on wetlands by an owner, lessee, or contract purchaser, of a single-family residence, for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof.

(17) **"Wetlands"** or **"Wetland areas"** means those lands extending landward for 200 feet in all directions, as measured on a horizontal plane from the ordinary high-water mark and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of the act.

APPENDIX "A"

(WAC 173-16-200)

Agricultural Practices

1. Chapter 15.57 RCW, Washington Pesticide Act. Formulation, distribution and sale of agricultural pesticides.
2. Chapter 17.21 RCW, Washington Pesticide Application Act. Application equipment, licensing, records, handling of and enforcement.
3. Agricultural Extension Service, Washington State University, Pullman, June 1964, **Cattle Manure Handling and Disposal.**
4. Cooperative Extension Service, College of Agriculture, Washington State University, Pullman, October 1965, **Guideline for Sanitary Handling of Animal Manure.**
5. Cooperative Extension Service, College of Agriculture, Washington State University, Pullman, June 1969, **Guidelines for Handling Animal Wastes as Related to Water and Air Pollution Control.**
6. Cooperative Extension Service, College of Agriculture, Washington State University, Pullman, June 1971, **The Stockman's Role in Water Pollution Control.**
7. Eric B. Wilson, University of Idaho, A Pacific Northwest Cooperative Extension Publication, PNW Bulletin 53, January 1963, **Your Feedlot —Build It—Mechanize It.**
8. Cooperative Extension Service, College of Agriculture, Washington State University, Pullman, June 1971, **Livestock Waste Management Guidelines.**

Forest Management Practices

9. Chapter 76.04 RCW, Forest protection, fire and burning control, permits and enforcement.
10. Anonymous, Pacific Northwest Cooperative Extension Publication, March 1971, **Building Woodland Roads,** distributed by Washington State University Cooperative Extension Service, College of Agriculture.
11. State of Washington Departments of Fisheries, Game and Natural Resources, **Agreement,** related to management of projects affecting land and fisheries resources.
12. Pacific Northwest Pollution Control Council, Task Force Report, August 1971, **Log Storage and Rafting in Public Waters.**

Aquaculture

13. Chapter 75.16 RCW, Food fish and shellfish conservation and propagation.
14. Chapter 248.58 WAC, State Board of Health, Shellfish.

Archeological Areas and Historic Sites

15. RCW 43.51.750-820, Preservation of sites and funding requirements.

Bulkheads and Breakwaters

16. Washington State Department of Fisheries, Criteria governing the design of bulkheads, landfills and marinas.

Landfill

17. **Wilbour v. Gallagher** 77 Wn.2d 306, 462 P. 2d 232 (1969). See Bulkheads, this page.

Marinas

See Bulkheads, this page.

18. Chapter 248.148 WAC, Marinas (to be adopted).

Mining

19. RCW 43.51.685, Accreted lands, sale of sand and lease and removal permits.
20. Chapter 78.44 RCW, Surface Mining Act. Reclamation requirements, site inspection and permits.

Outdoor Advertising

21. Chapter 47.42 RCW, Highway Advertising Control Act. Sign locations, scenic areas and permits.

Residential Development

22. **Bach v. Sarich**. 74 Wn.2d 575, 445 P. 2d 648 (1968).
23. Washington State Department of Social and Health Services, Health Services Division, **Standards for Individual Sewage Waste Disposal Systems.**
24. U.S. Department of Agriculture, Soil Conservation Service, June 1967, **Know the Soil You Build On**, Bulletin No. 320.
25. U.S. Department of Agriculture, Soil Conservation Service, (September 1968) **Soil Conservation,** "Soil and Water Conservation in Suburbia" reprints available.
26. WAC 248.50.100 State Board of Health Regulation, Disposal of Human Excreta.
27. Chapter 248.96 WAC, State Board of Health Regulation, Individual Sewage Disposal (to be adopted).

Utilities

28. Chapter 80.50 RCW, Thermal Power Plants—Site Locations.
29. Ports and Water Related Industries, Washington Department of Natural Resources, Proposed Harbor Area Guidelines.

Pacific Ocean Beaches

30. RCW 79.16.160 Declared a Public Highway.
31. RCW 79.16.172 Declared a Public Recreation Area.

Environmental Impacts

32. Chapter 43.21C RCW, Washington State Environmental Policy Act of 1971 requires all branches of government to include in every recommendation or report on proposals for legislation and other major actions significantly affecting the environment, a detailed statement by the responsible official on the environmental impact of the proposed action.

Public Health, State Board of Health

33. WAC 248.50.140 Stagnant Water.
34. Chapter 248.54 WAC, Public Water Supplies.
35. Chapter 248.72 WAC, Camps and Parks.
36. Chapter 248.92 WAC, Public Sewage Disposal.
37. Chapter 248.98 WAC, Swimming Pools, Bathing Beaches and Wading Pools.

APPENDIX 5

MAPS AND MATRICES

a. Map of Coastal Zone Counties and Cities

b. Status of Master Program for Cities and Counties, October 1975

c. Shoreline Use Matrix by County

d. Summary of Shoreline Permits for Marine Waters

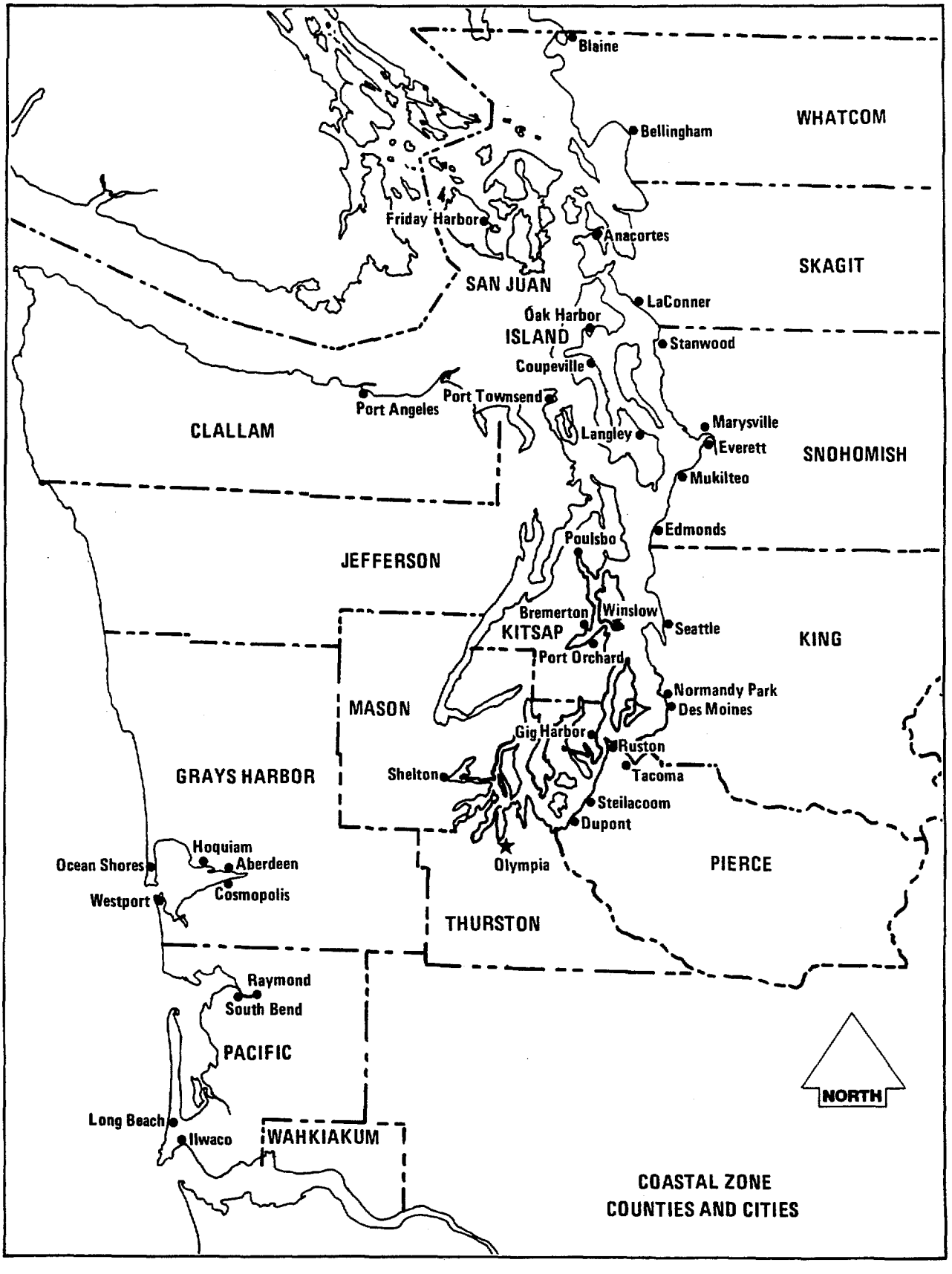
e. Federal Coastal Lands and Waters

f. Indian Reservation Map

g. Map of Areas of Particular Concern

h. Environment Designation Map

NOTE: not included in FEIS distributed to Federal agencies because of limited number of copies available, and are included in WCZMP which was previously submitted for review.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Port Angeles
CLALLAM
Marysville
Langley
Everett
SNOHOMISH
Mukilteo
Edmonds
Poulsbo
JEFFERSON
Bremerton
Winslow
KITSAP
Seattle
KING
Port Orchard
Normandy Park
Des Moines
MASON
Gig Harbor
Ruston
Tacoma
Shelton
GRAYS HARBOR
Steilacoom
Dupont
Olympia
PIERCE
Hoquiam
Ocean Shores
Aberdeen
Cosmopolis
Westport
THURSTON
Raymond
South Bend
PACIFIC
NORTH
Long Beach
Ilwaco
WAHKIAKUM
COASTAL ZONE
COUNTIES AND CITIES

5-a

STATUS OF MASTER PROGRAM FOR CITIES AND COUNTIES, OCTOBER 1975

COUNTY Cities	Master Program Received Date	Master Program Accepted for Review		County Doing Program for City Yes/No	Program Approved by DOE Date	Program Denied Letter sent to Local Government Date	Program Resubmitted to DOE for Review Date	Resubmitted Program Approved		Amended Program Approved	
		Yes/No	Date					Yes/No	Date	Yes/No	Date
*CLALLAM COUNTY	3/6/75	Yes	3/6/75			6/13/75					
*Port Angeles	3/6/75	Yes	3/6/75	Yes		6/13/75					
*GRAYS HARBOR COUNTY	6/17/74	Yes	6/19/74			9/17/74	7/23/75	Yes	8/5/75		
*Aberdeen	12/20/73	Yes	12/20/73	No		3/20/74	6/10/74	Yes	6/30/75		
*Hoquiam	12/20/73	Yes	12/20/73			3/20/74					
*Ocean Shores	12/20/73	Yes	12/20/73	Yes		3/20/74	6/21/74	Yes	8/12/74		
Montesano	12/20/73	Yes	12/20/73	No		3/20/74					
*Westport	12/20/73	Yes	12/20/73	Yes		3/20/74	6/24/74	Yes	11/7/74		
Elma	12/20/73	Yes	12/20/73	Yes		3/20/74	6/24/74	Yes	9/18/74		
Oakville	12/20/73	Yes	12/20/73	No		3/20/74					
*Cosmopolis	12/20/73	Yes	12/20/73	Yes		3/20/74	6/24/74	Yes	8/12/74		
*ISLAND COUNTY											
*Coupeville				Yes							
*Langley				Yes							
*Oak Harbor		Yes									
*JEFFERSON COUNTY	9/20/74	Yes	9/23/74		12/20/74						
*Port Townsend	9/20/74	Yes	9/23/74	Yes	12/20/74						
*KING COUNTY											
Auburn	1/29/74	Yes	1/29/74	No	4/4/74						
Beaux Arts	12/19/73	Yes	5/22/74	No	8/12/74						
Bellevue	6/21/74	Yes	6/27/74	No		9/17/74	2/17/75	Yes	2/26/73		
Black Diamond				No							
Bothell	11/29/74	Yes	11/29/74	No	2/27/75						
Carnation	12/20/74	Yes	1/15/74	No		4/14/74	9/12/74	Yes	8/16/74		
*Des Moines	1/3/74	Yes	1/3/74	No	4/3/74						
Duvall	5/16/74	Yes	5/28/74	No	8/12/74						

*Denotes Coastal Zone Counties and Cities on Saltwater

STATUS OF MASTER PROGRAM FOR CITIES AND COUNTIES, OCTOBER 1975

COUNTY Cities	Master Program Received Date	Master Program Accepted for Review		County Doing Program for City Yes/No	Program Approved by DOE Date	Program Denied Letter sent to Local Government Date	Program Resubmitted to DOE for Review Date	Resubmitted Program Approved		Amended Program Approved	
		Yes/No	Date					Yes/No	Date	Yes/No	Date
*KING COUNTY (CONT.)											
Hunts Point	12/20/73	Yes	12/22/73	No		3/19/74	6/20/74	Yes	11/15/74	Yes	7/2/75
Issaquah				No							
Kent	2/1/74	Yes	2/1/74	No	4/9/74						
Kirkland	5/31/74	Yes	5/31/74	No	8/27/74						
Lake Forest Park	1/28/74	Yes	1/28/74	No	4/19/74						
Medina	1/21/74	Yes	1/22/74	No		4/19/74	7/23/74	Yes	11/22/74		
Mercer Island	6/27/74	Yes	6/28/74	No	9/24/74						
*Normandy Park	1/28/74	Yes	2/8/74	No	4/5/74						
North Bend	7/9/74	Yes	6/20/74	No	9/14/74						
Pacific	2/19/74	Yes	8/26/74	No	9/19/74						
Redmond	6/24/74	Yes	6/27/74	No	9/20/74						
Renton	6/1/74	Yes	6/12/74	No		9/5/74					
*Seattle				No							
Skykomish				No							
Snoqualmie	6/20/74	Yes	6/26/74	No	8/16/74						
Tukwila	6/28/74	Yes	7/9/74	No	9/26/74						
Yarrow Point	12/26/73	Yes	12/28/73	No		3/26/74	6/21/74	Yes	3/13/75		
*KITSAP COUNTY											
*Bremerton				No							
*Port Orchard				No							
*Poulsbo				No							
*Winslow				No							
*MASON COUNTY	12/20/73	Yes	1/28/74			4/26/74	7/30/74	Yes	8/6/75		
*Shelton	12/20/73	Yes	1/28/74			4/26/74	12/13/74	Yes	3/18/75		
*PACIFIC COUNTY	3/11/74	Yes	3/11/74			6/11/74	8/29/74	Yes	4/8/75		
*Ilwaco	3/11/74	Yes	3/11/74	Yes		6/11/74	8/29/74	Yes	5/2/75		

*Denotes Coastal Zone Counties and Cities on Saltwater

STATUS OF MASTER PROGRAM FOR CITIES AND COUNTIES, OCTOBER 1975

COUNTY Cities	Master Program Received Date	Master Program Accepted for Review		County Doing Program for City Yes/No	Program Approved by DOE Date	Program Denied Letter sent to Local Government Date	Program Resubmitted to DOE for Review Date	Resubmitted Program Approved		Amended Program Approved	
		Yes/No	Date					Yes/No	Date	Yes/No	Date
*PACIFIC COUNTY (CONT.)											
*Long Beach	3/11/74	Yes	3/11/74	Yes		6/11/74	8/29/74	Yes	5/2/75		
*Raymond	3/11/74	Yes	3/11/74	No							
*South Bend	3/11/74	Yes	3/11/74	Yes		6/11/74	8/29/74	Yes	5/2/75		
*PIERCE COUNTY	1/13/75	Yes	1/14/75		4/4/75						
Bonney Lake	5/5/75	Yes	8/4/75	No	8/6/75						
Buckley	1/13/75	Yes	1/14/75	Yes	4/7/75						
Carbonado	No shorelines										
*Dupont	6/26/74	Yes	6/26/74	No		9/28/74	6/4/75	Yes	6/11/75		
Eatonville	1/13/75	Yes	1/14/75	Yes	4/29/75						
Fife	6/11/74	Yes	6/11/74	No	9/6/74						
*Gig Harbor	6/30/75	Yes	7/2/75	No	9/10/75						
Orting	1/14/75	Yes	1/14/75	Yes	4/8/75						
Puyallup	3/13/74	Yes	3/13/74	No	5/31/74						
Roy	2/27/75	Yes	2/27/75	Yes	4/9/75						
*Ruston	1/23/74	Yes	1/23/74	No	9/20/74						
South Prairie				No							
*Steilacoom				No							
Sumner	4/17/74	Yes	9/11/74	No	12/11/74						
*Tacoma	1/29/74	Yes	1/29/74	No		4/25/74					
Wilkeson				No							
*SNOHOMISH COUNTY	10/16/74	Yes	10/16/74		12/27/74						
Arlington	10/16/74	Yes	10/16/74	Yes	12/27/74						
Brier	10/16/74	Yes	10/16/74	Yes	12/27/74						
*Edmonds	12/21/73	Yes	12/28/73	No		3/19/74	11/25/74				

*Denotes Coastal Zone Counties and Cities on Saltwater

STATUS OF MASTER PROGRAM FOR CITIES AND COUNTIES, OCTOBER 1975

COUNTY Cities	Master Program Received Date	Master Program Accepted for Review		County Doing Program for City Yes/No	Program Approved by DOE Date	Program Denied Letter sent to Local Government Date	Program Resubmitted to DOE for Review Date	Resubmitted Program Approved		Amended Program Approved	
		Yes/No	Date					Yes/No	Date	Yes/No	Date
*SNOHOMISH COUNTY (CONT.)											
*Everett	2/25/75	No	3/24/75	No	1/5/76						
Gold Bar	10/16/74	Yes	10/16/74	Yes	12/27/74						
Granite Falls	10/16/74	Yes	10/16/74	Yes	12/27/75						
Index	10/16/74	Yes	10/16/74	Yes	12/27/74						
Lake Stevens	10/16/74	Yes	10/16/74	Yes	12/27/74						
*Marysville	6/26/74	Yes	6/26/74	No		9/18/74	12/19/74	Yes	1/22/75		
Monroe	10/16/74	Yes	10/16/74	Yes	12/27/74						
Mountlake Terrace	10/16/74	Yes	10/16/74	Yes	12/27/74						
*Mukilteo	6/26/74	Yes	6/26/74	No	9/20/74						
Snohomish	6/26/74	Yes	6/26/74	No	9/20/74						
*Stanwood				No							
Sultan	10/16/74	Yes	10/16/74	Yes	12/27/74						
Woodway	10/16/74	Yes	10/16/74	Yes	12/27/74						
*SAN JUAN COUNTY											
*Friday Harbor				No							
*SKAGIT COUNTY											
*Anacortes				No							
Concrete				Yes							
Hamilton				?							
*LaConner				Yes							
Lyman				Yes							
Mount Vernon				Yes							
*THURSTON COUNTY											
Bucoda											
Lacey											

*Denotes Coastal Zone Counties and Cities on Saltwater

STATUS OF MASTER PROGRAM FOR CITIES AND COUNTIES, OCTOBER 1975

COUNTY Cities	Master Program Received Date	Master Program Accepted for Review		County Doing Program for City Yes/No	Program Approved by DOE Date	Program Denied Letter sent to Local Government Date	Program Resubmitted to DOE for Review Date	Resubmitted Program Approved		Amended Program Approved	
		Yes/No	Date					Yes/No	Date	Yes/No	Date
*THURSTON COUNTY (CONT.)											
*Olympia											
Tenino											
Tumwater											
Yelm											
*WAHKIAKUM COUNTY	1/22/74	Yes	1/22/74			4/22/74	1/7/75	Yes	6/17/75		
Cathlamet	1/22/74	Yes	1/22/74	Yes		4/22/74	1/7/75	Yes	6/17/75		
*WHATCOM COUNTY											
*Bellingham	7/1/74	Yes	7/9/74	No	9/30/74						
*Blaine	8/4/75	Yes	8/4/75	Whatcom Reg.	9/29/75						
Everson	8/4/75	Yes	8/4/75	Whatcom Reg.	9/29/75						
Ferndale				Whatcom Reg.							
Lynden	8/4/75	Yes	8/4/75	Whatcom Reg.	9/29/75						
Nooksack	8/4/75	Yes	8/4/75	Whatcom Reg.	9/29/75						
Sumas	8/4/75	Yes	8/4/75	Whatcom Reg.	9/29/75						

*Denotes Coastal Zone Counties and Cities on Saltwater

CLALLAM COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Submitted, but not approved

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
1. AGRICULTURE	Permitted	Permitted	Permitted and encouraged	Permitted, limit livestock access		
2. AQUACULTURE	Permitted if it does not interfere with recreation, navigation, and scenery	Permitted if it does not interfere with recreation, navigation, and scenery	Permitted if it does not interfere with scenic quality	Permitted use in those areas especially suited for aquaculture		
3. FOREST MANAGEMENT	Permitted – Selective cutting (30 percent per 10 years)	Permitted	Permitted			
4. COMMERCIAL DEVELOPMENT	Not permitted	Not permitted – new development or expansion of existing development	Permitted if proven necessary and if located near existing. Permitted – log booming	Permitted – shoreline dependent preferred	Permitted	
5. MARINAS	Not permitted	Not permitted	Permitted	Permitted	Permitted	
6. BOAT LAUNCHING	Permitted if sparsely located	Permitted	Permitted	Permitted	Permitted	
7. MINING	Not permitted	Not permitted	Permitted – conditional use	Permitted, but no gravel or sand removal from marine beaches	Permitted, but no gravel or sand removal from marine beaches	
8. OUTDOOR ADVERTISING	Not permitted – advertising signs. Permitted – directional signs	Not permitted – advertising signs. Permitted – directional signs	Advertising signs generally incompatible with environment	Permitted – directional signs. All other signs – conditional uses	Permitted	
9. RESIDENTIAL DEVELOPMENT	Permitted – individual single family homes. Not permitted – all other types of residential development	Permitted – individual single family homes and floating homes if proper waste disposal provided. Not permitted – subdivisions	Permitted. Floating homes permitted if proper waste disposal provided. Not permitted – overwater residences	Permitted. Floating homes permitted if proper waste disposal provided. Not permitted – overwater residences.	Permitted. Floating homes permitted if proper waste disposal provided	

CLALLAM COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Submitted, but not approved

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
10. UTILITIES	Permitted (underground)	Permitted (underground)	Permitted – encouraged underground	Permitted – encouraged underground	Permitted	
11. PORTS AND INDUSTRY	Not permitted	Not permitted	Not permitted	Not permitted	Permitted	
12. BULKHEADS	Not permitted	Permitted for protection only above high water line when property eroding	Generally discouraged. Permitted – protective bulkheads above high water line only	Permitted when necessary, but not to create new land	Permitted when necessary, but not to create land	
13. BREAKWATERS	Not permitted	Not permitted	Generally not permitted	Permitted for improvement of navigation and channel maintenance	Permitted for improvement of navigation and channel maintenance	
14. LANDFILL	Not permitted	Not permitted	Permitted to raise building site. Not permitted to create new land	Permitted. Creation of new land for water dependent uses only	Permitted. Shoreline dependent uses preferred	
15. SOLID WASTE DISPOSAL	Not permitted	Not permitted	Must be consistent with local and state health regulations		Not permitted	
16. DREDGING	Not permitted	Permitted to improve navigation. Not permitted if the sole purpose is to obtain fill material	Permitted. Not permitted if sole purpose is to obtain fill material	Permitted. Conditional use if the sole purpose is to obtain fill material	Permitted to aid navigation, but restricted if purpose is to obtain fill material	
17. SHORELINE PROTECTION	Permitted. For protection only. Dikes not to cause channelization	Permitted for protection only. Dikes not to cause channelization	Permitted. Not permitted – channelization	Permitted. Channelization to be minimized	Permitted	
18. ROADS AND RAILROADS	Not permitted – major highways. Permitted – access and scenic roads	Not permitted – major highways. Permitted – access and scenic roads	Not permitted – major highways. Roads in wetlands – conditional use	Permitted. Locate uplands when practical	Permitted. Have to locate carefully.	

GRAYS HARBOR COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: August 5, 1975

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
1. AGRICULTURE	Not permitted	Permitted	Permitted		Permitted – conditional use	
2. AQUACULTURE	Not permitted	Permitted	Permitted		Permitted – conditional use	
3. FOREST MANAGEMENT	Not permitted	Permitted	Permitted		Permitted – conditional use	
4. COMMERCIAL DEVELOPMENT	Not permitted	Permitted – conditional use	Permitted – water related Permitted – conditional uses for others		Permitted – water related Permitted – conditional uses for others	
5. MARINAS	Not permitted	Permitted – conditional use	Permitted – conditional use		Permitted	
6. BOAT LAUNCHING RAMPS	Not permitted	Permitted	Permitted		Permitted	
7. MINING	Not permitted	Permitted – conditional use	Permitted		Permitted – conditional use	
8. OUTDOOR ADVERTISING	Permitted – appurtenant signs only	Permitted – appurtenant signs. Non-appurtenant signs permitted – conditional use	Permitted – appurtenant signs. Non-appurtenant signs permitted – conditional use		Permitted – appurtenant signs. Non-appurtenant signs permitted – conditional use	
9. RESIDENTIAL DEVELOPMENT	Not permitted	Permitted – single family All others permitted – conditional uses	Permitted		Permitted	
10. UTILITIES	Not permitted	Permitted – conditional use	Permitted		Permitted	
11. PORTS AND INDUSTRY	Not permitted	Permitted – conditional use	Permitted – conditional use		Permitted – conditional use	

CLALLAM COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Submitted, but not approved

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
19. PIERS	Permitted – generally discouraged. Community piers preferred	Permitted – generally discouraged. Community piers preferred	Permitted – community piers preferred	Permitted	Permitted	
20. ARCHEOLOGICAL AREAS AND HISTORIC SITES	May suspend construction up to 30 days for evaluation.					
21. RECREATION	Permitted – low intensity development. Access by foot trail. Not permitted – golf courses	Permitted – low intensity. Access mainly by foot trails	Permitted – campsites and parking inland	Permitted	Permitted	
22. EDUCATIONAL AND SCIENTIFIC RESEARCH AND DEVELOPMENT	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use		Permitted	

GRAYS HARBOR COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: August 5, 1975

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
12. BULKHEADS	Not permitted	Permitted – conditional use	Permitted		Permitted	
13. BREAKWATERS	Not permitted	Permitted	Permitted		Permitted	
14. JETTIES AND GROINS	Not permitted	Permitted	Permitted		Permitted	
15. LANDFILL	Not permitted	Permitted – conditional use	Permitted – conditional use		Permitted	
16. SOLID WASTE DISPOSAL	Not permitted	Permitted – conditional use	Permitted – conditional use		Permitted – conditional use	
17. EFFLUENT DISPOSAL	Not permitted	Permitted – conditional use	Permitted		Permitted	
18. DREDGING	Not permitted	Permitted – conditional use	Permitted		Permitted	
19. SHORELINE PROTECTION	Not permitted	Permitted – conditional use	Permitted		Permitted	
20. ROADS AND RAILROADS	Not permitted	Permitted – conditional use	Permitted – conditional use		Permitted	
21. PIERS	Not permitted	Permitted	Permitted		Permitted	
22. EDUCATIONAL AND ARCHEOLOGICAL AREAS AND HISTORICAL SITES	Permitted	Permitted	Permitted		Permitted	
23. RECREATIONAL PRACTICES	Permitted – fishing, water sport, hiking and sight-seeing	Permitted	Permitted		Permitted	
24. LOG STORAGE AND RAFTING	Not permitted	Permitted – conditional use	Permitted		Permitted	

ISLAND COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	Shoreline RESIDENTIAL	URBAN	AQUATIC
1. AGRICULTURE	Permitted – secondary use	Permitted – primary use	Permitted – secondary use	Permitted – secondary use	Permitted – secondary use	Not permitted
2. AQUACULTURE	Farming & processing permitted – conditional use	Farming permitted – primary use. Processing permitted – secondary use	Processing farming permitted – secondary use	Permitted – secondary use	Processing permitted – primary use. Farming permitted – secondary use	Permitted – primary use
3. FOREST MANAGEMENT	Not permitted	Permitted – primary use	Permitted – secondary use	Permitted – secondary use	Permitted – secondary use	Not applicable
4. COMMERCIAL DEVELOPMENT	Not permitted	Permitted – conditional use, water dependent only	Water dependent permitted – secondary use	Water dependent permitted – secondary use	Water dependent permitted – primary use. Non-water dependent – secondary use	Permitted – water dependent secondary use or subject to conditional uses
5. MARINAS	Permitted – conditional use (includes floatplane bases)	Permitted – conditional use (includes floatplane bases)	Permitted – secondary use (includes floatplane bases)	Permitted – secondary use (includes floatplane bases)	Permitted – primary use (includes floatplane bases)	Permitted – secondary use
6. BOAT LAUNCHING	Permitted – conditional use	Permitted – secondary use	Permitted – primary use	Permitted – primary use	Permitted – primary use	Permitted – primary use
7. MINING	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use
8. OUTDOOR ADVERTISING	Permitted – conditional use on premise. Not permitted – off premise.	On premise signs permitted – secondary use. Billboards permitted – conditional use. Not permitted – off premise signs	Permitted – on premise signs – secondary use. Off premise signs and billboards permitted – conditional use	On premise signs permitted – secondary use. On premise billboards permitted – conditional use	On premise signs permitted – secondary use. Off premise signs and billboards permitted – conditional use	Not permitted.

ISLAND COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	Shoreline RESIDENTIAL	URBAN	AQUATIC
9. RESIDENTIAL DEVELOPMENT	Permitted – conditional use	Permitted – conditional use for all	Permitted	Permitted, including motels – primary use	Multi-family residence permitted – primary use. *Single-family* residence permitted – secondary use	Permitted, subject to conditional use (boatel)
10. UTILITIES	Permitted – conditional use	Permitted – secondary use	Permitted – primary use	Permitted – primary use	Permitted – primary use	
11. PORTS AND INDUSTRY	Not permitted	Water dependent industry permitted – conditional use	Ports and water dependent use permitted – secondary use. Non-water dependent and ports use permitted – conditional use	Permitted – conditional use	Water dependent permitted – primary use. Non-water dependent – secondary use	Water dependent industry and ports permitted – secondary and conditional use. Not permitted – non-water dependent uses
12. BULKHEADS	Permitted – secondary use	Permitted – secondary use	Permitted – secondary use	Permitted – secondary use	Permitted – secondary use	Not permitted
13. BREAKWATERS	Not permitted	Permitted – secondary use	Permitted – secondary use	Permitted – secondary use	Permitted – secondary use	Permitted – secondary use
14. LANDFILL	Not permitted	Permitted – conditional use	Permitted – secondary use	Permitted – secondary use	Permitted – secondary use	Conditional use
15. SOLID WASTE DISPOSAL	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
16. DREDGING	Permitted – conditional use	Permitted – conditional use	Permitted – secondary use	Permitted – secondary use	Permitted – secondary use	Permitted – conditional use
17. SHORELINE PROTECTION	Not permitted	Permitted – secondary use	Permitted – secondary use	Permitted – secondary use	Permitted – secondary use	Permitted – secondary use

ISLAND COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	Shoreline RESIDENTIAL	URBAN	AQUATIC
18. ROADS AND RAILROADS	Permitted, subject to conditional use	Vista parking lots permitted – primary use. Railroads and vehicular routes permitted – conditional use	Railroads, vehicular routes and non-vista parking lots permitted – conditional use	Railroads, vehicular routes and non-vista parks permitted – conditional use	Railroads, vehicular routes and devices permitted – primary use. Parking lots permitted – secondary use	Not permitted
19. PIERS	Permitted – conditional use	Permitted – secondary use	Permitted – secondary use	Permitted – secondary use	Connector permitted – primary use	Permitted – float-plane bases. Jetties and groins permitted – conditional use
20. ARCHEOLOGICAL AREAS AND HISTORIC SITES	Permitted – secondary use	Permitted – primary use	Permitted – secondary use	Permitted – secondary use	Permitted – primary use	Permitted – secondary use
21. RECREATION	Parks, campgrounds and camping clubs permitted – conditional uses	Parks, campgrounds and camping clubs permitted – secondary use	Parks, trails and pathways for non-vehicular use permitted – primary use. Campgrounds and camping clubs permitted – secondary use	Parks, trails, camping clubs permitted – primary use. Campgrounds and camping clubs permitted – secondary use	Parks, trails, pathways for non-vehicular use permitted – primary use. Campgrounds and camping clubs permitted – secondary use	Underwater parks permitted – primary use
22. EDUCATIONAL AND SCIENTIFIC RESEARCH AND DEVELOPMENT	Permitted – secondary use	Permitted – primary use	Permitted – secondary use	Permitted – secondary use	Permitted – primary use	Permitted – secondary use
23. TRAILS AND PATHWAYS FOR NON-VEHICULAR USE	Permitted – secondary use	Permitted – secondary use	Permitted – primary use	Permitted – primary use	Permitted – primary use	

JEFFERSON COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: December 20, 1974

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
1. AGRICULTURE	Permitted – conditional use	Permitted – primary use		Permitted – secondary use	Permitted – secondary use	
2. AQUACULTURE	Permitted – conditional use (includes processing)	Permitted – primary use. Processing permitted – secondary use		Permitted – secondary use	Processing permitted – primary use. Farming permitted – secondary use	
3. FOREST MANAGEMENT	Permitted – conditional use	Permitted – primary use		Permitted – secondary use	Permitted – secondary use	
4. COMMERCIAL DEVELOPMENT	Permitted – conditional use	Permitted – conditional use		Hotels, boatels, motels permitted – primary use. Water and non-water commercial permitted – secondary use	Hotels, motels, boatels and water dependent permitted – primary use. Non-water dependent permitted – secondary use	
5. MARINAS	Permitted – conditional use (includes float plane bases)	Permitted – conditional use (includes float plane bases)		Permitted – secondary use (includes float plane bases)	Permitted	
6. BOAT LAUNCHING	Permitted – conditional use	Permitted – secondary use		Permitted – primary use	Permitted – primary use	
7. MINING	Permitted – conditional use	Permitted – conditional use		Permitted – conditional use	Permitted – conditional use	
8. OUTDOOR ADVERTISING	Permitted – conditional use	On premise signs permitted – secondary use. Others permitted – conditional use		On-premise signs permitted – secondary use. Off premise signs and billboards permitted subject to conditional use	On-premise permitted – secondary use. Off-premise permitted – conditional use	

ISLAND COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	Shoreline RESIDENTIAL	URBAN	AQUATIC
24. HARVESTING SHELL-FISH AND NATURAL RESOURCES	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Permitted – conditional use

JEFFERSON COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: December 20, 1974

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
18. ROADS AND RAILROADS	Trails for non-vehicular use permitted – secondary use. Roads, railroads and parking lots permitted – conditional use	Trails for non-vehicular use and vista parking lots permitted – primary use. Non-vista parking lots permitted – secondary use. Roads and railroads permitted – conditional use		Trails for non-vehicular use permitted – primary use. Others permitted – conditional use	Permitted – primary use	
19. PIERS	Permitted – conditional use	Permitted – secondary use		Permitted – secondary use	Permitted – primary use	
20. ARCHEOLOGICAL AREAS AND HISTORIC SITES	Permitted – secondary use	Permitted – primary use		Permitted – secondary use	Permitted – primary use	
21. RECREATION	Permitted – secondary use. Campgrounds permitted – conditional use	Permitted – secondary use		Parks permitted – primary use. Campgrounds and camping clubs permitted – secondary uses	Permitted – primary use. Campgrounds and vista parking lots permitted – secondary use	
22. EDUCATIONAL AND SCIENTIFIC RESEARCH AND DEVELOPMENT	Permitted – secondary use	Permitted – primary use		Permitted – secondary uses	Permitted – primary use	

JEFFERSON COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: December 20, 1974

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
9. RESIDENTIAL DEVELOPMENT	Permitted – conditional use	Single family and subdivisions permitted – secondary use. Multi-family and mobile home parks permitted – conditional use		Permitted – primary use	Multi-family residences permitted – primary use. Other residential permitted – secondary use	
10. UTILITIES	Permitted – conditional use	Permitted – secondary use		Permitted – primary use	Permitted – primary use	
11. PORTS AND INDUSTRY	Permitted – conditional use	Permitted – conditional use		Water dependent industry permitted – secondary use. Non-water dependent industry permitted – conditional use	Water dependent industry permitted – primary use. Non-water dependent industry permitted – secondary use	
12. BULKHEADS	Permitted – conditional use	Permitted – secondary use		Permitted – secondary use	Permitted – secondary use	
13. BREAKWATERS	Permitted – conditional use	Permitted – secondary use		Permitted – secondary use	Permitted – secondary use	
14. LANDFILL	Permitted – conditional use	Permitted – conditional use		Permitted – secondary use	Permitted – secondary use	
15. SOLID WASTE DISPOSAL	Permitted – conditional use	Permitted – conditional use		Permitted – conditional use	Permitted – conditional use	
16. DREDGING	Permitted – conditional use	Permitted – conditional use		Permitted – secondary use	Permitted – secondary use	
17. SHORELINE PROTECTION	Permitted – conditional use	Permitted – secondary use		Permitted – secondary use	Permitted – secondary use	

KING COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
1. AGRICULTURE	Not permitted	Permitted	Permitted		Permitted	Not permitted
2. AQUACULTURE	Aquatic resource practices restricted to natural hatcheries and beds	Permitted	Permitted		Permitted	Aquatic resource practices restricted adjacent to National environment; permitted elsewhere
3. FOREST MANAGEMENT	Generally not permitted	Permitted – timber harvest	Permitted – timber harvest		Timber preservation is encouraged	Not permitted (unless approved by State Fisheries and Game Departments)
4. COMMERCIAL DEVELOPMENT	Not permitted	Not permitted	Permitted		Permitted	Permitted under special conditions
5. MARINAS	Not permitted	Not permitted	Permitted		Permitted	Permitted -- shoreline dependent uses only
6. MINING	Not permitted (unless approved by appropriate State agencies)	Permitted	Permitted		Not permitted (unless approved by State Fish and Game Departments)	Not permitted (unless approved by appropriate State agencies)
7. OUTDOOR ADVERTISING	Not permitted	Not permitted	Permitted		Permitted	Not permitted
8. RESIDENTIAL DEVELOPMENT	Permitted with restrictions	Permitted with restrictions	Permitted with restrictions		Permitted	Not permitted
9. UTILITIES	Permitted only where necessary	Permitted	Permitted		Permitted	Permitted
10. PORTS AND INDUSTRY	Not permitted	Not permitted	Permitted – industries. Ports permitted – conditional use		Permitted	Permitted subject to policy and regulations of "Piers and Moorage" use

KING COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
11. BREAKWATERS	Not permitted	Not permitted	Not permitted		Permitted	Permitted to protect an urban environment
12. JETTIES AND GROINS	Not permitted	Permitted	Permitted		Permitted	Permitted off-shore of Urban, Rural and Conservancy environments
13. LANDFILL	Not permitted	Permitted	Permitted		Permitted	Not permitted – except for beach feeding
14. SOLID WASTE DISPOSAL	Permitted conditionally	Permitted	Permitted		Permitted	Not permitted
15. DREDGING	Not permitted	Permitted	Permitted		Permitted	Permitted
16. SHORELINE PROTECTION	Structural protection not permitted	Permitted – with restrictions	Permitted		Permitted	Permitted with restrictions
17. TRANSPORTATION FACILITIES	Permitted for pedestrian facilities and use only	Permitted	Pemitted		Permitted	Permitted with restrictions
18. PIERS	Not permitted – permanent facilities. Permitted – floating facilities with restrictions	Permitted with restrictions – residential piers. Not permitted – commercial and industrial piers	Permitted		Permitted	Permitted
19. RECREATION		Permitted	Permitted		Permitted	Permitted

KITSAP COUNTY MASTER PROGRAM – SHORELINE USE MATRIX
Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SEMI-RURAL	URBAN	AQUATIC
1. AGRICULTURE	Not permitted	Permitted	Permitted	Permitted	Permitted	Not permitted
2. AQUACULTURE	Not permitted	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted
3. FOREST MANAGEMENT	Not permitted	Permitted	Permitted	Permitted	Generally not permitted	Not permitted
4. COMMERCIAL DEVELOPMENT	Not permitted	Not permitted	Permitted – conditional use	Limited use permitted – conditional use	Permitted with restrictions	Not permitted
5. MARINAS	Not permitted	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted
6. BOAT LAUNCHING	Not permitted	Permitted	Permitted	Permitted	Permitted	Permitted
7. MINING	Not permitted	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Not permitted
8. OUTDOOR ADVERTISING	Not permitted, except on premise signs. Permitted subject to conditional use	On-premise signs permitted subject to conditional use. Others not permitted	Permitted – on premise signs. Others not permitted	Permitted – on premise. Others not permitted	Permitted	Permitted – on premise signs. Others not permitted
9. RESIDENTIAL DEVELOPMENT	Not permitted	Not permitted	Permitted	Permitted	Permitted	Not permitted
10. UTILITIES	Permitted – conditional use	Permitted – conditional use	Permitted	Permitted	Permitted	Permitted
11. PORTS AND INDUSTRY	Not permitted	Not permitted	Not permitted	Not permitted	Permitted – conditional use	Permitted
12. BULKHEADS	Not permitted	Permitted – conditional use	Permitted – conditional use	Permitted	Permitted	Permitted

KITSAP COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SEMI-RURAL	URBAN	AQUATIC
13. BREAKWATERS (JETTIES, GROINS)	Not permitted	Permitted – conditional use	Permitted	Permitted	Permitted	Permitted
14. LANDFILL	Not permitted	Permitted, subject to conditional use	Permitted subject to conditional use	Permitted – conditional use	Permitted – conditional use	Permitted
15. SOLID WASTE DISPOSAL	Not permitted	Permitted – conditional use	Not permitted	Not permitted	Not permitted	Not permitted
16. DREDGING	Not permitted	Permitted – conditional use	Permitted	Permitted	Permitted	Permitted
17. SHORELINE PROTECTION	Not permitted	Permitted – conditional use	Permitted	Permitted	Permitted	Permitted
18. ROADS AND RAILROADS	Not permitted	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Generally not permitted
19. PIERS	Not permitted	Permitted – conditional use	Permitted	Permitted	Permitted	Permitted
20. ARCHEOLOGICAL AREAS AND HISTORIC SITES	Permitted – conditional use	Permitted	Permitted	Permitted	Permitted	Permitted
21. RECREATION	Permitted – conditional use. Not permitted – floats and anchor buoys	Permitted	Permitted	Permitted	Permitted	Permitted
22. EDUCATION AND SCIENTIFIC RESEARCH AND DEVELOPMENT	Permitted – conditional use	Permitted with restrictions	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted
23. BOATHOUSES	Not permitted	Not permitted	Permitted – conditional use	Permitted	Permitted	Permitted

MASON COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: August 6, 1975

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	URBAN		
				Residential	Commercial	Industrial
1. AGRICULTURE	Permitted – passive only	Permitted – conditional use	Permitted – conditional use	Permitted Not permitted – feed lots	Not permitted	Not permitted
2. AQUACULTURE	Permitted – with restrictions	Permitted – conditional use	Permitted – conditional use	Permitted	Permitted	Not permitted
3. FOREST MANAGEMENT	Permitted – with restrictions	Permitted – conditional use	Permitted – conditional use	Permitted	Not permitted	Not permitted
4. COMMERCIAL DEVELOPMENT	Not permitted	Permitted – water dependent uses only	Permitted – conditional use	Permitted – water dependent and oriented. Others permitted – conditional use	Permited – water dependent and oriented. Others permitted – conditional use	Permitted – water dependent and oriented. Others permitted – conditional use
5. MARINAS	Not permitted	Not permitted	Permitted	Permitted	Permitted	Permitted
6. MINING	Permitted subject to RCW 78.44	Permitted subject to RCW 78.44	Permitted, subject to RCW 78.44	Permitted, subject to RCW 78.44	Permitted subject to RCW 78.44	Permitted subject to RCW 78.44
7. OUTDOOR ADVERTISING	Generally not permitted	Permitted with restrictions	Permitted with restrictions	Permitted with restrictions	Permitted with restrictions	Permitted with restrictions
8. RESIDENTIAL DEVELOPMENT	Not Permitted	Permitted	Permitted	Permitted	Not permitted	Not permitted
9. UTILITIES	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
10. PORTS AND INDUSTRY	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
11. BULKHEADS	Not permitted	Permitted for erosion control	Permitted with restrictions	Permitted with restrictions	Permitted with restrictions	Permitted with restrictions
12. BREAKWATER JETTIES AND GROINS	Permitted for protection of natural systems only	Permitted	Permitted	Permitted	Permitted	Permitted

MASON COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: August 6, 1975

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	URBAN		
				Residential	Commercial	Industrial
13. LANDFILL	Not permitted	Not permitted	Permitted			
14. SOLID WASTE DISPOSAL	Not permitted	Not permitted	Permitted with restrictions	Permitted with restrictions	Permitted with restrictions	Permitted with restrictions
15. DREDGING	Permitted if necessary for flood control	Permitted if necessary for navigation	Permitted if necessary for navigation	Permitted if necessary for navigation	Permitted when necessary for navigation	Permitted when necessary for navigation
16. SHORELINE PROTECTION	Permitted only to protect life and property	Permitted with restrictions	Permitted			Permitted
17. ROADS AND RAILROAD	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
18. PIERS	Permitted with restrictions	Permitted with restrictions	Permitted	Permitted	Permitted	Permitted
19. ARCHEOLOGICAL AREAS AND HISTORICAL SITES	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
20. RECREATION	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted

PACIFIC COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: April 8, 1975

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
1. AGRICULTURE	Permitted	Permitted	Permitted		Permitted	
2. AQUACULTURE	Permitted	Permitted	Permitted		Permitted	
3. FOREST MANAGEMENT	Permitted	Permitted	Permitted		Permitted	
4. COMMERCIAL DEVELOPMENT	Not permitted	Permitted with restrictions	Permitted		Permitted	
5. MARINAS	Not permitted	Not permitted	Permitted – conditional use		Permitted – conditional use	
6. MINING	Not permitted	Permitted – conditional use	Permitted – conditional use		Permitted – conditional use	
7. OUTDOOR ADVERTISING	Generally not permitted	Permitted – conditional use	Permitted		Permitted	
8. RESIDENTIAL DEVELOPMENT	Not permitted	Permitted – conditional use	Permitted – conditional use		Permitted	
9. UTILITIES	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use		Permitted – conditional use	
10. PORTS AND INDUSTRY	Generally not permitted	Generally not permitted	Generally not permitted		Pemitted	
11. LANDFILL AND DREDGING	Generally not permitted	Permitted – conditional use	Permitted – conditional use		Permitted – conditional use	
12. SOLID WASTE DISPOSAL	Not permitted	Not permitted	Not permitted		Generally not permitted	
13. ROADS	Generally not permitted	Permitted – conditional use	Permitted conditional use		Permitted	
14. SHORELINE WORKS AND STRUCTURES	Generally not permitted	Permitted – conditional use	Permitted – conditional use		Permitted	

PACIFIC COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: April 8, 1975

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
15. ARCHEOLOGICAL AREAS AND HISTORICAL SITES	Permitted	Permitted	Not permitted		Permitted	
16. RECREATION	Low intensity permitted – conditional use. Others not permitted	Low intensity permitted – conditional use	Low and medium intensity permitted – conditional use		Permitted	
17. SEWAGE COLLECTION AND TREATMENT	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use		Permitted	
18. DUNES MODIFICATION	Not permitted	Permitted	Permitted		Permitted	

PIERCE COUNTY SHORELINE MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: April 4, 1975

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	RURAL-RESIDENTIAL	URBAN	AQUATIC
1. AGRICULTURE	Permitted with limited grazing only, subject to conditional use requirements	Permitted – low intensity only	Permitted	Permitted. Not permitted – noxious chemicals	Permitted. Not permitted – noxious chemicals	
2. AQUACULTURE	Not permitted	Permitted	Permitted	Permitted	Permitted	
3. FOREST MANAGEMENT	Commercial utilization not permitted	Permitted	Permitted	Not applicable	Not applicable	
4. COMMERCIAL DEVELOPMENT	Not permitted	Permitted – water dependent and water related uses. Not permitted – non-water dependent uses	Permitted	Permitted	Permitted	
5. MARINAS	Not permitted	Not permitted	Permitted subject to conditional use	Permitted	Permitted	
6. BOAT LAUNCHING RAMPS	Not permitted	Permitted – conditional use	Permitted	Permitted	Permitted	
7. MINING	Not permitted	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	
8. OUTDOOR ADVERTISING	Permitted – warning and information signs; temporary decorations; national, state, and institutional flags.	Permitted – warning and information signs; temporary decorations; national, state, and institutional flags.	Permitted with exceptions	Permitted with exceptions	Permitted with exceptions	

PIERCE COUNTY SHORELINE MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: April 4, 1975

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	RURAL-RESIDENTIAL	URBAN	AQUATIC
9. RESIDENTIAL DEVELOPMENT	Not permitted	Permitted	Permitted	Permitted	Permitted	
10. UTILITIES	Generally not permitted If allowed, subject to conditional use	Permitted	Permitted	Permitted	Permitted	
11. PORTS AND INDUSTRY	Not permitted	Not permitted	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	
12. BULKHEADS	Permitted – conditional use	Permitted – conditional use	Permitted	Permitted	Permitted	
13. BREAKWATERS	Not permitted	Permitted – conditional use	Permitted	Permitted	Permitted	
14. JETTIES AND GROINS	Not permitted	Permitted – conditional use	Permitted	Permitted	Permitted.	
15. LANDFILL	Not permitted	Permitted – conditional use	Permitted	Permitted	Permitted	
16. SOLID WASTE DISPOSAL	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	
17. DREDGING	Permitted only for habitat maintenance. EIS required	Permitted – conditional use	Permitted	Permitted	Permitted	
18. SHORELINE PROTECTION ACTIONS	Permitted – nonstructural protection only – conditional use	Permitted for protection only subject to conditional use Not permitted – channelizing	Not permitted – channelizing All others – conditional use	Permitted Not permitted – channelization	Permitted with channelization on a limited basis	

PIERCE COUNTY SHORELINE MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: April 4, 1975

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	RURAL-RESIDENTIAL	URBAN	AQUATIC
19. ROADS AND RAILROADS	Roads restricted to those necessary to protect adjoining lands from major diasters. Not permitted – railroads	Permitted, subject to conditional use	Permitted	Permitted	Permitted	
20. PIERS	Not permitted	Permitted – floats and buoys. Piers and docks permitted – conditional use	Permitted – floats and buoys. Piers and docks permitted – conditional use	Permitted – floats and buoys. Piers and docks permitted – conditional use	Permitted – floats and buoys. Piers and docks permitted – conditional use	
21. EDUCATIONAL AND ARCHEOLOGICAL AREAS AND HISTORICAL SITES	Permitted. Interpretive centers permitted – conditional use	Same as Urban. Permitted. Interpretive centers permitted – conditional use	Permitted. Interpretive centers permitted – conditional use	Permitted. Interpretive centers permitted – conditional use	Permitted. Interpretive centers permitted – conditional use	
22. RECREATION	Not permitted – golf courses, structures for recreational purposes, ORV trails and areas, resorts, high intensity parks and paved trails	Not permitted – high intensity parks and ORV trails and areas	Not permitted – ORV trails and areas	Not permitted – ORV trails and areas	Not permitted – ORV trails and areas	
23. EFFLUENT DISPOSAL	Permitted – single family	Permitted – single family Community permitted – conditional use	Permitted	Permitted	Permitted	
24. LOG STORAGE AND RAFTING	Not permitted	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	

SAN JUAN COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
1. AGRICULTURE	Not permitted	Permitted – limited construction	Permitted	Permitted	Permitted	See Aquaculture
2. AQUACULTURE	Permitted if structures or mechanized harvest practices are not required	Permitted if natural resources, environment systems, and scenic qualities not impaired	Permitted	Permitted if scenic qualities not impaired	Permitted	Permitted. If abutting more than one upland environment, the most restrictive shall govern
3. FOREST MANAGEMENT	Not permitted	Permitted	Permitted	Not permitted	Permitted subject to a conditional use	Not permitted
4. COMMERCIAL DEVELOPMENT	Not permitted	Permitted if of a low intensity, recreational nature. Other low intensity uses permitted as conditional uses. Water dependent permitted	Permitted if for low intensity uses. All others permitted conditional use only. See Urban	See Urban	Water dependent permitted Non-water dependent – conditional use	Permitted if water dependent. (Most restrictive upland environment shall govern)
5. MARINAS	Not permitted	Permitted – conditional uses only	Permitted	Permitted	Permitted	Permitted for shoreline dependent facilities. (See Aquatic above)
6. MINING	Not permitted	Not permitted – open pit variety. Other types permitted – conditional uses.	Permitted provided that a 50 ft. buffer of undisturbed soil and vegetation be maintained between the site, including accessory developments, adjacent properties, water bodies and wetlands	See Urban	Permitted (Provided adverse impacts on human environment adequately controlled)	Not permitted (except as approved by the appropriate state agencies)

SAN JUAN COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
7. OUTDOOR ADVERTISING	Not permitted	Permitted with restrictions	Permitted with restrictions	Permitted with restrictions	Permitted	Water dependent outdoor advertising signs are permitted with restrictions
8. RESIDENTIAL DEVELOPMENT	Permitted – single family residence only	Permitted with restrictions	Permitted – multi-family dwellings subject to restrictions. Permitted – single family residences	Permitted	Permitted	Not permitted
9. UTILITIES	Not permitted with exceptions	Permitted with restrictions	Permitted	Permitted	Permitted	Permitted if no feasible alternate
10. PORTS AND INDUSTRY	Not permitted	Not permitted. Log handling, dry and wet storage facilities permitted – conditional uses	Permitted – conditional use	Permitted – conditional use	Permitted – water related and water dependent uses	Water dependent permitted, subject to upland environment (the more restrictive environment
11. BULKHEADS	Not permitted	Permitted on marine shorelines	Permitted	Permitted	Permitted	Permitted with restrictions
12. BREAKWATERS	Not permitted	Floating breakwaters permitted if made visually compatible. Rigid breakwaters permitted as conditional uses only.	Permitted	Permitted	Permitted	Permitted subject to restrictions
13. JETTIES AND GROINS	Not permitted	Jetties not permitted. Groins permitted for creating a new beach only if the natural sand movement is not altered.	Permitted	Permitted	Permitted	Permitted subject to upland environment. (The most restrictive governs)

SAN JUAN COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
14. LANDFILLS AND SOLID WASTE DISPOSAL	Not permitted	Permitted (above ordinary high tide line only)	See Suburban Permitted (above ordinary high tide line only)	Permitted (above ordinary high tide line)	Permitted	Permitted subject to upland environment. (The most restrictive governs)
15. DREDGING	Not permitted	Permitted on a limited basis Spoil sites limited to designated D.N.R. sites	Permitted	Permitted	Permitted	
16. DOCKS AND PIERS	Not permitted	Permitted where no alternative site is available.	Permitted	Permitted	Permitted	Permitted (Most restrictive upland environment will govern)
17. ARCHEOLOGICAL AREAS AND HISTORIC SITES	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
18. RECREATION	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted subject to upland environment (the most restrictive governs)
19. TRANSPORTATION FACILITIES	Not permitted	Permitted – pedestrian trails (where no alternative exists, roads are permitted). Permitted subject to conditional use – ferry terminals. Not permitted – airports, parking lots and other facilities.	Permitted	Permitted	Permitted	Permitted

SKAGIT COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	RURAL-RESIDENTIAL	URBAN	AQUATIC
1. AGRICULTURE	Permitted, passive use only	Permitted, passive use only	Permitted	Permitted	Permitted	Not permitted
2. AQUACULTURE	Permitted – certain uses only	Permitted, subject to conditional use	Permitted	Permitted	Permitted	Permitted – conditional use
3. FOREST MANAGEMENT	Permitted – fire damaged and diseased only	Permitted	Permitted	Permitted with required 75' buffer strip	Permitted with clear cutting exception	Permitted – hydraulic permit approval required for stream crossing
4. COMMERCIAL DEVELOPMENT	Not permitted	Not permitted, with certain exceptions	Permitted – conditional use	Permitted – conditional use	Permitted	Not permitted, with certain exceptions
5. MARINAS AND LAUNCH RAMPS	Not permitted, except for certain exceptions	Not permitted – marinas. Permitted – boat launches	Permitted	Permitted, subject to conditional use	Permitted	Permitted, if consistent with upland use
6. MINING	Not permitted	Permitted, subject to conditional use	Permitted	Permitted, subject to conditional use	Permitted, subject to conditional use	Not permitted, except sand and gravel from river bars
7. OUTDOOR ADVERTISING	Not permitted, with certain exceptions	Permitted	Permitted	Permitted	Permitted	Not permitted, with certain exceptions
8. RESIDENTIAL DEVELOPMENT	Not permitted	Permitted, with certain exceptions	Permitted with certain exceptions	Permitted	Permitted	Not permitted, with certain exceptions
9. UTILITIES	Not permitted	Permitted with exceptions	Permitted with exceptions	Permitted with exceptions	Permitted	Permitted – conditional use

SKAGIT COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	RURAL-RESIDENTIAL	URBAN	AQUATIC
10. PORTS AND INDUSTRY	Not permitted	Not permitted – log handling and storage permitted subject to conditional use	Permitted, subject to conditional use	Not permitted	Permitted	Permitted, with certain exceptions
11. LANDFILL	Not permitted, with certain exceptions	Permitted – conditional use	Permitted	Permitted as conditional use	Permitted	Not permitted, except for ones associated with approved water dependent and water related uses
12. DREDGING	Not permitted – dredging and spoil disposal	Permitted – conditional use	Spoil disposal permitted – conditional use	Spoil disposal permitted – conditional use	Permitted	Permitted – if consistent with upland designation
13. SHORELINE PROTECTION	Not permitted	Permitted	Permitted	Permitted	Permitted	Not permitted
14. PIERS AND DOCKS	Not permitted – with exception	Permitted – conditional use for docks on rivers, piers prohibited, and dock mooring boates, floats permitted in marine waters	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted – in conjunction with adjacent environment
15. RECREATION	Non-intensive permitted – conditional use	Permitted with exception	Permitted	Permitted	Permitted	Permitted – conditional use For underwater parks, recreation, with exceptions

SKAGIT COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	RURAL-RESIDENTIAL	URBAN	AQUATIC
16. EDUCATIONAL AND SCIENTIFIC RESEARCH AND DEVELOPMENT	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use
17. SHORE DEFENSE WORKS	Not permitted – with exception	Not permitted. Bulkheads permitted – conditional use	Some permitted – conditional use	Some permitted – conditional use	Some permitted – conditional use	Permitted – subject to conditional uses
18. TRANSPORTATION FACILITIES	Not permitted	Permitted with exceptions – conditional use	Permitted – conditional use . Not permitted – airports and terminals	Permitted – conditional use	Permitted – conditional use	

SNOHOMISH COUNTY MASTER PROGRAM SHORELINE USE MATRIX

Approval Date: December 27, 1974

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
1. AGRICULTURE	Permitted – passive only	Permitted	Permitted	Permitted	Permitted	
2. AQUACULTURE	Permitted – no construction	Permitted	Permitted	Permitted – conditional use	Permitted	
3. FOREST MANAGEMENT	Permitted with limitations	Permitted	Permitted	Permitted – conditional use	Permitted – conditional use	
4. COMMERCIAL DEVELOPMENT	Not permitted	Permitted – low intensity recreational only	Permitted with limitations	Permitted with limitations	Permitted	
5. MARINAS	Not permitted	Permitted – conditional use on marine water. Not permitted on lakes and rivers	Permitted	Permitted – conditional use	Permitted	
6. MINING	Not permitted	Not permitted – open pit. Permitted subject to conditional use – scalping	Permitted	Not permitted	Permitted	
7. OUTDOOR ADVERTISING	Permitted – public facilities type only	Permitted with limitations	Permitted with limitations	Permitted with limitations	Permitted with limitations	
8. RESIDENTIAL DEVELOPMENT	Not permitted	Permitted with limitations	Permitted	Permitted	Permitted	
9. UTILITIES	Not permitted – except where necessary to cross water	Permitted	Permitted	Permitted	Permitted	
10. PORTS AND INDUSTRY	Not permitted	Permitted subject to conditional use	Pemitted subject to conditional use	Not permitted	Permitted	

SNOHOMISH COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: December 27, 1974

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
11. BULKHEADS	Not permitted	Permitted – not on lakes and rivers	Permitted	Permitted	Permitted	
12. BREAKWATERS	Not permitted	Permitted – conditional use	Permitted	Permitted	Permitted	
13. JETTIES AND GROINS	Not permitted	Not permitted – jetties. Permitted with limitations – groins	Permitted	Permitted	Permitted	
14. LANDFILL AND SOLID WASTE DISPOSAL	Not permitted	Permitted with limitations – not allowed on lakes and rivers	Permitted with limitations	Permitted with limitations	Permitted	
15. DREDGING	Not permitted	Permitted with limitations	Permitted	Permitted	Permitted	
16. SHORELINE PROTECTION	Permitted with limitations	Permitted with limitations	Permitted	Permitted	Permitted	
17. ROADS AND RAILROADS	Not permitted	Permitted with limitations	Permitted	Permitted	Permitted	
18. PIERS	Not permitted	Permitted – conditional use	Permitted	Permitted	Permitted	
19. ARCHEOLOGICAL AREAS AND HISTORIC SITES	Permitted	Permitted	Permitted	Permitted	Permitted	
20. RECREATION	Permitted – low intensity only	Permitted – low intensity only	Permitted	Permitted	Permitted	

THURSTON COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
1. AGRICULTURE	Permitted – passive uses. Not permitted – practice, producing soil erosion	Permitted – except practices producing soil erosion	Permitted – except practices producing soil erosion		Permitted – except feedlots and confinement lots	
2. AQUACULTURE	Permitted – only low intensity	Permitted	Permitted		Permitted – low intensity only	
3. FOREST MANAGEMENT	Not permitted – commercial use. Preservation activities permitted – conditional use	Permitted – conditional use	Permitted – conditional use		Permitted	
4. COMMERCIAL DEVELOPMENT	Not permitted	Permitted – only low intensity activities	Permitted – conditional use		Permitted	
5. MARINAS AND BOAT LAUNCHING FACILITIES	Not permitted	Permitted, subject to conditional use	Permitted subject to conditional use		Permitted	
6. MINING	Not permitted	Permitted – conditional use	Permitted – conditional use		Permitted	
7. OUTDOOR ADVERTISING	Not permitted	Permitted – conditional use on premise	Permitted – conditional use on premise		Permitted	
8. RESIDENTIAL DEVELOPMENT	Not permitted – over water. Permitted with density restrictions	Not permitted – over water. Permitted – with density restrictions	Not permitted – over water. Permitted with density restriction		Not permitted – over water. Permitted with density restriction	

WAHKIAKUM COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: June 17, 1975

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
13. SHORELINE PROTECTION	Permitted – conditional use	Generally not permitted	Permitted		Permitted	
14. ROADS AND RAILROADS	Permitted – trails only	Permitted – subject to conditional use	Same as conservency		Permitted	
15. PIERS	Permitted – conditional use.	Permitted	Permitted		Permitted	
16. ARCHEOLOGICAL AREAS AND HISTORIC SITES	Permitted	Permitted	Permitted		Permitted	
17. RECREATION	Permitted	Permitted – low intensity	Permitted – medium intensity		Permitted	
18. SEWAGE COLLECTION AND TREATMENT	Permitted	Permitted	Permitted		Permitted	

WHATCOM COUNTY MASTER PROGRAM – SHORELINE USE MATRIX
Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
1. AGRICULTURE	Generally not permitted	Permitted	Permitted		Permitted	Not permitted
2. AQUACULTURE	Permitted – conditional use	Permitted – conditional use	Permitted		Permitted	Permitted – conditional use
3. FOREST MANAGEMENT	Generally not permitted	Permitted with restrictions	Permitted with restrictions		Permitted with restrictions	Permitted with restrictions
4. COMMERCIAL DEVELOPMENT	Not permitted	Generally not permitted. Permitted – resorts, restaurants and campgrounds	Permitted		Permitted	Generally not permitted
5. MARINAS AND BOAT LAUNCH RAMPS	Generally not permitted	Marinas permitted – conditional use. Launch ramps permitted	Permitted		Permitted	Permitted – conditional use (No overwater building)
6. MINING	Not permitted	Permitted – conditional use	Permitted		Not permitted	Permitted, subject to conditional use
7. OUTDOOR ADVERTISING	Generally not permitted	Permitted	Permitted		Permitted	Permitted – conditional use
8. RESIDENTIAL DEVELOPMENT	Not permitted	Permitted with restrictions	Permitted with restrictions		Permitted	Generally not permitted
9. UTILITIES	Generally not permitted	Permitted with restrictions	Permitted		Permitted	Permitted – conditional use
10. PORTS AND INDUSTRY	Not permitted	Permitted – shoreline dependent or related only	Permitted – shoreline dependent or related only		Permitted – shoreline dependent or related only	Permitted – conditional use
11. LANDFILL	Generally not permitted	Permitted – conditional use	Permitted		Permitted	Generally not permitted

THURSTON COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
9. UTILITIES	Not permitted – sewage treatment plants and storm and sanitary outfalls. Other systems permitted – conditional use (Sewer mains not clear)	Not permitted – sewage treatment plants and storm and sanitary outfalls. Other systems permitted – conditional use (Sewer mains not clear)	Not permitted – sewage treatment plants and storm and sanitary outfalls. Other systems permitted – conditional use (Sewer mains not clear)		Permitted with restrictions	
10. PORTS AND INDUSTRY	Not permitted	Not permitted. Log storage permitted, subject to conditional use	Not permitted. Log storage permitted, subject to conditional use		Permitted, subject to conditional use	
11. LANDFILL AND DREDGING	Not permitted	Permitted – conditional use. Not permitted – creating new land area	Permitted – conditional use		Permitted – conditional use	
12. SOLID WASTE DISPOSAL	Not permitted	Permitted – conditional use	Permitted – conditional use		Permitted – conditional use	
13. ROADS AND RAILROADS	Not permitted – new railroads. Permitted –conditional use – roads	Permitted – conditional use	Permitted – conditonal uses		Permitted – conditional uses	
14. ARCHEOLOGICAL AND HISTORIC SITES	Permitted	Permitted	Permitted		Permitted	
15. EDUCATIONAL AND SCIENTIFIC RESEARCH AND DEVELOPMENT	Permitted – limited activities	Permitted – limited activities	Permitted – limited activities		Permitted – limited activities	
16. SHORELINE WORKS AND STRUCTURES	Not Permitted	Permitted – conditional use	Permitted – conditional use		Permitted – conditional use	

WAHKIAKUM COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Approval Date: June 17, 1975

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
1. AGRICULTURE	Permitted – conditional use	Permitted – passive only	Permitted		Permitted	
2. AQUACULTURE	Permitted – conditional use	Permitted – conditional use	Permitted		Permitted	
3. FOREST MANAGEMENT	Permitted – limited basis	Permitted	Permitted		Permitted	
4. COMMERCIAL DEVELOPMENT	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use		Permitted	
5. MARINAS	Permitted – conditional use	Permitted – limited basis	Permitted		Permitted	
6. MINING	Permitted – conditional use	Permitted	Permitted		Permitted	
7. OUTDOOR ADVERTISING	Permitted – limited basis	Permitted	Permitted		Permitted	
8. RESIDENTIAL DEVELOPMENT	Single family permitted – conditional use . Other residential not permitted	Permitted – single family subject to conditional use	Same as conservency		Permitted	
9. UTILITIES	Generally not permitted	Permitted	Permitted		Permitted	
10. PORTS AND INDUSTRIES	Permitted – conditional use	Permitted – conditional use	Permitted – conditional use		Permitted	
11. LANDFILL AND DREDGING	Not permitted	Permitted – limited basis	Permitted		Permitted – conditional use	
12. SOLID WASTE DISPOSAL	Not permitted	Permitted – conditional use	Permitted – limited basis		Permitted – conditional use	

SUMMARY OF SHORELINE PERMITS FOR MARINE WATERS

Issuing Agency	Action Taken		Marine Water Body	Commercial	Residential	Marina	Recreation	Aquaculture	Piers/Docks	Solid Waste Disposal	Dredging	Utilities	Road/Railroad	Landfill	Bulkheads	Breakwater	Ports & Water	Other	Outdoor Advertising	Water Dependent	Not Assigned	Forest Management	Jetties/Groins	Bridge Construction	Agriculture	Flood Protection	DOE	
	Approved	Denied																									Concur	Review
Clallam County	27	0	Juan de Fuca	6	9	3	9	3	4	1	3	7	1	2	2	1	–	–	–	–	–	–	–	–	–	–	23	4
Grays Harbor County	20	0	Pacific (11) Grays Harbor (9)	9	1	1	4	–	1	2	2	–	1	3	1	–	1	3	–	–	–	–	–	–	–	–	–	17	3
Island County	18	3	North Puget (20) Juan de Fuca (1)	1	6	3	7	2	1	–	3	2	3	1	1	–	1	–	–	2	–	–	–	–	–	–	–	21	0
Jefferson County	54	4	Juan de Fuca (14) North Puget (16) Hood Canal (28)	18	10	5	11	11	6	4	–	8	5	6	6	–	6	1	–	2	1	1	1	–	–	–	–	55	3
King County	35	0	South Puget	7	6	3	5	1	7	2	1	8	–	2	4	1	–	3	–	1	–	–	–	1	–	–	–	34	1
Kitsap County	98	1	Hood Canal (19) North Puget (7) South Puget (73)	8	31	12	20	6	16	3	5	5	3	9	14	5	4	5	–	2	–	–	1	1	1	–	–	96	3
Mason County	74	3	Hood Canal (55) South Puget (22)	9	27	4	24	4	18	2	1	3	2	15	21	–	2	3	–	–	–	–	–	–	–	–	1	70	7
Pacific County	27	2	Willapa (10) Pacific (11) Columbia (8)	6	7	1	12	1	–	4	4	5	2	2	–	2	4	2	–	–	–	–	–	–	–	–	–	24	5
Pierce County	48	2	South Puget	4	11	6	13	2	8	4	6	4	6	7	12	–	4	1	–	3	–	–	–	–	1	–	48	2
San Juan County	68	3	North Puget	15	14	13	28	1	23	2	1	2	2	1	1	3	7	2	–	2	–	–	–	1	–	–	65	6
Skagit County	23	1	North Puget	4	–	3	4	–	3	1	3	4	2	2	1	–	–	2	–	–	–	–	–	–	1	–	24	0
Snohomish County	21	2	North Puget	6	–	–	1	–	2	–	–	8	2	3	4	–	–	1	1	–	–	–	–	1	–	1	23	0
Thurston County	27	0	South Puget	5	5	2	5	1	1	1	2	4	2	3	4	1	3	2	–	–	–	–	–	–	–	2	24	3
Wahkiakum County	11	0	Columbia	1	1	1	5	–	–	–	3	–	–	2	2	–	1	–	–	–	–	–	–	–	–	3	10	1
Whatcom County	15	0	North Puget	6	5	1	4	–	1	–	–	4	2	3	–	–	3	2	1	–	–	–	–	–	–	–	15	0

WHATCOM COUNTY MASTER PROGRAM – SHORELINE USE MATRIX

Not Submitted

SHORELINE USES	ENVIRONMENTS					
	NATURAL	CONSERVANCY	RURAL	SUBURBAN	URBAN	AQUATIC
12. SOLID WASTE DISPOSAL	Not permitted	Not permitted	Not permitted		Not permitted	Not permitted
13. DREDGING	Generally not permitted	Permitted – conditional use	Permitted		Permitted	Permitted – conditional use
14. SHORELINE PROTECTION	Generally not permitted	Permitted – conditional use	Permitted with restrictions		Permitted with restrictions	Generally not permitted
15. ROADS AND RAILWAYS	Not permitted	Permitted – conditional use	Permitted		Permitted	Generally not permitted
16. PIERS	Generally not permitted	Permitted – conditional use	Permitted – conditional use		Permitted – conditional use	Permitted – conditional use
17. ARCHEOLOGICAL AREAS AND HISTORIC SITES	Permitted – conditional use	Permitted – conditional use	Permitted with restrictions		Permitted with restrictions	Permitted – conditional use
18. RECREATION	Permitted – conditional use	Permitted – conditional use	Permitted		Permitted	Permitted – conditional use
19. FLOOD CONTROL WORKS	Not permitted	Not permitted – channelization and dams	Permitted – channelization and dams permitted – others conditional use		Permitted	Not permitted

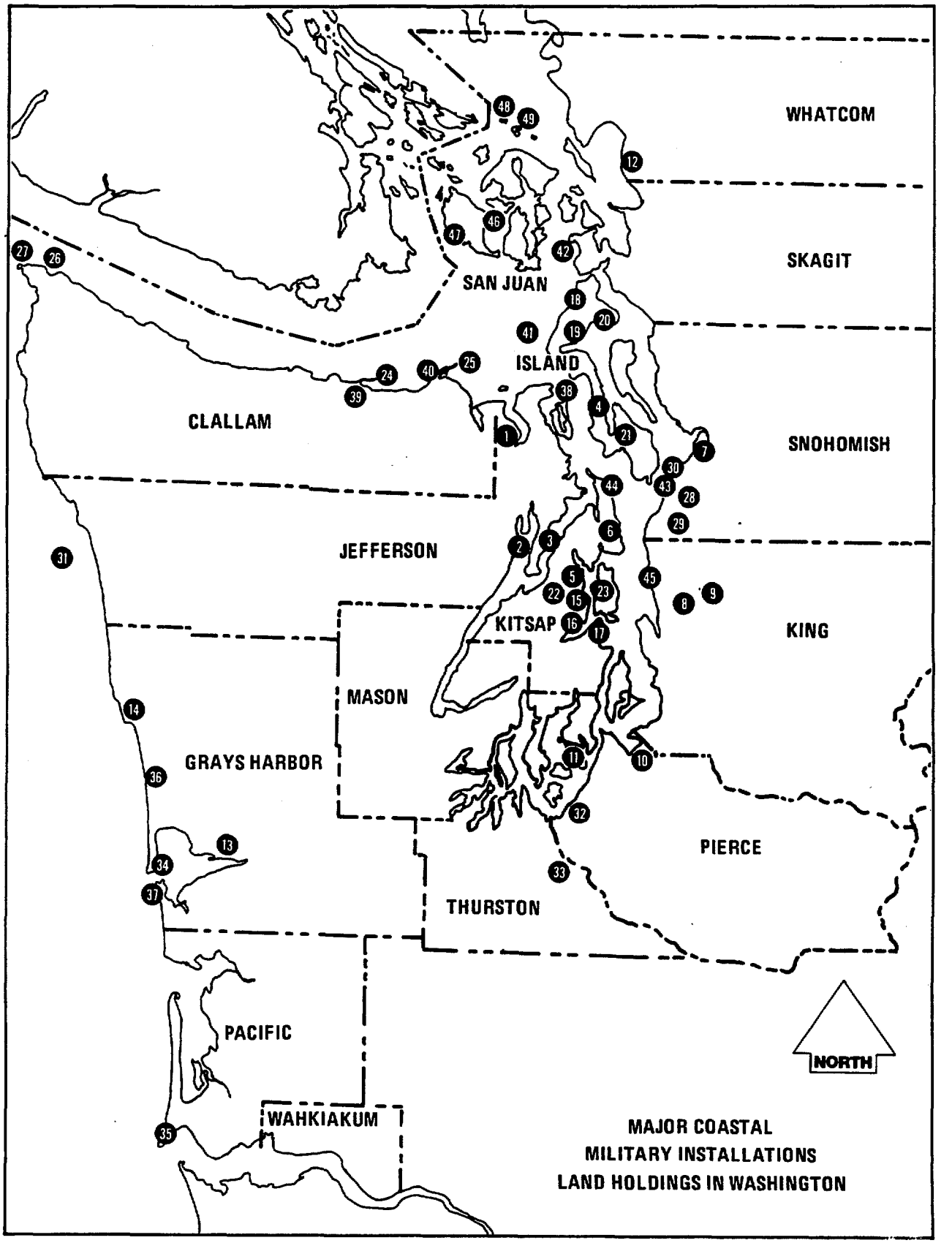
SUMMARY OF SHORELINE PERMITS FOR MARINE WATERS

Issuing Agency	Action Taken		Marine Water Body	Commercial	Residential	Marina	Recreation	Aquaculture	Piers/Docks	Solid Waste Disposal	Dredging	Utilities	Road/Railroad	Landfill	Bulkheads	Breakwater	Ports & Water	Other	Outdoor Advertising	Water Dependent	Not Assigned	Forest Management	Jetties/Groins	Bridge Construction	Agriculture	Flood Protection	DOE	
	Approved	Denied																									Concur	Review
Port Angeles	21	0	Juan de Fuca	9	2	1	-	-	3	1	6	-	-	2	1	-	1	1	-	-	-	2	1	1	-	-	18	3
Tacoma	72	1	South Puget	39	-	7	6	1	10	4	9	11	6	1	5	2	8	6	-	2	-	-	-	-	1	1	69	4
Bremerton	25	0	South Puget	10	7	1	4	-	1	2	-	9	-	-	-	-	-	1	-	-	-	-	-	-	-	-	24	1
Aberdeen	4	0	Grays Harbor	1	-	-	-	-	1	-	1	-	-	1	1	-	-	1	-	-	-	-	-	-	-	-	4	0
Hoquiam	12	0	Grays Harbor	4	1	-	1	-	-	2	3	1	-	4	-	-	1	2	-	-	-	-	-	-	-	1	12	0
Ocean Shores	3	0	Grays Harbor	-	-	-	2	-	-	1	-	-	1	1	1	1	-	-	-	-	-	-	1	-	-	1	3	0
Westport	9	0	Pacific (4) Grays Harbor (5)	3	-	1	2	1	2	-	1	1	-	-	-	-	2	-	-	-	-	-	-	-	-	-	8	1
Anacortes	23	0	North Puget	9	1	9	3	-	4	-	2	1	1	1	1	1	3	4	-	2	-	-	-	-	-	-	22	1
Coupeville	2	0	North Puget	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1
Langley	1	0	North Puget	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	0
Oak Harbor	2	0	North Puget	-	-	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	2	0
Port Townsend	11	0	North Puget	3	2	1	4	-	2	-	1	2	-	3	1	1	1	3	-	-	-	-	-	-	-	-	11	0
Seattle	114	4	South Puget	39	16	5	15	-	20	5	5	12	4	7	12	3	9	4	1	1	-	-	1	1	-	4	114	4
Port Orchard	13	0	South Puget	6	1	3	2	-	2	-	-	2	-	-	-	-	2	1	-	-	-	-	-	-	-	-	12	1
Poulsbo	5	0	South Puget	1	1	1	3	1	1	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	3	2
Winslow	7	0	South Puget	1	5	-	-	-	2	-	-	-	-	-	-	-	-	1	-	1	-	-	-	-	-	-	6	1
Shelton	5	0	South Puget	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	5	0
Ilwaco	1	0	Columbia	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	0
Long Beach	1	0	Willapa Bay	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	0

SUMMARY OF SHORELINE PERMITS FOR MARINE WATERS

Issuing Agency	Action Taken		Marine Water Body	Commercial	Residential	Marina	Recreation	Aquaculture	Piers/Docks	Solid Waste Disposal	Dredging	Utilities	Road/Railroad	Landfill	Bulkheads	Breakwater	Ports & Water	Other	Outdoor Advertising	Water Dependent	Not Assigned	Forest Management	Jetties/Groins	Bridge Construction	Agriculture	Flood Protection	DOE	
	Approved	Denied																									Concur	Review
Raymond	1	0	Willapa Bay	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	0
Gig Harbor	11	2	South Puget	3	1	3	1	-	1	-	1	-	-	-	5	-	-	2	-	-	-	-	-	-	-	-	12	1
Ruston	3	0	South Puget	2	-	-	1	-	-	-	-	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	3	0
Steilacoom	3	1	South Puget	-	-	-	2	-	2	1	-	-	-	2	-	-	-	1	-	-	-	-	-	1	-	-	4	0
Friday Harbor	6	0	North Puget	3	3	-	-	-	2	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	5	1
Edmonds	7	0	North Puget	2	1	-	2	-	1	-	-	1	-	-	2	-	1	-	-	-	-	-	-	-	-	-	7	0
Everett	14	0	North Puget	6	-	-	1	-	2	1	1	3	1	2	2	-	2	-	-	-	-	-	-	-	-	-	13	1
Marysville	2	0	North Puget	-	-	1	-	-	-	-	-	-	-	-	1	-	-	1	-	-	-	-	-	-	-	-	2	0
Mukilteo	1	1	North Puget	-	-	1	-	-	1	-	1	-	-	-	-	1	-	-	-	-	-	-	1	-	-	-	1	1
Stanwood	1	0	North Puget	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	0
Olympia	15	1	South Puget	10	-	1	1	-	1	1	1	2	2	7	-	1	1	-	-	-	-	-	-	-	-	-	12	4
Bellingham	21	0	North Puget	14	-	2	1	-	2	2	2	1	-	1	4	1	2	-	-	1	-	-	-	-	-	-	20	1
Blaine	5	0	North Puget	4	-	-	-	-	1	-	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	5	0

FEDERAL COASTAL LANDS AND WATERS



JEFFERSON COUNTY

(1) Indian Island Annex of NTS-Keyport
(2) Naval Underwater 3D Range-Dabob Bay
(3) U.S. Naval Res.–Bangor NAD
(31) Destruction Island–USCG

ISLAND COUNTY

(4) Lake Hancock Rocket Range
(18) Ault Field-Navy
(19) Naval Air Station–Whidbey Island
(20) Crescent Harbor–Seaplane Base Naval Res.
(21) Naval Outlying Field–Coopesville

KITSAP COUNTY

(3) U.S. Naval Res.–Bangor NAD
(5) Keyport Naval Torpedo
(6) Kingston Naval Degaussing Station
(15) Bremerton Annex of PSNS
(16) PSNS–Bremerton
(17) Manchester – Fuel Annex NSCPS
(22) Chioco Marine Center
(23) Battle Point–USN Res. Bainbridge Island

SNOHOMISH COUNTY

(7) NRC–Everett
(28) Paine Field
(29) U.S. Military Res.–Edmonds
(30) Lighthouse Res.–Elliot Point–USCG

KING COUNTY

(8) Naval Reserve Center (Seattle) Lk. Union
(9) Naval Support Activity – Sand Point

PIERCE COUNTY

(10) N & MC RC – Tacoma
(11) Acoustic Range (Sec. 2) Fox Island–Navy
(32) Fort Lewis (portion of)

WHATCOM COUNTY

(12) NRTF–Bellingham

GRAYS HARBOR COUNTY

(13) NMCRC – Aberdeen
(14) Naval Oceanographic Facility
(Pacific Beach) waterfront 2,675 LF
(34) Point Daman

CLALLAM COUNTY

(26) Waadah Island – Coast Guard
(27) Tatoosh Island – U.S. Lighthouse Res. USCG
(24) Ediz Hook – USCG Res.
(25) Dungeness Spit – U.S. Lighthouse Res. USCG

THURSTON COUNTY

(33) Fort Lewis – (part of)

COAST GUARD STATIONS/HOLDINGS (Major)

PACIFIC COUNTY

(35) Cape Disappointment

GRAYS HARBOR

(36) Point Grenville Sta. on the Indian Res.
(37) Grays Harbor Sta. – Westport
See # 31 Destruction Island Sta. – Grays Harbor

JEFFERSON COUNTY

(38) Marrowstone Point Station – Jefferson Co.

CLALLAM COUNTY

See # 27 Cape Flattery Station – (Tatoosh Island)
See # 26 Neah Bay Station
(39) Port Angeles Air Sta. – Port Angeles
(40) Slip Point
See # 25 New Dungeness Station

ISLAND COUNTY

(41) Smith Island Station

SKAGIT COUNTY

(42) Burrows Island Station

SNOHOMISH COUNTY

(43) Mukilteo Lighthouse
See # 30

KITSAP COUNTY

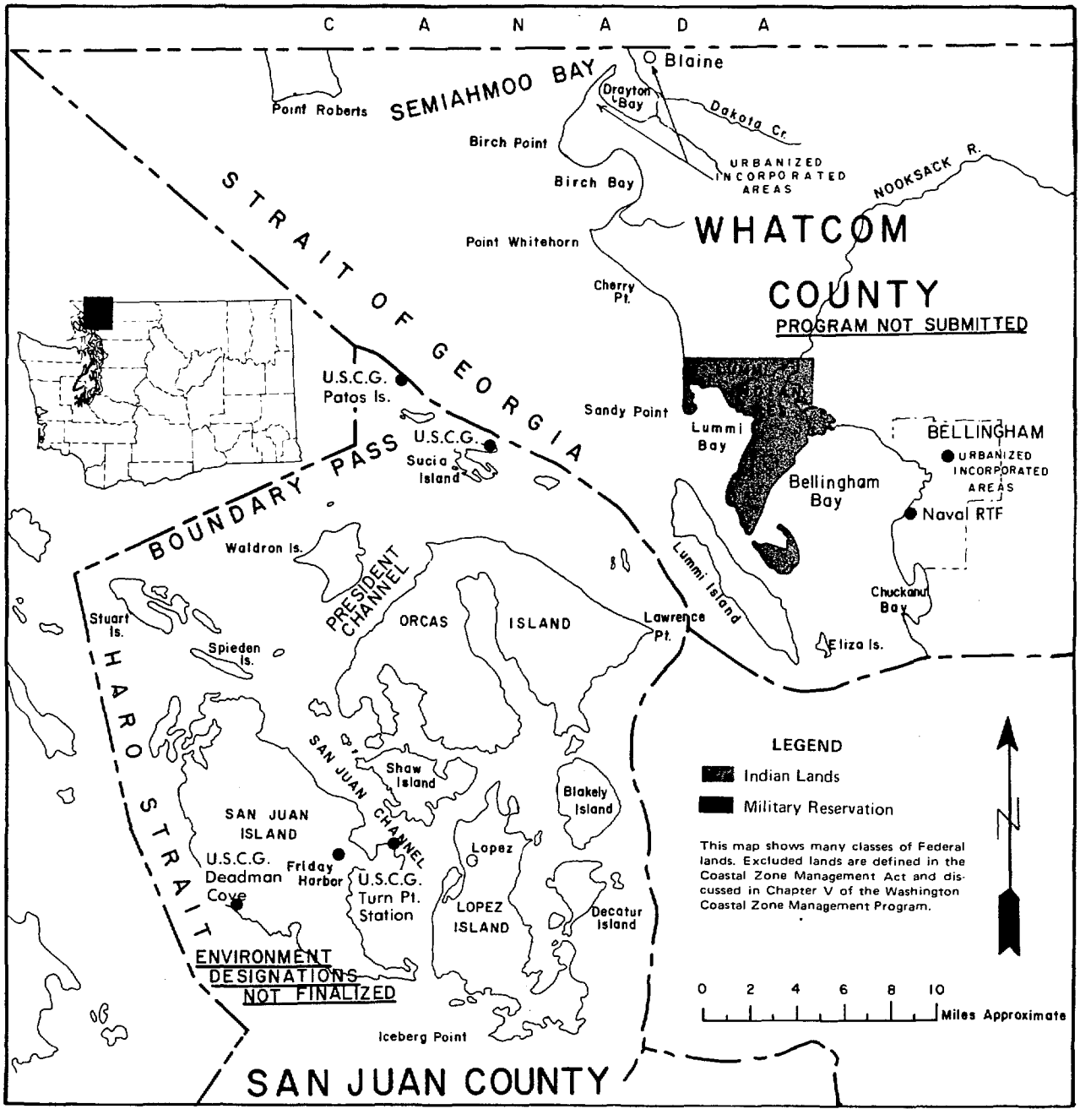
(44) Point No Point Station

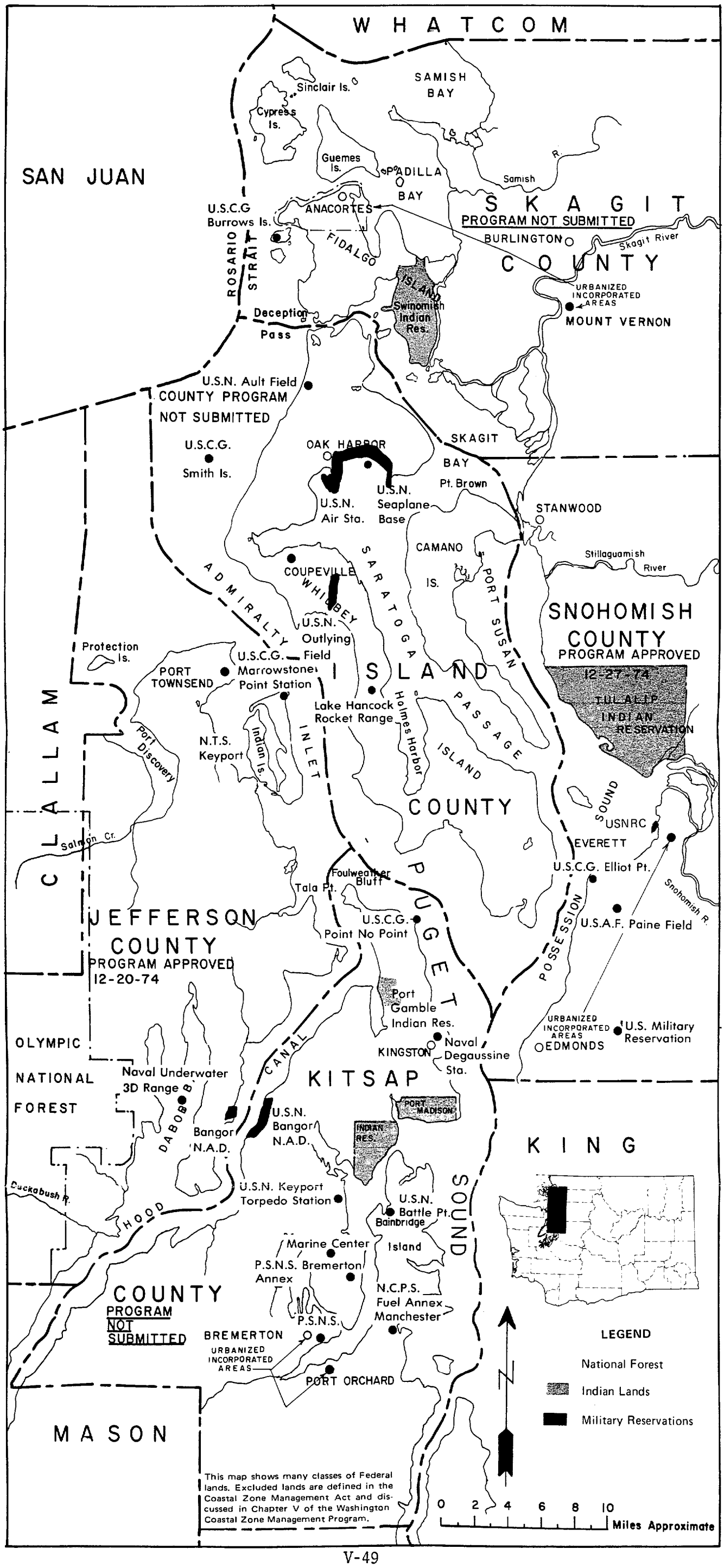
KING COUNTY

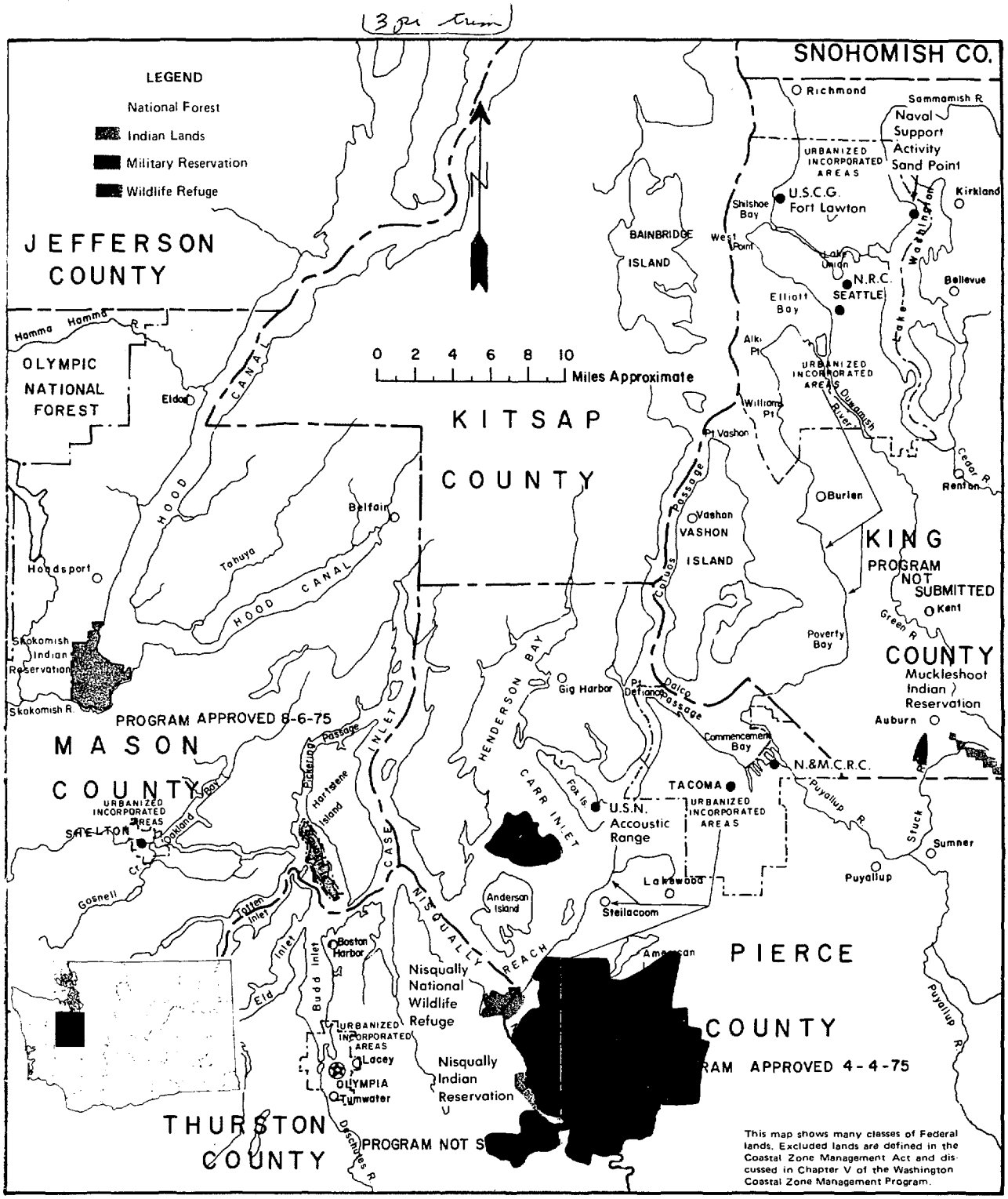
(45) Fort Lawton

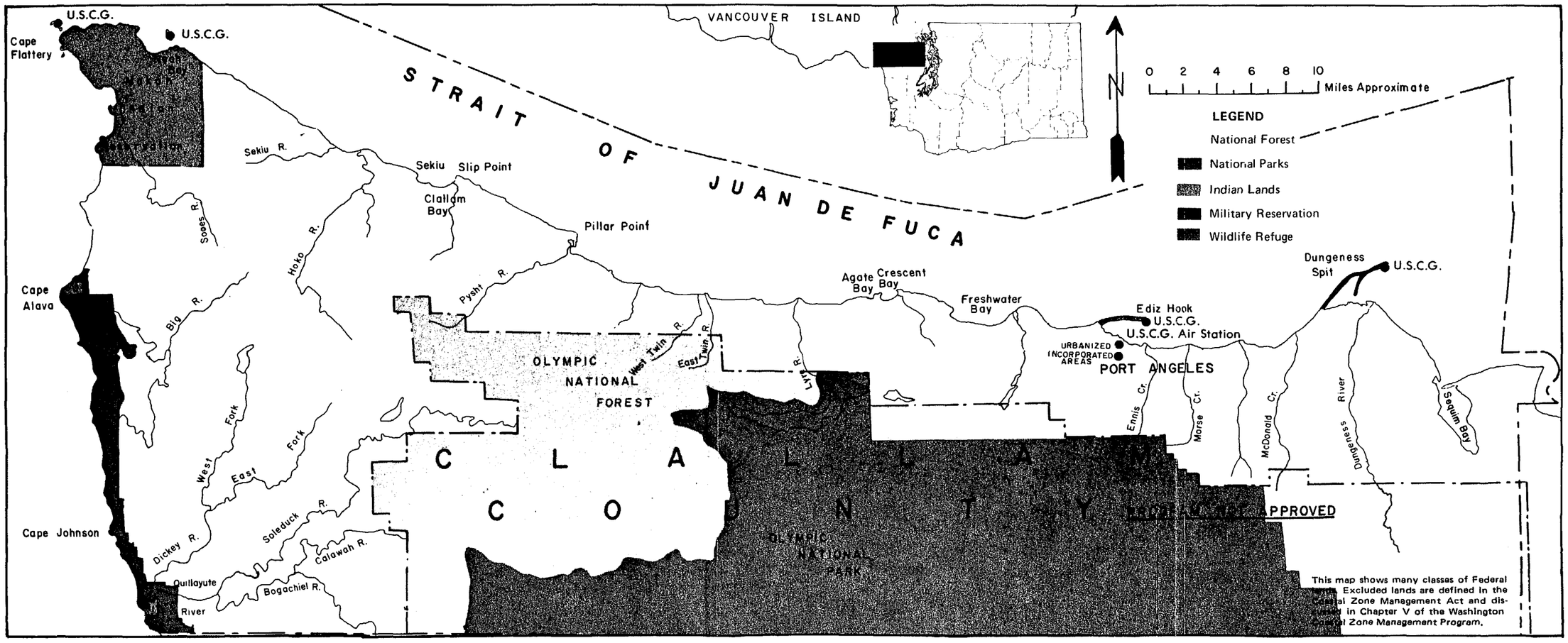
SAN JUAN COUNTY

(46) Turn Point Station
(47) Lime Kiln Light Sta. (above Deadman Cove)
(48) Patos Island (No. of Sucia Island)
(49) Sucia Island (No. & So.)

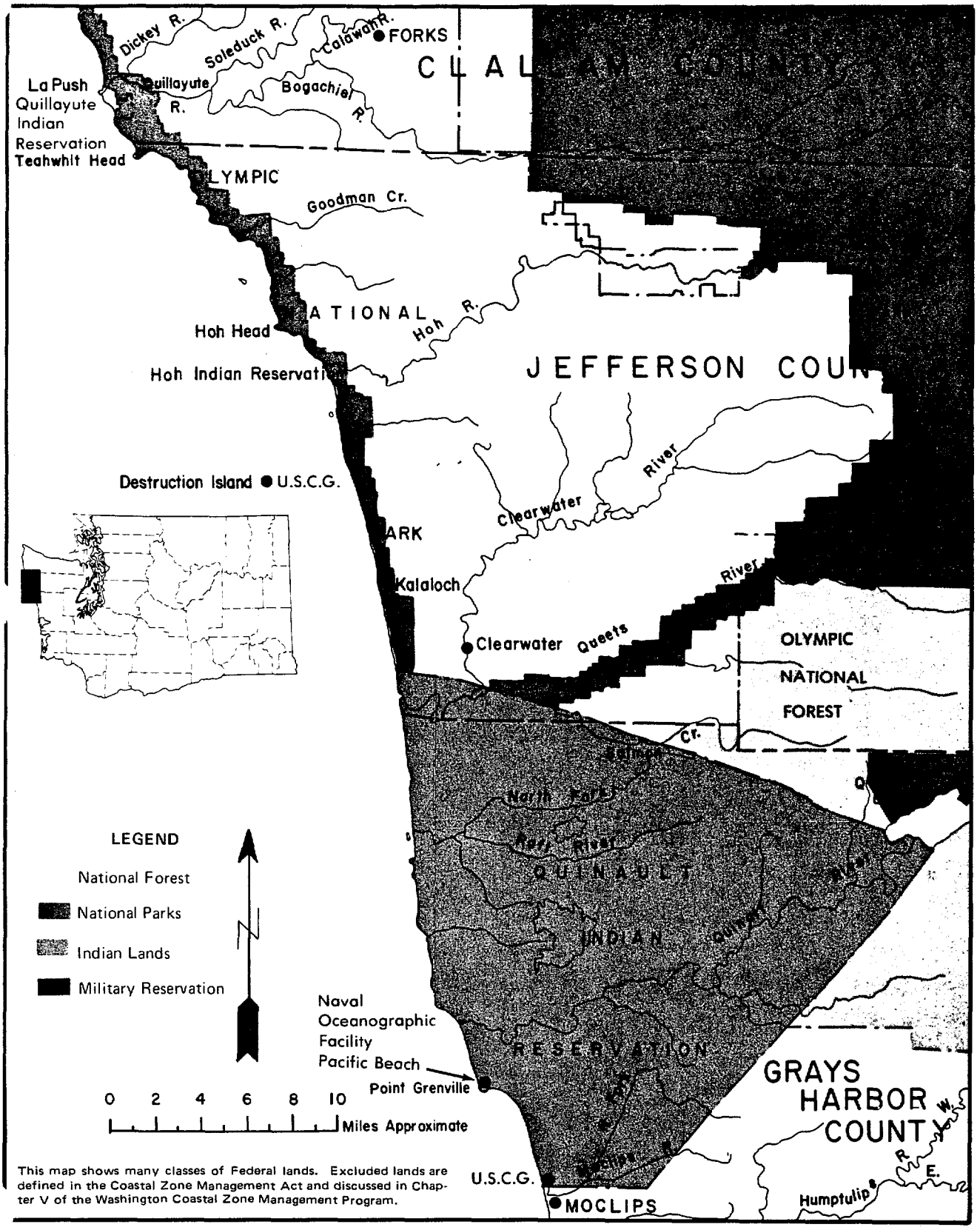

C A N A D A
Blaine
SEMIAHMOO BAY
Point Roberts
Drayton Bay
Dakota Cr.
Birch Point
Birch Bay
URBANIZED INCORPORATED AREAS
NOOKSACK R.
STRAIT OF GEORGIA
Point Whitehorn
WHATCOM COUNTY
PROGRAM NOT SUBMITTED
Cherry Pt.
U.S.C.G. Patos Is.
U.S.C.G. Sucia Island
Sandy Point
Lummi Bay
BELLINGHAM
URBANIZED INCORPORATED AREAS
Bellingham Bay
Naval RTF
BOUNDARY PASS
Waldron Is.
PRESIDENT CHANNEL
Lummi Island
Chuckanut Bay
Stuart Is.
ORCAS ISLAND
Lawrence Pt.
Eliza Is.
Spieden Is.
HARO STRAIT
SAN JUAN CHANNEL
Shaw Island
Blakely Island
SAN JUAN ISLAND
U.S.C.G. Deadman Cove
Friday Harbor
U.S.C.G. Turn Pt. Station
Lopez
LOPEZ ISLAND
Decatur Island
ENVIRONMENT DESIGNATIONS NOT FINALIZED
Iceberg Point
SAN JUAN COUNTY
LEGEND
Indian Lands
Military Reservation
This map shows many classes of Federal lands. Excluded lands are defined in the Coastal Zone Management Act and discussed in Chapter V of the Washington Coastal Zone Management Program.
N
0 2 4 6 8 10
Miles Approximate

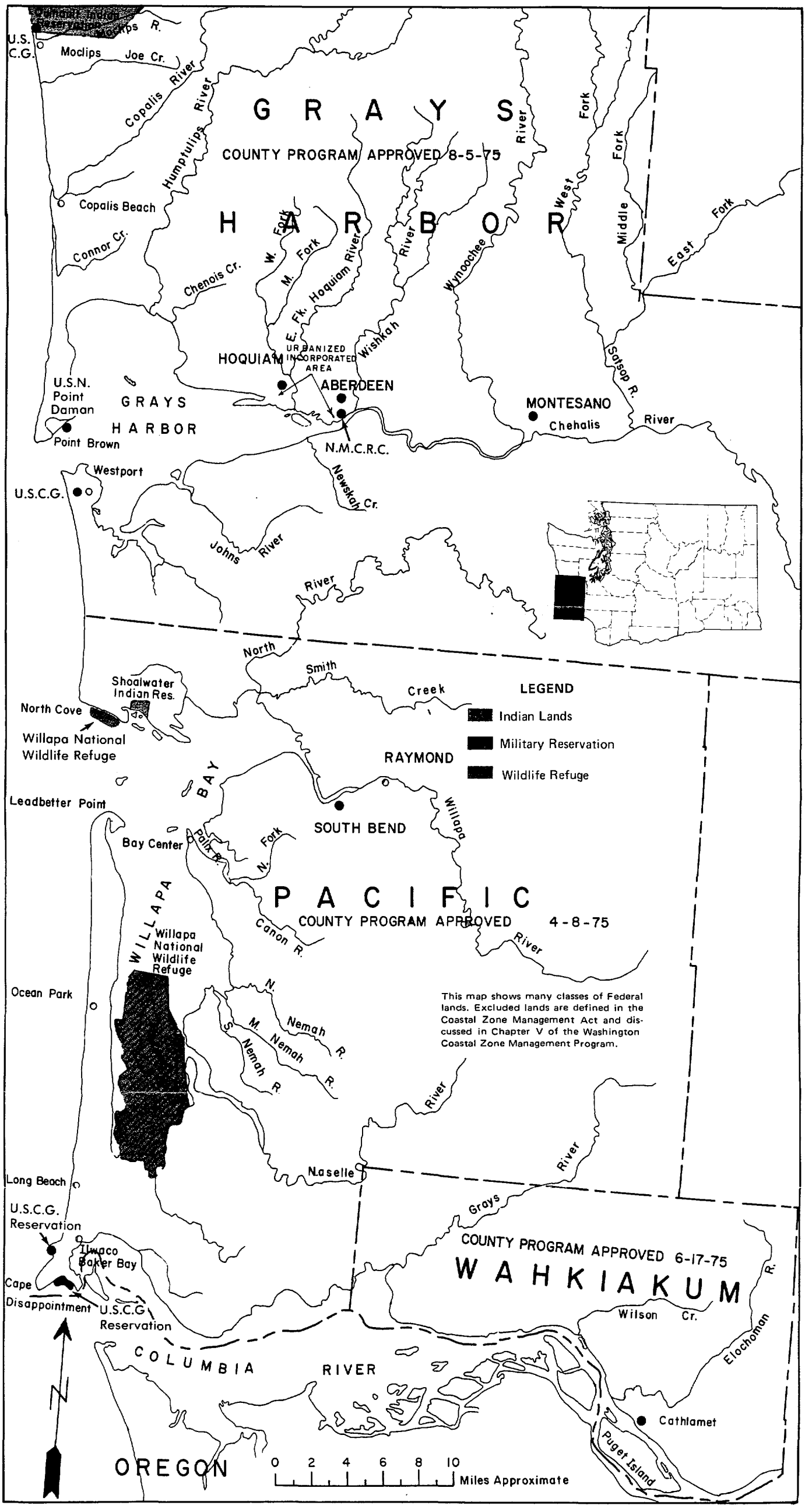

WHATCOM
SAMISH BAY
Sinclair Is.
Cypress Is.
Guemes Is.
PADILLA BAY
Samish R.
SAN JUAN
U.S.C.G Burrows Is.
ANACORTES
SKAGIT
PROGRAM NOT SUBMITTED
BURLINGTON
Skagit River
COUNTY
ROSARIO STRAIT
FIDALGO ISLAND
URBANIZED INCORPORATED AREAS
MOUNT VERNON
Swinomish Indian Res.
Deception Pass
U.S.N. Ault Field
COUNTY PROGRAM NOT SUBMITTED
U.S.C.G. Smith Is.
OAK HARBOR
SKAGIT BAY
Pt. Brown
U.S.N. Air Sta.
U.S.N. Seaplane Base
STANWOOD
CAMANO IS.
Stillaguamish River
COUPEVILLE
WHIDBEY ISLAND
ADMIRALTY INLET
SARATOGA PASSAGE
PORT SUSAN
SNOHOMISH COUNTY
PROGRAM APPROVED 12-27-74
TULALIP INDIAN RESERVATION
U.S.N. Outlying Field
Protection Is.
PORT TOWNSEND
U.S.C.G. Marrowstone Point Station
Lake Hancock Rocket Range
Holmes Harbor
CLALLAM
Port Discovery
N.T.S. Keyport
Indian Is.
COUNTY
USNRC
EVERETT
Salmon Cr.
Foulweather Bluff
Tala Pt.
U.S.C.G. Elliot Pt.
Snohomish R.
JEFFERSON COUNTY
PROGRAM APPROVED 12-20-74
U.S.C.G. Point No Point
U.S.A.F. Paine Field
PUGET SOUND
POSSESSION
Port Gamble Indian Res.
URBANIZED INCORPORATED AREAS
EDMONDS
U.S. Military Reservation
OLYMPIC NATIONAL FOREST
Naval Underwater 3D Range
KINGSTON
Naval Degaussine Sta.
KITSAP
DABOB B.
Bangor N.A.D.
U.S.N. Bangor N.A.D.
PORT MADISON INDIAN RES.
KING
Duckabush R.
HOOD CANAL
U.S.N. Keyport Torpedo Station
U.S.N. Battle Pt. Bainbridge Island
Marine Center
P.S.N.S. Bremerton Annex
N.C.P.S. Fuel Annex Manchester
P.S.N.S.
BREMERTON
URBANIZED INCORPORATED AREAS
PORT ORCHARD
COUNTY PROGRAM NOT SUBMITTED
MASON
LEGEND
National Forest
Indian Lands
Military Reservations
N
This map shows many classes of Federal lands. Excluded lands are defined in the Coastal Zone Management Act and discussed in Chapter V of the Washington Coastal Zone Management Program.
0 2 4 6 8 10
Miles Approximate

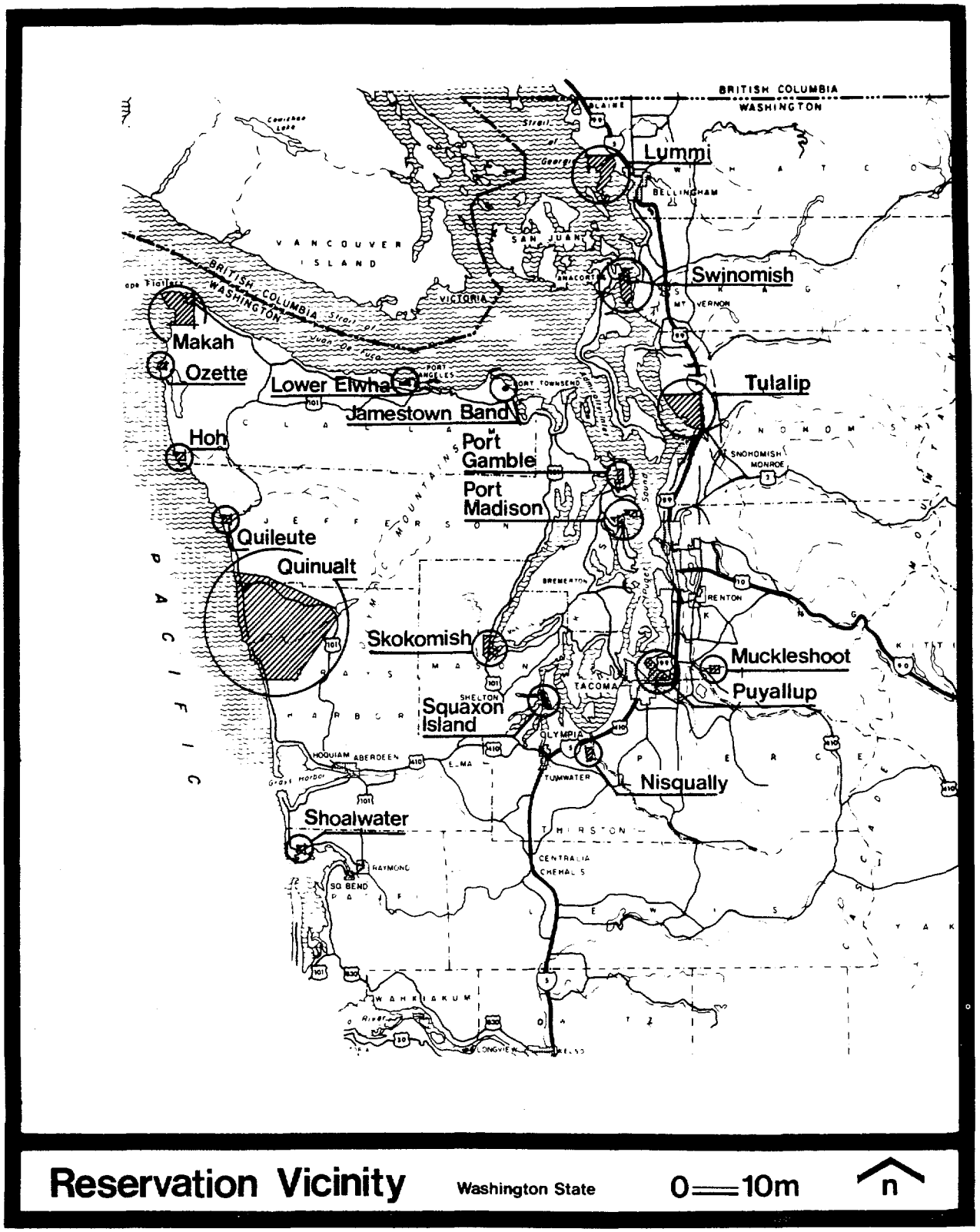

LEGEND
National Forest
Indian Lands
Military Reservation
Wildlife Refuge
JEFFERSON COUNTY
SNOHOMISH CO.
Richmond
Sammamish R.
Naval Support Activity Sand Point
URBANIZED INCORPORATED AREAS
U.S.C.G. Fort Lawton
Shilshole Bay
Kirkland
BAINBRIDGE ISLAND
West Point
Lake Union
N.R.C. SEATTLE
Lake Washington
Bellevue
Elliott Bay
Alki Pt.
Duwamish River
Williams Pt.
Pt Vashon
Cedar R.
Renton
Burien
Vashon
VASHON ISLAND
Colvos Passage
KING
PROGRAM NOT SUBMITTED
Kent
Green R.
Poverty Bay
COUNTY
Muckleshoot Indian Reservation
Auburn
Gig Harbor
Pt Defiance
Dalco Passage
Commencement Bay
N.&M.C.R.C.
TACOMA
URBANIZED INCORPORATED AREAS
Puyallup R.
Stuck
Sumner
Puyallup
Lakewood
Steilacoom
U.S.N. Accoustic Range
Fox Is.
CARR INLET
HENDERSON BAY
Anderson Island
Nisqually Reach
Nisqually National Wildlife Refuge
Nisqually Indian Reservation
American
PIERCE COUNTY
PROGRAM APPROVED 4-4-75
Hamma Hamma R.
OLYMPIC NATIONAL FOREST
Elda
HOOD CANAL
0 2 4 6 8 10 Miles Approximate
KITSAP COUNTY
Belfair
Tahuya
HOOD CANAL
Hoodsport
Skokomish Indian Reservation
Skokomish R.
PROGRAM APPROVED 8-6-75
MASON COUNTY
URBANIZED INCORPORATED AREAS
SHELTON
Oakland Bay
Pickering Passage
Harstene Island
CASE INLET
Totten Inlet
Eld Inlet
Budd Inlet
Boston Harbor
Gosnell
URBANIZED INCORPORATED AREAS
Lacey
OLYMPIA
Tumwater
THURSTON COUNTY
PROGRAM NOT S
Deschutes R.
This map shows many classes of Federal lands. Excluded lands are defined in the Coastal Zone Management Act and discussed in Chapter V of the Washington Coastal Zone Management Program.

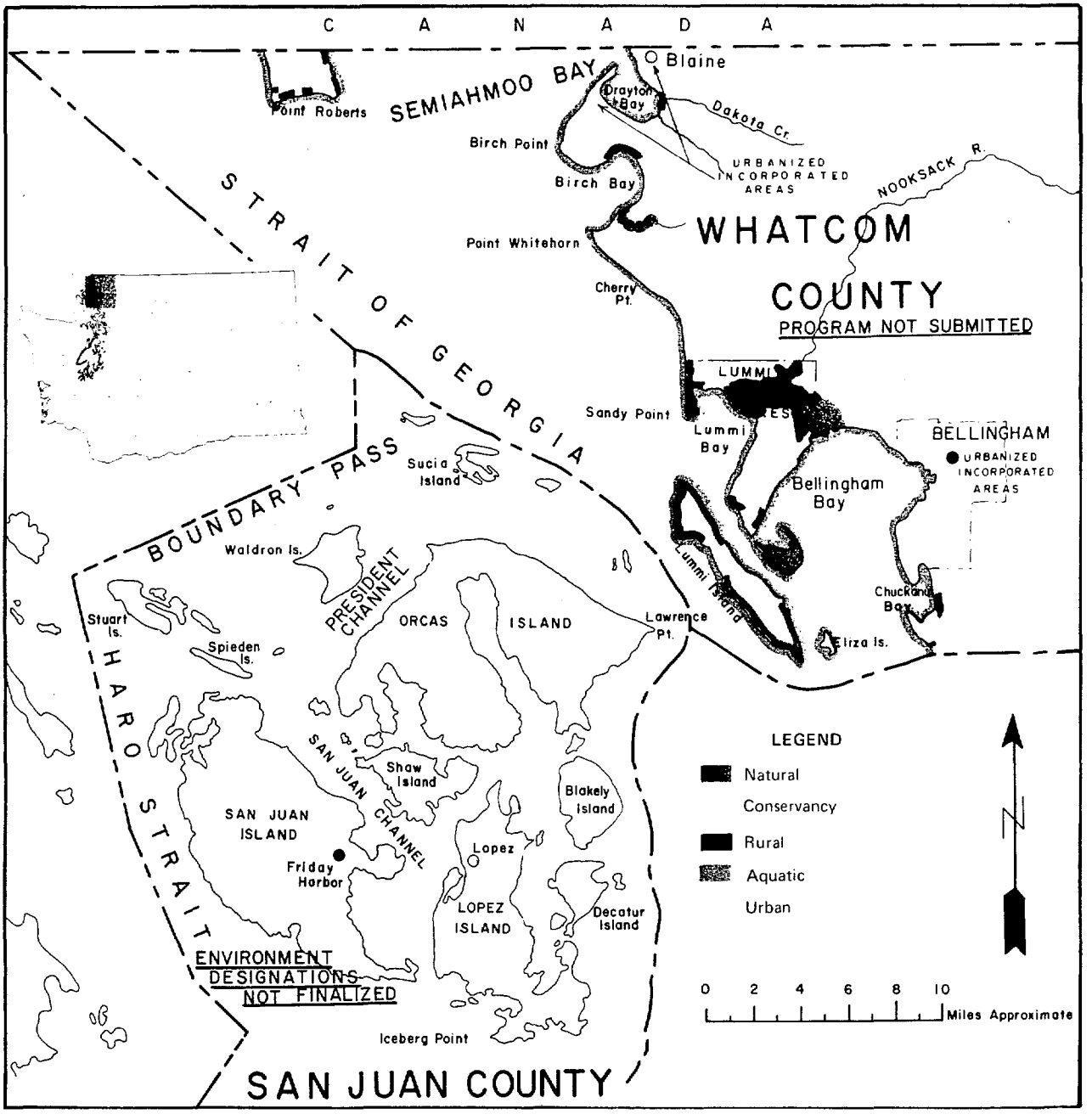

U.S.C.G.
U.S.C.G.
Cape Flattery
Makah Indian Reservation
VANCOUVER ISLAND
STRAIT OF JUAN DE FUCA
Sekiu R.
Sekiu
Slip Point
Clallam Bay
Pillar Point
Soes R.
Hoko R.
Pysht R.
Agate Bay
Crescent Bay
Freshwater Bay
Ediz Hook
U.S.C.G.
U.S.C.G. Air Station
Dungeness Spit
U.S.C.G.
URBANIZED INCORPORATED AREAS
PORT ANGELES
Ennis Cr.
Morse Cr.
McDonald Cr.
Dungeness River
Sequim Bay
Cape Alava
Big R.
West Fork
East Fork
Dickey R.
Soleduck R.
Calawah R.
Bogachiel R.
Quillayute River
Cape Johnson
OLYMPIC NATIONAL FOREST
West Twin R.
East Twin R.
Lyre R.
C L A L L A M
C O U N T Y
OLYMPIC NATIONAL PARK
0 2 4 6 8 10
Miles Approximate
LEGEND
National Forest
National Parks
Indian Lands
Military Reservation
Wildlife Refuge
APPROVED
This map shows many classes of Federal ... Excluded lands are defined in the Coastal Zone Management Act and discussed in Chapter V of the Washington Coastal Zone Management Program.

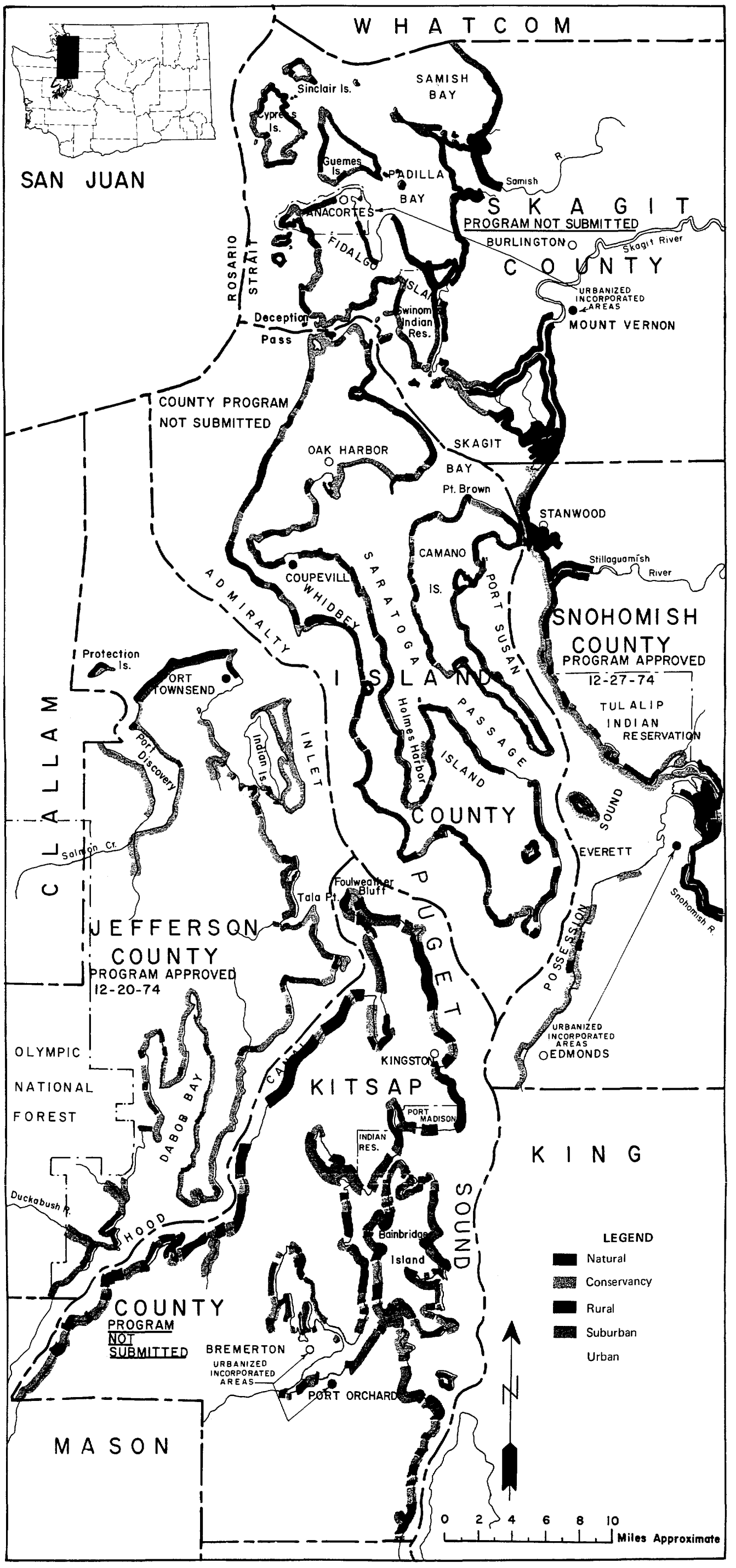
V-51

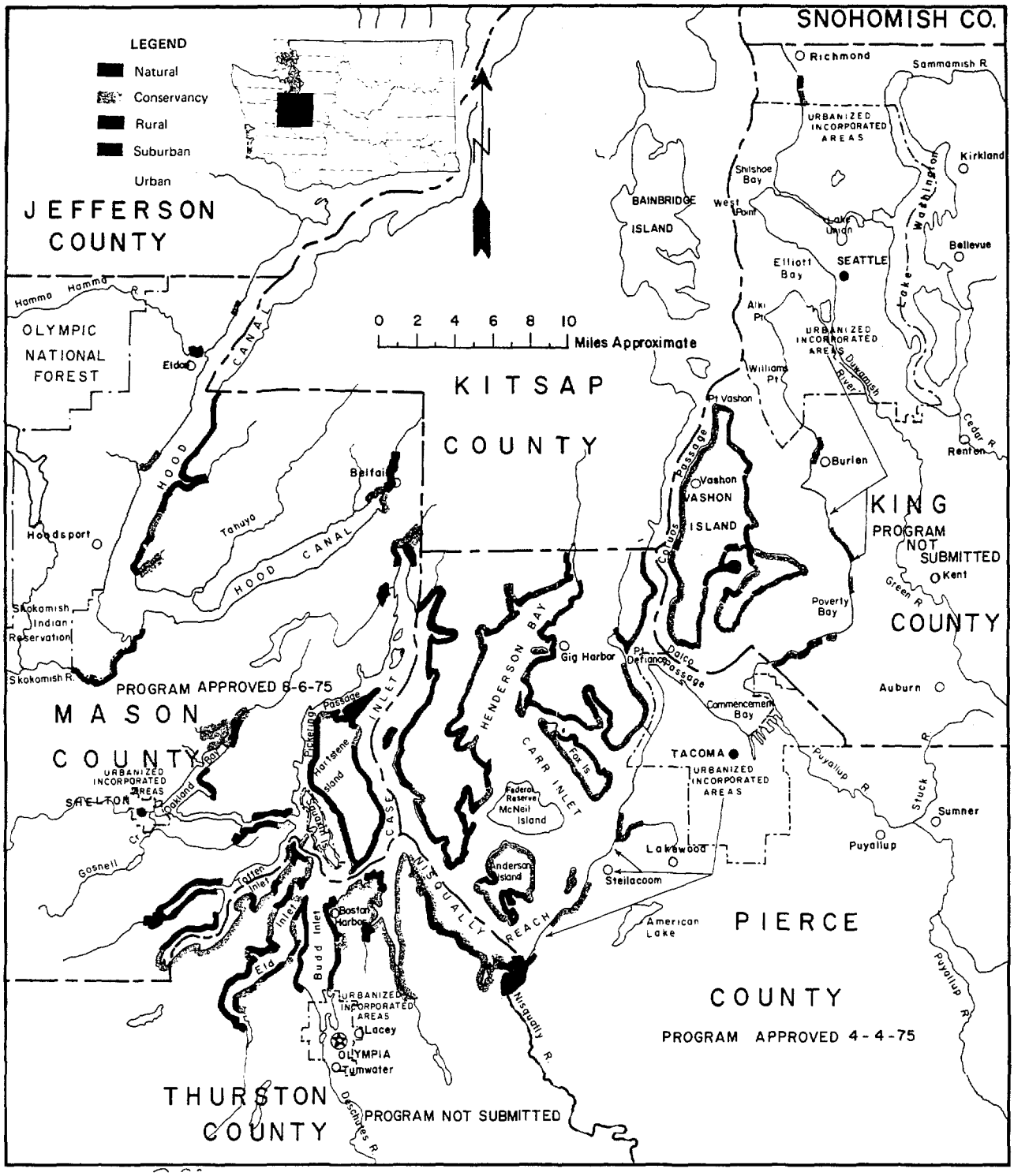

Dickey R.
Soleduck R.
Calawah R.
FORKS
La Push
Quillayute
Indian
Reservation
Teahwhit Head
Quillayute R.
Bogachiel R.
CLALLAM COUNTY
LYMPIC
Goodman Cr.
ATIONAL
Hoh R.
Hoh Head
Hoh Indian Reservati
JEFFERSON COUN
Destruction Island
U.S.C.G.
Clearwater River
ARK
Kalaloch
Clearwater
Queets River
OLYMPIC
NATIONAL
FOREST
Cr.
North Fork
Raft River
QUINAULT
INDIAN
RESERVATION
Naval
Oceanographic
Facility
Pacific Beach
Point Grenville
GRAYS
HARBOR
COUNTY
U.S.C.G.
MOCLIPS
Humptulip R.
E.
LEGEND
National Forest
National Parks
Indian Lands
Military Reservation
0 2 4 6 8 10
Miles Approximate
This map shows many classes of Federal lands. Excluded lands are defined in the Coastal Zone Management Act and discussed in Chapter V of the Washington Coastal Zone Management Program.

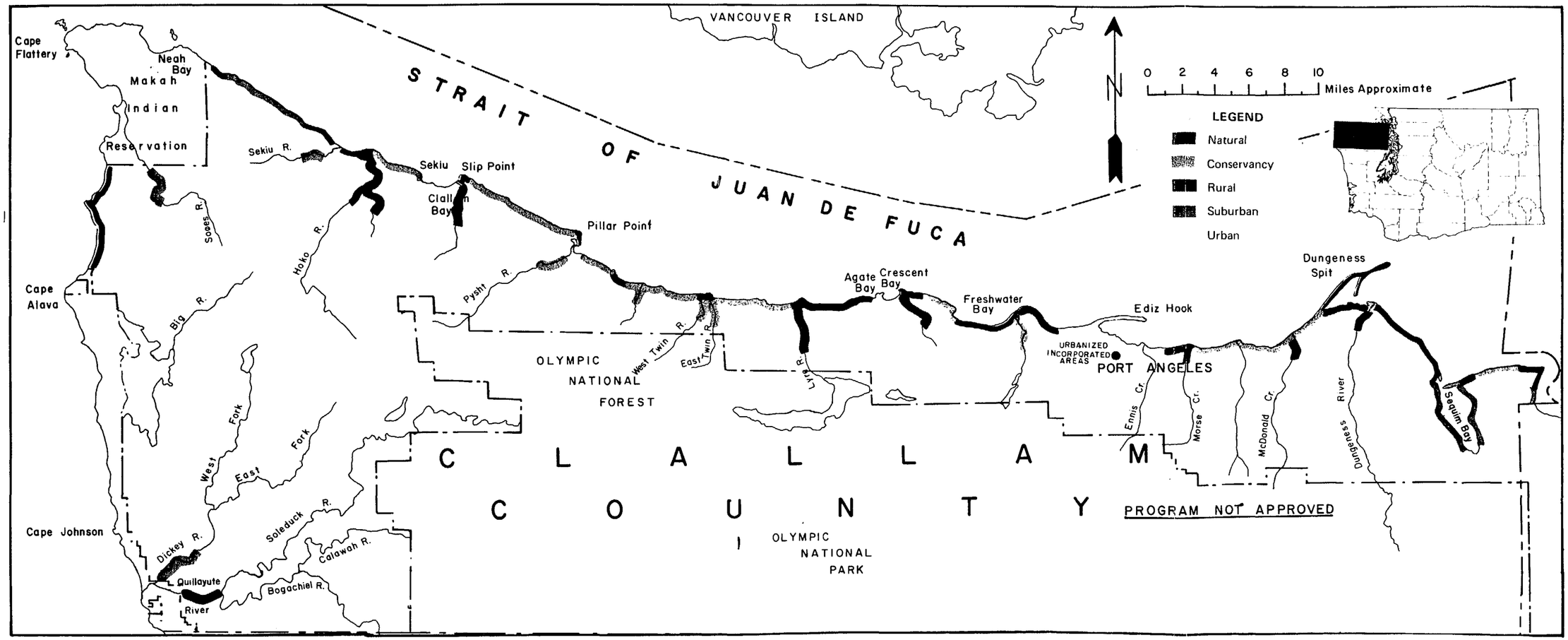

U.S.C.G.
Moclips
Joe Cr.
Copalis River
Humptulips River
G R A Y S
COUNTY PROGRAM APPROVED 8-5-75
H A R B O R
Copalis Beach
Connor Cr.
Chenois Cr.
W. Fork
M. Fork
E. Fk.
Hoquiam River
River
Wynoochee
West Fork
Middle Fork
East Fork
Satsop R.
HOQUIAM
URBANIZED INCORPORATED AREA
Wishkah
ABERDEEN
MONTESANO
Chehalis River
U.S.N. Point Daman
GRAYS HARBOR
Point Brown
N.M.C.R.C.
Westport
U.S.C.G.
Newskah Cr.
Johns River
River
North Smith Creek
Shoalwater Indian Res.
North Cove
Willapa National Wildlife Refuge
RAYMOND
BAY
Leadbetter Point
SOUTH BEND
Willapa
Bay Center
Palix R.
N. Fork
WILLAPA
Willapa National Wildlife Refuge
Canon R.
River
Ocean Park
N. Nemah R.
M. Nemah R.
S. Nemah R.
Nemah R.
River
Naselle
River
Long Beach
U.S.C.G. Reservation
Ilwaco
Baker Bay
Cape Disappointment
U.S.C.G Reservation
Grays
COUNTY PROGRAM APPROVED 6-17-75
W A H K I A K U M
R.
Wilson Cr.
Elochoman
COLUMBIA RIVER
Cathlamet
Puget Island
OREGON
0 2 4 6 8 10
Miles Approximate
PACIFIC
COUNTY PROGRAM APPROVED 4-8-75
LEGEND
Indian Lands
Military Reservation
Wildlife Refuge
This map shows many classes of Federal lands. Excluded lands are defined in the Coastal Zone Management Act and discussed in Chapter V of the Washington Coastal Zone Management Program.

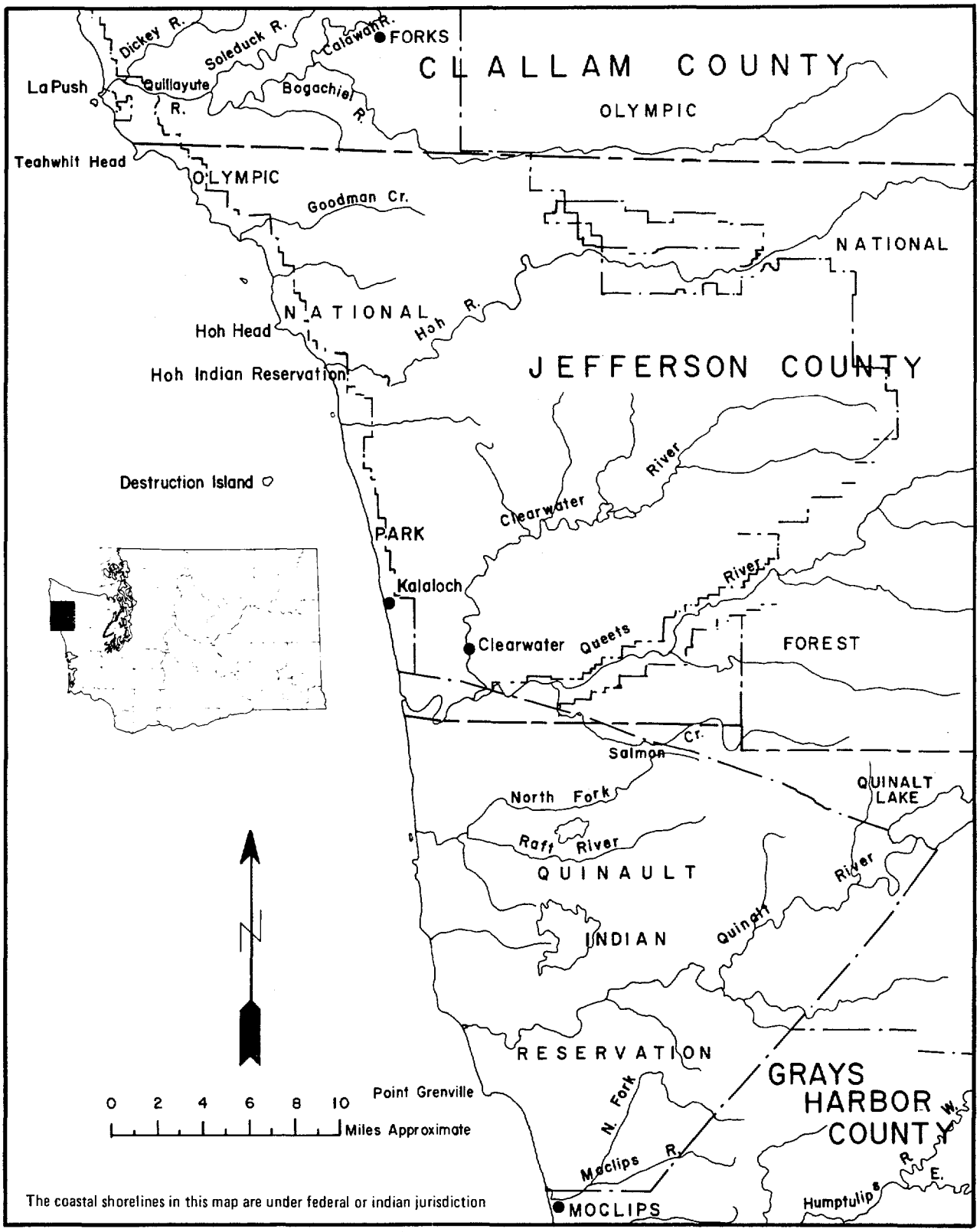

BRITISH COLUMBIA
WASHINGTON
Lummi
Swinomish
Tulalip
Makah
Ozette
Lower Elwha
Jamestown Band
Port Gamble
Port Madison
Hoh
Quileute
Quinualt
Skokomish
Muckleshoot
Puyallup
Squaxon Island
Nisqually
Shoalwater
VANCOUVER ISLAND
BELLINGHAM
VICTORIA
PORT ANGELES
PORT TOWNSEND
BREMERTON
RENTON
TACOMA
OLYMPIA
SHELTON
ABERDEEN
HOQUIAM
TUMWATER
CENTRALIA
CHEHALIS
RAYMOND
SO BEND
LONGVIEW
MT VERNON
SNOHOMISH
MONROE
ANACORTES
PACIFIC
Reservation Vicinity
Washington State
0 10m
n

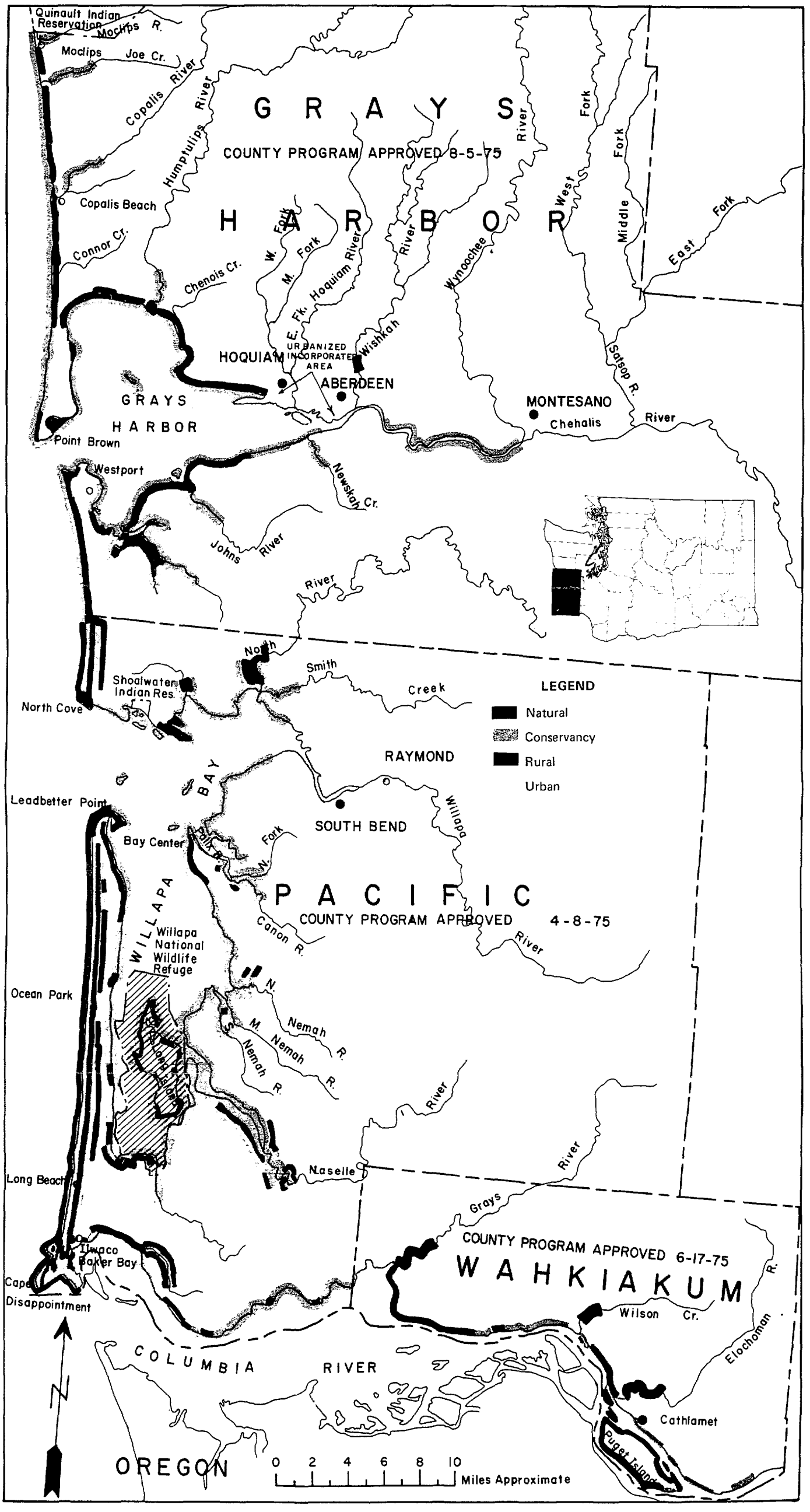

C A N A D A
Blaine
Point Roberts
SEMIAHMOO BAY
Drayton Bay
Dakota Cr.
URBANIZED INCORPORATED AREAS
Birch Point
Birch Bay
NOOKSACK R.
STRAIT OF GEORGIA
Point Whitehorn
WHATCOM COUNTY
PROGRAM NOT SUBMITTED
Cherry Pt.
LUMMI
Sandy Point
Lummi Bay
BELLINGHAM
URBANIZED INCORPORATED AREAS
Bellingham Bay
Sucia Island
BOUNDARY PASS
Waldron Is.
PRESIDENT CHANNEL
Lummi Island
Chuckanut Bay
Stuart Is.
ORCAS ISLAND
Lawrence Pt.
Spieden Is.
Eliza Is.
HARO STRAIT
SAN JUAN CHANNEL
Shaw Island
Blakely Island
SAN JUAN ISLAND
Lopez
Friday Harbor
LOPEZ ISLAND
Decatur Island
ENVIRONMENT DESIGNATIONS NOT FINALIZED
Iceberg Point
SAN JUAN COUNTY
LEGEND
Natural
Conservancy
Rural
Aquatic
Urban
N
0 2 4 6 8 10
Miles Approximate


WHATCOM
SAMISH BAY
Sinclair Is.
Cypress Is.
Guemes Is.
PADILLA BAY
Samish R.
SAN JUAN
ANACORTES
SKAGIT
PROGRAM NOT SUBMITTED
BURLINGTON
Skagit River
COUNTY
FIDALGO
ROSARIO STRAIT
URBANIZED INCORPORATED AREAS
MOUNT VERNON
Deception Pass
Swinomish Indian Res.
COUNTY PROGRAM NOT SUBMITTED
OAK HARBOR
SKAGIT BAY
Pt. Brown
STANWOOD
CAMANO IS.
Stillaguamish River
COUPEVILLE
WHIDBEY
SARATOGA PASSAGE
PORT SUSAN
SNOHOMISH COUNTY
PROGRAM APPROVED
12-27-74
ADMIRALTY
Protection Is.
PORT TOWNSEND
ISLAND
TULALIP INDIAN RESERVATION
Holmes Harbor
Indian Is.
INLET
Port Discovery
CLALLAM
ISLAND COUNTY
PUGET SOUND
Salmon Cr.
EVERETT
Foulweather Bluff
Tala Pt.
JEFFERSON COUNTY
PROGRAM APPROVED
12-20-74
POSSESSION
Snohomish R.
URBANIZED INCORPORATED AREAS
EDMONDS
OLYMPIC NATIONAL FOREST
KINGSTON
KITSAP
DABOB BAY
PORT MADISON
INDIAN RES.
KING
Duckabush R.
HOOD
Bainbridge Island
LEGEND
Natural
Conservancy
Rural
Suburban
Urban
COUNTY PROGRAM NOT SUBMITTED
BREMERTON
URBANIZED INCORPORATED AREAS
PORT ORCHARD
MASON
N
0 2 4 6 8 10
Miles Approximate


LEGEND
Natural
Conservancy
Rural
Suburban
Urban
SNOHOMISH CO.
JEFFERSON COUNTY
OLYMPIC NATIONAL FOREST
KITSAP COUNTY
KING COUNTY
PROGRAM NOT SUBMITTED
MASON COUNTY
PROGRAM APPROVED 8-6-75
PIERCE COUNTY
PROGRAM APPROVED 4-4-75
THURSTON COUNTY
PROGRAM NOT SUBMITTED
0 2 4 6 8 10 Miles Approximate
Richmond
Sammamish R.
Kirkland
Bellevue
Lake Washington
Shilshoe Bay
West Point
BAINBRIDGE ISLAND
Lake Union
Elliott Bay
SEATTLE
Alki Pt
Williams Pt
Pt Vashon
Duwamish River
Cedar R.
Renton
Burien
Vashon
VASHON ISLAND
Colvos Passage
Kent
Green R.
Poverty Bay
Auburn
Commencement Bay
TACOMA
URBANIZED INCORPORATED AREAS
Puyallup R.
Stuck R.
Sumner
Puyallup
Lakewood
Steilacoom
American Lake
Hamma Hamma R.
Eldon
HOOD CANAL
Belfair
Tahuya
Hoodsport
Skokomish Indian Reservation
Skokomish R.
Gig Harbor
Pt Defiance
Dalco Passage
HENDERSON BAY
CARR INLET
Fox Is.
Federal Reserve McNeil Island
Anderson Island
NISQUALLY REACH
Nisqually R.
CASE INLET
Pickering Passage
Hartstene Island
Squaxin Is.
Oakland Bay
SHELTON
Gosnell Cr.
Totten Inlet
Eld Inlet
Budd Inlet
Boston Harbor
Lacey
OLYMPIA
Tumwater
Deschutes R.


VANCOUVER ISLAND
STRAIT OF JUAN DE FUCA
Cape Flattery
Neah Bay
Makah Indian Reservation
Sekiu R.
Sekiu
Slip Point
Clallam Bay
Pillar Point
Soes R.
Hoko R.
Pysht R.
Agate Bay
Crescent Bay
Freshwater Bay
Ediz Hook
Dungeness Spit
Cape Alava
Big R.
West Twin R.
East Twin R.
Lyre R.
OLYMPIC NATIONAL FOREST
URBANIZED INCORPORATED AREAS
PORT ANGELES
Ennis Cr.
Morse Cr.
McDonald Cr.
Dungeness River
Sequim Bay
West Fork
East Fork
Soleduck R.
Calawah R.
Bogachiel R.
Cape Johnson
Dickey R.
Quillayute River
CLALLAM COUNTY
OLYMPIC NATIONAL PARK
PROGRAM NOT APPROVED
N
0 2 4 6 8 10
Miles Approximate
LEGEND
Natural
Conservancy
Rural
Suburban
Urban


CLALLAM COUNTY
OLYMPIC
NATIONAL
FORKS
Dickey R.
Soleduck R.
Calawah R.
La Push
Quillayute R.
Bogachiel R.
Teahwhit Head
OLYMPIC
Goodman Cr.
NATIONAL
Hoh Head
Hoh R.
Hoh Indian Reservation
JEFFERSON COUNTY
Destruction Island
Clearwater River
PARK
Kalaloch
Clearwater
Queets River
FOREST
Salmon Cr.
North Fork
Raft River
QUINALT LAKE
QUINAULT
INDIAN
Quinault River
RESERVATION
GRAYS HARBOR COUNTY
N. Fork Moclips R.
W. R. E.
Humptulips
MOCLIPS
Point Grenville
0 2 4 6 8 10
Miles Approximate
The coastal shorelines in this map are under federal or indian jurisdiction


Quinault Indian Reservation
Moclips R.
Moclips
Joe Cr.
Copalis River
Humptulips River
G R A Y S
COUNTY PROGRAM APPROVED 8-5-75
H A R B O R
Copalis Beach
Connor Cr.
Chenois Cr.
W. Fork
M. Fork
E. Fk. Hoquiam River
Hoquiam River
Wynoochee
West Fork
Middle Fork
East Fork
HOQUIAM
URBANIZED INCORPORATED AREA
Wishkah
ABERDEEN
GRAYS HARBOR
MONTESANO
Satsop R.
Chehalis River
Point Brown
Westport
Newskah Cr.
Johns River
River
North
Smith
Creek
Shoalwater Indian Res.
North Cove
LEGEND
Natural
Conservancy
Rural
Urban
RAYMOND
Leadbetter Point
WILLAPA BAY
Bay Center
Palix R.
N. Fork
SOUTH BEND
Willapa
P A C I F I C
COUNTY PROGRAM APPROVED 4-8-75
Canon R.
River
Willapa National Wildlife Refuge
Ocean Park
N. Nemah R.
M. Nemah R.
Nemah R.
River
Naselle
River
Long Beach
Grays
Ilwaco
Baker Bay
Cape Disappointment
COUNTY PROGRAM APPROVED 6-17-75
W A H K I A K U M
Wilson Cr.
Elochoman R.
COLUMBIA RIVER
Cathlamet
Puget Island
N
OREGON
0 2 4 6 8 10
Miles Approximate

APPENDIX 6

Conclusions and Recommendations from "Washington State Shoreline Management - An Interim Assessment." - by Maureen McCrea and Jim Feldman, August, 1975.

CONCLUSIONS

1. Master program responsibilities were accepted by the vast majority of local governments in Washington State despite their financial and manpower resource limitations in implementing the Shoreline Management Act. In Puget Sound local planners have conscientiously assumed the primary role in the formulation of master programs with minimal state aid.

2. Through public hearings and citizen advisory committees, planners have worked closely with citizens to produce master programs. By providing for representation of environmental as well as economic interests, these citizen advisory committees have supplied local governments with well-balanced and competent public input. Further, citizen committees have comprised an important constituency for planners, which has made it increasingly difficult for local administrators and commissioners to delete personally objectionable master program provisions in the name of the public interest.

3. The majority of local shoreline inventories were compiled on large-scale maps using overlays with minimal aid from the Department of Ecology and university expertise. Inventorying ownership patterns and existing land and water uses was well handled by local government, but natural characteristics inventories were beyond their capability. Inadequate knowledge of shoreline processes, particularly in the marine area, has resulted in a deficient biological, hydrological and geological shoreline data base. In addition, no attempt has been made by the Department of Ecology to organize inventory data compiled by Puget Sound local governments into a workable regional inventory to aid its permit and master program review. Because of the general nature of most shoreline inventories, they have been of

limited use in shoreline permit issuance, but have provided useful information in the environmental designation stage of master program formulation.

4. Public support of local and state government action is necessary for the effective implementation of Shoreline Management Act policy. Unfortunately, delays inherent in the permit system for minor projects are eroding public support for shoreline management and threaten to weaken the Act's effectiveness for major or controversial shoreline projects.

5. Inadequacies in the shoreline data base and local government manpower have necessitated outside expertise to facilitate effective management of the state's shorelines. Federal and state agencies, special interest organizations and the Interdisciplinary Advisory Committee have been the primary sources of outside expertise. Generally, use and availability of experts have been proportional to the public's interest in or the size of the proposed project. While experts have usually been willing to help local governments, their own time limitations have often forced them to give general advice or outline an approach to the problem without providing the substantive information necessary to answer the local inquiry. Further, the Interdisciplinary Advisory Committee, created specifically to provide voluntary assistance to local governments with shoreline problems, acted too slowly to be of practicable aid in the permit process.

6. In implementing its review and supportive responsibilities, the Department of Ecology has acted within the bounds of its mandate under the Shoreline Management Act. Both the Department of Ecology and the Attorney General's Office (DOE/AG) have taken an active role in reviewing local permit decisions; they have been involved jointly in 72 percent of the 142 permit review requests to the Shorelines Hearings Board. Differentiation between the roles of the DOE and AG occurs prio

to an appeal, with the DOE specializing in the shoreline policy issues and the AG concentrating on the legal aspects. In the certification of appeals by aggrieved parties, the DOE/AG have adopted a "fair pleading" stance which allows a liberal interpretation as to what constitutes "valid reasons" for Shorelines Hearings Board review. All appeals which are filed correctly and contain a complaint which, if true, could alter the local government permit ruling are certified by the DOE/AG.

7. The Department of Ecology's primary supportive activities to local governments in their compliance with the SMA have consisted of preparing the Final Guidelines and maintaining informal communication channels with local governments. While the department has been responsive and available to local government inquiry, with the exception of permit regulation procedures it has refrained from assuming an assertive role. Local governments in particular received minimal state support in the formulation of master programs, as beyond the development of the Final Guidelines, the DOE was reluctant to provide any substantive direction. Limited resources and political considerations have hindered the DOE's ability to provide important supportive aid to local government shoreline activities.

8. Conformance is reasonably good between the requirements of the 1972 Federal Coastal Zone Management Act (CZMA) and Washington State's Shoreline Management Act. Based on the CZMA and the proposed section 306 federal guidelines, Washington State's shoreline program appears to meet the following key federal requirements: (1) active use of citizen and state agency participation in the development of the management program; (2) ability to delineate proposed shoreline uses; (3) capability to administratively regulate the coastal zone; and (4) a

conservation-oriented program. Washington State's program, however, does not completely satisfy federal standards because of (1) inadequate coordination with federal agencies and a process for achieving consistency; (2) problems with aquatic planning and management provisions in both the master program and inventories; (3) tardiness of local governments in submitting master programs which are essential for a final evaluation of the Washington coastal zone program. During the interim period the State Department of Ecology has actively pursued compliance with federal standards.

9. Coordination between state and local governments over the management of the state's shorelines has improved since the passage of the Shoreline Management Act. The main reasons for the improvement in coordination are the comprehensive shoreline policy framework established by the Act and its implementation through the substantial permit regulations. Active DOE/AG review of local government decisions has expanded state interests into many traditionally local shoreline decisions. Similarly, local government permit issuance authority has substantially increased local control over state agency projects. Increased state and local coordination has been encouraged to avoid disagreement and delays caused by confrontation over permit issuance and review. The tools used to aid coordination efforts have primarily been the DOE Final Guidelines and informal telephone liaison. Conflicts arising from differences in state agency mandates have been a major hindrance to further improvements in shoreline management coordination.

10. A systematic method of SMA permit enforcement has not been implemented by either local governments or the DOE/AG during the interim period. While enforcement of violated SMA permits has generally not been a problem, permit evaders have posed a difficult enforcement problem for state and local governments.

A lack of field inspectors has forced local governments to rely on citizens, environmental organizations and the Army Corps of Engineers for the detection of permit non-compliance. In those instances when permit evaders have been found, local governments have usually obtained prompt permit compliance.

11. The Shorelines Hearings Board (SHB) has provided an avenue of redress which is more accessible to the citizen and less expensive and time-consuming than the courts. The SHB's review process has been both reasonable and efficient in handling the increased shoreline litigation while reducing litigation to be dealt with by the courts. A particularly useful Board procedure has been the pre-hearing conference which has been effective in clearing up procedural delays and in encouraging appeal settlements prior to a final hearing. Pre-hearing and informal conferences have often circumvented the need for a formal hearing. Permit review decisions by the Board have often been based on pragmatic compromise and have been guided by considerations of equity rather than a strict interpretation of the Act. Further, the SHB has required local governments to adequately consider the environment before issuing a shoreline permit, which for many major or controversial projects has resulted in compliance with the impact statement provisions of the State Environmental Policy Act.

12. Minimizing shoreline damage and alteration has been a goal actively pursued by most local and state agencies since enactment of the Shoreline Management Act. Implementation of the environmental policy of the SMA has been aided through the substantive review of environmental considerations by the Shorelines Hearings Board and the environmental expertise of the Department of Ecology. The effect of the Act has been most evident in the reduction of fills and overwater construction for non-water-dependent development, in the provisions made for requiring structural

setbacks, and in minimizing damages caused by bulkheads. Environmentally damaging shoreline activity proposals were rarely prohibited by local and state agencies but rather were modified through permit compromises or conditions. As a result, permit modifications have enabled state and local governments to minimize ecological damage without prohibiting growth.

13. Implementation of the Shoreline Management Act has had considerable influence on recreational development on saltwater shorelines. Since the passage of the Act, local governments have acquired substantially more control over state agency recreation proposals through shoreline permit regulation. Many public recreation projects have been halted by local governments and/or the Shorelines Hearings Board. Development-intensive projects have been prohibited by these decisions based upon the development's conflict with the environmental policy of the SMA. Saltwater recreation development, in response to these decisions, has been sharply modified since the enactment of the SMA.

14. Public access to the saltwater shorelines of Puget Sound has increased only minimally since enactment of the Shoreline Management Act. Local governments have generally failed to provide public access components when issuing shoreline development permits. Despite the Department of Ecology's active support for increasing public access to Washington State shorelines, they have had limited success in obtaining greater access as Shorelines Hearings Board decisions have rarely required public access components. In these limited instances when public access has been provided by local government or the SHB, it has been reserved for large-scale developments in urban environments. The failure of local governments to condition shoreline permits upon providing access has curtailed a potentially economical method for increasing recreational use of public saltwater shorelands.

15. Water dependency policy has been implemented contingent upon whether a proposed development occurs in the onshore or offshore environment. Non-water-dependent development proposed offshore has been strongly opposed by the DOE and frequently prohibited by the Shorelines Hearings Board. In contrast, the criteria of water dependency has not been used to restrict development on the uplands by local government and the SHB. This is verified by an examination of SMA permits and development statistics which show a substantial amount of non-water-dependent development on the shorelines of Puget Sound.

16. Local and state government authority is reduced for developments exempt from the SMA permit requirement. Although exemptions must comply with the policy of the Act and the master program, exempted developments are not subject to the public notification requirements of the Act, DOE/AG review or Shorelines Hearings Board jurisdiction. It is important, therefore, that these developments do not have a substantial impact on the shoreline. However, single family residences and bulkheads common to single family residences were shown to be significant shoreline developments in the three Puget Sound counties. Single family residences comprise over one-half of all onshore development, and ninety percent of Puget Sound bulkheads were constructed without an SMA permit. Omitting these developments from the permit requirement undermines the scope of the Act, particularly as single-family residences are a non-water dependent use.

17. Implementation of the Shoreline Management Act has improved citizen and agency compliance with the State Environmental Policy Act (SEPA) and the Army Corps

of Engineers permit requirement through additional resources and attention focused on the shoreline region. Direct coordination between local governments and the Department of Ecology with the Corps of Engineers concerning SMA and Corps permit issuance has substantially improved the compliance with, and enforcement of, both types of permits. Similarly, the application of SEPA has been augmented by the "discretionary stage" of SMA permit issuance. Frequent Shorelines Hearings Board rulings have demanded SEPA compliance.

18. State interests were more actively represented in the review of proposals for development on shorelines of statewide significance than for development on other shorelines in the state. The vast majority of permit review requests made to the Shorelines Hearings Board by the Department of Ecology and Attorney General have involved development on shores of statewide significance. Special attention given by the SMA to these shorelines through the delineation of the seven specific development criteria has been an important reason for this emphasis. The list provides specific criteria on which to base an appeal.

RECOMMENDATIONS

1. Shoreline ownership patterns and existing land and water use inventories should be updated every three years, one-third each year. Natural characteristics inventories should be updated at five-year intervals.

   A. Updated inventories should reflect:

      (1) New inventory techniques;

      (2) Improved knowledge of shoreline processes;

      (3) Cnanges in the physical environment; and

      (4) Uniform regional approaches.

   B. The Department of Ecology should develop explicit guidelines for updating local government inventories.

      (1) Workshops should be held in designated regions, such as Puget Sound, to assist the Department of Ecology in the preparation of the guidelines.

      (2) Guidelines should address specific regions to be inventoried as a system.

      (3) New inventories should be coordinated into a useable state inventory.

   C. A task force should be appointed at the county level to assist local governments in completing their natural characteristicsinventories.

2. Based upon the large amount of land held by out of county residents (Appendix I) and the recognized national value of the islands, San Juan County uplands should be designated as shores of statewide significance. The Shoreline Management Act should be amended to include these coastal uplands.

3. To overcome the problems encountered in minor shoreline development, a bonding system for minor projects should be established once master programs are approved. Bonding would enable an applicant to commence construction before the expiration of the 45-day review period of the Department of Ecology and the Attorney General.

A. Only projects meeting the following criteria would be eligible:

(1) The development must be minor and explicitly approved in the local master program;

(2) The development must be removable and all signs of it eliminated;

(3) The activity must create only short-term perturbations in the natural system with no irreversible effects.

B. Bonds would be posted with the local government and should cover the cost of removing the project should it subsequently be found in conflict with the policy of the Shoreline Management Act. The bond would be returned to the applicant after the 45-day review period if no appeals were filed.

C. Authority must be extended to the local governments and the Department of Ecology and Attorney General to issue stop-work orders.

4. In recognition of the problems encountered at the local level, the Office of the State Attorney General should increase its efforts to enforce the provisions of the Shoreline Management Act when permits are either violated or not applied for.

5. The even numbered composition of the Shorelines Hearings Board has been an annoyance to members and litigants. Another member should be added to the SHB to increase its membership to seven to prevent tied decisions.

6. Puget Sound is a valuable, highly sought area for development. To assure a rational development of its limited miles of shoreline, local governments and the Shorelines Hearings Board should reevaluate their onshore water-dependency policy in order to discourage the proliferation of non-water-oriented development.

7. Large-scale developments utilizing an extensive amount of shorelines should be encouraged to contain a public access provision.

8. Exemptions should not be granted to development which comprises a significant use of the shoreline or alters the environment because of limited local and state management authority. The exemption of such development undermines the implementation of the goals and policies of the SMA. Permit exemptions should be confined to those instances where delays in permit issuance would cause unnecessary hardship or create needless administrative chores.

A. Single-family residences are the primary development in competition with public access and recreation for Puget Sound shorelines. The significance of this shoreline development necessitates its regulation by the SMA permit requirements.

B. Corps permits indicate that a large number of bulkheads are constructed under the exemption clause for single-family residences. Because bulkheads for residences constitute a substantial shoreline use which is frequently detrimental to the environment, this development should be subject to the permit requirements of the SMA.

C. Despite the utility of docks in the San Juan Islands, guidelines should be issued to assure that the proliferation of piers and docks are kept to a minimum in urban areas where access and unobstructed water surface are at a premium.

D. Because of the uncertainty surrounding the responsibility of local governments if property damage results from the refusal to grant an emergency exemption, the DOE/AG should transmit to local governments any information which results from decisions which will help the local government handle emergency exemptions.

9. The Sea Grant Advisory Service should establish a program to provide quick response to local government requests for shoreline information on marine shores subject to the following provisions:

A. Administrative red tape should be minimized.

B. Local governments must actively indicate their support for a program before funds are allocated for that program.

APPENDIX 7

State of Washington Board of Tax Appeals Decision
on Padilla Bay Tracts.

REMARKS:

At issue in this appeal is the local board of equalization's redetermined valuation of $126,240 placed on the respondent's 521 tracts of tidelands, upon which the appellant-assessor had found a value of $252,480. The appellant contends the value is $252,480 as previously found.

Subject tracts which are platted but unrecorded comprise approximately 5,790 acres, or about 33,156.44 waterfront feet and are a portion of second class tidelands called the Padilla Bay Tracts. Subject property is located within the total of 846 tracts. The Padilla Bay tracts are numbered as follows: beginning with number one at the west tip of Samish Island and continuing with a consecutive numbering to a point south of Bay View, where the last tract number is 846. Most tracts have a baseline distance following the government meander line of approximately 63.64 feet. Each tract is a thin, triangular strip of tidelands with a surveyor's control point indicated on the west side of Hat Island, the point where all 846 tracts converge. The second class tidelands extend between the meander line and mean low water line and vary in distance from two to three miles. The size of the tracts vary, for example, tract one is approximately 12,814.67 feet long and consists of 9.37 acres, while the longest tract (number 220) is approximately 17,200 feet and consists of approximately 11.6 acres.

The Shoreline Management Act of 1971 (Chapter 90.58), specifically RCW 90.58.030 (2) (e) (ii) (E) lists Padilla Bay from March Point to Williams Point (which included subject property) as a "shoreline of state-wide significance". As such, this area is subject to the guidelines established by a cooperative program of management between the state and local governments. Subsequent implementation of the act is contained in "Final Guidelines", issued by the State Department of Ecology on June 20, 1972, wherein it is directed that the natural character of "shorelines of state-wide significance" be preserved by designating environments and issuing regulations to minimize man-made intrusions on shorelines. At the present time, the area involved in this appeal is not zoned, although it is most probable that it will be restricted to a "conservancy environment wherein the intent is that they maintain their existing character". The preferred uses are described as those which "are nonconsumptive of the physical and biological resources of the area" or to their present "natural" state, another classification established by the Shoreline Management Act.

With respect to the tracts under appeal, they vary in length from approximately 13,800 feet to 15,400 feet. The tracts are completely submerged at high tide and have no legal or public access to the uplands which are under different ownership. The major portion of the property is exposed at low tide with a water depth of one or two feet over the remainder. There is no direct access to the property by public road. Legal access is only by water. The land immediately abutting subject property has two major uses. The higher land on a bank varying from 10 to 100 feet in height overlooking the subject is mostly used for occasional single family residential or recreational use. The low flat area abutting subject is used for agricultural purposes, with little likelihood of a change of usage in the foreseeable future.

Historically, in 1930, an attempt was made to establish an oyster business. In an effort to obtain capital for the venture, the promoters gave a deed to a tract in lieu of a share of stock. Investors were located throughout the country. The venture proved unsuccessful, and many holders of tract deeds lost title through tax foreclosures. (Some of these deeds were purchased by the respondent from the treasurer after reverting to county ownership for tax delinquencies.) In 1964, respondent corporation began purchasing tracts and assembling parcels with a view to development. Respondent planned to hydraulically dredge the bay and form a series of fingers of land on which homes were to be built. After an investment of $600,000 and the purchase of the parcels under apppeal, further progress of the contemplated development was halted in 1968 due to the state of the economy and the

opposition of the Samish Padilla Conservation Association formed to block the projected development by buying some strategically located tracts to prevent the dredging necessary for the beginning of the development.

Appellant assessor testified; (a) That he was not certain that the value attributed to subject was proper, particularly in view of the consequences of the Shoreline Management Act; (b) that the Board should provide guidance as to whether a separate value should be attributed to the easterly 1,000 feet of each tract, since it provided an amenity to the upland owner (this is not germane to this appeal, since respondent does not own any upland); and (c) that in attributing value to subject property he did not take into consideration Sec. 90.58.290 of the Shoreline Act which directs that the assessor consider the restrictions imposed by the act in establishing fair market value. The assessor attributed value on each tract as follows: $420 on the easterly 1,000 feet (area adjacent to the land) and $80 on the remainder of the tract. The assessor introduced documentary evidence of sales which were purchases of tracts by the respondent in 1964 for $500 and $1,153 per tract, a sale by the respondent in 1967 of two tracts for $500 each and a 1967 transaction for one tract at $1,000. Based on these sales the assessor attributed a value of $500 per tract, which was reduced to $250 per tract by the local board of equalization.

The respondent testified that in assembling the parcels, as time went on, purchases of the tracts became increasingly difficult, and the corporation was forced to pay two to ten times as much as they felt the parcels were worth. They estimated that completion of the project would require 10 to 15 years. The respondent asserted that further acquisition of land and planning was halted due to the Shoreline Management Act of 1971 and its implementing guidelines which presently appear to constitute an insurmountable obstacle to the entire project. The respondent does not agree with the theory or operation of the act since it feels its properties use has been unconstitutionally restricted.

The Corporation has no other assets, it was formed for the sole purpose of the Padilla Bay Development. It derives no income from the tracts and its annual budget of $18,000 is used for payment of tax levies, payment of options on long term agreements and legal and accounting costs. The respondent introduced an appraisal which concluded with the recommendation that subject property should be valued at $2.00 per front foot for a total value of $56,500 rounded to $57,000. The respondent also introduced evidence of five sales of submerged tidelands in various parts of the state, two of which were transacted in 1969, and three in 1973. All the sales pertained to property which had either a definite economic use or public access, which is not true of subject, and also were not comparable with respect to subject in total acreage.

The Board is of the opinion that this appeal is sui generis. The evidence clearly indicates that the commonly accepted appraisal techniques normally used to determine value are not applicable in this case. The appellant-assessor had presented sales of comparable property which occurred prior to the passage of the Shoreline Management Act, and therefore, in the Board's opinion, are not a valid indicator of value as of the assessment date. In view of the legislative enactment, further development of these parcels by the respondent corporation for the purpose for which the corporation was organized, is not possible. The highest and best use has not yet been determined. The Board also wishes to emphasize that in finding value, criteria are not being established as a basis for valuing other tidelands, since the Board is well aware that such tidelands have varying values and uses, as evidenced by their commercial use in areas such as Seattle and Tacoma. Upon analysis of the evidence, and in recognition of the lack of utility of subject property, the Board finds the value of these 521 tracts is $2.00 per front foot, for a total value of $66,315.

The Board regrets that this tideland appeal does not afford it the opportunity to give the assessor the guideline to valuing second class tideland that he has requested. Further the Board is of the opinion that there has not been sufficient time interval since the enactment of the Shoreline Management Act to afford an accurate assessment of its effect on the market value of all shorelines except in special factual circumstances, as those in the instant case and in a few other unique cases where the Act has clearly adversely affected market value.

APPENDIX 8

Summary of Shoreline Hearings Board Decisions
Revised - December 1973

Participants:

Appellant: Washington State Parks and Recreation Commission (Public)
Respondent: City of Mukilteo (Public)
Board Members: Arden Olson; Arnold M. Hansen; Matthew Hill; James Sheehy

Permit:

Type: Substantial Development Permit - for an enlarged boat launching facility and make other improvements. Would include dredging of tidelands and placing this material on the inter-tidal area; expansion of launching ramp; installation of groins and a pile and plank breakwater supporting a fishing dock; revision and redesign of existing parking spaces.

Location: Mukilteo State Park

Conclusions:

Denial of Substantial Development Permit to Washington State Parks and Recreation Commission and said commission "should devise a plan for the redevelopment of Mukilteo State Park which recognizes a broader spectrum of recreation needs... with more Park and less Parking."

Findings:

1) Natural accretion beaches are a limited natural resource which are being continuously reduced by accelerated and unrestricted processes intended to serve the demands of urbanization. Mukilteo State Park comprises such a beach and it would be further imperiled by the proposed extension of the launching facility. (Natural accretion beaches must be protected from developments which may have deleterious effects on them).

2) Proposed developments must be consistent with the planning objectives for the area as determined by the local comprehensive plans.

3) In proposing a development such as this, plans must include an alternative for solving the potential traffic and congestion problems which would accompany this type of development. At the present time, the boaters would share the same road with a high volume of ferry traffic, which would only compound the traffic problem.

4) The size and scope of the proposed development would have an uncertain, but potentially detrimental effect on adjacent beach areas.

5) The need for additional boat launching facilities to serve the population is recognized, however, the distribution and

location of such facilities should be coordinated on a regional basis with full participation of concerned local governments and consistent with the policies and guidelines of the Shoreline Management Act.

6) A multi-service park, which is consistent with the existing comprehensive plan of the area, is of more value to the public and more in the public's interest, than a park which is largely dedicated to a single purpose activity such as boating.

Participants:

Appellants: League of Women Voters
Respondents: King County and King County Department of Parks (Public)
Board Members: Walt Woodard; Matthew Hill; Robert Hintz; Arden Olson; James Sheehy

Permit:

Type: Substantial development permit for construction of four boat launching ramps (south end of beach); a waterfront parking area adjacent and accessory to the ramps; general landscaping and placing a culvert under the parking lot; c-shaped fishing pier; rock rip-rap bulkhead on seaward side of parking lot; concrete bulkhead.

Location: Seahurst Park (southend beach area)

Conclusions:

"Substantial development permit is cancelled in part by reason of the ecologically improvident nature of the proportions of the plans the permit was intended to implement.

Findings:

1) An Environmental Impact Statement is required on all proposed developments which will have significant impact on the surrounding environment.

2) Parking lots are not a use dependent upon the shorelines and therefore are not acceptable developments for shorelines.

3) Any changes to streams or any additional culverts to an area must be consistent with the Washington State Department of Fisheries' policies.

4) Provisions for additional boat launching ramps at multi-service parks where there are already existing ramps will not be allowed due to the influx of people who would be using the park for a single purpose and subjecting others visiting the park to an increase to smell, noise and the inevitable degradation of the waters. These elements, resulting from the additional boat launching ramps would render the entire beach area much less attractive to those who came to the park for other purposes.

5) When there is no showing of any popular demand for the development of a particular segment of a plan (such as the proposed fishing pier), then we see no reason to permit another structure to be built on the shorelines.

6) The construction of a sea wall and/or bulkhead that would stabilize and protect the existing beach (shoreline) from further erosion and would facilitate existing recreational uses is quite acceptable and necessary.

Participants:

Appellants: Virgil A. Counter (Private)
Respondents: Whatcom County (Public)
Board Members: Walt Woodard; Ralph Beswick; Robert Hintz; Tracy Owen; James Sheehy

Permit:

Type: Substantial development permit for construction of a 2-bedroom house on a pier built over the water.

Location: Lake Whatcom; Shoreline of Statewide Significance. Lake serves as a municipal water supply for the City of Bellingham.

Conclusions:

Denial of the substantial development permit by Whatcom County upheld.

Findings:

1) Section 2 of the Act provides for the protection against adverse effects to the public health. The proposed sewage system consitutes a threat to the public health, through possible contamination of the city water supply.

2) Section 2 of the Act provides that permitted uses shall be designed and conducted so as to minimize any resultant damage to the ecology and environment of the shoreline.

   This proposed development had not been designed and conducted to minimize such damage, in that it is entirely practical to construct the dwelling on the available upland, thus, eliminating the threat to the public water supply and minimizing intrusion on the shoreline.

3) Investing in a development that had not been approved by local regulatory authorities does not establish for the appellant any personal rights which would outweigh the public interest.

Participants:

Appellant: Department of Ecology (Public)
Respondent: Island County (Public)
Intervenors: Penn Cove Association (Private)
Board Members: Walt Woodard; Ralph Beswick; Matthew Hill; Robert Hintz; William Hunter

Permit:

Type: Substantial development permit for a marine facility. Certain conditions were appended to the permit to insure water quality protection, public service and access to the beach.

Location: Westend of Penn Cove on Whidbey Island

Conclusions:

The decision of Island County to allow this development, be upheld subject to specific conditions set by the Hearings Board.

Findings:

1) Protection against adverse effects to public health.

2) Protect against adverse impacts to the land, on wildlife, to vegetation and on aquatic life.

3) Stressed that developments (according to the Act) be unique to or dependent on the State's shoreline.

4) Developments must provide an opportunity for substantial numbers of people to enjoy the shorelines of the state; must supply a legal public easement to the county, providing public access to the public beach.

5) Developments must minimize insofar as practical, any resulting damage to the shoreline area and any interference with public use of the water.

6) In developing this project, 2 acres of public clam beds will be rendered inaccessible; it is the responsibility of the permittee to provide in kind for this loss of public clam beach.

7) A plan of development, operation and maintenance must be submitted to the County and State Department of Fisheries, after it has been approved by the State Department of Social and Health Services.

8) Prior to commencement of construction, the permittee must provide to the Washington State Department of Fisheries, insurance or personal surety in the amount of $10,000.00 each year for ten years, guaranteeing the public beach will not be declared unsafe for public Shellfish collection due

to impacts caused by the operation of presence of the proposed development.

9) No spoil is to be deposited north of the county road and within 200 feet of the Shoreline Management Act strip.

10) A survey and report of existing conditions on and affecting the public beach prior to construction must be submitted to the Washington State Department of Fisheries at no expense to said agencies.

Participants:

Appellant: Ballard Elks Lodge (Private)
Respondent: City of Seattle (Public)
Intervenor: Department of Ecology and Attorney General (Public)
Board Members: Walt Woodard; Ralph Beswick; Matthew Hill; Gordon Erickson; James Sheehy

Permits:

Type: Substantial development permit to construct an assembly room, swimming pool, gymnasium, restaurant and cocktail lounge. This called for over-the-water construction (1st permit denied) 2nd permit called for partial construction over unwetted land and partly over water. City of Seattle gave its okay, except that construction must be entirely over unwetter lands.

Location: Seattle King County - bounded on the east by Seaview Avenue Northwest and extending on the west to the northeast boundary of Salmon Bay Waterway.

Conclusions:

Permit remanded to the City of Seattle for amendment of its condition to permit over the water construction on piling southwestward only to an extension of a line drawn 151.5 degrees true from the southwestern corner of the L-shaped pier at the southern end of the Port of Seattle Shilshole Marina.

Findings:

1) Must recognize the realities of the existing shorelines where intensive development is already in existence. To follow a "dry land only" rule would mean that adjacent property owners and other nearby property owners could take advantage of irregularly filled shorelands and could build structures protruding further than the City's condition to appellant would permit appellant to build.

2) We feel that the realities of construction both existing and that which may be permitted in the future, will be more clearly defined and a practical approach of the principles of the Shoreline Management Act in this area will be achieved more equitably if a no-further-west construction line is created.

   This line would require appellant to retreat slightly to the east when compared with appellant's permit application, but will be an advance to the west, permitting a minimal over the water construction when compared with the City's condition in granting the Substantial Development Permit. The spirit of the City's condition would be recognized by such a line and the realities of the eastern shore would be given a more logical symmetry.

* The above SHB decision was appealed to the Superior Court and the decision overturned. That decision is now being appealed to the Court of Appeals.

Participants:

Appellants: Citizens of the Port of Friday Harbor; Department of Ecology and Attorney General
Respondents: Friday Harbor First Corporation (Private)
Board Members: Walt Woodard; Ralph Beswick; Gordan Erickson; Arnold Hanson; Matthew Hill; James Sheehy

Permit:

Type: Substantial development permit for construction of a five story commercial - residential complex, including a first floor, full-length public esplanade fronting proposed water and tourist-oriented shops and facilities.

Location: At Friday Harbor, San Juan County

Conclusions:

Permit granted subject to the following two conditions:

(1) limit structure to 4 stories and
(2) first floor tenacy must be limited to shoreline-oriented uses.

Findings:

1) The motion to remand is denied for the reason that the environmental impacts involved in this substantial development were not complex or obscure, but relatively simple and obvious. The evidence shows that the environmental impacts of this proposed development were placed before the Town Council just as clearly as they were placed before this Board and a formal environmental impact statement by the appropriate authorities would have added nothing to the information readily available to the Friday Harbor Town Council.

2) Reprimanding citizens and local governments for their lack of initiative in establishing necessary zoning regulations and for not developing a comprehensive land use plan.

3) The first floor public esplanade would be a marked improvement over the present status of the property, which now prevents and discourages pedestrian enjoyment of the shoreland. The first floor tenancy must be restricted to suitable and appropriate shoreline oriented uses in order for this portion of the structure to meet the prerequisites of the Shoreline Management Act substantial development permit.

4) A reduction in the building's height, from five to four stories, would preserve, in great part, the public's view of the harbor from the top of the cliff. This action would help alleviate the deleterious effect on the public's shoreland rights.

Participants:

Appellant: R. C. Carlson and S. J. Kammeyer (Private)
Respondent: City of Bonney Lake (Public)
Board Members: Walt Woodard; Ralph Beswick; Robert Hintz; James Sheehy

Permit:

Type: Substantial development permit for further development of waterfront property for park and recreational use with facilities for boat launching and daytime boat moorage.

Location: Lake Tapps in Pierce County - Shoreline of Statewide Significance.

Conclusions:

Appeal denied and the granting of the permit is sustained.

Findings:

Substantial development permit not required as provided in Section 14 (9)(A) of the Shoreline Management Act, of which exemption applies to a final plat approved after April 13, 1961, or the preliminary plat approved after April 30, 1969.

The project is consistent with the policy of the Shoreline Management Act of 1971 and the proposed guidelines of the Department of Ecology.

Participants:

Appellants: Merle Steinman (Private)
Respondents: City of Seattle (Public)
Board Members: Walt Woodard; Ralph Beswick; W.A. Gissberg; Tracy Owen; James Sheehy

Permit:

Type: Substantial development permit for construction of a bulkhead and fill.

Location: Seattle, Wn., on Beach Drive S.W. (south of Alki Point)

Conclusions:

Denial by City of Seattle for a substantial development permit upheld by the Hearings Board.

Findings:

1) The Shoreline Management Act requires the person who is requesting a review of his permit application, shall have the burden of proof.

2) Section 2 of the Shoreline Management Act, clearly states that "unrestricted construction on the privately owned shorelines of the State is not in the best public interest."

3) The Shoreline Management Act further states that "Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

4) The fill, which would create an area for boat storage and boat launching, is not justifiable, in light of the number of individuals (those in the duplex) who would be utilizing it, relative to the amount of unnecessary drainage that would take place in the intertidal area.

* The above are the findings of the SHB. This decision is presently being appealed.

Participants:

Appellants: M.W. Brachvogal, et al and Randy and Carol McIlrath(Private)
Respondents: Mason County (Public); Twanoh Falls Beach Club(Private)
Board Members: W.A. Gissberg; Walt Woodard; James Sheehy; Robert Hintz

Permit:

Type: Substantial development permit for development to "repair and replace piling, float, etc. and construct a new float."

Location: Hood Canal seven and eight tenths miles southwest of Belfair, Washington. Shoreline of Statewide Significance.

Conclusions:

Permit remanded to Mason County Commissioners to consider the environmental factors of the project. If the permit is granted, further conditions will be imposed.

Findings:

1) The county commissioners must indicate that they did consider the environmental impacts which may result from the proposed development and that an environmental impact statement is or is not required.

2) The site of the proposed development is on a shoreline of statewide significance, therefore:

   A) Minimal development of facilities will be allowed.
   B) Community or joint ownership offers the next highest benefit cost ratio (to public ownership), providing an effective means for multiple use and enjoyment of this highly aesthetic, recreational and ecological shoreline resource.
   C) It is imperative that controls be established so not to allow overcrowding in the beach area and water area. Increase in small boat movement could prove to be hazardous to swimmers, besides contributing further air, water and noise pollution in the immediate vicinity.

Participants:

Appellants: State of Washington Department of Ecology and Attorney General
Respondents: Grays Harbor County - Walter B. Welti
Board Members: W. A. Gissberg (presided); Ralph Beswick

Permit:

Type: Substantial Development Permit to develop recreation building sites and a bulkhead with fill extending over 1800 feet along the ocean beach.

Location: At Oceancrest Addition to Moclips, First Addition to Sunset Beach, Section. Shoreline Statewide Significance.

Conclusion:

The permit is remanded to Grays Harbor County for reissuance of a permit containing the additional condition that the protective bulkhead shall be constructed within five feet seaward, measured from the toe of the existing bank. In all other respects and conditions, the permit is affirmed.

Findings:

The purpose of Mr. Welti's proposed bulkheading and fill is twofold: (1) for the purpose of creating land by filling behind the bulkhead, and (2) to provide protection to upland area against further erosion.

1) Department of Ecology's guideline with respect to the bulkheads if found at 173-16-060(11), which in part provides: "...(3) The construction of bulkheads should be permitted only where they provide protection to upland areas or facilities, not for the indirect purpose of creating land by filling behind the bulkhead..."

2) The proposed bulkhead violates WAC 173-16-060(11)(e) and the policy section of the Shoreline Management Act. The primary purpose of this project (to reclaim and recreate land) interferes with the public's opportunity to enjoy the physical and aesthetic qualities of a natural shoreline of statewide significance. There would be no enhancement of the public interest, however, a bulkhead within 3 to 5 feet seaward from the line of vegetation would be in compliance with and meet the spirit of the Shoreline Management Act.

Participants:

Appellants: Department of Ecology and Attorney General (Public)
Respondents: Grays Harbor County (Public) and Bruce M. Ferguson (Private)
Board Members: Walt Woodard; Ralph Beswick; W.A. Gissberg; Robert Hintz

Permit:

Type: Substantial development permit for harvesting of timber by clear-cutting methods. (Imp. finding - decided a permit was not required for harvesting trees.)

Location: Cedar Creek, a tributary to the Copalis River in Grays Harbor, Washington. (1¼ mi. from the ocean); Shoreline of Statewide Significance

Conclusions:

Permit allowing clearcutting is reversed within the area of the site (Cedar Creek). In the area of selective cutting, the present permit requirement of replanting seedlings maybe and is stricken. In other respects, the permit is approved and affirmed.

Findings:

1) Commercial timber cutting was believed, by SHB, not to be a "development" subject to the permit system of the Shoreline Management Act. (definition of "development" as found in the Act - RCW 90.58.030(e)(d).), however since parties never raised this issue, SHB decided merits.
2) There are certain activities which are not explicitly defined in the Shoreline Management Act as developments and therefore do not require substantial development permits. However, guidelines have been developed for these activities and it is intended that they (activities) be dealt with in the comprehensive master program in a manner consistent with policy and intent of the Shoreline Management Act, and timber cutting is one of those areas.
3) On a Shoreline of Statewide Significance, RCW 90.58.150, prohibits the cutting of timber by clearcutting (within 200 feet abutting landward of the ordinary high water mark...) unless selective cutting is ecologically detrimental due to topography, soil conditions or silvicultural practices necessary for regeneration.
4) RCW 90.58.020 recognizes that "...the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible".

Thus the permit to clearcut was reversed within that area of the site which is within 200 feet abutting landward of the ordinary high water mark. The measurement of 200 feet shall begin where the first vegetation having an upland character in this case, by the line of trees and brush bordering the marshy area adjacent to the creek. Within this strip, only selective commercial timber cutting may occur.

APPENDIX 9

Sample Responses of States Effort to Coordinate Existing Plans Affecting Areas Within the Coastal Zone

A. Local
B. State
C. Federal

The purpose of this Appendix is to show that the State CZM staff has made considerable efforts in attempting to coordinate with the various levels of government concerned. Because of the volume involved, these are only samples. The majority of the documentation was submitted as part of the State's initial draft program. With respect to Federal agency involvement, most agencies not constrained by a lack of personnel were considerably involved in the development of the SMA and local Master Programs.

A. Local Agencies

1. Clallam County

2. City of Bellingham

3. City of Edmonds

4. Town of Steilacoom

CLALLAM COUNTY

PLANNING DEPARTMENT

127 East First Street

~~COUNTY COURTHOUSE~~

PORT ANGELES, WASHINGTON 98362

February 11, 1974

Mr. Murray R. Walsh
Coastal Zone Management Section
Department of Ecology
Olympia, Washington

Dear Mr. Walsh:

As requested in your memorandum dated January 29, 1975, I am sending a listing of all local plans in effect on January 1, 1975.

A. (1) Clallam County Comprehensive Plan
(2) Clallam County, Washington
(3) Clallam County Planning Commission
(4) M. G. Poole & Associates
(5) A comprehensive land use plan dealing with land use, transportation, and public facilities.
(6) It could restrict coastal zone activities to those uses considered consistent with the plan's policies.

B. (1) Clallam County Comprehensive Water and Sewerage Plan
(2) Clallam County, Washington
(3) Clallam County Department of Public Works
(4) Stevens, Thompson & Runyon, Inc.
(5) A plan outlining the future need and generalized future design of domestic water and sewer systems.
(6) The plan proposes certain water system and sewer system facilities in the coastal zone areas, including treatment plant sites and outfalls. The location of these facilities could substantially affect land use in the coastal zone.

C. (1) Clallam County Resource Recreation Master Plan
(2) Clallam County Park Board
(3) Clallam County Park Board
(4) Leroy A. Jones
(5) To guide future recreation developments in a manner

that will produce the most satisfactory results. It provides guidelines for Clallam County in developing its recreation potential.

(6) Many of the recreation facilities are proposed along the coastline, in the coastal zone. These facilities include major roads and highways with roadside parks, scenic drives, beaches, beach access, and boat launching areas.

D. (1) Port Angeles Comprehensive Plan
(2) City of Port Angeles
(3) Port Angeles Planning Commission
(4) M. G. Poole & Associates
(5) A comprehensive land use plan which considers land use, transportation systems, and public facilities.
(6) It would designate those activities which are considered to be compatible in the coastal zone area of the city. Also, generalized locations for certain specific facilities are listed.

E. (1) Makah Indian Reservation Comprehensive Plan
(2) Makah Tribal Council
(3) Makah Tribal Council
(4) Consulting Services Corporation, Seattle
(5) A plan establishing future land use goals which guide overall development of the reservation.
(6) Many of the future goals and specific proposed facilities are located in the coastal zone.

F. (1) Planning Document One & Two
(2) Quileute Tribe of Indians
(3) Quileute Tribe of Indians
(4) People Space Architecture Company, Spokane
(5) Background information and a future land use plan, providing a guide to overall development of the reservation.
(6) Many of the future goals and specific proposed facilities are located in the coastal zone.

I believe the above represents a complete listing of plans in effect on January 1, 1975.

Sincerely,

Kenneth W. Sweeney
Planning Director

KWS:jml

CITY OF BELLINGHAM
WASHINGTON

OFFICE OF PLANNING AND DEVELOPMENT, 210 Lottie Street, Bellingham, Wash. 98225

February 7, 1975

Mr. John Biggs, Director
Department of Ecology
Olympia, Washington 98501

Dear Mr. Biggs:

Responding to your request for a listing of relevant physical plans and studies which have been adopted within the City of Bellingham and which may influence Coastal Zone Management, the following is submitted:

1. The Comprehensive Plan for the City of Bellingham, WA
   Sponsor - Bellingham City Planning Commission
   Implementing Agency - Mayor of Bellingham and the City Council
   Primary Consultants - Bellingham Planning Staff; Aarstad Associates; Clark, Coleman & Rupeiks
   Purpose - The plan outlines the basic guidelines and principles for establishing public policy to guide future development and serves as a foundation for such implementing measures as zoning, subdivision review, redevelopment and rehabilitation.
   Coastal Zone Management Implications - The Land Use Plan provides an estimate of the types of development that may be planned for the Bellingham Bay Shoreline. In doing so, the potential uses range from public and recreational to heavy industrial and commercial. This broad spectrum of uses has required the formulation of other plans and policies to insure compatibility and environmental quality.

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DEPT. OF ECOLOGY

Mr. John Biggs, Director
Department of Ecology

2. The City of Bellingham Zoning Ordinance
   Sponsor - Mayor of Bellingham and City Council
   Implementing Agency - Planning Department and Plans and Permits; Division of Public Works Department
   Primary Consultants - Citizens of Bellingham, Planning Commission, and Planning Department staff
   Purpose - It is the purpose of this ordinance to promote the health, safety, and general welfare by guiding the development of Bellingham by means of a comprehensive land use plan which is, in part, carried out by the provisions of this ordinance. It is further intended to provide regulations and standards which will lessen congestion in the streets, encourage high standards of development, prevent the overcrowding of the land, provide adequate light and air, avoid excessive concentration of population, and facilitate adequate provisions for transportation, utilities, schools, parks, open space, and other necessary public needs. It is also the purpose of this ordinance to give consideration to the character of the districts and their peculiar suitability for particular uses, with a view to conserving and enhancing the value of the land and buildings and encouraging the most appropriate use of these throughout the city.
   Coastal Zone Management and Implications - The zoning ordinance establishes the means of public input and standards whereby decisions are made that will result in the development of the properties along Bellingham Bay such that compatibility and quality are maintained.

3. Shoreline Management Master Program
   Sponsor - Mayor of Bellingham and City Council
   Implementing Agency - Office of Planning and Community Development
   Primary Consultants - Shoreline Citizen Committee, Planning Staff and Planning Commission

Mr. John Biggs, Director
Department of Ecology

Purpose - The purpose is essentially that of R. C. W. 90.58, wherein "The legislature further finds that much of the shorelines of the state and uplands adjacent thereto are in private ownership; that unrestructed construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state, while at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

Coastal Zone Management Implications - Bellingham's Shoreline Master Program has been adopted by the state; and, indeed, the local implementation of the standards and guidelines will hopefully be totally compatible with those of the Coastal Zone Management Program.

4. Master Plan for Port and Industrial Development as amended

Sponsor - Port of Bellingham Commission

Implementing Agency - Same

Primary Consultants - Tippetts, Abbett, McCarthy & Stratton Engineers, New York

Purpose - To study the routes of prospective industrial development of Whatcom County and the need for waterfront sites, improvement of marine terminal facilities, and additional facilities for fishing vessels and pleasure craft. The report presents a comprehensive plan for meeting these needs and includes a suggested program for financing the recommended developments.

Coastal Zone Management Implications-The plan provides a means of identifying those areas that are suitable for various water dependent industrial and commercial, as well as developed recreational uses. Moreover, where potential conflicts exist, the plan will aid in identifying mechanisms of mitigating those conflicts and matching the objectives of the Shoreline Master Porgram and Coastal Zone Management Program.

5. Pollution Control for Bellingham Bay: Sewerage Facilities Design Study

Sponsor - Mayor of Bellingham and City Council
Implementing Agency - Same and the Public Works Department
Primary Consultants - Cornell, Howland, Hayes, & Merryfield; Seattle, WA
Purpose - To conduct an industrial waste testing program, determine the optimism waste treatment facility plan, and establish a financial program to implement the recommended sewerage plan including the necessary coordination with the city's bond council and financial consultants.
Coastal Zone Management Implications - This study identified the predictable sewage treatment needs that would help eliminate polluting outfalls entering Bellingham Bay, and later provided a basis for separation of Industrial Wastes from the current treatment plant (1975) through the Pollution Disclosure Act of 1971 (R. C. W. 90. 52).

6. Water Quality Management Plan, Phase I Report

Sponsor - Whatcom County Council of Governments
Implementing Agency - This is the first of three phases of studies to be prepared for a Comprehensive Water Quality Plan for Whatcom County. The implementation agencies and mechanisms are to be identified in Phase III.
Primary Consultants - Cornell, Howland, Hayes, Merryfield, and Hill; Seattle, WA
Purpose - To characterize the water quality conditions of fresh and marine waters of Whatcom County; to inventory and assess sanitary, industrial, and other waste sources and activities which have or potentially have an effect on water quality; to outline a program for developing a plan for solving identified problems and for indicating how citizens and local and state agencies can develop an ongoing program that effectively meets their concerns.

Coastal Zone Management Implications - This study provides further data to determine methods of reducing the degradation of fresh and marine water systems and is another step in producing balanced land development policies.

7. A Comprehensive Drainage Plan for the City of Bellingham
   Sponsor - Mayor of Bellingham and City Council
   Implementing Agency - Same and the Department of Public Works
   Primary Consultants - Kramer, Chin, & Mayo, Inc., Seattle, WA
   Purpose - The purpose of this report was to design a comprehensive storm drainage plan for the City of Bellingham and recommend a system of capital improvements, including storm trunk sewers, runoff control facilities, and land use regulations that would minimize flooding, siltation and pollution.
   Coastal Zone Management Implications - This study centered on storm water drainage and mechanisms to maintain high water quality and control quantity with an emphasis on lowlands, flood plains, and upland development. Individual drainage basins were studies and characterized recommendations submitted will accent the shoreline and Coastal Zone Management Program's objections.

8. City of Bellingham Subdivision Ordinance
   Sponsor - Mayor of Bellingham and City Council
   Implementing Agency - Office of Planning and Community Development and City Council.
   Primary Consultants - Bellingham Planning Commission and Planning Staff
   Purpose - To fulfill the requirements of R. C. W. 58-17, to regulate the subdivision of land.
   Coastal Zone Management Implications - The subdivision ordinance requires that the governing body determine that appropriate provisions are made in the subdivision to serve the public interest concerning drainage ways, open space, water supply, sanitary wastes, parks, and other items. Moreover, flood, inundation, or swamp conditions may be grounds for disapproval of a subdivision; consideration of these criteria should have a positive impact on the Coastal Zone Management Program.

Mr. John Biggs, Director
Department of Ecology

9. There are numerous other studies and plans, such as:

The Recreation, Parks, and Open Space Plan; The Fairhaven Study; The Whatcom Creek Redevelopment Plan, etc.; which are, in effect, subunits and updates of the Bellingham Comprehensive Plan. The relation of these plans to the Coastal Zone Management Program should be considered as in item number 1 of this list.

Although there may be other ordinances adopted by the City that could affect the Coastal Zone Management Program, this listing should summarize the major plans and policies concerning this area. Should further assistance be required, please do not hesitate to contact this office.

Very truly yours,

Robert Andersen
E.W.

Robert S. Andersen
Environmental Planner

RSA/klm

CITY of EDMONDS

Civic Center • Edmonds, Washington 98020 • Telephone (206) 775-2525

DEPT. OF ECOLOGY
FEB 7 2 41PM '75

February 5, 1975

Mr. John Biggs, Director
Department of Ecology
State of Washington
Olympia, Washington 98504

Attention: Mr. Murray Walsh

Re: Coastal Zone Management

Gentlemen:

In response to your memo of January 29, I am enclosing a summary of planning documents in effect in our jurisdiction.

Kay Shoudy

Kay L. Shoudy
Assistant City Planner

KLS:jp

enc: 1

CITY OF EDMONDS, WASHINGTON
PLANNING DOCUMENTS IN EFFECT AS OF FEB. 5, 1975

NAME OF DOCUMENT	SPONSORING AGENCY	IMPLEMENTING AGENCY	PRIMARY CONSULTANTS	PURPOSE OR TYPE OF DOCUMENT	COASTAL ZONE MANAGEMENT IMPLICATIONS
CBD Plan	City Council	Planning Dept.	Clark,Coleman & Assoc.	Narrative & Maps	
Comprehensive Plan - 1963	City Council	Planning Dept.	Clark,Coleman Rupeiks, Seattle	Narrative-Inventory	Recommended public acquisition of tidelands - land uses on shore and tidelands.
Comprehensive Land Use and Thoroughfare Plan (revised through 1974)	City Council	Planning and Engineering Dept.		Map	Established "park" classification on tidelands, commercial and residential use on shorelines, location and classification of streets.
Official Street Map 1964(revised through 1974)	City Council	Engineering Dept.		Map	Street Widths
Zoning Ordinance and Map 1964 (amended to 1974)	City Council		Clark,Coleman & Rupeiks, Reid-Middleton & Assoc.	Ordinance & Map	Zoning for use on tidelands, shorelines and Puget Sound waters.
Supplement to Comprehensive Plan - Industrial Park Proposal 1965	Private Application - Union Oil Company	Planning Dept.	Reid-Middleton & Assoc., Edmonds, WA.	Revise Comprehensive Plan Map	Established Industrial Park classification on privately owned marsh on shoreline.
Supplement to Comprehensive Plan-North Edmonds-March 1965	City Council	Planning Dept.	Reid-Middleton & Assoc., Edmonds, WA.	Establish Comprehensive Planning and Land Use for Annexation	Residential and commercial use along shoreline.

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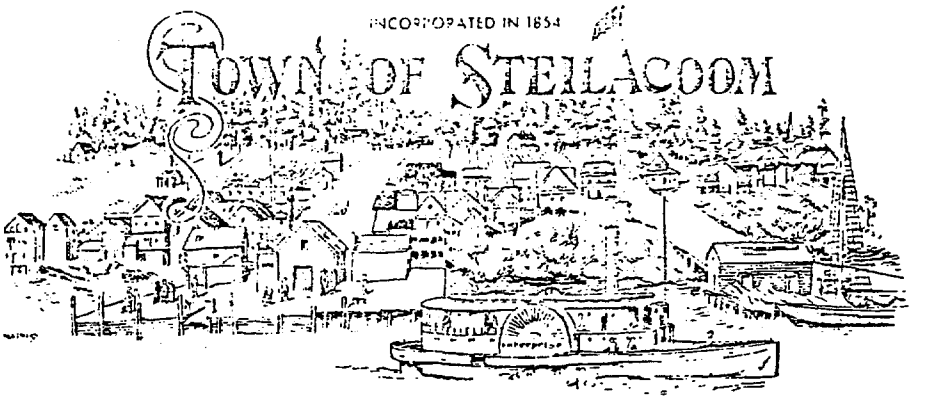
DEPT. OF ECOLOGY

CITY OF EDMONDS, WASHINGTON
PLANNING DOCUMENTS IN EFFECT AS OF FEB. 5, 1975 (Page 2)

NAME OF DOCUMENT	SPONSORING AGENCY	IMPLEMENTING AGENCY	PRIMARY CONSULTANTS	PURPOSE OR TYPE OF DOCUMENT	COASTAL ZONE MANAGEMENT IMPLICATIONS
Comprehensive Sewerage Plan 1965	City Council	Engineering Dept.	Reid-Middleton & Assoc	Inventory and Maps	Control of storm-drainage into Sound, Sewage Treatment and outfall into Puget Sound.
Bicycle Paths & Trails	City Council	Engineering Dept.		Narrative & Maps	
Comprehensive Water System Plan 1973	City Council	Engineering Dept.		Narrative & Maps	
Comprehensive Parks and Recreation Plan 1974	Park Board	Parks and Recreation Department		Narrative-Inventory policies maps	Development of shoreline parks and recreation.
Capital Improvements Plan 1974-78	City Council	All Departments		Budget	
Shoreline Management Master Program 11/74	Department of Ecology	Planning Dept.		Policy Plan and Use Regulations	Regulation through permit system of all development in Puget Sound waters within City jurisdiction and uplands 200 ft. from MHHW.
Comprehensive Policy Plan 1974 - in process 1. General Goals (adop. 1974) 2. Circulation Element:Comprehensive Downtown Parking Plan	City Council	Planning Dept.		Policy Statements to update and coordinate existing plans	Will affect all documents related to shoreline use.
Snohomish County Solid Waste Plan Oct, 1974	Snohomish Co. (Interlocal agreement) Dept. of Ecology	Engineering Dept.	R.W. Beck & Assoc., Snohomish County Dept. of Public Works & Planning	Narrative Inventory Policy Statements	



1715 LAFAYETTE STREET STEILACOOM, WASHINGTON 98388 (206) 588-3490

13 February 1975

John A. Biggs, Director
Department of Ecology
Olympia, Washington 98504

RE: Coastal Zone Management Program

Dear Mr. Biggs;

Local plans which were in effect for the Town of Steilacoom as of January 1, 1975 include the following:

A. 1. Comprehensive Plan and Subdivision Ordinance adopted 1962
   2. sponsored by Town of Steilacoom and a 701 grant
   3. implemented through zoning by the Town of Steilacoom
   4. written by Harstad Associates, Seattle
   5. purpose is to guide land use throughout Town including shoreline area
   6. CZM implications include recognition of the significance of the railroad separating the Town from shoreline and recommendations that adjacent use be limited to residential and recreational activities - the Subdivision Ordinance and Zoning Code work to prevent encroachment onto the shoreline via yard requirements

B. 1. An Ordinance establishing the Steilacoom Historical District, adopted 1973
   2. sponsored by the Town of Steilacoom
   3. implemented through a Preservation and Review Board
   4. written by the Town Council after consultation with other municipalities
   5. purpose is to recognize the significant historical role of the Town and promote education, cultural, aesthetic and social values of the Town
   6. CZM implications include the preservation and protection of buildings and places of historical significance along the water's edge

C. 1. Park and Recreation Plan adopted 1974
   2. sponsored by the Town of Steilacoom
   3. implemented through the capital improvement program and subdivision regulations by the Town of Steilacoom

4. written by Dennis Clarke, Town Planner
5. purpose is to review existing needs and project demands for recreational facilities
6. CZM implications include the recommendation for a waterfront trail system linking existing parks with each other, the Town center and future sites - also programed is a fishing pier which would increase public access, opportunity for sport fishery and contribute to the historical character through use of a former pier site

D. 1. Six year capital improvement program for roads, revised 1974
2. sponsored by the Town of Steilacoom
3. implemented jointly through State and Federal aid along with the Town of Steilacoom
4. written by Bert Pettitt, Town Administrator after consultation with Harstad Associates and Sitts and Hill Engineers
5. purpose is to create and maintain a rational circulation system
6. CZM implication include the priority to improve Chambers Creek road which parallels the shoreline for approximately 2 miles and serves as a scenic route

E. 1. Steilacoom shoreline inventory, 1972
2. sponsored by the Town of Steilacoom with the Pierce County Planning Department
3. implemented by the Town of Steilacoom
4. written by Richard Siefert, Pierce County Planning
5. purpose is to identify shoreline characteristics and uses
6. CZM implications include the basis for evaluating present policy and recommending changes for the future in the shoreline area

F. 1. Preliminary Shoreline Management Plan locally adopted 1973, final draft pending

We recognize and support your intent to pass the majority of CZM administration funds on to the coastal counties and cities. If we can be of further assistance, don't hesitate to call on us.

Cordially,

Dennis Clarke
Town Planner

B. State Agencies

1. Interagency Committee for Outdoor Recreation

2. Office of Community Development

3. Department of Natural Resources

4. Parks and Recreation Commission

STATE OF WASHINGTON

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

4800 Capitol Blvd
Tumwater, Washington 98504

Phone (206) 753-7140

Daniel J. Evans, Governor
Warren A. Bishop, Chairman

PARTICIPATING AGENCIES

Department of Commerce and Economic Development
John S. Lurston, Director

Department of Ecology
John A. Biggs, Director

Department of Fisheries
Thor C. Tollefson, Director

Department of Game
Carl N. Crouse, Director

Department of Highways
George H. Andrews, Director

Department of Natural Resources
Bert L. Cole, Commissioner of Public Lands

State Parks and Recreation Commission
Charles H. Odegaard, Director

CITIZEN MEMBERS
Adele Anderson, Ph D
Lewis A. Bell
Warren A. Bishop
Micaela Brostrom
Mrs. Frederick Lemere

ADMINISTRATOR
Stanley E. Francis

January 27, 1975

John A. Biggs, Director
Department of Ecology
St. Martin's Campus
Olympia, WA 98504

Dear Mr. Biggs:

In response to a request from Mr. Marvin Vialle, the following information about the IAC's involvement and relationship to the Coastal Zone Management Program is being provided.

Coastal Zone Management Related Goals

The IAC has adopted several goals which being very broad in nature, relate to the coastal zone resource. 1) Provide for development and use of outdoor recreation resources in a manner to maximize preservation of the natural quality of the environment; 2) provide a system of public recreational facilities and opportunities for state residents and visitors; 3) assist local government in providing the type of facilities which, under its jurisdiction, will best serve the local needs for outdoor recreation; and 4) encourage programs which promote outdoor education, skill development, participation opportunity and proper husbandry of recreation resources.

Other goals, more specific in nature, should also be noted:

*CONSERVE, for the maintenance and improvement of public welfare, those significant scenic, historical and unique lands with recreation and/or conservation values.

*TAP the wealth of public knowledge and sentiment towards outdoor recreation to assure that the State of Washington will continue on a worthwhile and desirable course of resource conservation and facility development for the future.

*PERPETUATE and enhance wildlife and fish resources, for present and future enjoyment.

*GUARANTEE that the public, including handicapped and economically disadvantaged, has ample opportunity and access to existing public owned or controlled lands, tidelands and beaches.

*STIMULATE and facilitate the flow of information to the public through media and all possible federal, state and local agencies.

expo'74
World's Fair
Spokane, USA
May-Oct., 1974

Coastal Zone Management Related Policies

The IAC has adopted priorities for local and state agencies participating in the outdoor recreation program.

-Local Agencies-

Local agency priority objectives provide the basis from which the Interagency Committee for Outdoor Recreation will implement programs to help alleviate existing recreational deficiencies and to enhance recreational opportunities at the local level throughout the state. This document establishes policy for the allocation of funds from the State Outdoor Recreation Account to local government through the grants-in-aid program. These priorities apply only to IAC participation in supplementing the outdoor recreation programs of local governments.

A. General Priorities

Acquire and develop fresh and saltwater shorelines intended to provide facilities for multiple water related activities.

Acquire, develop, and/or redevelop recreation areas for a wide variety of activities to serve the local population.

B. Specific Priorities

Listed below is the order of priority for acquisition and development of specific kinds of recreational areas. This list is not all-inclusive in that other types of lands may be considered for fund allocation where local plans or policy substantiate a public need for such lands. Development is intended to include major redevelopment projects where the conditions of existing recreation facilities have eliminated or drastically reduced use of the site. Within each of the seven priorities, facilities designed for multiple use will be given priority over single purpose facilities.

1. Acquisition of Shorelines
2. Development of Local Recreation Areas
3. Development of Shorelines
4. Acquisition of Local Recreation Areas
5. Trail Acquisition and Development
6. Acquisition and Development of Regional Recreation Areas

Priorities 1 and 3 relate to both Freshwater and Saltwater shorelines. They are presented in more detail as follows:

Priority 1 - SHORELINES ACQUISITION

First priority is the acquisition of shorelines and necessary uplands to support multiple water related activities accessible to local residents.

Priority order is:

1. Acquisition of shorelines in urbanized areas where the resource is environmentally endangered or is in danger of being lost to other uses.

2. Development of swimming facilities and water related upland uses.

3. The development of boating access, destination areas, and upland parking.

- State Agencies -

These priorities pertain to state agencies.

There is no percentage or other factor established for the allocation of set amounts of funds to any given priority. The objective is to maintain a balance between priorities and various classes of recreational lands and waters.

A. General Priorities

The general priorities for consideration of state agency capital requests are:

Acquire critical, scenic and unique lands with recreation and/or conservation values which are not duplicated anywhere else within the state.

Develop outdoor recreation facilities for boating, camping, fishing, hunting, picnicking, sightseeing, trails and related outdoor recreation activities.

Acquire water oriented lands especially where potential supply is limited.

Provide public access to existing state owned or controlled lands, tidelands and beaches.

B. Specific Priorities

Listed below is the order of priority for acquisition and development of specific kinds of recreational areas. This list is not all-inclusive in that other types of lands may be considered for fund allocation where the public need for such lands is adequately substantiated.

I. Critical Resource Acquisition
II. Critical Resource Development
III. Saltwater Acquisition
IV. Freshwater Development
V. Saltwater Development
VI. Freshwater Acquisition
VII. Regional Acq. and Dev.
VIII. Trails
IX. Scenic Roads
X. Forest

Portions of priority Nos. I, and II, and Priorities III and V relate to the coastal zone. They are detailed as follows:

Priority I - ACQUISITION OF CRITICAL RESOURCE AREAS

First priority is given to the acquisition of critical resource areas that are imminently in danger of being lost to a public recreation use, and for which failure to make such acquisition will result in a defacto reduction of usable acreage available to public use or enjoyment. These lands are critical to maintaining Washington's high quality natural heritage and are limited in potential supply.

The development of parking and sanitary facilities and such other improvements as necessary to make the Pacific Ocean beaches in the North and South Pacific Coast Districts accessible for public use within the limits of sound resource management practices.

The development of internal vehicular access, trails, sanitary and such other improvements as necessary to make state owned or administered critical resource areas, accessible and usable for as broad a range of recreational activities as feasible consistent with sound resource management in the following Districts: North, Central and South Puget Sound, Lower Columbia, Upper Columbia, Yakima Valley, and the Columbia Basin.

The provision of such facilities as necessary to accomodate public access to wetland areas. The geographic priority is statewide.

Development of Outstanding Natural Areas statewide for sightseeing, interpretation and hiking.

Priority III - SALTWATER ACQUISITION

The highest priorities for Saltwater Shorelands will be given to acquisition of beaches and to public rights-of-way for access to publicly-owned beaches which may be used with a minimum of development along the Pacific Ocean, Straits of Juan de Fuca Islands, Hoods Canal, Puget Sound, Willapa Bay, Grays Harbor and along the Columbia River as far inland as Cathlamet. These priorities include as well, provision for the acquisition of upland areas necessary for boating access, supportive parking, camping and other facilities which must be physically located away from fragile beach areas. However, the acquisition of such upland areas will be high priority only when contiguous to substantial publicly-owned or controlled beach areas.

The priority order for acquisiton is:

Acquisition of right-of-way for public recreational access to state-owned tidelands and beaches in the North and South Pacific Coast, North, Central and South Puget Sound and the Lower Columbia Districts.

The acquisition of boating access sites in the North Coast and the North Central and South Puget Sound Districts.

Acquisition of boater destination areas in North Puget Sound.

Acquisition of large saltwater shoreland areas to provide Regional type recreational opportunities on all areas of Puget Sound.

Acquisition of saltwater access in the Lower Columbia River District.

Priority V - SALTWATER DEVELOPMENT

Development priorities for Saltwater Shorelands and for the provision of recreational access to saltwater beach, tideland and water areas and necessary ancillary support facilities for fishing, boating, picnicking, camping and related emerging recreational activities.

The priority order for development is:

The development of public access to state-owned tidelands and beaches in the South Pacific Coast and North, Central and South Puget Sound Districts.

The development of boating access sites in the North, Central, and South Puget Sound Districts.

Development of boating access in the Lower Columbia District.

Coastal Zone Related Programs

One of IAC's primary programs is the administration of a grant-in-aid program for the acquisition and development of outdoor recreation land. With the high priorities given to saltwater shorelines as indicated above, the impact of this program becomes obvious. A problem encountered in this program deals with the fact that many funded projects are subject to a permit under the shoreline management act. Quite often these projects are delayed or dropped due to action taken by various agencies. This means the funds can be "tied up" for extended period of time before the problems are resolved.

Coastal Zone Management - Related Plans and Studies

1. Washington Statewide Comprehensive Outdoor Recreation and Open Space Plan - Fourth Edition.

   This document identifies the Pacific Ocean beaches, the San Juan Islands, and Puget Sound as having some of the greatest influences on public outdoor recreation in the State. Extensive data or demand, need, and inventory, is included.

2. Accretion Beach Inventory

   This study is nearing completion in the sense that it is recognized as only a preliminary effort in this important area. It inventories the significant, undeveloped, Class I accretion beaches in the Puget Sound, San Juan Islands, Straits of Juan de Fuca, and Hood Canal areas. These beaches are recognized as having great recreational potential, yet they are truly threatened as a resource.

Shoreline Management Act

While not being actively involved in the formulation of this act, the IAC has always been interested and concerned. We have reviewed the various guidelines issued by the Department of Ecology, and were particularly pleased that in the inventory procedures the local agencies were instructed to use a classification system developed by IAC on the rivers of statewide significance.

Local Master Programs

The IAC served as a member of the task force established to review local master programs.

Miscellaneous

In related activities, the IAC has for several years worked for the establishment of a state system of wild, scenic, and recreational rivers. This program would be compatible with and supplementary to the Shoreline Management Act.

I trust this information will be useful in your application to the Department of Commerce.

Sincerely,

STANLEY E. FRANCIS
Administrator

SEF:RSL:sr

DANIEL J. EVANS
GOVERNOR

RICHARD W. HEMSTAD
DIRECTOR

STATE OF WASHINGTON
Office of the Governor
OFFICE OF COMMUNITY DEVELOPMENT
OLYMPIA, WASHINGTON 98504
206/753-2200

March 17, 1975

Mr. Marvin Vialle
Assistant Director for Land Programs
Department of Ecology
St. Martin's College
Olympia, Washington 98504

Dear ~~Mr. Vialle~~ Marvin:

This letter is to summarize for the Coastal Zone Management program of the State of Washington the role that the Office of Community Development (OCD) and its predecessor agency, the Planning and Community Affairs Agency (PCAA) has played in coastal zone planning in the state generally, and in implementation of the Shoreline Management Act specifically. The first part of the letter is a general description of the agency and its functions that impact most directly on shoreline and coastal management and is followed by a more specific description of our shoreline and coastal zone activities.

The Office of Community Development, located within the Office of the Governor, is designed to meet both state and local community needs in cooperative planning and development efforts.

In doing so, the agency works through the "Washington Partnership", a principle that calls for close working relationships between state and local governments and participation by citizens in the process.

More specifically, the Office of Community Development works to:

1. Assist communities in determining priorities for the development of human and physical resources;

2. Achieve a closer working relationship between local and state government in defining needs, establishing priorities, and allocating resources that affect communities; and

3. Encourage citizen involvement in the development of plans and priorities at the local and state levels.

Agency Services

In meeting these goals, the agency carries out a variety of physical resource planning and development responsibilities, both at the state and community levels.

These responsibilities essentially smooth the flow of federal and state dollars into designated communities and allow trained staff to provide technical assistance to those in public agencies, elected officials, and citizens' groups.

The Office of Community Development is an administrative structure within the Governor's Office and is responsible for the functions of the Planning and Community Affairs Agency and the Office of Economic Opportunity. The agency carries out planning and community affairs functions contained in Chapter 43.63A RCW and other state and federal statutes.

Functions and Activities of the Office Affecting the Coastal Zone

Land Use

Purpose: To study land use patterns in the state and to recommend changes in policy and laws as they relate to land use issues;

To work with local officials and citizens toward more effective use of land.

Environment

Purpose: To facilitate the meeting of local governments and state and federal agencies in relationship to pollution requirements and standards for air, water, noise and solid waste disposal.

Energy

Purpose: To assist local government in recognizing actions needed to prepare for energy-related issues.

"701" Planning Program - HUD

Purpose: To establish local community planning processes by encouraging the incorporation of planning and management processes in decision-making;

To promote interlocal cooperation toward the solution of common concerns.

Federal Projects Clearinghouse

Purpose: To review proposed local government requests for federal assistance in order to determine compliance with federal requirements (A-95).

Grants Management: Indian Economic Assistance

Purpose: To create long-term reservation employment programs by providing funds for training and enterprise.

Trident Coordination

Purpose: To coordinate state agencies in responding to secondary impacts created by the construction of Trident Submarine Base.

Specific Participation in Shoreline Management Act Program and Related Activities

1. Financial Assistance

As the HUD "701" funding agency for Washington, OCD devoted a significant portion of the available "701" money over the last four years to helping local government meet their planning responsibilities under the Shoreline Management Act. Over the four year period, $523,500 was made available to local governments for shoreline planning. This was matched by DOE and local funds. Attached is a county breakdown of the distribution of these funds.

In addition to direct financial assistance for shoreline management planning, the office has provided 701 funds to help communities, both within the coastal zone and elsewhere, to meet the land use requirements of the National Flood Disaster Protection Act of 1973. This assistance was directed toward: 1) flood plain management regulations for controlling land use and development in the flood plain, 2) identification of flood and slide hazard areas, and 3) citizen awareness programs.

The Office of Community Development provided technical assistance to the DOE in the administration of the shoreline planning grant program, including the development of distribution ratios.

2. CZM-"701" Land Use Coordination

As the "701" planning agency for the state, OCD is faced with meeting the new HUD requirements for a land use planning element within the "701" program.

Because of the recent agreement between HUD and NOAA that an approved coastal zone management program will be accepted by HUD as the land use element applicable to coastal areas, approval of this program is of vital concern to OCD.

3. Technical Assistance

Field staff personnel at the office have maintained close liaison with local planners and elected officials during the implementation of the SMA. This included a series of workshops in the summer and fall of 1971 to introduce these local officials to the SMA and what it required of local government. Field staff worked closely with individual local governments to develop a strategy to accomplish the shoreline planning required. Other activities included the preparation of a shoreline planning "cookbook" and the organization of four regional groups of shoreline planners (both state and local) to help expedite interlocal coordination. Also, the agency has cooperated with the DNR to provide a forester-planner field representative to assist local governments with timber management in shoreline areas.

4. Budget Inquiry Kit

In January, 1974, OCD distributed the Budget Inquiry Kit to all local governments, regional planning agencies, and Indian tribes in the state asking for their reactions to 107 state programs. Attached is a summary of the responses for the shoreline management program.

As a result of the responses received from the questionnaire, the Governor selected shoreline management as a subject for more detailed analysis and follow-up with local governments. That analysis is attached, along with the results of the local response.

5. Participation with DOE

The office has participated with the Department of Ecology on a number of ad hoc task forces and projects. This has included assistance in developing, and review of, the statewide SMA guidelines; assisting in the review of local shoreline master programs; participating on the state agency CZM advisory group (including review of the proposed CZM program); and working with DOE to identify cross-impacts and opportunities among various environmental planning programs (e.g., Section 208 water quality planning, air quality planning) and the CZM program.

6. Nisqually Task Force Study

In 1970-1971, in response to public outcry over a proposal to build a superport on the Nisqually delta, the office (then PCAA) formed the

Nisqually Task Force to examine land and water use alternatives for the entire river basin. Although not all recommendations of the Task Force have been implemented, the prime recommendation, that the delta be preserved as a federal wildlife refuge, has been accomplished. Also, the work of the Task Force may have been partly responsible for the designation of the Nisqually Delta as a "shoreline of statewide significance" in the SMA.

I hope this brief explanation of OCD's responsibilities and programs will help assure expeditious federal approval of the Coastal Zone Program and subsequent Program Administration Grant. If further information or documentation would be helpful, please notify me.

Sincerely,

Richard W. Hemstad
Director

RWH:jc

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
BERT L. COLE, COMMISSIONER OF PUBLIC LANDS
OLYMPIA, WASHINGTON 98504

Coastal Zone Management related goals:

The Department of Natural Resources is the largest marine land proprietor in the State of Washington. The Department manages 1,300 miles of tidelands, 6,700 acres of constitutionally established harbor areas and 2,000 square miles of marine beds of navigable waters. These lands are managed as a public trust to maximize the benefit to each citizen of the state. Under careful planning and multiple use management a variety of uses and activities, such as navigation; public use; production of food; minerals and chemicals; and improvement of marine plant and animal habitat, can occur simultaneously or seasonally on Department of Natural Resources' managed land. This concept has incorporated in it, the avoidance of permanent single purpose uses on lands that have multiple use potential. In most cases, the concept includes the identification of the primary use of the land, but provides for compatible secondary uses. Plans for use of these lands will identify the primary use and establish performance standards which will insure that secondary uses do not conflict with primary use activities.

Although most of the Department's marine land is to be managed for a combination of uses, certain primary uses require that more severe limitations be placed on other uses. For example, marine areas allocated for environmental reserves are to be managed to protect the natural biological productivity of the area. The primary use in this case is to maintain natural conditions and productivity, thus limitations are necessary on human activities that interfere with this process.

Coastal Zone Management related policies:

The management plan for marine lands includes policies and guidelines for:

1. Navigation and commerce

2. Public use
3. Food, mineral and chemical production
4. Protection of the natural marine environment
5. Uses by abutting upland owners, and
6. Revenue production

The policy statements and guidelines apply to all Department of Natural Resources managed tidelands, harbor areas and beds of navigable waters. They are the primary basis on which the Department's multiple use management plan and programs are developed. These policies apply only to Department of Natural Resources lands and not other government agencies that administer programs on marine lands.

POLICY 1: Navigation and Commerce

To provide for navigation and commerce on tidelands, harbor areas and beds of navigable waters.

Guidelines:

1. Priority consideration shall be given to meeting the expanding need for navigation and commerce on first class tidelands and existing harbor areas.
2. Prior to establishing new harbor areas for deep draft commerce, an up-to-date comprehensive study of national dependence on Washington State to provide for commerce must be completed and a statewide harbor development plan based on national and state needs must be developed.
3. Harbor lines will be adjusted, when justified, to provide reasonable opportunity to meet the future needs of commerce.
4. Water dependent uses of the tidelands, harbor areas and beds of navigable waters shall be given preference over other uses.
5. Several industries using the same harbor area facility shall be given preference over single industry use.

6. Harbor areas will be reserved for landings, wharves, streets and other conveniences to navigation, commerce, however, where no current constitutional use is practical and other public uses are in demand, interim public use may be authorized.
7. Provisions will be made to minimize interference with surface navigation even though other uses have been allocated.
8. Development of additional sites for navigation and commerce will not generally be authorized on second class tidelands if existing first class tidelands can meet the need.
9. Development, such as floating piers and breakwaters, will be encouraged so as to provide alternatives for increasing capacity for waterborne commerce without imposing environmental costs of establishing new harbor areas and their associated dredging and maintenance.
10. Shallow draft uses, such as barge terminals and marinas, will be preferred over deep draft uses in areas requiring extensive maintenance dredging.
11. Anchorages and harbors of refuge may be allocated to provide protection and moorage space for watercraft.
12. To provide for public safety, comprehensive mooring buoy locations, lighting and marking plans and programs will be implemented.

POLICY 2: Public Use

To provide for the protection and improvement of marine lands for public use.

Guidelines:

1. Selected second class tideland tracts of 1,000 contiguous feet or more or smaller areas of special recreational quality, which have not been withdrawn for governmental or aquacultural uses, will be managed for public use.

2. Whenever practical, leases of first class tideland will provide for public access to the water.
3. Areas of second class tidelands, designated for public use, will be identified as public use beaches, properly advertised and marked and will be maintained on a regular basis for public use.
4. Areas allocated for public use will not be managed to produce a profit for a concessionaire or the administering agency without a lease fee being charged.
5. Where the State owns the abutting uplands, priority will be given to joint development of the uplands and second class tidelands for public use.
6. Selected second class tidelands will be set aside for development of self-guiding marine nature walks.
7. Selected second class tidelands capable of clam or oyster production, except those designated for aquacultural uses, will be set aside for public use.
8. Provisions shall be made to insure that traditional sports fishing areas are protected from competing uses that create obstructions.
9. Notice will be served to the current lessees of tidelands allocated for future public use, that prior to renewal of current leases, such leases will be modified to permit public use or will be terminated.
10. Bedlands abutting upland parks shall be considered for underwater parks.
11. Motorized vehicular travel will not be permitted on Department of Natural Resources' managed public use tidelands.
12. In recognition of the increasing impact by the recreating public on the State's beaches, new programs will be devoted to public education about stewardship of State marine resources.

POLICY 3: Food, Mineral & Chemical Production

To provide for the production of food, minerals and chemicals on marine lands with preference given to renewable resource activities.

Guidelines:

1. Tidelands and beds of navigable waters, especially valuable for aquaculture, will be so designated and protected from conflicting uses which would limit their utility for this purpose.
2. Information shall be provided to encourage commercial aquacultural activity to expand into proper locations.
3. Provisions shall be made to insure that traditional commercial fishing areas are protected from competing uses that create obstructions.
4. Certain lands will be selected for habitat improvement where such environments can be improved by adding structures, materials and plants.
5. Whenever structures are used for aquaculture on the beds of navigable waters, they shall be located in such a way as to minimize the interference with navigation and fishing and minimize adverse visual impacts.
6. Marine lands will be inventoried as to the location of significant deposits of minerals and aggregates, and a determination made as to the significance and dependence of the State on such deposits.

POLICY 4: Protection of Natural Marine Environment

To protect and enhance the quality of the natural marine environment.

Guidelines:

1. Provisions for leasing tidelands and beds shall include requirements for protecting the natural marine environment.
2. Areas of special educational or scientific interest or areas of special environmental importance may be withdrawn as reserves and protected from competing uses.

3. Provisions shall be made to insure that structures on Department of Natural Resources managed land are properly maintained.
4. Unsightly abandoned structures shall be removed from Department of Natural Resources marine lands as funds permit.
5. Long term commitments will be avoided when leasing for water dependent uses which are essential to the economy and public welfare, but have adverse environmental impacts. Leases and permits will not be issued for non-water dependent uses which have significant environmental impacts.
6. Easements or leases for the development of underwater pipelines and cables will not be granted except where adverse environmental impacts can be shown to be less than the impact of upland alternative, and when granted will include proper provisions to insure against substantial or irrevocable damage to the environment.
7. Structures and uses on marine lands will be designed to provide for safe passage of migrating animals whose life cycle is dependent on such migration.
8. The use of floating breakwaters shall be encouraged as protective structures rather than using permanent earth and rock fills.
9. Second class tidelands will generally be maintained free of bulkheads.
10. Beach material from tidelands and beds will generally not be used to backfill bulkheads and seawalls.
11. Filling on second class tideland will generally not be permitted.
12. When material from tidelands and beds is permitted as back fill and when filling on second class tidelands is permitted, provisions to stabilize fill material will be required.
13. Spoil disposal sites will be provided on the beds of navigable waters for certain materials that are approved for such disposal by regulatory agencies.

POLICY 5: Uses by Abutting Upland Owners

To provide certain tidelands and bedlands for use by abutting upland owners and to consider certain riparian interests in the management of marine lands.

Guidelines:

1. When tidelands are leased to someone other than the abutting upland owner, such leases will provide for the abutting owner to reach the beds of navigable waters.
2. Second class tidelands not allocated for public use may be made available for lease to the abutting upland owner without providing for public use.
3. In those cases where tidelands are managed for public use, the rights of private upland owners abutting public use tidelands will be recognized by suitable marking of the intervening property lines and properly posting the tidal tract.
4. Anchorage areas on the beds of navigable waters shall be designated for use by upland owners for mooring boats.
5. To reduce the burden on marinas, private mooring buoys and floats associated with shoreline residences will be encouraged.
6. Where there is no interference with normal routes of navigation for watercraft, swim floats and mooring buoys will be authorized on tidelands and bedlands shoreward of the 3 fathom contour or within 500 feet of mean high tide, whichever is appropriate. The placement of floats and buoys beyond the 3 fathom contour or 500 feet will be evaluated on a case by case basis.

POLICY 6: Revenue Production

To manage the marine lands under a pricing system which will compensate the public for reduction in the availability of the public lands due to private use and thereby produce revenue to reduce the general tax burden.

Guidelines:

1. The value of Department of Natural Resources managed tidelands and beds of navigable waters to the general public will be recognized by charging competing lessees the full market price for the land.
2. Lease rates may be reduced depending on the degree to which the use interferes with the public use of the same property. Total withdrawal for private use requires a full rental payment.
3. When the effects of marine uses have an identifiable adverse impact on Department of Natural Resources land, a value will be placed on the loss or impact and charged to the user.
4. Available revenue from leasing of marine lands shall be used for marine land management programs that are of direct benefit to the public.
5. First class tidelands and harbor areas, unless withdrawn by the Commissioner of Public Lands as recreational use property, will be managed to produce revenue and service to the public.
6. Lease rates may be reduced for up to five years as an incentive when lessees are involved in research or development work which is in the public interest.

Coastal Zone Management Related Programs

Prior to August 8, 1971, the State of Washington had authority to sell tidelands and shorelands to private individuals, companies and corporations. Chapter 217, Session Laws of 1971, First Extraordinary Session as amended by Chapter 186, Session Laws of 1974, First Extraordinary Session prohibits the sale of any State owned aquatic lands, except to public agencies. However, tidelands and shorelands may be leased for general purposes for terms of up to fifty-five years.

PROGRAM 1: Administer First Class Tideland and Beds of Navigable Water Leases

First class tidelands include the beds and shores of navigable tidal waters lying within or in front of, the corporate limits of any city and within one mile thereof upon either side and between the line of ordinary high tide and the inner harbor line, where harbor lines have been established, and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide.

Platted first class tidelands may be leased to anyone for a term of up to fifty-five years upon application, after being inspected in the field and terms and conditions of lease fixed, provided the state finds it in the best interest of the public to lease.

Unplatted first class tidelands may be leased to the owner of the abutting lands for a term of up to fifty-five years upon application, after being inspected in the field and terms and conditions of lease fixed, provided the state finds it in the best interest of the public to lease.

If the abutting uplands are not improved for residential purposes, first class tidelands may be leased to anyone for booming purposes.

Beds of navigable waters are defined as that area lying below the line of extreme low tide in waters where the tide ebbs and flows and below the line of navigability in navigable rivers and lakes.

Beds of navigable waters in front of first class tidelands may be leased to the owner of the abutting lands for a term of up to ten years upon application, after being inspected in the field and terms and conditions of lease fixed.

Beds of navigable waters may be leased to anyone for booming purposes.

Each applicant for lease of bed of navigable waters is required to obtain a permit to place structures or improvements in navigable waters from the United States Army, Corps of Engineers or other federal regulatory agency. A copy of such permit must be filed with the State of Washington, Department of Natural Resources. The permit from the United States Army, Corps of Engineers grants authorization only insofar as it concerns navigation and does not include ownership rights.

PROGRAM 2: Administer Leases on First Class Shore Lands and Beds of Navigable Waters

First class shorelands include the shores of a navigable lake or river belonging to the state, not subject to tidal flow, between the line of ordinary high water and the line of navigability, and within or in front of the corporate limits of any city or within two miles thereof upon either side.

Platted first class shorelands may be leased to anyone for a term of up to fifty-five years upon application, after being inspected in the field and terms and conditions of lease fixed, provided the state finds it in the best public interest to lease.

Unplatted first class shorelands may be leased to the owner of the abutting lands for a term up to fifty-five years upon application, after being inspected in the field and terms and conditions of lease fixed, provided the state finds it in the best interest of the public to lease.

If the abutting uplands are not improved or occupied for residential or commercial purposes, first class shorelands may be leased to anyone for booming purposes.

Beds of navigable waters in front of first class shorelands may be leased to the owner of the abutting lands, or to anyone for booming purposes.

PROGRAM 3: Administer Harbor Leases

Harbor area is a reserved area in navigable waters within or in front of cities and within one mile of the corporate limits on either side thereof as established by the State Harbor Line Commission under the provisions of Article XV of the State Constitution. The width of such harbor area varies from a minimum of 50 feet to a maximum of 2,000 feet. Harbor area is forever reserved for landings, wharves, streets and other conveniences for navigation and commerce.

The State Legislature, by general laws, provided for the leasing of the right to build and maintain wharves, docks and other structures on harbor areas for the convenience of navigation and commerce. Lease terms are limited to not more than thirty years. Rental rates are based on a percentage of the full and true value of the harbor area as determined by the State of Washington, Department of Natural Resources. The percentage rate is fixed for the duration of the lease. However, the valuation is subject to change every fifth year for the duration of the lease.

If the harbor area is within a Port District, the application for lease must be referred to the Port Commissioner's for their recommendations.

PROGRAM 4: Administer Second Class Tidelands and Beds of Navigable Water Leases

SECOND CLASS TIDELANDS

Second class tidelands include the beds and shores of navigable tidal waters outside of and more than two miles from the corporate limits of any incorporated city or town, between the line of ordinary high tide and the line of extreme low tide.

Second class tidelands may be leased to anyone for a term of up to fifty-five years upon application, after being inspected in the field and terms and conditions

of lease fixed, provided the state finds it in the best interest of the public to lease.

Beds of navigable waters in front of second class tidelands may be leased to the owner of abutting lands or to anyone for booming purposes.

DEEP SEA OYSTER LEASES

Beds of navigable tidal waters below the line of extreme low tide not in front of nor within two miles of an incorporated city or town, may be leased for the purposes of planting and cultivating oysters, clams or other edible shellfish for periods not to exceed ten years.

Where the lands are used for the cultivation of oysters, the parcels leased shall not exceed forty acres.

Where the lands are used for the cultivation of clams or other edible shellfish, leases may be granted for larger parcels.

The application must be referred to the Director of the Department of Fisheries to determine whether it is necessary to retain any part of the lands described in the application, to protect existing oyster beds and to secure adequate seeding thereof. If the answer is negative, then such lands may be leased.

GEODUCK CLAM LEASES

The State of Washington, Department of Natural Resources, is authorized to lease for terms of 5 to 10 years beds of navigable waters 10.0 feet or more below the line of mean lower low tide and one-fourth mile or more seaward from the line of ordinary high tide for the commercial harvest of geoduck clams.

Tracts containing geoduck clams may be selected by the State of Washington, Department of Natural Resources, in cooperation with the State of Washington, Department of Fisheries and after fixing the terms and conditions offer such tracts for lease at auction, after a period of advertisement.

PROGRAM 5: Administer Second Class Shorelands and Beds of Navigable Water Leases

Second class shorelands include the shores of a navigable lake or river, not subject to tidal flow, between the line of ordinary high water and the line of navigability and more than two miles from the corporate limits of any city.

Second class shorelands may be leased to anyone for a term of up to fifty-five years upon application, after being inspected in the field and terms and conditions of lease fixed, provided the state finds it in the best interest of the public to lease.

Beds of navigable waters in front of second class shorelands may be leased to the owners of the abutting lands or to anyone for booming purposes.

PROGRAM 6: Granting Right of Way on Aquatic Lands

Easements for rights of way for electric power transmission lines, telephone lines, pipelines, etc. upon, over and across state owned aquatic lands may be granted by the State of Washington, Department of Natural Resources upon application, after being inspected in the field and terms and conditions of easement fixed.

AGREEMENT FOR PURCHASE AND REMOVAL OF STATE OWNED ROCK, GRAVEL, SAND AND SILT FROM BEDS OF NAVIGABLE WATERS, TIDELANDS AND SHORELANDS

The State of Washington, Department of Natural Resources, may enter into agreement providing for the purchase and removal of rock, gravel, sand and silt from state owned beds of navigable waters, tidelands and shorelands. Payment for such materials is made upon a royalty basis as fixed by the State of Washington, Department of Natural Regources.

No payment of royalty is required when gravel, rock, sand or silt or other material is removed from state owned beds and shores of any navigable river or stream by public agencies or under public contract for channel or harbor improvement, or flood control unless the same is sold or used for some other purpose. Such public agency shall obtain a permit from the State of Washington, Department of Natural Resources for removal of materials.

PROGRAM 7: Public Beach Marking

Selected second class tideland tracts of at least 1000 contiguous feet, or smaller areas of special recreational value which have not been withdrawn for governmental or aquacultural use, have been designated as public use beaches. The Department of Natural Resources is now in the process of marking these beaches to enable the public to identify the public land from the surrounding private land.

This program has run into problems with the Shoreline Management Act. The cost of marking a beach is approximately $300.00. In an attempt to appease some of the local land owners who object to the public use of public property, certain county officials have taken the position that since the cost of marking all of the beaches in a county equals more than $1,000.00, a substantial development permit is necessary. Fortunately, we have been able to reason with all of the individuals thus far encountered.

PROGRAM 8: Oyster Spat Collection

This program has the dual goals of producing oyster seed to be used in stocking public beaches and developing methods of better utilizing the rather limited area capable of producing oyster larvae. Dabob Bay on Hood Canal is the only area in Puget Sound that produces sufficient oyster larvae on a regular enough basis to make collection feasible. The collecting area in sheltered shallow water is presently being utilized nearly to capacity. The Department of Natural

Resources is attempting to perfect workable spat collecting techniques usable for the deep open waters in the middle of the bay.

PROGRAM 9: Habitat Improvement & Building Artificial Tire Reefs

The Department of Natural Resources is presently embarking on a program of improving the fishing potential for many species of reef inhabiting fishes in areas where they do not now exist by building artificial tire reefs. This will be done in conjunction with various sportsmans groups, public agencies and the Marine Resources Siting Committee and Corps of Engineers. The Department's role is primarily coordination guideance and controls through the Corps of Engineers permit system.

COASTAL ZONE MANAGEMENT - RELATED PLANS AND STUDIES

PROGRAM 10: Develop Seaweed Aquaculture

The Department of Natural Resources is conducting a program of economic analysis and field and laboratory research aimed at the eventual commercial harvest of seaweeds in Puget Sound. Iridaea cordata, a red seaweed containing the commercially important phycocolloid, carrageenan, has been the subject of most of the research effort to date. As this alga is of rather limited distribution in Puget Sound and since the natural populations are such as to preclude an economically feasible harvest, the major impetus of the Department's effort has been to develop the techniques necessary to produce an economically harvestable crop on an artificial substrate.

PROGRAM 11: Develop Shellfish Aquaculture

The Department of Natural Resources is currently investigating methods increasing the amount of space available for growing shellfish, both by rehabilitating existing beach areas and by growing shellfish on structures suspended in the water column.

DM/nr
2/19/75

Department Name: Washington State Parks and Recreation Commission

Name of Director: Charles H. Odegaard

1. Coastal Zone Management Related Goals:

Generally, the Washington State Parks and Recreation Commission shall "Permit the use of state parks and parkways by the public . . ."RCW 43.51.041(3). RCW 43.51.80 specifically provides for the expansion of existing parks in the island counties.

In RCW 43.51.22 ". . . The Commission is authorized to establish landing and other facilities for small pleasure boats at places on Puget Sound. . . where such facilities will be of greatest advantage. . ."

RCW's 43.51.240 and .250 relate to various parcels of tidelands specifically under the jurisidiction of the Commission and development of access to them.

Probably, the most significant series of laws is RCW 43.51.650 - 43.51.675 which establishes the Seashore Conservation Area and outlines the principles and purposes under which it is to be managed.

The power to control traffic on the ocean beach highways is given to the Commission in RCW 43.51.680.

The management of accreted lands is given to the Commission in RCW 43.51.685. Also embodied in this section are several permits that the Commission can grant, including:

a. Leasing of lands for oil and gas exploration.
b. Sale of accreted sand to cranberry growers.
c. Mining leases for "black sands".
d. Permits for removal of sand for construction purposes.

RCW 43.51.750 through 43.51.820 set up the system for preservation of historic properties which is under the jurisdiction of the Commission. As many historic and archaeological sites are located in close proximity to water, the presence of these sites will need to be considered in the management of the coastal zone.

The state boating safety program was given to the Washington State Parks and Recreation Commission to administer by Governor's Order in the late 1960's. In December 1971 State Parks became the administering agency for all federal funds relating to recreational boating. Since we are the primary state agency concerned with boating programs, any section of the CZM program that would involve marinas, launches, recreation destination sites, or other recreational boating-related activities would be of a concern to us.

2. Coastal Zone Management Related Policies:

The most current statements of agency policy are contained in the 1975-77 budget documents. These statements were examined for specific references to the Coastal Zone. None were found that specifically applied to CZM.

There are a host of general policies that apply to park areas statewide. These include new acquisitions to meet rising demands, careful environmental coordination to ensure that high quality is maintained, and the establishment of adequate planned maintenance programs to keep the park operating properly. Where any park areas are in the Coastal Management Zone, these general policies would apply. In general, the Washington State Parks and Recreation Commission is concerned that CZM will allow for the orderly acquisition, development, and maintenance of park areas to meet the needs of residents and visitors to the state of Washington.

3. Coastal Zone Management Related Programs:

Aside from the overall program of acquisition and development of park areas, the only ongoing programs directly related to the Coastal Zone are those permits already described in RCW 43.51.685. The permits described therein have been available and the process did work without difficulty prior to the implementation of the Shoreline Management Act. Because of that Act's requirements and the environmental questions raised by the Department of Ecology, the Washington State Parks and Recreation Commission has temporarily ceased issuing permits.

4. Coastal Zone Management - Related Plans and Studies:

Aside from ongoing plans for acquisition and development of recreation areas along the ocean beaches, several specific studies are available:

a. A Report on the Future of the Long Beach Peninsula Seashore by Battelle Northwest, July 1970.

   This report is designed as a planning tool which the Washington State Parks and Recreation Commission and Pacific County can use in evaluating alternative uses of the Peninsula.

b. Puget Sound and Adjacent Waters Boating Access by Puget Sound and Adjacent Waters Boating Access Committee, January 1973.

   This study enumerates the available boating access areas along the Puget Sound area and outlines a program for acquisition of sites to alleviate a demonstrated need.

c. Pleasure Boating Study by the Washington State Parks and Recreation Commission, November 1968.

   This study generally discusses the status of pleasure boating in Puget Sound and adjacent waters and recommends expansion of facilities as needs indicate.

5. Other Difficulties:

None

6. Shoreline Management Involvement:

a. Shoreline Act

The Washington State Parks and Recreation Commission and staff played no part whatsoever in the formulation and passage of the Shoreline Management Act of 1971.

b. Guidelines

The Washington State Parks and Recreation Commission reviewed and commented on the guidelines as developed by the Department of Ecology by letter of April 3, 1972. State Parks' concern at that time related to what appeared to be the possibility for long delays in the permit process. In fact, delays have occurred with nearly every project processed under SMA.

c. Permits

State Parks has processed applications for substantial development permits for about 100 projects to date. Copies of all pertinent correspondence are available from our offices in Olympia but due to the extremely voluminous nature are not provided.

The Washington State Parks and Recreation Commission has experienced substantial difficulty in pursuing a normal program of outdoor recreational facility improvement since the Shoreline Management Act has been in effect. This has apparently been due to the fact that local jurisdictions responsible for enforcing the Act are most urgently concerned with local, rather than statewide, interests.

Numerous projects of regional or statewide interest have been altered or cancelled due to adverse reactions as a result of the Shoreline Act hearing process. In actuality, only a small number of vociferous neighbors to a state park can nullify legislative mandates. In several cases, long delays have caused grossly inflated project costs.

In many cases, however, local officials have concerned themselves with statewide concerns and acted affirmatively in spite of some local objection.

d. Local Master Program Formulation

State Parks' experiences in Master Program formulation were not particularly favorable. Some county citizen shorelines committees were heavily weighted toward preservation and opposed any development.

For that reason and the fact that State Parks did not receive any staffing for Shoreline Management coordination until May 1974, it

seemed more reasonable to respond to Master Program reviews requested by the Department of Ecology after they had certified that the Programs were reasonably adequate.

e. Review of Master Programs

The Washington State Parks and Recreation Commission has reviewed the following city/county Master Programs and responded to the Department of Ecology:

Edmonds - 3/21/74 - No comment
Pend Oreille County - 2/22/74 - Objections raised by Parks
Grant County - 3/4/74 - Objections raised by Parks
Cities in Grays Harbor County - No reply - Maps inadequate
Des Moines - 2/21/74 - No comment
Medina - 3/25/74 - Objections raised by Parks
Mercer Island - 3/21/74 - No comment
Mason County - 3/5/74 - Objections raised by Parks
Cowlitz County - 3/18/74 - Objections raised by Parks
Wahkiakum County - 3/4/74 - Objections raised by Parks
Kent - 3/21/74 - No comment
Normandy Park - 3/25/74 - Objections raised by Parks
Auburn - 3/21/74 - No comment
Soap Lake - 2/27/74 - No comment
Tacoma - 3/21/74 - No comment
Redmond - 3/25/74 - Objections raised by Parks
Redmond - 9/20/74 - No comment
Douglas County - 8/9/74 - No comment
Hunts Point - 2/27/74 - No comment
Beaux Arts Village - 2/27/74 - Objections raised by Parks
Lake Forest Park - 2/27/74 - No comment
Moses Lake - 2/27/74 - No comment
Franklin County - 3/4/74 - Objections raised by Parks
Lewis County - 3/4/74 - No comment
Walla Walla County - 8/9/74 - No comment
Pacific County - 5/17/74 - Serious objections
Chelan County - 8/9/74 - Objections raised by Parks
Okanogan County - 7/10/74 - Objections raised by Parks
Kirkland - 7/8/74 - No comment
Renton - 7/8/74 - No comment
Klickitat County - 7/12/74 - Objections raised by Parks
Bellevue - 7/18/74 - No comment
Yakima County - 7/12/74 - No comment
Garfield County - 8/9/74 - No comment
Dupont - 8/6/74 - No comment
Tukwila - 8/27/74 - No comment
Skamania County - 8/6/74 - No comment
Jefferson County - 10/24/74 - Objections raised by Parks
Snohomish County - 11/1/74 - No comment
Clark County - 11/1/74 - Objections raised by Parks
Whitman County - 12/17/74 - Objections raised by Parks
Bellingham - 8/19/74 - No comment
Spokane County - 9/20/74 - Objections raised by Parks

The above record may not be totally inclusive but serves to demonstrate that State Parks has attempted to assist in review.

Where objections were raised, a significant conflict was evident between the local Master Program and statewide recreation. Shoreline Management Guidelines call for substantial consideration of public access and public recreational activity in Master Programs. Staff only commented adversely when a substantial conflict was evident.

f. Miscellaneous

The inclusion of the Shoreline Management Act within the Coastal Zone Management concept can be very valid and desirable if statewide and regional goals can be achieved. The Washington State Parks and Recreation Commission is vitally concerned about the quality of the recreational experience of the shoreline user. For that reason, it is imperative that the shoreline areas be conserved, commensurate with reasonable development and use.

Thank you for the opportunity to comment.

Sincerely,

Jan Tveiten for

Charles H. Odegaard
Director

sg

C. Federal Agencies

1. Agenda of Federal Agency Meeting

2. Request by DOE to Affected Federal Agencies

3. Forest Service Response

4. National Park Service Response

5. Sample of "Packet" System with Coast Guard (still in draft form)

January 9, 1975

COASTAL ZONE MANAGEMENT PROGRAM

DEPARTMENT OF ECOLOGY - FEDERAL AGENCY REPRESENTATIVES MEETING

Thursday, January 16, 1975 - 10:00 a.m.

At: Arcade Plaza Bldg.
First Floor
Second Avenue
Seattle

1. Presentation of Draft Management Program
2. Boundaries of Federal Jurisdictions
3. Determination of National Interest and Needs of Washington Coastal Zone
4. Federal Agency plans in Coastal Zone
5. Federal Agency involvement in Shoreline Management. Permits, reviews, Master Programs and other.
6. Conflict resolution and identification of existing conflicts.
7. Name of other Federal agencies and people who ought to be involved.
8. Names of people agencies in Oregon, Idaho, British Columbia, and the Pacific Northwest Region generally who should be involved.
9. Identification and description of areas of particular concern, and areas for preservation and restoration.

Please confirm attendance with Anne H. Haines - Department of Ecology, Coastal Zone Management, Olympia, Washington 98504. (206) 753-3829.

AHH:ss

January 17, 1975

Coastal Zone Management, State of Washington, Department of Ecology - Memorandum of Request

TO: Federal Agencies Involved or Affected by the Washington Coastal Zone Management Program

FROM: Marvin Vialle, Assistant Director
Office of Land Programs

SUBJECT: Agency statements regarding Agency's Plans, Policies and Concerns in Coastal Zone and Agency's past participation in Shoreline Management.

As you may know, the State of Washington will be applying to the Department of Commerce for section 306 approval of its Coastal Zone Management Program. We wish to insert statements from each affected Federal Agency into our application document.

The purpose of this statement is two-fold, one is to ascertain the goals, policies, plans and programs of the agency that have coastal zone connections or implications, and secondly, it is an effort to document the agency's past involvement with Washington's Shoreline Management Program (Shoreline Management forms the basis for our approach to Coastal Zone Management).

There is an urgent need for these statements; we must have them by February 15, 1975 or earlier. They need not be long nor overly detailed. Also, it may be appropriate for various sub-agencies to prepare separate statements. We will insert statements from any level whether Department, Administration, Office, Service, Division or other subdivision.

This is the first step in the new involvement and consultative process established by our Coastal Zone Management Program. Following is a suggested outline to assist the preparer of the statement.

Agency Name: _____

Department Name: _____

Name of Director or Chief: _____

Coverage of Agency's District: _____

Statewide, Region 10, National etc.

Coastal Zone Management Related Goals: This would be statements or excerpts from the agency's mission which have implications or could have impacts on the Coastal Zone. References to Federal legislation would be appropriate here.

Coastal Zone Management Related Policies: These would be adopted policies or operating policies of the agency which pertain to Coastal Zone Management. Again references to Federal law would be appropriate if there are declarations of policy in the law. These can be policies the agency uses to guide its own actions which it uses in approving, licensing, reviewing, or commenting on proposals and plans of others.

Coastal Zone Management Related Programs: This would be a listing of the agency's programs which could affect the Coastal Zone. These would be ongoing programs such as permit systems, operations, field responsibilities etc. of an established nature. A brief description of the nature, coverage and important aspects of each would suffice. Also, a description of difficulties encountered in the execution of each program. This is important since resolution of these difficulties is a primary objective in the Coastal Zone Management Program.

Coastal Zone Management - Related Plans & Studies: This would be a list of adopted plans and expected, completed, or underway studies related to the coastal zone. All that is needed is a bibliographic reference for each document listed plus a short description of the salient points regarding the Washington Coastal Zone. Again, problems and difficulties that arise beyond agency control should be listed and explained.

Other Difficulties: Please list other difficulties that may not fit in the categories above. Any difference of opinion, dispute, or other matter which the agency feels has an adverse effect on its mission.

Shoreline Management Involvement

Shoreline Act Please list any and all involvements the agency had

in the initial formulation and passage of the Act. (It would help to include any letters, opinions, statements, etc. which pertain here).

Guidelines Department of Ecology has adopted several sets of guidelines pursuant to its duties under Shoreline Management. Please list all involvements here and again, if possible supply any pertintent correspondence.

Permits Often Federal agencies have become involved in our Substantial Development Permit system. Please list such involvements and supply copies of pertinent correspondence.

Local Master Program Formulation

In several cases federal agencies were consulted and involved in the formulation of local Shoreline Master Programs. Again list such involvements as much as possible and supply copies of pertinent correspondence.

Review of Master Program Same as above only in this case the agency would have participated in the master program review process used by Department of Ecology. Please list and document as above.

Miscellaneous Please note any other Shoreline Management related involvement or participation which does not fit into the above categories.

If any help or clarification is needed please call Rod Mack or Murray Walsh (753-6871) in Olympia. Time is of the essence for this request, so extensive documentation on research is not desired. This consultative process will continue for some time and this is just the beginning. Thank you for any help you can give.

These statements will be directly inserted into our application document and should appear as letters signed by the agency chief.

MV:sc

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

Northwest Administrative Service Office
1700 Westlake Avenue North
Seattle, Washington 98109

March 7, 1975

Mr. John A. Biggs, Director
Department of Ecology
State of Washington
Olympia, Washington 98504

Dear Mr. Biggs:

Attached is a response from the Seattle National Weather Service, WSFO, to your preliminary draft coastal zone management program. I am sorry for the lateness of this response and sincerely hope that it does not cause a problem.

We do appreciate the opportunity to provide input to the development of your coastal zone plan.

Yours truly,

Dale C. Gough
Director

Attachment

Agency Name: U. S. Forest Service
Department Name: Department of Agriculture
Name of Director or Chief: T. A. Schlapfer, Regional Forester
Coverage of Agency's District: Oregon and Washington
Pacific Northwest Region

Coastal Zone Management Related Goals

The Forest Service has the Federal responsibility for national leadership in "forestry." 1/ This includes participation in setting national priorities, formulating programs, and establishing Federal policies that relate to man and his natural environment, especially the forest-related environment.

Rangeland, grassland, brushland, alpine areas, water areas, and wildlife habitats are included within the scope of forests and the forest-related environment. Forestry is the protection and management of this land and its natural resources for the many and varied purposes of mankind.

Forests provide raw materials for basic necessities of life as well as natural environments for many leisure and educational activities. The Forest Service seeks to attain a harmonious relation between man and his natural environment.

Basic Authorities and Objectives

More than 140 Federal laws define various Forest Service authorities. 2/ A few are particularly important to the Agency's basic mission.

Creative Act of 1891 - (86 Stat. 1103; 16 USC 471)

Established authority for the President of the United States to set aside public lands as public reservations.

Organic Administration Act of 1897 - (30 Stat. 34, as amended; 16 USC 473-478, 479-482, 551)

Established authority for Secretary of Agriculture to manage the National Forests.

1/ This responsibility is delegated to the Chief of the Forest Service under Administrative Regulations of the U.S. Department of Agriculture (7 CFR 2.60).

2/ These laws are listed in the Forest Service Manual, Chapter 1000. The major laws are described in Forest Service "The Principal Laws Relating to the Establishment and Administration of the National Forests and to Other Forest Service Activities, "U.S. Department of Agriculture Handbook No. 453, Revised January 1974.

Weeks Law of 1911 - (36 Stat. 961, as amended; 16 USC 480, 500, 513-519, 521, 552, 563)

Established authority for cooperation with States and for purchase of lands to add to the National Forest System.

Clarke-McNary Act of 1924 - (43 Stat. 653, as amended; 16 USC 505, 515, 564-570)

Established authority for cooperative forestry programs with the States.

McSweeney-McNary Act of 1928 - (45 Stat. 699, as amended; 16 USC 581, 581a, 581a-1, 581b-581i) PL 90-193 (81 Stat. 579)

Established the Forestry Research Program.

Bankhead-Jones Farm Tenant Act of 1937 - (50 Stat. 525, as amended; 7 USC 1010-12)

Authority under which National Grasslands are administered.

Forest Pest Control Act of 1947 - (61 Stat. 177; 16 USC 594-1 to 594-5)

Established policy and authority for forest insect and disease control.

Cooperative Forest Management Act of 1950 - (64 Stat. 473, as amended; 16 USC 568c, 568d)

Expanded authority for cooperation with States by providing technical assistance to landowners and timber processors.

Multiple Use-Sustained Yield Act of 1960 - (74 Stat. 215; 16 USC 528-531)

Established multiple-use and sustained-yield policies.

Wilderness Act of 1964 - (78 Stat. 890; 16 USC 1131-36)

Established a National Wilderness Preservation System.

Agriculture and Consumer Protection Act of 1973 (PL 93-86; 87 Stat. 221).

Authorized a forestry incentives program for non-industrial private land.

Many other Federal laws and regulations further define the purpose and conduct of particular programs.

In 1970 the Forest Service specified policy guidelines and objectives in the "Framework for the Future" (Forest Service, 1970). Eleven major objectives were set forth to define the overall Forest Service mission.

> Promote and achieve a pattern of natural resource uses that will best meet the needs of people now and in the future.
>
> Protect and improve the quality of air, water, soil, and natural beauty.
>
> Help to protect and improve the quality of the open space environment in urban and community areas.
>
> Generate forestry opportunities to accelerate rural community growth.
>
> Encourage the growth and development of forestry-based enterprises that readily respond to consumers' changing needs.
>
> Seek optimum forest landownership patterns.
>
> Improve the welfare of underprivileged members of society.
>
> Involve the public in forestry policy and program formulation.
>
> Encourage the development of forestry throughout the world.
>
> Expand public understanding of environmental conservation.
>
> Develop and make available a firm scientific base for the advancement of forestry.

These objectives provide a framework to guide Forest Service decision-making. However, they and the associated policy statements identify only the general character and scope of the role the Forest Service should play. Both the objectives and the policies require continuing evaluation.

In carrying out its national forestry leadership role, the Forest Service undertakes a wide variety of activities. Major responsibilities include administration of the National Forest System, Cooperative State and Private Forestry Programs, Forestry Research, and Human Resource Development Programs.

Coastal Zone Management Related Policies

Streamside Management Units - Forest Service Manual 8223, R6 Supp. No. 2, March 1974, requires that streams and adjacent land areas, designated as

Streamside Management Units(SMU), will be managed to maintain and improve water quality. This policy provides broad management direction for National Forest streams. The policies and direction should be coordinated with the States' policies and directions provided for in State laws such as the Forest Practices Act and Shoreline Management Act. The Department of Ecology was consulted on the initial preparation of the SMU guides and attended several SMU training sessions presented by the Forest Service.

Non-point Pollution - Executive Order 11752 and Public Law 92-500 provide some of the basic authorities for cooperation between the States and federal agencies insofar as non-point pollution is concerned.

Fish Habitat - Forest Service Manual 2630, E.D. No. 2 - This policy reinforces and supplements the Streamside Management Units policy and provides for close cooperation with State game and fishery agencies.

Assistance - It is the policy of the Forest Service to provide technical assistance to States. An example of this which pertains indirectly to the policies mentioned above involved the Washington State Forest Practices Act. The Forest Service has worked with the Department of Ecology in an advisory capacity on the development of the States Rules and Regulations.

Recreation facilities - Forest Service Manual 1500, R6 Supp. No. 20, July 1971. This policy constitutes an agreement between the Washington State Department of Health and the Forest Service. It covers major areas of concern relative to development and operation of campgrounds, picnic grounds and the like. The agreement includes the statement that the "final decision for the means of solution of sanitation problems on National Forest lands is the responsibility of the Forest Service."

The Forest Service is currently working with the Department of Social and Health Services on the development of another agreement to more adequately cover this area in more detail. This new agreement will focus on areas of mutual concern such as water quality and sanitation.

Land Acquisition - It often becomes a landownership policy of the Forest Service to acquire public ownership of lands of National interest in the coastal zone. This policy generally stems from programs which are initiated by a specific Act of Congress. The action usually authorizes the acquisition of private land for: (1) public access to attractive water, (2) development of recreation facilities, and/or (3) protection of sensitive physical or visual values.

Acquisitions of this type are generally sponsored by a local Congressman. They are initiated by conservation or recreation oriented groups because there is adjacent National Forest lands, and because the Forest Service has the ability through existing laws to acquire or exchange for the desired land.

While there are no programs in Washington State the possibility exists. An example of this type of legislation is Public Law 93-535 of December 22, 1974, which established the Cascade Head Scenic-Research Area as part of the Siuslaw National Forest in the State of Oregon.

Coastal Zone Management Related Programs

Administration - The Forest Service has legislative, executive, and policy authorities for administering Forest Service waters.

The State of Washington also has several legislative authorities for administering practices in and adjacent to State waters (1) Forest Practices Act, (2) Shorelines Management Act, and (3) Coastal Zone Management Act.

Because there is often intermingled ownership of land (private and federal) within the National Forest boundary, and since practices on these lands and their effects are not necessarily confined to the land on which they occurred, it is desirable that the administration of forest land use practices, such as logging and road construction, be coordinated with the State.

Consistent application of practices to some degree is desirable since many of the timber operators cut both on private as well as Federal lands.

Mining - There is an agreement dated 3/18/71 between the Forest Service and the Washington State Department of Natural Resources. The agreement is contained in Forest Service Manual 2803, R6 Supp. No. 5, July 1971, and defines responsibilities under the Washington Surface-Mined Land Reclamation Act of 1970. A coordination problem could occur when such activity falls within the Shoreline or Coastal Zone Area under the jurisdiction of the Department of Ecology.

Subdivisions - Forest Service Guidelines for granting access to private subdivision developments whenever such access is across National Forest lands is contained in Forest Service Manual 2700, R6 Supp. Nos. 48, 49, and 50. These instructions define the criteria to be used in determining whether such access is valid, what constitutes an appropriate method of access, and how such access will be constructed. There is an opportunity for cooperation with State and local governments which may be especially productive when shorelands are involved. Forest Service Manual Instructions and other correspondence dealing with access have been sent to the Washington State Association of Counties, Department of Commerce and Economic Development, Washington State Association of County Officials, and the County Road Administrative Board.

Wild and Scenic Rivers Legislation - The Forest Service has actively participated in the formulation of Washington State Legislation. Because of the involvement of National Forest land, Archie Mills, Planning Staff Officer, Wenatchee National Forest was appointed Forest Service representative to work

with the Washington State Legislature House Committee on Ecology and the Wildland Scenic Committee. The relationship of the proposed legislation and the State Shoreline Management Act is a major issue.

Coastal Zone Management - Related Plans and Studies

Skagit River Study - A current study to determine whether or not the designated segments should be included in the National Wild and Scenic River System.

One of the problems in the study is the large amount of non-federal land adjacent to the river. A management alternative based on the Washington State Shoreline Management Act for control of the land within the proposed river corridor is currently being developed by the Mt. Baker-Snoqualmie National Forest, the State of Washington and Skagit County. This approach to management appears to be the solution to the problem of Federal-State coordination in instances where most of the lands are in non-federal ownership.

Other difficulties (Permits) - Washington State has proposed incorporating permit regulations (Chapter 173-14 WAC) that would require the Federal Government to obtain a permit for substantial developments undertaken on land not owned in fee by the Government.

The Forest Service believes that its permanent easements are Federal property and should be treated in the same manner as other National Forest land. A draft memorandum of understanding has been prepared that incorporates the Forest Service Position on Federal Easements in defining each agency's responsibilities under the Shoreline Management Act of 1971.

Forest Service personnel met with Department of Ecology Staff, May 22, 1974, following an early 1974 attempt by Chelan County to require a Shoreline Permit for reconstruction of the Icicle Road. The Forest Service, under the National Environmental Policy Act of 1970, prepares an Environmental Analysis Report or impact statement as appropriate for each timber sale or road construction project by a cooperator across National Forest land. This issue has not been resolved.

The following correspondence is on file regarding this issue: October 9, 1974 letter to Mr. Jensen, Assistant Attorney General, from Mr. Beeman, Acting Director, Lands and Minerals (File 1560); October 1, 1974 letter to C. Merle Hofferber, Staff Director, Lands and Minerals, from Mr. Gish, Attorney; August 23, 1974 letter to Mr. Beeman from Mr. Jensen, Assistant Attorney General; June 10, 1974 letter to Mr. Mack, Department of Ecology, from Mr. Beeman, Acting Assistant Regional Forester, Lands and Minerals (File 1560).

Shoreline Management Involvement

Shoreline Act - There was no Forest Service involvement in initial formulation or passage of the Act.

Guidelines - No Forest Service involvement.

Permits - See above "Other Difficulties" section regarding Coastal Zone Management.

Local Master Program Formulation

There was a considerable amount of Forest Service involvement in several of the Master Programs. This involvement has primarily been from the National Forests in Washington and often at local County meetings where the Forest Service was represented by the District Ranger and his Staff. This type of involvement was considered to be especially appropriate because of the knowledge these individuals have of local situations and problems.

Specific instances of involvement are as follows. This is probably not a complete listing.

- A Forest Service forester worked on Master Programs for Grays Harbor and Pacific Counties while working for local Regional Planning Commissions under the Intergovernmental Personnel Exchange Act. Because this was a cooperative program with the State, some material was shared with others throughout Washington.

- Forest Service-Department of Natural Resources Cooperative Program placed a forester in the Office of Community Development. This individual participated in the formulation of various Master Programs throughout the State.

- Five different specialists from the Mt. Baker-Snoqualmie National Forest served as members of technical advisory committee. Counties involved were Whatcom, Skagit, Pierce and Snohomish.

- Olympic National Forest Lands and Recreation Staff participated in review groups for programs in Mason, Grays Harbor (including principal municipalities) and Jefferson Counties.

- Wenatchee National Forest personnel served on Technical and Citizen Advisory Committees for Yakima, Kittitas, and Chelan Counties.

- Colville National Forest personnel participated in Pend Oreille and Ferry Counties.

- The Gifford Pinchot National Forest had a representative on the Technical Subcommittee in Clark County.

Review of Master Program - The Forest Service may become involved in review of Skagit County's Master Program, since study rivers named in the Wild and Scenic River Act are involved. Skagit County has not yet submitted its Master Program for review.

Wenatchee National Forest personnel were in attendance at the recent Department of Ecology Program Review meeting.

United States Department of the Interior
NATIONAL PARK SERVICE
OLYMPIC NATIONAL PARK
600 East Park Avenue
Port Angeles, Washington 98362

IN REPLY REFER TO:

A2427
(OLYM)S

January 24, 1975

Mr. Marvin Vialle
Assistant Director
State of Washington
Department of Ecology
Olympia, Washington 98504

Dear Mr. Vialle:

We are pleased to respond to your letter of January 17. Olympic National Park administers some 50 miles of coastline in the State of Washington comprising the great proportion of the Pacific seacoast on the Olympic Peninsula. In this area the National Park Service enjoys "exclusive jurisdiction" (state and local laws and regulations do not apply except in regards to collecting taxes and issuing warrants); administration is by means of federal law, policies and regulations as contained in various Codes of Federal Regulations.

The Service also administers San Juan Island National Historical Park comprising two small parcels of land having a combined length of about nine miles fronting on coastal environments on San Juan Island, San Juan County, Washington. These areas are administered under concurrent jurisdiction (both federal and state laws are equally applicable).

The National Park Service's mission as defined by the United States Congress in the Act of August 25, 1916, establishing the National Park Service states that the Service will regulate the use of these federal areas "to conserve the scenery and the natural and historic objects and wildlife therein, and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." This Act and subsequent federal legislation, including

most particularly the Acts establishing Olympic National Park, dated June 29, 1938, (52 Stat. 1241), and subsequent proclamations enlarging the Park, and (80 Stat. 737), 1966, establishing San Juan Island National Historical Park as well as such other federal laws and statutes as the Antiquity Act, 1906, the Historic Sites Act of 1935, Public Law 89-249 establishing concessions policies, a great listing of federal regulations and federal law pertaining to management of federal properties and interests (e.g. environmental legislation), even extending to international Conventions such as Treaty Series 981 between the United States and other American Republics covering nature protection and wildlife preservation in the Western Hemisphere, give legislative direction to our administration.

Additionally, of course, National Park Service Administrative Policies as defined by the Director of the National Park Service and approved by the Secretary of the Interior give decision to our activities. Some of these policies are in the form of advisory board reports to the Secretary, as adopted and encompassed within policy dicta; others have evolved or have been sustained from early correspondence between the Director and the Secretary extending back to the very first days of the National Park Service. The Park issues permits and contracts, as appropriate, to provide for privately owned developments and commercial use within the Park, in accordance with policy to achieve the mission of the Service. A copy of Administrative Policies for Natural Areas of the National Park System, (revised 1970), as currently in force, can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Olympic National Park currently provides visitor and resource protection within the coastal zone above high water line from about one mile north of the mouth of the Queets River to Ozette (Indian Reservation lands excluded), and exercises full control over all developments within our jurisdiction. Through a Memorandum of Understanding with the State Parks and Recreation Commission we conduct interpretive walks and talks in the beach area below high water, provide beach cleanup, trail maintenance and construction and by means of "deputy" commissions exercise a law enforcement presence on the state owned beach lands. The highway right-of-way between Ruby Beach and Kalaloch is under the joint administration of the State and the National Park Service.

The only real difficulty encountered in the management of existing cooperative National Park Service programs in this area is that our personnel do not have liability bonding when acting under state law in effecting enforcement actions on the beaches. Additionally, it would be desirable for state and federal programs, projects and regulations providing for public use and wildlife and other resource protection within the coastal area to be more closely coordinated.

There are no coordinating problems in the San Juans.

Olympic National Park has recently completed its wilderness and master plans and related environmental statements. It is expected the master plan will be approved and made public within the next few weeks. The wilderness plan has been approved through the various levels of administration and is now awaiting action by the U.S. Congress. It is proposed in the wilderness plan that the portion of coastal park north of the Hoh River be designated a "wilderness."

The master plan for San Juan Island National Historical Park is currently under study. This area is not being considered for wilderness.

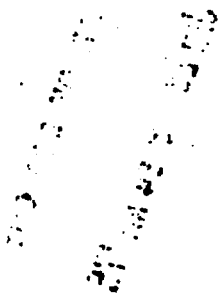
Joint activities and cooperative actions between the federal and state governments are largely related to ecological research. In the San Juan area the Park and the University of Washington are engaged in estuarine studies and joint investigations and regulations have been promulgated in regard to clams. In Olympic National Park the University of Washington is under permit to develop an interpretive prospectus for the coastal area. Additionally, baseline ecological research is scheduled for early consideration.

Personnel from both Olympic National Park and San Juan Island National Historical Park have been observers or informally involved at hearings and work sessions involved in the development of shorelines management plans for their

respective counties. Formal participation has not been necessary inasmuch as constant contact with state and local planning personnel have assured appropriate zoning and consideration of the federal interests.

Sincerely yours,

Roger W. Allin
Superintendent



APPENDIX D. SAMPLE PACKET——FEDERAL/STATE CZM SYSTEM

INTRODUCTION

The packet system is intended to become a primary instrument of understanding and coordination between federal and state official counterparts as they each relate to their responsibilities under coastal zone management. The packets have been prepared to identify ten elements of basic information although it is recognized that the 47 federal agencies which have coastal responsibilities do not all fit neatly into the packet pattern. The ten basic elements within the packet system include: (1) a statement of DOE policy as it relates to the agency's federal coastal zone management resposibilities; (2) the federal agency's organization and specific areas of involvement in the CZM process; (3) a statement of the federal agency's mission and its CZM implications; (4) mechanisms providing for CZM coordination and input from the state on federal plans, policies and programs; (5) the process through which each agency provides an opportunity for the state to understand and participate in the determination of national interest for federal facilities; (6) the process for determination of consistency of federal CZM activities with state programs; (7) a discussion of CZM-related facility developments by the federal agency and their consistency with state interests; (8) a discussion of the agency's regulatory functions with CZM relevance; (9) a discussion of any grant programs offered and their consistency with state interests; and (10) maps of areas within the coastal zone under jurisdiction of the federal agency.

The sample packet included in this appendix has been prepared on behalf of the U.S. Fish and Wildlife Service. *However, please note that the version contained herein is only a draft and has not been reviewed and approved by the Fish and Wildlife Service. Likewise, the policy statement by DOE (packet element # 1) is at this time only a draft.* DOE will initiate discussion in the weeks ahead to further refine the packet system and its implications for the various federal agencies.

General Policy

The overriding philosophy of the State of Washington is that the coastal zone is among the most valuable of resources and that a comprehensive and coordinated program of management is essential to prevent damages resulting from uncoordinated and piecemeal development. This philosophy presumes that the coastal resource be viewed as an interrelated unit, irrespective of ownership, jurisdiction or current individual agency goals and policies.

The overall approach to be used by the state in pursuing coastal zone objectives is that both federal and state interests must be recognized and that there is a local, state, and national interest in the use and conservation of the coastal resources. Additionally, it is a policy of the state that where federal or interstate agency plans, activities, or procedures conflict with state policies, all reasonable steps available shall be taken by the state to preserve the integrity of its policies. (Chapter 90.58.260 RCW.) This policy is consistent with and reinforces the policy contained in the Coastal Zone Management Act to encourage and assist the states to exercise effectively their responsibilities in the coastal zone.

In enacting the CZM Act of 1972, Congress acknowledged that there is a direct national interest in the effective management of the coastal zone and that its carefully planned development, protection, and public use is of concern to all of the citizens of the United States. Nationwide public interest is manifested many ways: through the use of the coastal zone for international commerce, for national defense and security, for active and passive recreational pursuits, and in recognition of the complex and interrelated natural systems and the use of man-modified segments of the coastal zone.

In response to the need for recognizing the national interest in the state program, extensive consultation and coordination has been undertaken with federal agencies within a comprehensive management framework to insure that the missions, responsibilities, and activities of those agencies, and their perceptions of the national interest, are recognized in the program. National defense and security, for example, are among the highest priority of uses of Washington's coastal zone. Similarly, the needs and concerns of a broad spectrum of federal agencies such as the National Park Service, the Federal Energy Administration, the Army Corps of Engineers, Fish and Wildlife Service, and the Coast Guard are recognized and reflected in the program.

It is the intent and desire of the state to minimize any form of adversary confrontation when the legislative responsibilities and duties of one agency conflict with those of the state CZM program. Every effort will be exhausted through communication and informal-channels before resorting to formal procedures for conflict resolution.

Federal Consultation and Coordination

The state will make a continued effort to better understand federal interests and proposed federal actions and to better make its interests known to federal agncies. The State/Federal Coastal Zone Management Coordinative Packet System has been designed specifically to ensure that a basis for considering individual agencies needs and concerns is established and maintained in the future. The system, developed and maintained jointly between the individual agencies and the State's Department of Ecology, is intended to provide a continuing mechanism to assure a mutual understanding of one another's programs.

The objective of each packet is to arrive at the understanding with each affected agency, that the state does, in fact, have the necessary information to take into account the national interest in its coastal zone program. Moreover, the packet is intended to provide the federal agency a basic understanding of how the state perceiives federal interests.

When the state does, in fact, have the information necessary to take into account the national interest in the coastal zone program, the packet system will also have provided the federal agency with a reciprocal understanding of how to perceive the state's interest. For the above purposes, the packets will be subject to continual updating and elaboration as subjects arise which warrant more specific and concise understandings. For these reasons the state will, to the maximum extent feasible, assure that the program is carried out in a cooperative and coordinated manner.

Excluded Lands and the Coastal Zone Boundary

The Coastal Zone Management Act excludes from the coastal zone " . . . lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents." It is presumed that the definition applies to both military as well as nonmilitary lands. It is the position of the state that irrespective of "exclusion," developments and activities on those lands should be undertaken with cognizance of and, to the maximum extent practicable, the spirit, intent and policy of the state program and the Federal Coastal Zone Management Program.

Excluded lands are considered to be those owned in fee by the federal government or held in trust, but do not include such trust or fee lands

where the federal government or a court of appropriate jurisdiction has granted or reserved unto the state or its local governments substantial jurisdiction over land and water uses.

The decision to approve, disapprove, or condition nonfederal activities and developments proposed adjacent to excluded lands, but not on those lands, should be made only after appropriate consideration of the potential impact of that activity or development on the excluded lands, and the national interest in activities thereon.

Developments and activities of federal agencies are not considered to be subject to state or local permit systems when those developments and activities take place on excluded lands. Provided, that federal agencies are subject to congressionally-mandated, state-operated permit systems without regard to land ownership when such is required by specific federal law or ruling of federal court.

Permit systems shall apply to nonfederal activities and developments undertaken on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

The Determination of Consistency of Federal Activities and Developments

The state will make a continued effort to define, after mutual agreement with the concerned federal agency, which activities and developments are subject to the relevant consistency requirements of section 307. In the interim, before joint agreements have been consumated, it shall be the responsibility of the federal agency to examine the activity in light of the findings embodied in section 302 and the policies embodied in section 303 of the CZMA and determine if the activity "directly affects" the coastal zone of the state. At a minimum, those activities located in the "Resource Boundary" found in the Washington Coastal Zone Management Program shall be considered to directly affect the coastal zone. Further, the state should be notified of all such determinations for proposed new activities or proposed substantial alterations in existing activities outside the resource boundary, but having a direct and significant impact on the area encompassed by the resource boundary.

The resource boundary is defined as those wetlands under the jurisdiction of the Shoreline Management Act of 1971 which basically includes the marine waters and their associated wetlands, and those uplands 200 feet back from the ordinary highwater mark. This is considered to be the primary or first tier resource boundary. The second tier, or administrative boundary, is the fifteen coastal counties which abut marine waters, including Wahkiakum County on the Columbia River Estuary.

It shall be the responsibility of the federal agency, assisted by the state, to determine that a proposed development, or activity is consistent with WCZMP. Notification of such determination to the state shall be the responsibility of the federal agency. The state will work with affected federal agencies through the informational packet exchange system to arrive at mutually agreed upon mechanisms of notification.

State Role in Determination of Consistency

For Coastal Zone Management purposes, determination of consistency, and any determination relating to the process of permit and license certification, shall also be undertaken by the State of Washington (Department of Ecology) with the federal agency involved, either jointly or by methods proposed in the packets or established at a later date. The state will be responsible for assuring that local desires and concerns are considered by the state in determining the consistency and conformity of federal developments, grants, activities, and in the certification of licenses and permits.

Consistency of Federal Permits and Licenses

The policy of the state is that any applicant for a federal license or permit to conduct an activity affecting land and water uses in the coastal zone shall provide the federal agency certification that the proposed activity complies with the state program. The applicant will be responsible for providing the state a copy of the certification. Methods for determining which activities are subject to the certification process and how applicants will be informed of the need to certify will be developed mutually through the packet information system. The state will make every effort to notify the concerned federal agency that the state concurs with or objects to the applicants certification.

Consistency of Federal Grants

State and local government requests for federal assistance shall be consistent with the state program. Local and state government will furnish their views to the federal agency as to the relationship of such federally-funded activities to the approved state program. The primary mechanism for notification to the state shall be the use of, and consistency with, the procedures of title IV of the Intergovernmental Cooperation Act of 1968 (the A-95 process).

Specific Policy on U.S. Coast Guard Concerns

The state acknowledges the language and intent of Section 307(e), to wit: "Nothing in this title shall be construed to diminish either federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; . . . "and does not expect to manage traditional Coast Guard operations on or in coastal waters in any way. It is expected, however, Coast Guard actions in these areas will be consistent with the CZMP to the maximum extent practicable.

U.S. Coast Guard continuing participation in the CZMP processes will, in part, result from reviews and comments on local agency shoreline master programs. These reviews will be facilitated by membership of the DOT SECREP on the local Shoreline Master Program Review Task Force.

The state recognizes that:

1. In case of serious disagreement between any federal agency and the state in development of the program, mediation is by the Secretary of Commerce in cooperation with the Executive Office of the President.

2. Any federal agency undertaking a development project in the coastal zone shall insure (for itself) that the project is consistent to the maximum practicable extent with CZMP.

3. Federal agencies shall not approve proposed projects (of state and local governments) that are inconsistent with the state's CZMP, except upon a finding by the Secretary of Commerce that the project is consistent or necessary in the interest of national security.

Coast Guard elevation of problems needing resolution by the Secretary of Commerce will be through channels, i.e., through the Commandant of the U.S. Coast Guard and the Secretary of Transportation.

POLICY (cont'd)

Policy statement about the state/federal relationship enunciated by the Secretary of Transportation and operative for the U.S. Coast Guard:

NATIONAL TRANSPORTATION INTEREST
IN THE COASTAL ZONE

The development of a balanced national transportation system, including well articulated and integrated surface, air, water, and subsurface modes, is a primary element of the national interest. Transportation corridors, inland and coastal ports, and transportation support facilities are necessary adjuncts to such a system. When essential in the national interest, the construction, maintenance and improvement of present and future transportation systems on and under the surface of the land, on and under those waters subject to the jurisdiction of the United States, and in the air, shall predominate over less essential interests.

The national transportation interest is applicable in the coastal zone. It finds expression in the body of federal laws, regulations and the related programs that influence, shape and support the development and functioning of the nation's transportation system. Basic to this body of law is the Congressional Declaration of Purpose in the Department of Transportation Act (49 USC 1651):

> "The Congress hereby declares that the general welfare, the economic growth and stability of the Nation and its security require the development of national transportation policies and programs conducive to the provision of fast, safe, efficient, and convenient transportation at the lowest cost consistent therewith and with other national objectives, including the efficient utilization and conservation of the Nation's resources."

The body of federal transportation law (see attachment) provides for both direct federal actions and federal programs or assistance to state and local government.

Direct programs include deepwater port regulatory programs and maritime safety, navigation, and marine pollution programs administered by the United States Coast Guard; air traffic control and air navigation programs administered by the Federal Aviation Administration; road construction programs in federal lands administered by the Federal Highway Administration; rail safety regulations administered by the Federal Railroad Administration; pipeline safety regulations administered by the Materials Transportation Bureau; a cargo security program focused in large part on the nation's principal ports; and operation of the St. Lawrence Seaway by the St. Lawrence Seaway Development Corporation. The

national interest in the coastal zone is based on the body of law governing these programs. Each of these direct federal transportation programs has some impact on at least some portion of the coastal zone. Coastal zone management programs should include explicit acknowledgment of and adherence to existing and future national interest in each of these direct transportation programs.

Federal assistance programs include federal grants and loans to state and local government for airport construction, highway construction, railroad financial aid, urban mass transportation construction and operation, and for highway traffic safety. States and localities are involved in these assistance programs, not as mere instruments of federal action, but as policy centers in their own right, with wide latitude to shape the transportation systems to serve local needs. But federal statutes governing these assistance programs include constraints reflecting the national interest, such as protection of parklands, and reduction of air, noise, and water pollution. In varying degrees, all federal transportation assistance programs entail the weighing of national and state-local interests. Coastal zone management programs should reflect coordination with and consideration of transportation facilities and programs developed and planned with federal assistance by state and local government.

In the application of direct federal transportation programs and federal transportation assistance programs, it is in the national interest to provide fast, safe, efficient, and convenient access via one or more modes of transportation (e.g., airway, highway, railway, waterway, bicycle, pedestrian) for the movement of people, goods, and services to, from, along, and through the coastal zone for purposes including, but not limited to the following:

a. providing for the national defense (e.g., access to military installations and ports of embarkation)

b. maintaining the public safety and welfare (e.g., hurricane evacuation routes)

c. managing public lands in the coastal zone (e.g., access to wildlife sanctuaries)

d. providing for public recreation (e.g., beach access)

e. facilitating interstate and international commerce (e.g., access to seaports)

f. developing and using natural resources in the coastal zone and the outer continental shelf (e.g., oil, fisheries).

POLICY (cont'd)

The national interest related to the different and varying conditions that exist in the coastal zones of the several coastal states will be more specifically addressed as each coastal state consults with the Regional Representative of the Secretary of Transportation during the development of their respective coastal zone programs.

ATTACHMENT

The body of federal law governing transportation programs with existing or potential impact on the coastal zone, and administered in whole or in part by the U.S. Department of Transportation includes, but is not limited to:

Department of Transportation Act (49 USC 1651, et seq.)
Federal Aviation Administration Act of 1958, as amended (49 USC 1301, et seq.)
Airport and Airways Development Act (49 USC 1701, et seq.)
Title 23, USC, "Highways," Section 101, et seq.
Urban Mass Transportation Act (49 USC 1601, et seq.)
Railway Safety Act of 1970 (45 USC 421)
Regional Rail Reorganization Act of 1973 (P.L. 93-236)
Water Resources Planning Act (42 USC 1962)
Federal Water Pollution Control Act Amendments of 1972 (33 USC 1151)
Ports and Waterways Safety Act of 1972 (33 USC 1221-1227, 46 USC 391a)
Deepwater Port Act of 1974 (33 USC 1501)
Outer Continental Shelf Act (43 USC 1331-1343)
Marine Protection, Research and Sanctuaries Act of 1972 (16 USC 1431, 33 USC 1401)
Coast Guard, Primary Duties (14 USC 2)
National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 USC 1381, et seq.)
Highway Safety Act of 1966, as amended (23 USC 401, et seq.)
Saint Lawrence Seaway Development Corporation Act of 1954, as amended (33 USC 981, et seq.)
Natural Gas Pipeline Safety Act (49 USC 1671, et seq.)
Transportation of Explosives Act (18 USC 831-835)
Hazardous Materials Transportation Act (49 USC 1801-1811)

Element # 2

A CHART OF YOUR FEDERAL AGENCY WHICH INCLUDES REGIONAL AS WELL AS NATIONAL INFORMATION, NAMES OF KEY CONTACT PEOPLE AND A CODING FOR SPECIFIC AREAS OF INVOLVEMENT.

The aim of this element is to reflect the existing interrelationships between levels of government. The 306 document describes the two networks, federal and state. Charts below illustrate the bigger picture relating to the one-to-one relationship described in this packet. The big picture in the 306 document requires a bulky appendix to merely give thumbnail descriptions; to add the substance of all packets would have required 800 pages.

These charts below help us to understand where our coastal responsibilities lie. First, note the tabulation of all 47 federal entities on page 2-2; next show your federal and regional organization as it relates to coastal functions. Then consider the state-table of organization and where within the Department of Ecology structure coastal zone management functions are entrusted. To amplify this preliminary packet, you may be able to offer us better exhibits that reflect your specific interrelationships, existing or needed.

Later, we hope that a three-dimensional perspective may evolve to give a better feel for the webs of coordination and participation from which more effective coastal management will result.

ELEMENT REFERENCES

Adopted Under Section 306 RULES AND REGULATIONS

§ 923.31 Full participation by relevant bodies in the adoption of management programs.

(a) *Requirement.* In order to fulfill the requirement contained in section 306(c)(1), the management program must show evidence that:

(1) The management program has been formally adopted in accordance with State law or, in its absence, administrative regulations;

(2) The State has notified and provided an opportunity for full participation in the development of its management program to all public and private agencies and organizations which are liable to be affected by, or may have a direct interest in, the management program. The submission of the management program shall be accompanied by a list identifying the agencies and organizations referred to in paragraph (a)(2) of this section, the nature of their interest, and the opportunities afforded such agencies and organizations to participate in the development of the management program. These organizations should include those identified pursuant to § 923.32, which have developed local, areawide or interstate plans applicable to an area within the coastal zone of the State as of January 1 of the year in which the management program is submitted for approval; and

(3) The management program will carry out the policies enumerated in section 303 of the Act.

(b) *Comment.* Statutory citation: Section 306(c)(1):

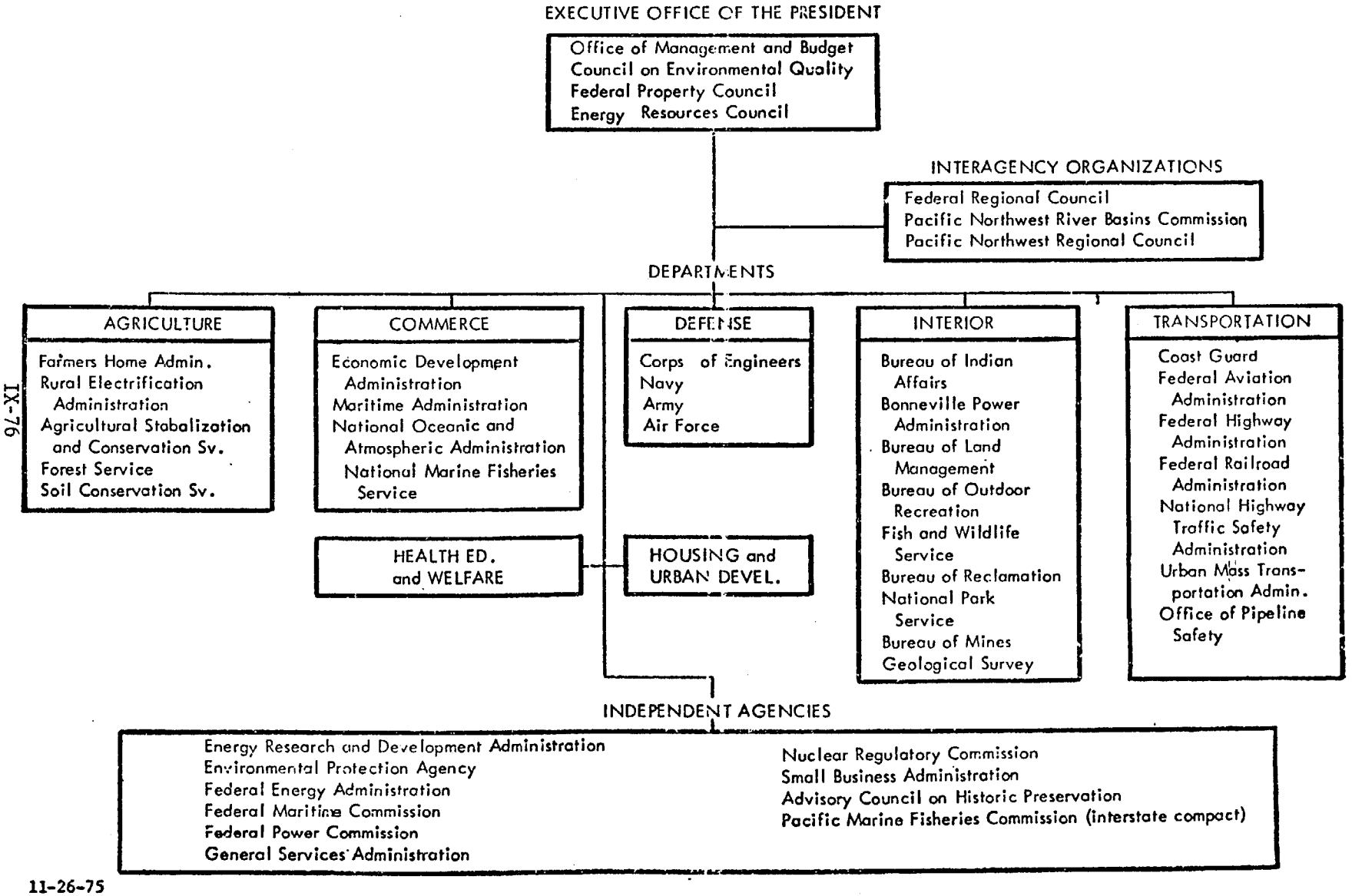
Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * (1) the State has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, State agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

FEDERAL REGISTER, VOL. 40, NO. 6—THURSDAY, JANUARY 9, 1975

(PLEASE ATTACH & CODE OTHER SHEETS FOR MORE EXPLANATION)

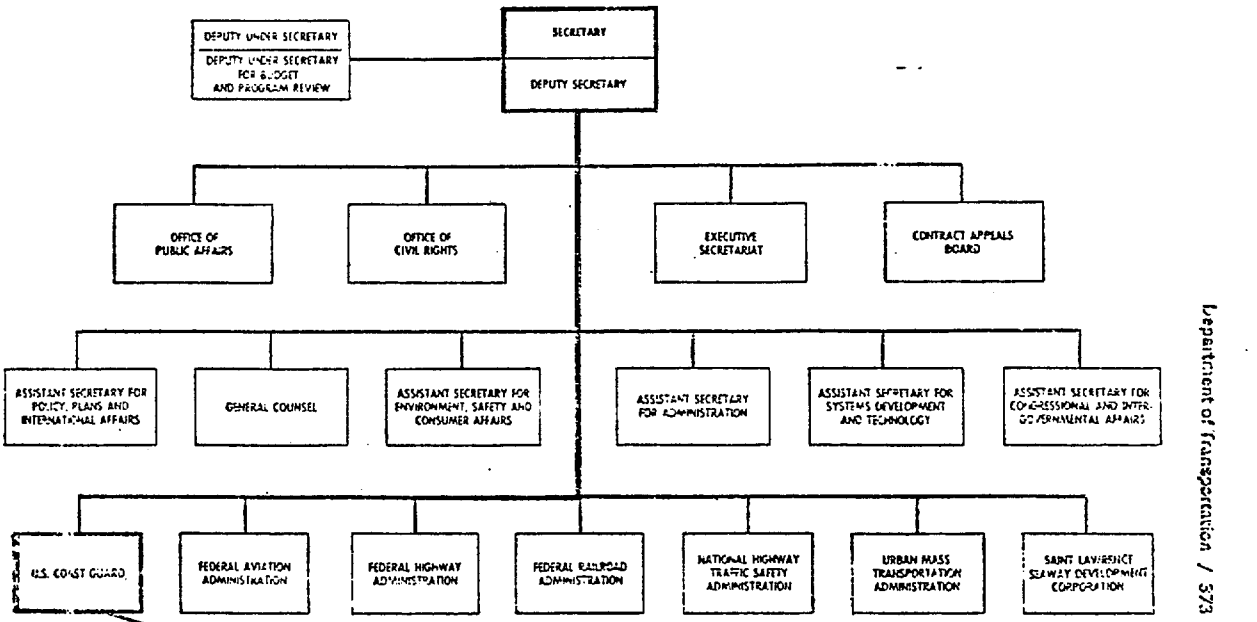
11-24-75

FEDERAL COORDINATION
in the
WASHINGTON STATE COASTAL ZONE MANAGEMENT PROGRAM



11-26-75

DEPARTMENT OF TRANSPORTATION



Department of Transportation / 573

PACIFIC AREA
VICE ADMIRAL JOSEPH J. McCLELAND
Commander

DOT SECREP
Regional Coordinator

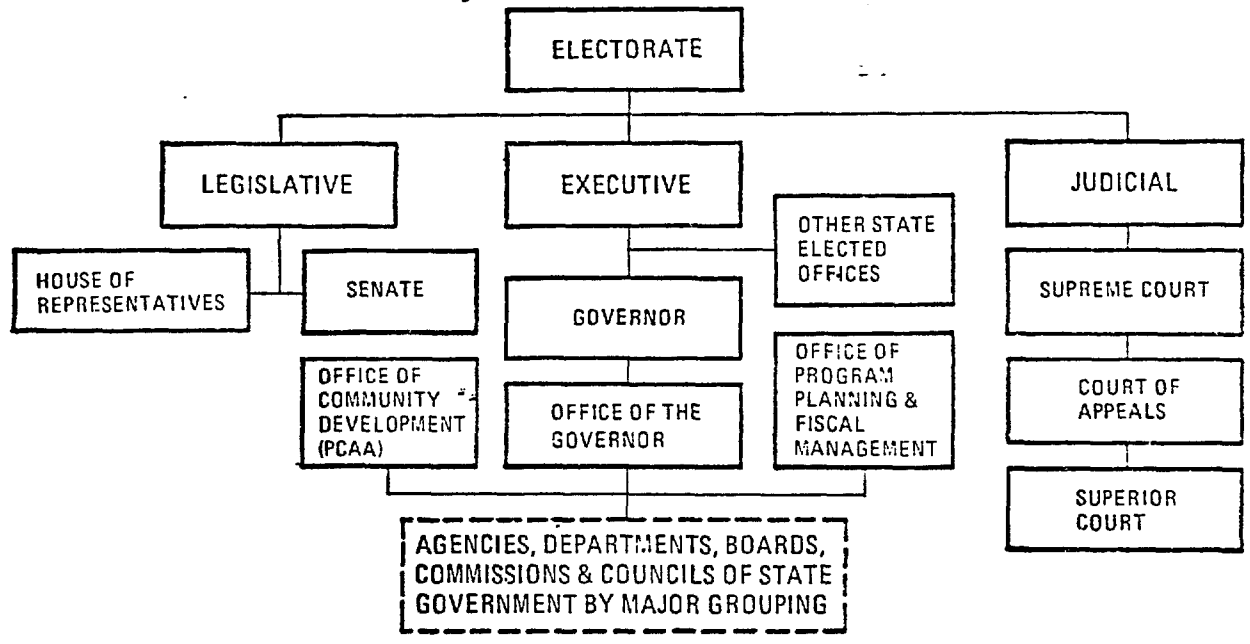
11th District | 12th District | 13th District | 14th District | 17th District

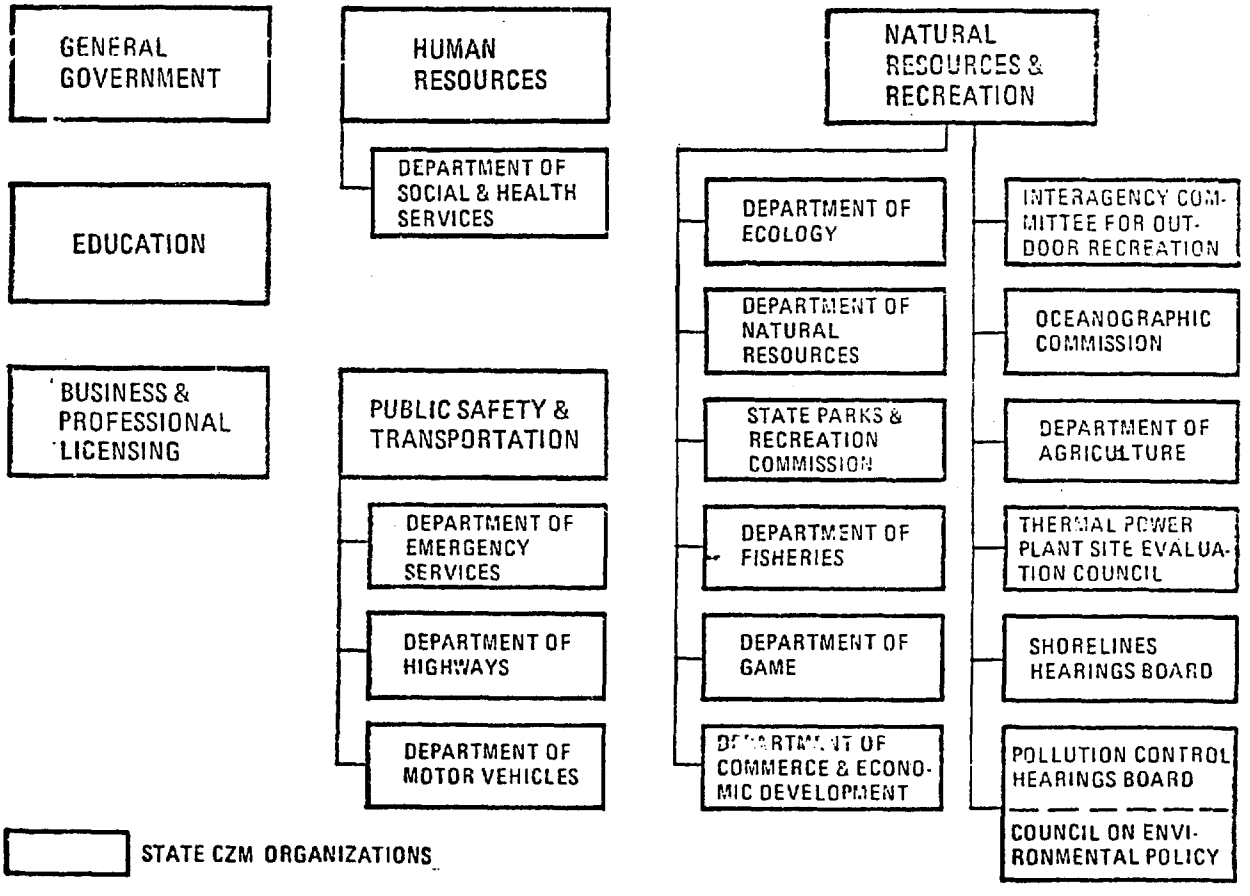
13th District
REAR ADM. C. A. RICHMOND, Jr.
Commander

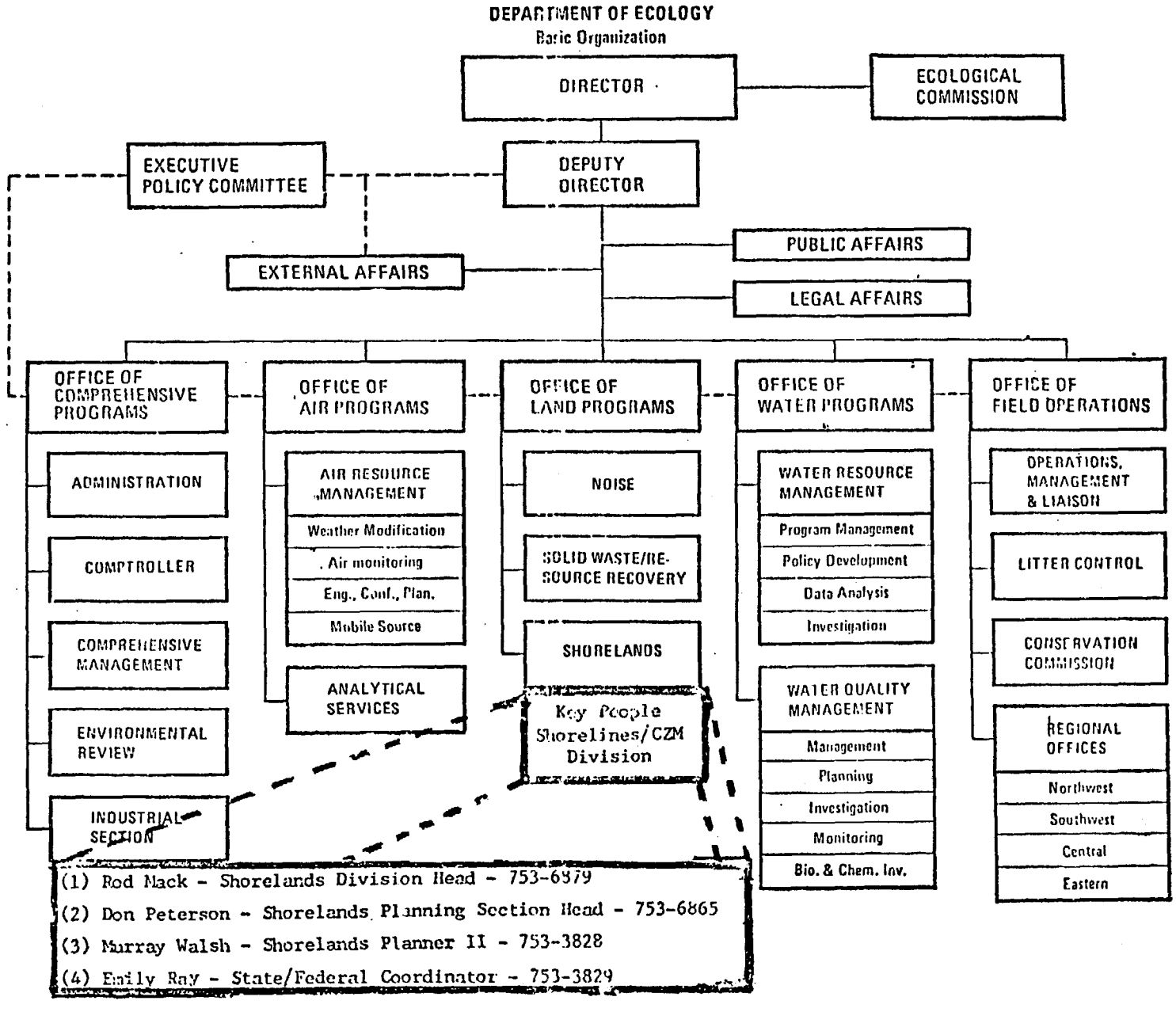
Contact Person:
- Mr. George Flawn
3506 Federal Building
915 2nd Ave.
Seattle, WA 98104
(206) 442-5850

Area of involvement: All Coastal Zone Interests of the U.S. Coast Guard in the State of Washington.

WASHINGTON STATE GOVERNMENT
Basic Organization for Coastal Zone Management






DEPARTMENT OF ECOLOGY
Basic Organization
DIRECTOR
ECOLOGICAL COMMISSION
EXECUTIVE POLICY COMMITTEE
DEPUTY DIRECTOR
EXTERNAL AFFAIRS
PUBLIC AFFAIRS
LEGAL AFFAIRS
OFFICE OF COMPREHENSIVE PROGRAMS
ADMINISTRATION
COMPTROLLER
COMPREHENSIVE MANAGEMENT
ENVIRONMENTAL REVIEW
INDUSTRIAL SECTION
OFFICE OF AIR PROGRAMS
AIR RESOURCE MANAGEMENT
Weather Modification
Air monitoring
Eng., Conf., Plan.
Mobile Source
ANALYTICAL SERVICES
OFFICE OF LAND PROGRAMS
NOISE
SOLID WASTE/RESOURCE RECOVERY
SHORELANDS
Key People Shorelines/CZM Division
OFFICE OF WATER PROGRAMS
WATER RESOURCE MANAGEMENT
Program Management
Policy Development
Data Analysis
Investigation
WATER QUALITY MANAGEMENT
Management
Planning
Investigation
Monitoring
Bio. & Chem. Inv.
OFFICE OF FIELD OPERATIONS
OPERATIONS, MANAGEMENT & LIAISON
LITTER CONTROL
CONSERVATION COMMISSION
REGIONAL OFFICES
Northwest
Southwest
Central
Eastern
(1) Rod Mack - Shorelands Division Head - 753-6379
(2) Don Peterson - Shorelands Planning Section Head - 753-6865
(3) Murray Walsh - Shorelands Planner II - 753-3828
(4) Emily Ray - State/Federal Coordinator - 753-3829

CHARTS (cont'd.)

The state of Washington, Department of Ecology, recognizes that an understanding of federal missions and existing coordination mechanisms are essential for good coastal management. The tables of organization reflect levels of hierarchy and interaction already taking place. The narrative in this packet attempts to underscore the what, how and why of these interrelationships so that any modifications in coordination and participation practices will be consistent with the well-functioning mechanisms found operative as CZM begins at the state level.

At the presidential executive level several coordination monitoring instrumentalities exist. While no packet is written about OMB, CEQ, FPC, and ERC, four (4) appear at the head of the table. Because none have regional administrative roles to interface with DOE, all federal departments and independent agencies must be coordinatively responsive to these levels of executive oversight. Clearly, these four (4) tend to control their respective functions. The 306 document and appendices highlight their significance to coastal management and repetition is not warranted here.

Counterparts to this federal oversight at the executive level occur in the state network. The 306 text illustrates how coordination in the broad sense occurs for:

a) OMB program reviews such as the A-95 process with comments and reviews occurring through OPPFM and OCD,

b) CEQ administration of NEPA through the circulation of an environmental impact statement (EIS) occurs through the state and parallel to the SEPA/EIS functions administered by DOE,

c) FPC oversight on property disposal and transfer on a policy basis occurs in parallel through the Governor's sub-cabinet on natural resources, and

d) ERC oversight on overall energy policy is paralleled by TPPSEC and the new office being established by the Governor as may affect the use of the coastal zone.

Element # 3

A STATEMENT ABOUT THE "MISSION" OF YOUR AGENCY AND THE CZM IMPLICATIONS OF THAT MISSION.

The following information was excerpted from detailed information provided by C. A. Richmond, Jr., Rear Admiral, USCG, Commander, 13th Coast Guard District, by letter of 19 March 1975. More detail is available in a "Coast Guard Jacket" maintained at the Department of Ecology.

Transportation

3.21 April 1, 1967 the Coast Guard with those powers, functions and duties relating to the Coast Guard was transferred to the Department of Transportation (49 USC 1655) from the Department of the Treasury. Under the Department of the Treasury, the Coast Guard developed by transfers and combining of agencies and their functions (14 USC 2) the result was an evolved agency much as now exists.

4. Coastal Zone Management Related Goals

4.1 JURISDICTION

4.11 Primary duties (14 USC 2)

"The Coast Guard shall enforce or assist in the enforcement of all applicable federal laws upon the high seas and waters subject to the jurisdiction of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on the high seas and on waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain, and operate with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for

ELEMENT REFERENCES

The mission of each agency is set forth in the enabling legislation. Appropriate citations of the Act, and amendments, administrative codes, any application or review procedures are appropriate for an understanding of how a particular mission relates to the coastal zone interests of others. Excerpts from relevant documents should be highlighted so that a "marked file" is secured from each affected jurisdiction. That file will become part of the DOE looseleaf reference system.

Several programs of coastal zone significance have operational state/federal counterparts. Federally funded/state administrated "pass-through" arrangements are examples. The magnitude and operational relationship of any joint-jurisdictional efforts as relate to CZM should be summarized. Policy documents, plans, and programs should be available to broaden the understanding and to harmonize consistency between related missions of other agencies, federal or state.

(PLEASE ATTACH & CODE OTHER SHEETS FOR MORE EXPLANATION)

the promotion of safety on and over the high seas and waters subject to the jurisdiction of the United States; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war. August 4, 1949, c. 393, S 1, 63 Stat. 496."

HISTORICAL NOTE

Revision Note. This section defines in general terms, for the first time in any statute, all the primary duties of the Coast Guard. It is derived from Title 14, USC, 1946 ed., . . . Title 46 USC 1946 ed.

This section contains a codification of functions. It sets forth in general language the primary responsibilities of the Coast Guard: enforcement of all federal laws on waters to which they have application, safety of life and property at sea, aiding navigation, . . . Section 3 of this title.

CROSS REFERENCES

Aids to navigation authorized, see Section 81 of this Title.

Ice and derelict patrol, see Section 738a of Title 46, Shipping.

Jurisdiction, waters under jurisdiction of Coast Guard, see Section 89(a) of this Title.

Saving life and property, see Section 88 of this Title.

S 89. Law enforcement (14 USC 89)

(a) The Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States. (For such purposes, . . . shall be seized).

(b) The officers of the Coast Guard insofar as they are engaged, pursuant to the authority contained in this section, in enforcing any law of the United States shall:

(1) be deemed to be acting as agents of the particular executive department or independent establishment charged with the administration of the particular law; and

(2) be subject to all the rules and regulations promulgated by such department or independent establishment with respect to the enforcement of that law.

(c) The provisions of this section are in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers, or any other officers of the United States . . . ."

COMMITMENT

The state of Washington, Department of Ecology, recognizes that coordination coming from participation must also relate to the federal interagency organizations. Three interagency organizations are described in the 306 document text: (1) the Federal Regional Council, FRC, (2) the Pacific Northwest River Basins Commission, RBC, and (3) the Pacific Northwest (3-Governor) Regional Commission, PNWRC. Packets are prepared on each, and there may be an interrelationship between them and the elements that follow for your agency.

Insofar as mission for your agency is concerned, and to the extent that interrelationship with, or between, these three interagency organizations is important, the DOE takes cognizance here. The three organizations seem important for continuance of participation and coordination as follows:

a) FRC....can be helpful in coastal management as a federal "one-voice" on problems and issues that require a consensus for consistency purposes.

b) RBC....can be helpful from the standpoint of a joint federal/state focus on technical applications of standards and principles of multi-purpose character stemming from the Water Resource Council mandates within interests fostered by the Department of Interior, and

c) PNWRC....can be helpful if their preliminary plan evolves to aid both state and federal "line operations" with coastal policy including criteria and constraints for both growth and energy questions voiced by some federal entities heretofore.

Memoranda of understanding or process, if necessary, vertically between the state and your federal agency in this region, should outline whatever consistency and certification steps seem prudent for timely and responsive inter-action between your office and the DOE on a case-by-case basis. This may require extensive considerations through the 1976 program period.

Element 4

A DISCUSSION OF THE "PLANS, POLICIES, AND PROGRAMS" OF YOUR AGENCY RELEVANT TO CZM, AND A PROPOSED METHODOLOGY DESIGNED SPECIFICALLY TO IT, BY WHICH COORDINATION AND CONSULTATION MAY OCCUR BETWEEN YOUR AGENCY AND THE STATE.

The following information was excerpted from detailed information provided by the Commander, 13th Coast Guard District, by letter of 19 March 1975. More detail is available in a "Coast Guard Jacket" maintained at the Department of Ecology.

5. Coastal Zone Management Related Policies

5.1 Policy matters pertaining to the Coast Guard are found in part within Title 14, United States Code.

5.2 Policy

(14 USC 93) "Commandant; general powers

For the purpose of executing the duties and functions of the Coast Guard the Commandant may:

(a) maintain water, land, and air patrols, and ice-breaking facilities;

(b) establish and prescribe the purpose of, change the location of, consolidate, discontinue, re-establish, maintain, operate, and repair Coast Guard shore establishments;

(c) assign vessels, aircraft, vehicles, aids to navigation, equipment, appliances and supplies to Coast Guard districts and shore establishments, and transfer any of the foregoing from one district or shore establishment to another;

ELEMENT REFERENCES

§ 923.32 Consultation and coordination with other planning.

(a) *Requirement.* In order to fulfill the requirements contained in section 306(c)(2), the management program must include:

(1) An identification of those entities mentioned which have plans in effect on January 1 of the year submitted,

(2) A listing of the specific contacts made with all such entities in order to coordinate the management program with their plans,

(3) An identification of the conflicts with those plans which have not been resolved through coordination, and continuing actions contemplated to attempt to resolve them, and

Adopted Under Section 306 RULES AND REGULATIONS

(4) Indication that a regular consultative mechanism has been established and is active, to undertake coordination between the single State agency designated pursuant to § 923.23, and the entities in paragraph (B) of Section 306(c)(2).

(b) *Comment.* Statutory citation: Section 306(c)(2):

"Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find * * * that the State has:

(A) Coordinated its program with local, areawide and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the State's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

(B) Established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies and state agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title."

FEDERAL REGISTER, VOL. 40, NO. 6—THURSDAY, JANUARY 9, 1975

(PLEASE ATTACH & CODE OTHER SHEETS FOR MORE EXPLANATION)

(d) conduct experiments, investigate, or cause to be investigated, plans, devices, and inventions relating to the performance of any Coast Guard function and cooperate and coordinate such activities with other Government agencies and with private agencies;

(e) conduct any investigations or studies that may be of assistance to the Coast Guard in the performance of any of its powers, duties, or functions;

(f) collect, publish, and distribute information concerning Coast Guard operations;

(g) conduct or make available to personnel of the Coast Guard such specialized training and courses of instruction, including correspondence courses, as may be necessary or desirable for the good of the service;

(h) design or cause to be designed, cause to be constructed, accept as gift, or otherwise acquire patrol boats and other small craft, equip, operate, maintain, supply, and repair such patrol boats, other small craft, aircraft, and vehicles, and subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended, dispose of them;

(i) acquire, accept as gift, maintain, repair, and discontinue aids to navigation, appliances, equipment, and supplies;

(j) equip, operate, maintain, supply, and repair Coast Guard districts and shore establishments."

6. Coastal Zone Management Related Programs.

Contained within this section are programs which have been authorized and are included in present or future funding programs. Reference is shown for authorizing legislation and/or applicable pertinent section of the Coastal Zone Management Act of 1972 (86 Stat. 128, 16 USC 1451-1464).

6.1 The law requires Coast Guard goals, programs and projects must include planning to minimize potential adverse impact.

6.11 DEPARTMENT OF TRANSPORTATION ACT (PUBLIC LAW 89-670; 80 STAT. 931)

"AN ACT TO ESTABLISH A DEPARTMENT OF TRANSPORTATION, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That: . . . . . .

This act may be cited as the "Department of Transportation Act."

Section 4(f) The Secretary shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After the effective date of this Act, the Secretary shall not approve any program or project which requires the use of any land from a public park, recreation area, wildlife and waterfowl refuge, or historic site unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm of such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

6.12 (49 USC 1653) "GENERAL PROVISIONS - RESPONSIBILITIES OF SECRETARY OF TRANSPORTATION; LEADERSHIP, CONSULTATION, AND COORDINATION.

(f) Maintenance and Enhancement of Natural Beauty of Land Traversed by Transportation Lines.

It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. The Secretary of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After August 28, 1963, the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge or national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State or Local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

6.2 The Coast Guard must approve the location and plans of all bridges over navigable waters and the operating regulations of all drawbridges.

Location and clearances (33 USC 401, 491 to 507 and 525 to 534).
Drawbridge Regulations (33 USC 499).
Alteration of obstructive bridges (33 USC 511 to 524).
See also (33 CFR 114, 115, 116 and 117).

6.4 Specific programs with notation of relationship to the Coastal Zone.

6.41 Puget Sound Vessel Traffic System - erect three 90 foot towers to support radar and mirrowave dishes at Bush Point, Point Wilson, Point No Point, State of Washington.

"923.2 Definitions (86 Stat. 1280, 16 USC 1451-1464)

Substantial Development -- except that the following shall not be considered substantial developments:

(e) Construction or modification of navigational aids, such as channel markers and anchor buoys."

"923.11 Boundaries of the Coastal Zone. (86 Stat. 1280, 16 USC 1451-1464)

Definition -- Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

6.42 Although the VTS towers do not fall within the strict definition of "channel markers and anchor buoys" they certainly fall within the meaning of navigational aids in that these towers will provide the means for insuring the safe passage of marine traffic within Puget Sound.

6.43 Install or construct buoys, daymarks and ranges in various locations in Puget Sound, Anacortes Harbor, Baker Bay, Grays Harbor, Willapa Bay and Columbia River.

"923.2(29)(e)" (86 Stat. 1280, 16 USC 1451-1464) cited above applies.

6.44 Lighthouse Automation and Modernization - Program scheduled for 1975 - 79 in the State of Washington at:

Smith Island
Slip Point
Cape Flattery
New Dungeness
Point Wilson
Point Robinson
Alki Point
West Point
Mukilteo
Point No Point

6.45 Program will replace certain operating equipment within the structures with automated equipment and will enable the removal of the attending crews.

"923.2(29)(a)" (86 Stat. 1280, 16 USC 1451-1464) and "923.11" cited above apply as does the rationale involving the broader definition of an aid to navigation.

6.46 Rebuild Duwamish Head Light, Washington, recently destroyed by commercial marine traffic.

COORDINATION (cont'd.)

"923.2 Definitions (86 Stat. 1280, 16 USC 1451-1464)

(29) Substantial Development -- except that the following shall not be considered substantial developments:

(a) normal maintenance or repair of existing structures or developments, including damage by fire, accident, or elements."

6.47 Construct small-boat moorings within the existing slip at Pier 36 Seattle for boats assigned to or operating with Coast Guard Captain of the Port.

"923.13 Areas of Particular Concern. (86 Stat. 1280, 16 USC 1451-1464) The department --- shall give, preference to uses in the following order of preference which;

(c) Increase recreational opportunities for the public on the shoreline."

"923.14 Guidelines on Priority of Uses. (86 Stat. 1280, 16 USC 1451-1464

(a) --- Alterations of the natural conditions of the shorelines of the State --- shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State --- and other developments that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State."

Although our project does not fall strictly within the preferences or priorities noted, the project certainly is in keeping with the spirit of providing the opportunity for the people of Washington to safely enjoy the waters and shorelines under consideration. The boats we plan to moor at Pier 36 provide services to the public, including search and rescue of boaters in trouble, water pollution patrols, vessel inspection for safe operation, etc.

We are planning construction of a Loran-C station between Tacoma and Olympia. This project is already on Federal property at Fort Lewis, is an aid to navigation, and is several miles from any land that can be construed as being affected by the Coastal Zone Management Program. Therefore, it is excluded on several counts. But it's effect will be to increase the safety of all users of the navigable waters of Washington and the Pacific Ocean for hundreds of miles at sea. The agencies interested in Coastal Zone Management should be aware of this program.

6.48 In summary, all of the projects we have in being or planned, fall within the spirit and most fall within the letter of the Coastal Zone Management Program.

6.5 Oil Spill Contingency Program: "Seattle Coastal Region Oil and Hazardous Materials Pollution Contingency Plan - 3 January 1975."

This plan is the regional plan developed pursuant to the Federal Water Pollution Control Act as amended 1972 (33 USC 1321); included as a section within this document is the introduction from the plan.

6.6 Puget Sound Vessel Traffic System.

This system is located entirely within the Coastal Zone Management Area.

6.61 The Puget Sound Vessel Traffic System became mandatory on 30 September 1974. It primarily involves a communications net controlled by the Vessel Traffic Center in Seattle. The system will expand to include the Strait of Juan de Fuca on a voluntary basis on 1 March 1975. Radar coverage of the Admiralty Inlet area is planned to become operational during October 1975. Eventually the system will be coordinated with a similar system being implemented by the Canadian Ministry of Transport with its traffic center in Vancouver, B.C.

6.62 Authority (33 USC 1224)

6.63 Rules of Operation (33 CFR 161, Subpart B).

6.7 The Port Safety and Security Program area of the Coast Guard includes insuring compliance with the following Federal Laws and regulations.

6.71 Safeguarding of vessels, harbors, ports and waterfront facilities of the United States (50 USC 191 - Executive Order 10173 as amended - 33 CFR Parts 3, 6, 121-126: P.L. 92-340, 33 USC 1501).

6.72 Control of anchorage grounds and special anchorage areas for vessels in all harbors, river, bay and other navigable waters of the United States (33 USC 471, 180, 258, 332 - 33 CFR Parts 109, 110).

6.8 The Deepwater Port Act of 1974 (33 USC 1501).

6.81 This Act defines, describes and directs formulation of regulations for the " . . . . location, ownership, construction, and operations of deepwater ports in waters beyond the territorial limits of the United States"; (33 USC 1501).

6.82 Ports operated under this Act are limited to the handling of oil as the substance is defined within the Act.

6.83 The Coast Guard has circulated Environmental Impact Statements (draft), covering the preparation of design, operation manuals, environmental statements, etc., for deepwater ports as defined within the Act.

6.84 Approval of the Act is so recent, (January 3, 1975) that many questions remain to be resolved; however, several things appear probable as a result of this Act. The Coast Guard will have <u>some</u> role delegated by the Secretary of Transportation, the adjacent state will have a <u>major</u> voice in any deepwater port development as defined in the Act.

6.85 It appears that there is a very strong interface between the Coastal Zone Management Act and the Deepwater Ports Act; this interface seems to involve design and planning. The following section identifies some of the interfaces found in Deepwater Ports Act of 1974. It should be noted that no attempt has been made to determine or explain the extent of relationship between the two acts.

<u>Related Plans and Studies</u>.

The Thirteenth Coast Guard District has pending project proposals related to the Coastal Zone Management area. These projects must survive the budget process; therefore, their realization is likely but not certain.

Pier 36, Seattle, Washington, consolidation of units, some future construction/ modification.

Quillayute River Station, LaPush, Washington, construct new station.

Port Angeles Air Station, Port Angeles, Washington, build new buildings and rehabilitate administration, hanger buildings.

Cape Disappointment Station, Ilwaco, Washington, construct moorage, haulout and repair facilities.

San Juan Island Station, Island County, Washington, construct new station.

Areas of Special Import for the Coast Guard.

Within the "Coastal Zone Management Act of 1972", the following sections appear to be areas of mutual concern; however, the possible ensuing administrative delay may be avoidable through mutual cooperation.

Section 307 (c) (1) "Each Federal agency conducting or supporting activities directly affecting the Coastal Zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs."

Section 307 (c) (2) "Any Federal agency which shall undertake any development project in the Coastal Zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs."

Section 307 (c) (3) "After final approval by the Secretary of a state's management program any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the Coastal Zone of that state shall provide in the application of the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification with all necessary information and date. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or object to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicants certification, the state's concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security."

11.2 Fact sheet, dated: October 1974, Office of Coastal Zone Management, NOAA, Department of Commerce.

"Once the Secretary of Commerce approves a state or territory program, all Federal activities in the coastal zone, or which may affect the coastal zone - including

COORDINATION (cont'd.)

grants, loans, licenses, and permits - must be conducted in a manner consistent with the approved program."

11.3 In order that orderly business may procede in an acceptable fashion, the Coast Guard recognizes the desirability for developing a mutually acceptable rapid review system.

Reviews, coordination and consultation will utilize the Local Master Program Review Task Force on which the DOT SECREP will be represented, a state CZM notification form and checklist to be developed, and hopefully USCG participation in the DOE data management program both as a contributor and user. The OMB Circular A-95, NEPA, and Section 10 (1899 River and Harbor Act) review processes will also be utilized.

COORDINATION (cont'd.)

HOW THE DOE PROPOSES TO COORDINATE WITH FEDERAL AGENCIES

Where possible, the Department will rely on existing systems such as NEPA, A-95, and the Federal Register, as well as on mechanisms already established by your agency or the state.

In carrying out its functions as lead CZM agency, DOE will do its best to be cognizant of your programs and responsibilities. The Department intends to maintain an updated file on your agency's plans, activities, developments and so forth, and will inform you as early as possible of actions by others which could affect your agency.

As a general device, DOE will publish bulletins or make existing Department publications available which will provide brief notification of all proposed plans, policies, programs, facilities, and developments which relate to the coastal zone. These notifications could provide such information as permits under appeal, regulatory actions (fines), public hearing notices, etc., dependent on the agency's needs.

The Department will also assist your agency to develop a summary sheet that will tell applicants for permits or licenses issued by your agency what the state needs to know in order to review certifications for consistency.

More precise description of mechanisms will be possible following the formal review of the packets by the involved federal agencies.

Element # 5

A LISTING AND DISCUSSION OF "FACILITIES" WHICH YOUR AGENCY DOES NOT CONTROL BUT WHICH AFFECTS THE MISSION OF THE AGENCY. THE FACILITIES MAY BE EITHER IN THE COASTAL ZONE, OR NEAR ENOUGH TO IMPACT IT. THIS ELEMENT IS IN RESPONSE TO THE REQUIREMENT THAT THE STATE MUST SUGGEST A PROCESS WHICH ALLOWS THE AGENCY TO PARTICIPATE IN, OR AT LEAST BE AWARE OF, FACILITY SITING DECISIONS.

The consultants have no knowledge of such facilities as this draft packet is composed. Please provide a listing of such facilities and appropriate documentation if relevant.

ELEMENT REFERENCES

Adopted Under Section 306

RULES AND REGULATIONS

§ 923.15 National interest in the siting of facilities.

(a) *Requirement.* A management program which integrates (through development of a body of information relating to the national interest involved in such siting through consultation with cognizant Federal and regional bodies, as well as adjacent and nearby States) the siting of facilities meeting requirements which are of greater than local concern into the determination of uses and areas of Statewide concern, will meet the requirements of Section 306(c)(8).

(b) *Comment.* Statutory citation: Section 306(c)(8):

Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * the management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

Requirements which are other than local in nature and in the siting of which there may be a clear national interest (with associated facilities and cognizant Federal agencies)

Requirements	Associated facilities	Cognizant Federal Agencies
1. Energy production and transmission.	Oil and gas wells, storage and distribution facilities, refineries, nuclear, conventional, and hydroelectric powerplants, deepwater ports.	Federal Energy Administration, Federal Power Commission, Bureau of Land Management, Atomic Energy Commission, Maritime Administration, Geological Survey, Department of Transportation, Corps of Engineers.
2. Recreation (of an interstate nature)...	National seashores, parks, forests; large and outstanding beaches and recreational waterfronts, wildlife reserves.	National Park Service, Forest Service, Bureau of Outdoor Recreation.
3. Interstate transportation.....	Interstate highways, airports, aids to navigation, ports and harbors, railroads.	Federal Highway Administration, Federal Aviation Administration, Coast Guard, Corps of Engineers, Maritime Administration, Interstate Commerce Commission.
4. Production of food and fiber.....	Prime agricultural land and facilities; forests; mariculture facilities; fisheries.	Soil Conservation Service, Forest Service, Fish and Wildlife Service, National Marine Fisheries Service.
5. Preservation of life and property....	Flood and storm protection facilities, disaster warning facilities.	Corps of Engineers, Federal Insurance Administration, NOAA, Soil Conservation Service.
6. National defense and aerospace.....	Military installations; defense manufacturing facilities; aerospace launching and tracking facilities.	Department of Defense, NASA.
7. Historic, cultural, esthetic and conservation values.	Historic sites, national scenic areas of unique cultural significance, wildlife refuges, areas of species and habitat preservation.	National Register of Historic Places, National Park Service, Fish and Wildlife Service, National Marine Fisheries Service.
8. Mineral resources.....	Mineral extraction facilities needed to directly support activity.	Bureau of Mines, Geological Survey.

(PLEASE ATTACH & CODE OTHER SHEETS FOR MORE EXPLANATION)

Element # 6

DISCUSSION OF THE TYPES OF "ACTIVITIES" YOUR AGENCY UNDERTAKES HAVING CZM SIGNIFICANCE AND A PROPOSED METHODOLOGY FOR DETERMINATION OF CONSISTENCY WITH THE STATE PROGRAM. THIS PROPOSAL MUST INCLUDE AN ESTIMATE OF THE TYPE OF INFORMATION YOU WILL REQUIRE TO DETERMINE CONSISTENCY, AND CONVERSELY A METHOD BY WHICH THE STATE WILL BE MADE AWARE AND CONSIDER THE CONSISTENCY OF THE PROPOSED ACTIVITY (THIS IS IN RESPONSE TO THE NEEDS ARISING FROM SEC. 307(c)(1)).

FUNCTIONAL RESPONSIBILITIES

Marine Recreation: Establishes and maintains coastal and inland waterway aids to navigation, primarily for pleasure craft.

Coordinates and participates in search and rescue operations and assists, through the Coast Guard Auxilliary, in the patrolling of marine regattas.

Shipping: Is responsible for coordinating and assisting in search and rescue operations at sea and along the coast.

Inspects randomly small boats in waters of United States jurisdiction for compliance with required safety measures.

Oil Spills: Chairs the National Response Team in the event of a spill or potential spill in those areas in which the Coast Guard is to provide for the On-the-Scene Coordinator.

Maintains three National Strike Forces (on the Pacific, Gulf, and Atlantic coasts) which are especially trained in pollution control and which can be mobilized in the event of an emergency.

ELEMENT REFERENCES

§ 920.45 Application for the initial grant.

The Act provides in section 307(c)(1) that: "Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is to the maximum extent practicable, consistent with approved State management programs." To this end, the application shall reflect, and the developed coastal zone management program will provide, methods to integrate the following types of programs and activities as they affect the coastal zone of the state (1) Federally assisted planning development and management programs, such as but not limited to (the program numbers and titles listed below are those contained in the 1972 Catalog of Federal Domestic Assistance as published by OMB):

Adopted Under Section 305

Public Law Reference			RULES AND REGULATIONS		
Pub. L. 87-703; 91-343, 74-16.	Resource Conservation and Development.	(10.901)	Pub. L. 89-80....	Water Resources Planning.	(65.001)
Pub. L. 83-560....	Comprehensive Planning Assistance.	(14.203)		Air Pollution Survey and Demonstration Grants.	(66.001)
Pub. L. 88-578....	Outdoor Recreation State Planning.	(15.401)		Solid Waste Planning Grants.	(66.301)
Pub. L. 89-304; 91-249.	Anadromous Fish Conservation.	(15.600)		Water Pollution Control Comprehensive Planning Grants.	(66.401)
	Fish Restoration.....	(15.605)	Pub. L. 88-206; 89-272; 89-675; 90-148, 91-604.	Air Pollution Survey and Demonstration Grants.	(66.005)
	Wildlife Restoration.....	(15.611)			
Pub. L. 74-272....	Historic American Buildings Survey.	(15.903)	Pub. L. 92-500....	Water Quality Management Technical Planning Assistance.	(66.023)
Pub. L. 89-665....	Historic Preservation.....	(15.904)			
Pub. L. 91-258....	Airport Planning Grant Program.	(23.103)	Pub. L. 89-272; 91-512; 93-14.	Solid Waste Technical Assistance, Training and Information Services.	(66.304)
Pub. L. 90-495; 91-605, 89-574.	Highway Research Planning and Construction.	(20.205)			
Pub. L. 91-453, 88-365.	Urban Mass Transportation Technical studies Grants.	(20.505)	Pub. L. 92-583....	Marine Protection Research and Sanctuaries.	(66.304)

FEDERAL REGISTER, VOL. 38, NO. 229—THURSDAY, NOVEMBER 29, 1973

(PLEASE ATTACH & CODE OTHER SHEETS FOR MORE EXPLANATIONS)

ACTIVITIES (cont'd.)

Assumes the cost of clean-up operations if no liability can be charged.

Cooperates with Navy and Maritime Administration in a program to develop reliable oil/water separators for use in public and commercial vessels.

Residential Development: Constructs off-base housing for military personnel and their dependents.

Water Resources: Chairs the coastal Regional Response Team and promulgates and administers pollution prevention regulations applicable to vessel and marine transportation-related shore facilities.

Flooding: Participates in flood relief operations as part of its function of saving life and property in and around the navigable waters of the U.S.

Navigation and Communication: Establishes and maintains aids to navigation including lighthouses, a uniform state waterway marking system, and long- and short-range electronic aids (LORAN) which provide navigational information to ships and aircraft.

The type of information the U.S. Coast Guard needs to determine consistency of its functional activities with Washington CZMP is: A copy of the CZMP; advance copy of each local shoreline master program for review and comment, and approved programs for reference; and CZM notification forms and checklists to be developed.

The method by which the state will be made aware of the consistency of this activity with Washington CZMP is: The OMB Circular A-95, NEPA, and Section 10 (1899 River and Harbor Act) review processes.

RESEARCH ACTIVITIES

Harbor and Port Development: Develops all-weather harbor approach and harbor navigation systems.

Marine Research: Assists with ships and personnel in other federal agencies' research projects.

Shipping: Works toward improved ship design and construction standards to prevent disastrous collisions, groundings and pollution from tanker spills. It is also developing all-weather harbor approach and harbor navigation systems.

ACTIVITIES (cont'd.)

Navigation and Communication: Conducts research on new navigational and communication aids.

Water Resources: Conducts an expanded coastal water quality monitoring system by air and sea surveillance.

Oil Spills: Conducts research and develops methods and instruments for spill control in cases when such methods would constitute a prohibitive expense for private industry.

Researches the feasibility of using remote-sensing techniques for detection of oil slicks.

The type of information the U.S. Coast Guard needs to determine consistency of its research activities with Washington CZMP is: A copy of the CZMP; advance copy of each local shoreline master program for review and comment, and approved programs for reference; and CZM notification forms and checklists to be developed.

The method by which the state will be made aware of the consistency of this activity with Washington CZMP is: The OMB Circular A-95, NEPA, and Section 10 (1899 River and Harbor Act) review processes.

ADMINISTRATION AND ADVISORY SERVICES

Oil and Gas Extraction and Allocation: Establishes regulations concerning the marking and lighting of oil extraction structures and artificial islands that are in the navigable water.

Weather and Climate: Provides meteorological data collected on ocean and coastal stations to the National Weather Service and to trans-oceanic ships and planes.

Highways and Bridges: Establishes criteria for the locating, clearance, and lighting of bridges above the navigable waters of the U.S.

Shipping: Monitors shipping lanes and approaches using Vessel Traffic System in some areas of coastal zone.

Marine Recreation: Issues regulations and standards to boatbuilders for the safety aspects of new boats and equipment, and requires that the manufacturer maintain a list of first purchasers to permit product recall or repair in the event that subsequent safety defects come to light.

ACTIVITIES (cont'd.)

Educates small boat operators on safety regulations and small boat handling.

Administers the Coast Guard Auxilliary.

Harbor and Port Development: Carries out an active port security program to safeguard vessels harbors, ports and waterfront facilities.

Operates shore and harbor controls to provide fire fighting facilities within harbors, supervises anchorage and movement of merchant ships, etc.

Marine Mining: Establishes regulations concerning the marking and lighting of mineral extraction structures and artificial islands that are in navigable waters.

The type of information the U.S. Coast Guard needs to determine consistency of its administration activities with Washington CZMP is: A copy of the CZMP; advance copy of each local shoreline master program for review and comment, and approved programs for reference; and CZM notification forms and checklists to be developed.

The method by which the state will be made aware of the consistency of this activity with Washington CZMP is: The OMB Circular A-95, NEPA, and Section 10 (1899 River and Harbor Act) review processes.

REGULATORY ACTIONS

Oil Spills: Enforces the laws concerned with spills, either through accident, deliberate actions (flushing bilges), or faulty (unsafe) construction.

Determines the responsibility for a spill and what actions are necessary for its containment and clean-up.

Operates a monitoring system of sea lanes, etc.

Fish and Marine Wildlife: Cooperate with National Marine Fisheries Service on surveillance and enforcement patrols to ensure the effectiveness of negotiated international controls.

Highways and Bridges: Regulates the alteration of obstructing bridges above the navigable waters of the U.S.

Approves the location of bridges over navigable waterways.

ACTIVITIES (cont'd.)

Marine Mining: Enforces the regulations concerning the marking and lighting of fixed mineral extraction structures and artificial islands in the navigable waters.

Shipping: Regulates the discharge of all vessel wastes.

Is responsible for merchant marine safety which entails: inspection and regulation of vessels, approval of construction, investigation and review of marine casualties and acts of incompetency or misconduct, and measurement and documentation of all vessels.

Supervises the loading and unloading of explosives and other dangerous cargoes.

Controls anchorage and movement of merchant vessels within the navigable waters of the country.

Regulates the marking and lighting of vessels in navigable waters.

Is responsible for safety and law enforcement on the navigable waters, including the enforcement of the rules of the road, proper marking and federal law on the high seas.

Is authorized to take complete control of every action of a ship within the navigable water of certain ports -- including establishing its maximum speed limit, according to weather and marine conditions.

Dredging and Filling: Monitors dredge spoils sites to determine if dumping sites are properly maintained.

Navigation and Communication: Is responsible for safety and law enforcement on the navigable waters, including the enforcement of the rules of the road, proper marking and federal law on those waters subject to the jurisdiction of the United States.

Regulates the marking and lighting of all fixed structures and artificial islands in navigable waters.

Protects the navigable waters from the dumping of refuse and obstructions to navigation.

Water Resources: Protects the navigable waters from the dumping of refuse and obstructions of navigation in the navigable waters and their tributaries.

ACTIVITIES (cont'd.)

Enforces standards for discharge of sewage from all vessels.

Coordinates both federal and state efforts involving pollution prevention in those areas in which the Coast Guard has authority to provide for the On-the-Scene-Coordinator.

Solid Waste Disposal: Monitors the navigable waters for the dumping of refuse to see if it constitutes an obstruction to navigation.

Marine Recreation: Inspects small boats for compliance with regulations and safety measures.

Approves vessel waste disposal devices in accordance with Environmental Ptrotection Agency standards.

Commercial Fishing: Prevents foreign vessels from fishing within the U.S. territorial waters (usually considered to extend 12 miles offshore).

The type of information the U.S. Coast Guard needs to determine consistency of its regulatory activities with Washington CZMP is: A copy of the CZMP; advance copy of each local shoreline master program for review and comment, and approved programs for reference; and CZM notification forms and checklists to be developed.

The method by which the state will be made aware of the consistency of this activity with Washington CZMP is: The OMB Circular A-95, NEPA, and Section 10 (1899 River and Harbor Act) review processes.

4.3 COAST GUARD ACTIVITIES IN PORT AND WATERWAYS MANAGEMENT

ACTIVITY		AUTHORITY
4.31	Enforcement of Pollution Laws	14 USC 2 33 USC 407 33 USC 1001 P.L. 92-500
4.32	a. Provide and maintain Aids to Navigation	14 USC 81
	b. Regulate the establishment of Aids to Navigation by others	14 USC 83
	c. Establish and enforce regulations requiring the establishment of Aids to Navigation on fixed structures	14 USC 85

ACTIVITIES (cont'd.)

4.33	Mark obstructions and wrecks	14 USC 86
4.34	Administer Recreational Boating Safety Program	46 USC 256-526
4.35	Conduct search and rescue activities and coordination	14 USC 88
4.36	Enforcement of federal laws concerned with the orderly flow of seaborn commerce	14 USC 2 14 USC 141-142
4.37	Enforcement of navigation laws	33 USC 154,241, 301, 1051
	a. Control the anchorage and movement of any vessel, foreign or domestic, on the territorial waters of the United States to insure the safety or security of such naval vessels as may be present	14 USC 91
	b. Enforce regulations relating to the safeguarding of vessels, harbors, ports and waterfront facilities of the United States	Exec. Order No. 10173
4.38	Establishment and enforcement of anchorage regulations	33 USC 180, 258, 322, 471
	a. Govern the movement and anchorage of vessels and rafts in Saint Marys River	33 USC 474
4.39	Provide domestic icebreaking service	14 USC 2

The type of information the U.S. Coast Guard needs to determine consistency of its activities in port and waterways managementwith Washington CZMP is: A copy of the CZMP; advance copy of each local shoreline master program for review and comment, and approved programs for reference; and CZM notification forms and checklists to be developed.

The method by which the state will be made aware of the consistency of this activity with Washington CZMP is: The OMB Circular A-95, NEPA, and Section 10 (1899 River and Harbor Act) review processes.

Future activities of the USCG may expand significantly if the "Coastal Zone" expands with expansion of the territorial sea.

STATEMENT ON 200 MILE LIMIT

Prepared by:
Public Affiars Division
U.S. Coast Guard Headquarters
Washington, D.C. 20590
(202) 426-1587
October 22, 1974

1. Congress is actively considering legislation to extend the United States' contiguous fisheries zone to 200 miles. Concurrent with Congressional activity this summer, delegations from 148 nation-states have been deliberating over a 200 mile economic zone which would accommodate, among other things, coastal state fisheries interests. These negotiations took place at the Third United Nations Conference on the Law of the Sea in Caracas, Venezuela from June 20 through August 29, 1974. In the closing days of the session, the United States delegation proposed a "provisional application: of a Law of the Sea Treaty. Under provisional application, the multilateral extension to 200 miles would take immediate effect upon signing of the Convention by the conferees. This would have obvious impact on Coast Guard fisheries operations.

2. Currently, the Coast Guard along with the National Marine Fisheries Service has responsibilities extending to 200 miles and more from shore. These responsibilities stem from various international agreements such as the International Convention for the Northwest Atlantic Fisheries and the International Convention for the High Seas Fisheries of the North Pacific Ocean.

3. With respect to a short-run response to any extension of fisheries jurisdiction in the near future, the Coast Guard could increase the number of personnel on board cutters for a period of time. If the extension were to come within the next two years, the Coast Guard could reactivate the six high endurance cutters and a number of helicopters which are presently in reserve. The cutters could be reactivated in six to eleven months at a cost of more than $1 million each. The first helicopter could be operational in about six months at a cost of about $100,000. The Coast Guard is not now in the process of acquiring any additional fisheries patrol vessels.

ACTIVITIES (cont'd.)

4. The Coast Guard is, however, actively planning the implementation of various alternatives for increasing its surveillance capability within known active fishing areas off United States coasts. These alternatives would also improve and extend our current practice of assessment patrols which cover the full range of United States jurisdiction to determine in what areas changes in present patterns of fishing activity are occurring. This would make Coast Guard presence increasingly felt throughout the area, and facilitate detection of violation and apprehension. Full implementation of this approach within a 200 mile zone will require the reactivation of the six high endurance cutters and ten shipboard helicopters and the addition of six long range search aircraft, and four medium range search aircraft to the Coast Guard's inventory of active operational facilities.

Element # 7

A DISCUSSION OF THE CZM-RELATED "DEVELOPMENTS" OF YOUR AGENCY WHICH ARE IN THE COASTAL ZONE AND A PROPOSAL TO ACCOMPLISH THE SAME OBJECTIVES AS FOR ACTIVITIES IN (6) ABOVE (THIS IS IN RESPONSE TO THE NEEDS ARISING FROM SEC. 307 (c) (2)).

(The consultants do not have benefit of a list of Coast Guard direct developments as this draft packet is composed. A listing of such developments as is appropriate to be provided by USCG.)

ELEMENT REFERENCES

Section 305

RULES AND REGULATIONS

§ 920.45 (f)

(2) Public works land acquisition and development projects conducted, proposed to be conducted, proposed to be conducted or assisted by a Federal agency, authorized and financed outside of the Federal programs listed above, such as activities conducted with respect to rivers and harbors, small watershed development, wastewater collection and treatment facilities, military reservations, wildlife refuges, park and recreation areas, improvements in navigation, flood control and so forth;

(3) Any Federally supported national land use program which may be hereinafter enacted as specified in section 307 (g) of the Act;

(4) Activities in the coastal zone stemming from the Rural Development Act of 1972;

(5) State programs dealing with land use controls in the coastal zone or other regulatory, licensing, permit or operating programs in the coastal zone including, but not limited to, activities such as mineral extracting, power plant siting and harbor construction.

FEDERAL REGISTER, VOL. 38, NO. 229—THURSDAY, NOVEMBER 29, 1973

(PLEASE ATTACH & CODE OTHER SHEETS FOR MORE EXPLANATION)

Element # 8

A DISCUSSION OF THE "PERMITS AND LICENSES" ISSUED BY YOUR AGENCY WHICH HAVE CZM RELEVANCE, AND PROPOSAL FOR EACH TO PROVIDE: A) THE AGENCY WITH GUIDANCE IN HANDLING THE CZM ASPECTS OF THIS PERMIT SYSTEM, B) THE STATE WITH A METHOD OF CONCURRING (OR REFRAINING FROM CONCURRING) WITH AN APPLICANT'S CERTIFICATION OF CONSISTENCY, AND C) GUIDANCE TO THE AGENCY AND APPLICANT AS TO THE INFORMATIONAL REQUIREMENTS NECESSARY FOR THE APPLICANT TO DETERMINE CONSISTENCY (THIS IS IN RESPONSE TO SEC. 307 (c) (3)).

Permits are issued for boating safety along the coast and on inland waterways:

(The conslutants are not cognizant of the specific list of permits and associated procedures as this draft packet is composed. A listing of such permits and licenses as is appropriate to be provided by USCG.)

USCG regulates location and clearances for bridges and causeways over navigable waters, alteration of obstructive bridges, drawbridge operation, and bridge lighting. A USCG permit for bridge construction cannot be issued prior to the applicants having a Section 404 FWPA (1972) permit, or vice versa. (Which comes first seems to be in some doubt at this time.)

Federal/state coordination where federal assistance is involved will be provided by the OMB Circular No. A-95 review process.

ELEMENT REFERENCES

From PL 92-583, Section 307 (c) 3:

After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed.

(PLEASE ATTACH & CODE OTHER SHEETS FOR MORE EXPLANATION)

Element # 9

A DISCUSSION OF ANY "GRANT" PROGRAMS OF COASTAL ZONE MANAGEMENT SIGNIFICANCE OFFERED BY YOUR AGENCY AND A PROPOSAL THAT PROVIDES THE STATE AND THE AGENCY WITH METHODS OF DETERMINING CONSISTENCY (THIS IS IN RESPONSE TO THE NEEDS ARISING FROM SEC. 307 (c) and (d)).

The consultants have only limited knowledge of such grants as this draft packet is composed. Please provide a listing of such grants and documentation if relevant.

State Boating Safety Assistance

Financial assistance, as authorized by the Federal Boat Safety Act of 1971 (46 U.S.C. 1474), is provided state boating safety programs. This act provides for a coordinated national boating safety program to improve boating safety and foster greater development, use, and enjoyment of all U.S. waters by encouraging and assisting participation by the states, the boating industry, and the boating public in development of more comprehensive boating safety programs.

State/federal coordination will be through the A-95 reivew process.

ELEMENT REFERENCES

From PL 92-583, Section 307(d) - See Element 8 for (c), (d) follows:

(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Inter-governmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

(PLEASE ATTACH & CODE OTHER SHEETS FOR MORE EXPLANATION)

Element # 10

A "MAP" OR SERIES OF MAPS, WHICH SHOW THOSE LANDS AND WATER AREAS WITHIN THE COASTAL ZONE WHICH YOUR AGENCY OWNS, LEASES, RENTS, HOLDS IN TRUST, MANAGES, REGULATES, OPERATES IN, OR OTHERWISE DIRECTLY INFLUENCES.

Maps (statewide) which identify generalized locations for facilities, activities and development within the U.S. Coast Guard management system, existing and proposed, including any maintenance operations which appear to have CZM impacts on land, water, or air quality to be provided by USCG.

(PLEASE ATTACH & CODE OTHER SHEETS FOR MORE EXPLANATION)

APPENDIX 10

COMMENTS SUBMITTED BY FEDERAL, STATE AND LOCAL AGENCIES AND BY INTERESTED PERSONS IN THE REVIEW PROCESS

Appendix 10 contains written comments which were received from the review of the March 21, 1975, draft environmental statement and in connection with the April 22, 1975, public hearing held in Seattle, Washington. An analysis and disposition of the statements pertinent to the environmental impact statement (EIS) follows the written comments. Some of the comments are directed towards the substance of the Shoreline Management Act and the adequacy of the Washington Coastal Zone Management Program. While these comments will be given every consideration by NOAA in the review of the management program, they will not be addressed unless appropriate in the body of the EIS. The purpose of this EIS is to determine what the environmental impacts will be based on the process which exists and the further implementation of the process as a direct result of approval and funding of the program.

In addition to the DEIS review process, Federal agencies were invited to review the management program prior to Secretarial approval in order to ascertain if their views have been adequately considered (Section 307(b)). Federal agency review of the program proceeded concurrently with the DEIS review and, therefore, some comments from Federal agencies are directed only at the substance of the program and whether or not the State of Washington had met and fulfilled certain requirements of the CZMA. These comments have been included in the FEIS along with NOAA's response. In some cases, comments on the DEIS are included as a single agency response along with the program comments. The DEIS concerns will be addressed separately.

It should be noted that the second Washington program document submitted to NOAA after the six month preliminary approval period is substantially different from the first document. It reflects a great deal of work on the part of the Washington Coastal Zone Management Program (WCZMP) staff, and is a response to the many constructive comments received during the review process. Most of the concerns have been met in this document. All Federal agencies have received copies of the revised Washington CZM Program and additional copies can be reviewed at the various libraries noted in this FEIS or by writing the following person:

Murray Walsh, CZM Program Coordinator
Department of Ecology
State of Washington
Olympia, Washington 98504

Because of the expense of and demand for this document, there is only a limited supply left.

A.

The following section, entitled: "Appendix F. Consideration of Federal Agency Views and National Interests in the Washington Coastal Zone Management Program," is taken from the program submission to NOAA. This is a synopsis of Federal agency questions and comments submitted to the State and a response to the same.

APPENDIX F. CONSIDERATION OF FEDERAL AGENCY VIEWS AND NATIONAL INTERESTS IN THE WASHINGTON COASTAL ZONE MANAGEMENT PROGRAM**

The Coastal Zone Management Act (CZMA) sets forth reciprocal policies for federal and state cooperation and coordination in the development, review, and implementation of state CZM programs. A specific requirement of the CZMA is the demonstration by a state that it has "adequately considered" the views of Federal agencies principally affected by the program, including their views on the national interest involved in the siting of facilities (Section 307(b) and 306(c)(8)). The state, of course, is equally concerned with the views of its citizens, local governments, and state agencies. Neveretheless, in response to the specific views of federal agencies, the state has prepared synoptic comments on those views. These must be read in the context of the total management program presented throughout this document, but they are set forth here for ready reference and in furtherance of the mutual state/federal objectives of the CZMA.

FEDERAL AGENCY VIEWS	RESPONSE
Agency was not consulted or adequately involved in the development of the program. (DOT, FEA, EDA, DOD, HUD)	The state has remedied this situation in the development of its cur- program document. For specific discussion on how this has been dealt with, see Chapter V, pages 130-134
Boundaries	
• The boundaries of the coastal zone are inadequately defined. (DOI, DOD)	Boundaries have been clarified and the policy and operational interrelationships associated with the program inland from the SMA boundary are also redefined in the management program.
• Questions the second tier boundary being defined as the whole state. (USDA)	The original identification has been modified. The first tier boundary is the wetlands under the jurisdiction of the Shoreline Management Act of 1971, which basically includes marine waters and their associated wetlands and those uplands 200 feet inland from the ordinary highwater mark. The second tier or the planning and administrative boundary is the 15 coastal counties which abut marine waters including Wahkiakum County on the Columbia River estuary.
• Federal lands should be excluded from Coastal Zone Management Act jurisdiction.	Excluded are those lands owned by the federal government in fee or held in trust except where the federal government or a court of law has reserved to state or local governments jurisdiction over land and water uses. The *uses* of those lands in general are subject to the policies of the CZMA and the state program.
• Questions the state's desire to require federal agencies to obtain a permit for substantial development on land not owned in fee by the government. (USDA)	Substantial development permits do not apply to federal agencies. The permit system shall apply to nonfederal activities on nonfederal lands which fall within the external boundaries of federal ownership. Determinations must be made on a case-by-case basis through a joint consultation.

**Updated by Program Supplement (Appendix XI)

FEDERAL AGENCY VIEWS	RESPONSE
• Applying the definition of 200' along streams to timber operations will have a huge impact on timber harvest. (USDA)	Along shorelines of statewide significance there is a specific provision that allows for 30 per cent of the harvestable timber to be taken per decade. However, all timber harvesting is controlled by the Forest Practices Act. Development related to logging may be subject to SMA permits and is always subject to the rules of the local master program.
• What is the relationship of the program to private lands within or adjacent to an external boundary of federal land? (USDA)	It is the policy of the state that the decision to approve or disapprove activities and developments proposed adjacent to excluded lands, but not on those lands, should be made only after full consideration of the potential impact of that activity or development on the excluded lands. Permit systems shall apply to nonfederal activities and developments undertaken on lands subject to nonfederal ownership, lease or easement even though such lands may fall within the external boundaries of a federal ownership.
• State permit system should not apply to Forest Service easements. (USDA)	Permit systems shall apply to nonfederal activities and developments undertaken on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.
• Local master programs should define federal lands in the text and graphically. (DOD)	This is a primary responsibility of the state (see Appendix C).
Permissible Uses	
• Attention should be given to the identification of areas particularly suitable for development as well as those which are unsuitable, in designating permissible uses in the coastal zone (FEA)	The environmental designations in local-master programs do identify areas particularly suitable for development and exclude or condition other uses. The inventories and analyses accomplished in the development of the local master programs provide the basis for the environment designations.
• Information is lacking on specific kinds of permissible uses. (DOI, EPA)	See Appendix A for a matrices of specific permissible uses and the and the description of permissible uses in Chapter V, pages 119-120.
• Designation of permissible land and water uses is not specific enough to protect the coastal zone. (EPA)	See Appendix A for a specific environmental designations and allowable uses within each.
Areas of Particular Concern	
• Coastal areas particularly suited to energy development should be identified and designated as areas of particular concern. (FEA)	Some such areas are known; adequate processes exist, of which CZM is only one, for determining energy sites.
• Naval land is not identified as a particular state concern. (DOD)	Naval land does not meet the requirement to be so identified. However, the naval mission and needs are. The state's policy statement emplicitly deals with national defense and security in a positive manner. See Chapter V, page 131 and packet policy in Appendix D.
• Areas of particular concern are inadequately defined. The state should detail the rationale for determining and presenting areas of particular concern (DOI, EPA)	Chapter II explains the rationale for determining and presenting areas of particular concern. Briefly, such areas must be of greater than local interest and offer a live issue of competing uses and management options. More specifically, selection of the areas of particular concern have been guided by the following criteria: (1) the area contains a resource feature of environmental value considered to be of greater than local concern or significance; (2) the area is given recognition as of particular concern by state or federal legislation, administrative and regulatory programs, or land ownership; and (3) the area has the potential for more than one major land or water use or has a resource being sought by potentially incompatible users.

FEDERAL AGENCY VIEWS	RESPONSE
Priorities of Use	
• Guidelines on priority of uses to be established. (FEA)	National defense and energy development are among the highest priority of uses of Washington's coastal zone. Priority establishment is generally a function of the shoreline master programs; however, proposals such as the one for the outer continental shelf give emphasis to national energy development needs.
• Wants a positive statement that national defense is a priority. (DOD)	This is done in the packet policy statement, see Appendix D and page 131.
• Information is lacking on the relative priorities of use, what will be done when conflicts occur, and how priorities will be revised over time. (DOI)	The shoreline management and related programs set priorities. Conflict resolution is part of the planning, review, and appeals processes. Coordinative initiatives between the state and federal agencies will deal with changing circumstances over time.
National and Regional Interests	
• National interests are not sufficiently considered or defined. (FEA, DOD, DOT, DOI, HUD)	Adequate consideration of national and regional interests is the primary responsibility of the state. The state coastal zone program accommodates very substantial uses and facilities of national interest. Provisions for changes or amendments in local master programs and state programs are provided by state law and guidelines.
• The program does not give adequate consideration to land and water uses of regional benefit. (HUD, DOD, FEA)	The state's program will come to address more adequately the issue of regional benefit, but the program already contains the basis for meeting CZMA's threshold requirements.
• Program needs a more complete treatment of the range of energy facilities identified in the federal regulations. (FEA)	Sophisticated planning should originate at the federal level and by the entities which produce such facilities. The state has and will maintain a means to adequately consider energy needs within the context of its CZM program.
• The program should include a long-range assessment of energy demand. (FPC)	The degree of specificity requested exceeds the resource capabilities of the state as well as its legal requirements under CZMA and should be done by the entities charged with energy research and development. If the state is supplied with a long-range assessment, adequate consideration of needs can be given through the state/federal coordinative process.
• Questions the process for determining sites for energy facilities. (FEA)	The Washington program provides an adequate framework for dealing with the siting of facilities.
• State needs a growth policy. (FPC, HUD)	CZMA does not require a growth policy. Such a policy may eventually result from the examination of growth alternatives under the Alternatives for Washington program. See page 89.
Consistency	
• Federal conformance with the state should be clarified, and a process for consistency should be defined. (DOD, DOI)	See Chapter VI, Chapter V pages 133-134, and the packet policy statement in Appendix D.
• The program does not speak to concurrent jurisdictions. The certification requirement goes beyond the A-95 procedures for direct federal actions. (DOD)	The CZMA certification process specifically acknowledges concurrent regulatory jurisdiction and does indeed go beyond review and comment under OMB Circular A-95.
• The certification procedure for consistency needs to be spelled out. (USDA)	See the packet policy statement in Appendix D and Chapter V pages 133-134.

FEDERAL AGENCY VIEWS	RESPONSE
• Prohibitions in local master programs can adversely affect a federal agency. (DOD, DOT)	Local master programs rarely prohibit; they condition uses and subject them to development standards. Consistency is required to the "maximum extent practicable." Federal laws prevent interference by local governments in a federal agency's carrying out of its lawful function. Neither the state coastal zone management program nor the master program supplants the agency's specific legal responsibilities.
Coordination	
• There is no indication of how the state would integrate its different legal authorities to manage the coastal zone. (EPA)	See Chapters III and V
• There is no description of how local governments were organized to carry out their responsibilities under the state program. (EPA)	Guidelines under SMA go into extensive detail as to how local governments should proceed to carry out their responsibilities.
• There is no description of how work under all environmental law would be integrated with the coastal zone management program. (EPA)	The State Environmental Policy Act and other integrative measures are described in Chapter III.
• A procedure for cooperation among local governments, the state, and federal agencies is needed. (USDA, HUD)	See Chapter VI.
• DOE, and other agencies should have reconciled conflicts among various local master programs and between state development and conservation interests. (HUD)	See integrated local master program maps, Appendix A. The local master programs are based on resolution on conflicts, as DOE'S overall program. CZMA does not require solution for all problems prior to 306 approval but a process to deal with them.
Miscellaneous	
Plan lacks any "substantive" consideration of flood hazard in coastal and coastal-riverine areas. (HUD)	The Shoreline Management Act requires a permit, and in most instances master programs prohibit or restrict development in flood plains. DOE is the state's primary agency for floodplains management coordination.
Plan lacks specific goals and policies for the protection of living marine, estuarine, and anadromous fish resources. (NMFS)	The environment designations required by SMA for the local master programs are one mechanism for assuring the protection of living marine, estuarine, and anadromous fish resources. Specific goals and policies, however, are the responsibility of a variety of state agencies. (See Chapter III).
Implementation dates need to include a transition period for development al ready underway. (HUD)	No HUD-supported programs will be subjected to any "new" requirements mid-stream.
Applicant fails to give a coherent picture of the overall program. (USDA)	See Chapters I and V.
All local master programs should be adopted prior to the approval of the state's CZM program. (HUD, DOD)	The state's statutory authorities, guidelines, review processes, and appeal authorities concerning local master programs are sufficient to meet the basic substantive and program requirements of CZMA. Therefore, not all local master programs need to be adopted prior to program approval. As of November, 1975, all 15 coastal zone counties had completed master programs and eight of them had received approval.

FEDERAL AGENCY VIEWS	RESPONSE
The program does not tell how the coastal zone will be protected, since only substantial developments are covered by the permit process. (USDA)	No development can be undertaken on the shorelines of the state except those which are consistent with SMA and its guidelines and local master programs. Nor are there significant exemptions from the network of related state controls set forth in detail in Chapter III.
Intent of permits in the coastal zone could be circumvented. (NMFS)	See the response immediately above.
Impact of the program on Naval operations is indeterminate. (DOD)	This is an acknowledged issue that is provided for by the positive intent of the state and the coastal zone management coordination processes set forth in Chapters V and VI.

B.

In response to Federal agency comments, a general letter was sent by OCZM to the following agency representatives:

Mr. Don Samuelson
Regional Representative of
the Secretary of Transportation
Region 10
Department of Transportation
Seattled, Washington
DATED: July 3, 1975

Honorable Kenneth E. Grant
Administrator
Soil Conservation Service
U.S. Department of Agriculture
Washington, D. C. 20250
DATED: July 3, 1975

Honorable Charles R. Ford
Deputy Assistant Secretary of the Army
(Civil Works)
Department of the Army
Washington, D. C. 20310
DATED: July 9, 1975

Dr. Richard Hill
Acting Director
Office of Energy Systems
Federal Power Commission
Washington, D. C. 20426
DATED: July 11, 1975

Honorable David O. Meeker
Assistant Secretary
Community Planning & Development
Department of Housing & Urban Development
Washington, D. C. 20410
DATED: August 22, 1975

Honrable George Marienthal
Deputy Assistant Secretary of Defense
for Environmental Quality
The Pentagon
Washington, D. C. 20301
DATED: September 5, 1975

Mr. Clifford V. Smith, Jr.,Ph.D.P.E.
Regional Administrator
U.S.Environmental Protection
Agency
Region X
1200 Sixth Avenue
Seattle, Washington 98101
DATED: September 22, 1975

Honorable Frank G. Zarb
Administrator
Federal Energy Administration
Washington, D. C. 20461
DATED: September 29, 1975

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Md. 20852

This letter transmits to your agency the response of the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration, Department of Commerce, to your comments submitted regarding the State of Washington's application to the Secretary of Commerce for approval of its coastal zone management program. Our materials are organized into four parts: (1) this letter; (2) OCZM responses to your agency's comments; (3) a copy of your agency's comments; and (4) a listing of official headquarters Federal agency designees to coordinate the development and review of State CZM programs.

The letter itself sets forth a background on the current situation, the actions taken by OCZM concerning the Washington program, the major views and concerns expressed by a number of Federal agencies, and a statement of overall findings together with our recommendations concerning needed actions on the part of your own and other relevant Federal agencies.

The response to your comments parallels the form and content of the review documents submitted to OCZM. This response is found at Attachment 1. In those cases where comments on the Washington management program and on the Draft Environmental Impact Statement filed on NOAA's proposed approval action were combined, or integrated by an agency they are both addressed in our response. A copy of your agency comments is included as Attachment 2.

Although such a response is not required by the Coastal Zone Management Act nor NOAA regulations, it is our opinion that it can play a vital part in the continuing consultation and refinement needed to implement the national CZM program. Specifically, OCZM has attempted to clarify and respond to specific questions, issues and positions reflected in the detailed agency comments. In doing so, it is anticipated that further clarification and mutual understanding can be achieved concerning what the Coastal Zone Management Act may require of the State and Federal agencies, legitimate agency positions that the State should accommodate, and what agency views

may be important and desirable, but are either not required by CZMA or are simply not feasible. These responses should provide a focused basis for headquarters interagency dialogue in the coming months, as well as a framework for equally important State/Federal consultations in the field.

Background

The Act directs that the "Secretary shall consult with, cooperate with, and to the maximum extent practicable, coordinate his activities with other interested Federal agencies" (S.307(a)). The views of relevant Federal agencies principally affected by the CZM program also must be "adequately considered" (S.307(b)). Other sections of the Act make it abundantly clear that reciprocal State/Federal coordination is a keystone in the development, review, approval and implementation of the Act.

NOAA published Interim Regulations on February 28, 1975, (40 CFR 925) formalizing a significant amount of interagency and State/Federal coordination experience gained during the initial year of CZM program development. At the same time, relevant headquarters agencies were requested to designate representative(s) to coordinate the development and review of State CZM programs. Representatives were designated and have provided outstanding staff assistance to the CZM effort. A list of these representatives is enclosed as Attachment 3 for your information.

The Washington State coastal zone management program approval application, together with a Draft Environmental Impact Statement on the proposed approval action by NOAA, was distributed by the Office of Coastal Zone Management to relevant Federal agencies for review on March 25, and March 21, 1975, respectively. A meeting of designated Federal agency representatives was held on April 8, followed by extensive bilateral discussions with interested agency staffs. A meeting with the headquarters agency representatives was again convened on May 21, at which time OCZM presented to them its preliminary reactions to agency comments and the immediate administrative actions taken by OCZM concerning the Washington application.

Actions Taken on the Washington Approval Application

Substantial comment on the Washington application was received from Federal agencies, State agencies, local governments, interest groups and the general public. OCZM also conducted a thorough in-house programmatic and legal review of the document. After extensive discussions with relevant Federal agencies and with the State of Washington, the State and OCZM agreed to pursue the following course of action:

- to grant preliminary approval to the State of Washington's program, continuing eligibility for funding under Section 305 of the Act and delaying approval and funding under Section 306 and the attendant application of the Federal consistency provisions under Section 307 of the Act;

- to provide an enhanced development grant to the State for a six month period to fully complete all requirements for final approval of its CZM program;

- to develop a work program that is responsive to the key concerns expressed by the Federal agencies, and other interested parties, especially regarding intergovernmental participation, adequate consideration of agency views and clarification and enhancement of the State's organizational network to implement an approved CZM program;

- and, to suspend the final 30 day period for Federal agency review until such time as the State submits a final approval document.

OCZM believes that this action meets the spirit, in addition to the letter, of the stringent Federal coordination policies in the Act. It should also serve to underscore the principle of reciprocal Federal, as well as State, responsibilities for coordination in the CZM process. Interested Federal agencies should now redouble their efforts to participate with the State of Washington during the coming four to six months of its final CZM program development.

The Major Views of Federal Agencies

Some commonality of Federal agency concerns emerged from this initial review of a State program submitted for approval. They are summarized here because they are central to our action taken with the State of Washington, and will continue to be of major concern in all future State CZM development and review actions.

Opportunity for Full Participation

States are directed to provide "the opportunity of full participation by relevant Federal agencies" by Section 306(c)(1) of the Act. This State responsibility is a difficult one, as the Washington experience demonstrates. For, although the burden of contacting relevant Federal agencies falls on the State, the parameter of "full participation" must be worked out between the State and a responsive Federal establishment. At a minimum, States must

seek the participation of Federal agencies and provide a forum for consultation. States must proceed with an "open" program development process. Concurrently, Federal agencies should be prepared to assist the State in negotiating their complex organizational structures and levels of involvement and decision-making.

A lack of timely and specific guidance to the State of Washington contributed to some agencies or programs not being afforded the opportunity to participate in the development of the management program. Some Federal agencies were contacted, but due to a variety of circumstances, did not participate in the program until the formal review process was initiated. Still another cause of inadequate participation rested with the varied range of interests that emerged during the review -- many literally unknown to the State or OCZM.

On the one hand, OCZM has concluded that the States must enhance their efforts to contact and involve comprehensively, all relevant agencies early in the process of program development. Washington will invest significant additional efforts to consult with relevant agencies during the next six months. Also, a structured process of interaction must be established on a continuing basis in the future. On the other hand, Federal agencies must develop coherent systems to participate in the development and review of State programs and communicate these to OCZM and the States.

Consideration of Federal Agency Views

State programs shall not be approved by the Secretary "unless the views of Federal agencies principally affected by such program have been adequately considered," according to Section 307(b) of the Act. Participation of relevant agencies is an obvious precedent to meeting this requirement fully. While Washington solicited many, though not all, agency views, there was insufficient demonstration that those views solicited had been adequately considered. The State has programmed resources to undertake this task, in conjunction with OCZM's continuing interaction with interested agencies. Both efforts will focus on the formal comments received from your agency as well as others. The "adequacy" of State and OCZM consideration of agency views is inherently a judgmental criterion. However, it is clear that interested agencies should be provided with written responses -- of which this is a first -- as an integral part of the program development and approval process.

Consideration of the National Interest

Section 306(c)(8) of the Act states that " . . . the Secretary shall find that . . . the management program provides for adequate consideration of the national interest involved in the siting of facilities . . . ." NOAA regulations (40 CFR 923) at 923.15 interpret this requirement in the following manner:

> "This policy requirement is intended to assure that national concerns over facility siting are expressed and dealt with in the development and implementation of the State coastal zone management programs."

Management programs may not arbitrarily exclude nor unreasonably restrict such facilities, and should make reasonable provision for such facilities as part of its overall managerial regime.

In terms of the Act, in its present form, Section 306(c)(8) does not require the State to develop a comprehensive and site specific element for the location of facilities in the coastal zone. Within the overall context of the Act, such an element appears desirable and would be feasible given further resources and additional legislative mandate. Absent such legislative change, OCZM has encouraged the States to develop such a capability incrementally -- particularly through supplemental funds recently provided for dealing with the impacts of Outer Continental Shelf oil and gas development. Refinement of management capability for location-specific siting will further develop during CZM program implementation.

States are now required to consider siting policies and mechanisms as an integral part of the establishment and implementation of CZM programs where such policies exist. The essential means for addressing the issue of the national interest in the siting of facilities is in-depth consultation between the State and the relevant Federal agencies. This process of identification, consultation and mutual accommodation can be served best by Federal agency development of policy statements and substantive expressions of national and program interests as they relate to the State's CZM program. Some of these expressions were set forth in the formal review of the Washington program, and are commented on where applicable, in Attachment 1. Clearly, the utility of this Federal-State procedure would be greatly enhanced if such expressions are made during the development, rather than the review, of CZM programs. Nevertheless, it is envisioned that this will be an iterative process that will and should continue during the implementation phase of CZM programs.

General Findings and Recommendations

Opportunity for full Federal participation, adequate consideration of agency views and the adequate consideration of the national interest involved in the siting of facilities emerged as common themes in Federal agency comments on the Washington program. They are generic concerns that will apply in varying degrees to all State CZM programs. These three factors are closely interrelated and interdependent; together they reflect the central conceptual objective of the Act: enhancement of State capability and authority to manage the coastal zone, together with adequate consideration of legitimate national and Federal program interests.

The State of Washington has agreed to devote priority attention to these three areas of State-Federal interface in the coming months, both in the strengthening of its organizational network, and in the clarification of State and Federal interests. OCZM believes that there are reciprocal and concurrent Federal agency obligations to respond to these State-Federal issues. We therefore request that your agency in the near future:

1. Provide OCZM with specific guidance concerning the review and participation structure and contacts that will be used by your agency to interact with Washington and the other coastal States.

2. Develop and provide to OCZM and the States a general policy framework for identifying and considering the major program and national interests of your agency as they relate to the CZM program.

3. Perhaps through your designated CZM representative, schedule a meeting at the appropriate level and time to discuss with us your reactions to our response.

4. And, insure that the initiatives now being taken by the State of Washington are met by the active participation of your selected headquarters, regional or field staffs over the next few months.

We feel strongly that the interactive requirements of our Act have worked and provide a sound basis for achieving the CZMA's basic goals. We also appreciate the fine efforts of your agency and staffs in supporting this new and significant national effort to strengthen State-Federal relations. NOAA and OCZM look forward to working closely with you in the future.

Sincerely,

Robert W. Knecht
Assistant Administrator for
Coastal Zone Management

Enclosures

C.

Federal Agency Comments and NOAA's Response.

Department of Agriculture (combined response)
  Soil Conservation Service

Department of Commerce
  Economic Development Administration

Department of Defense
  Army Corps of Engineers (Civil Works)
  U.S. Navy
  State of Washington Response to Navy

Department of Housing and Urban Development (combined response)

Department of the Interior (combined response)

Department of Transportation (combined response)
  U.S. Coast Guard
  Office of Environmental Affairs

Energy Research and Development Administration

Environmental Protection Agency
  Regional Administrator, Region X

Federal Energy Administration

Federal Power Commission

National Aeronautics and Space Administration

Nuclear Regulatory Commission

Advisory Council on Historic Preservation

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
Washington, D. C. 20250

MAY 9 1975

Mr. Robert W. Knecht
Assistant Administrator for
Coastal Zone Management
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
Rockville, Maryland 20852

14 MAY 1975

CZM
Information
Copy

Dear Mr. Knecht:

Several agencies in the Department of Agriculture have reviewed the State of Washington's Coastal Zone Management Program, submitted March 25, 1975. The following comments represent the views of the Department. Comments on the draft Environmental Impact Statement have been submitted separately and are enclosed for your information.

USDA agencies have been involved with the Washington State Department of Ecology and local governments in the formulation, application, and interpretation of the Shoreline Management Act of 1971, which forms the basis for the Washington Coastal Zone Management Program.

Requirements of that Act are being incorporated in USDA project and program proposals in the coastal zone. Continuing coordination between federal, state, and local agencies will be of paramount importance as the coastal counties and cities develop and implement local master programs for the coastal area.

Washington State has proposed incorporating permit regulations (Chapter 173-14 WAC) that would require the Federal Government to obtain a permit for substantial developments undertaken on land not owned in fee by the Government. The Forest Service believes that its permanent easements are Federal property and should be treated in the same manner as other National Forest land. As noted on page 6 of the Forest Service submission included in Appendix A of the State of Washington application, this issue has not been resolved. We would hope it could be resolved prior to approval of the 306 grant application.

The program document submitted by the State of Washington for approval under Section 306 has some serious weaknesses which leave us uncertain as to how the state program will operate. The material was organized to illustrate the state's compliance with the statutorial requirements of the Coastal Zone Management Act of 1972. It does little, however, to present a coherent picture of the actual operation proposed for the state's Coastal Zone Management Program. A section which succinctly

explains proposed administrative procedures, cites all relevant acts and regulations, and discusses proposed interactions between federal, state, and local governments is needed. Such a section could also allow private land users to more adequately evaluate the implications of the program on their private land use decisions. Some of this information is in the massive document submitted by the state, but nowhere is it set forth in a clear, summary format.

The "second tier" boundary, consisting of the entire state, is a regulatory boundary wherein the state's air and water quality standards prevent the establishment of land uses which may produce direct and significant impact on the coastal waters. We question whether this is an appropriate boundary concept.

It was implied that the Department of Ecology, in incorporating the enforcement of air and water quality standards as part of the Coastal Zone Management Program, contemplated no new administrative machinery or requirements as a result of adoption of the Coastal Zone Management Program, but this was not directly stated. If current procedures and regulations are considered adequate for the purposes of protecting coastal waters, the document should say so. If not, and if further pollution control requirements are contemplated in areas outside the 200-foot line marking the shoreline management boundary, the program should set these forth.

In a related example, the last paragraph on page 19 indicates a new form on state-federal relationship arising from a "certification of federal projects system that will be established" and an "expanded A-95 review process." The substance of such new administrative mechanisms should be set forth more explicitly. This information is needed to evaluate the program's probable effect on Federal programs.

The maps provided with the program document add little to the illustration of the state's program. While it is obviously not feasible to include large detailed maps in the document, improved selection of map scales, drafting techniques, and reproduction would seem to have been possible.

In summary, we feel the program submitted by the State of Washington represents an attempt on their part to demonstrate compatibility with the requirements of the Coastal Zone Management Act of 1972. It does not present a coherent statement of an important new mechanism for public administration in the State of Washington.

A clearer explanation of contemplated administrative procedures is needed to provide a basis for review of the program's impact on production of food and fiber and USDA programs.

Sincerely,

Norman A. Berg Acting

Kenneth E. Grant
Administrator

Enclosure

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Md. 20852

JUL 3 1975

MEMORANDUM FOR: Kenneth E. Grant
Administrator
Soil Conservation Service
U. S. Department of Agriculture

FROM: Robert W. Knecht
Assistant Administrator for Coastal Zone Management

SUBJECT: Office of Coastal Zone Management Response to the Department of Agriculture Comments on the State of Washington's Coastal Zone Management Program (WCZMP)

Your letter of May 9, 1975 transmitting the Department of Agriculture comments on the above WCZMP is acknowledged and appreciated. Our response to these comments is set forth below following the paragraph sequence presented in your letter.

1. OCZM finds it difficult to respond to the first issue raised in your letter. As we understand it, the creation of a "permanent easement" generally establishes a well defined legal relationship between the signatories to the legal instruments which create the lease. The respective rights and responsibilities between the State of Washington and the Department of Agriculture are therefore only ascertainable through a legal review of the documents referenced. In the absence of more specific information on the case in point, it is difficult for NOAA or this Office to give you an opinion at this time. It would be advantageous if the Forest Service could provide us with the necessary details and we could then meet to discuss this issue in more detail.

2. This Office agrees that the application as submitted fails to present a coherent picture of the overall program and one that details the full organizational network for program implementation. This deficiency was noted in NOAA's notice in the FEDERAL REGISTER of June 2, 1975 at 40 CFR, No. 106, pp. 23778 and 23779. A specific element of the State's continuing Section 305 grant will address this issue.

3. In its final application the State will define a "two-tier" CZM boundary, including the area encompassed by the Shoreline Management Act (SMA) and the first tier of coastal counties. The application of associated regulatory systems inland of the SMA and their relationship to the overall program is another task the State has agreed to undertake as part of its supplemental grant.

4. An essential element of the task outlined in paragraph 3 above will be to detail the policy and operational interrelationships of associated programs inland from the SMA boundary.

5. Again, this Office concurs that the State of Washington's proposed system for applying the consistency provisions of the Act should be set forth so that Federal agencies may be apprised of potential changes in State-Federal working arrangements.

6. A more detailed mapping effort is a specific work element of the continued grant application. One of this element's products will be clarified and enhanced graphics for the final approval package.

We would like to take this opportunity to acknowledge the particularly outstanding support provided to this Office by your staff in their review of the Washington program. As is evident from our response, the staff identified what we ourselves considered to be the central areas of needed improvement in Washington's otherwise laudable progress.

U.S. DEPARTMENT OF COMMERCE
Economic Development Administration

MAY 13 1975

14 MAY 1975

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Mr. Robert W. Knecht
Director
Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
2001 Wisconsin Avenue, N. W.
Washington, D. C. 20235

Dear Mr. Knecht:

The State of Washington submitted its coastal zone management program on March 25, 1975, for approval of the Secretary of Commerce. A 45-day period (ending May 9, 1975) for review and comment by Federal agencies began on that date. The Economic Development Administration received an informal request on April 4, 1975, from Mr. Timothy Alexander of your staff, to review the Washington program. On April 10, 1975, EDA received a single copy of the State of Washington Coastal Zone Management Program, "Application to the Secretary of Commerce for approval of the State Coastal Zone Management Program under Section 306 of the Coastal Zone Management Act of 1972 (P.L. 92-583), " dated February 14, 1975 and prepared by the Washington Department of Ecology. None of the appendices of the program were included in the delivery. On April 16, 1975, upon EDA request, "Appendix A--Federal Agencies" was received.

Approval of a State's coastal zone management (CZM) program would have two different results: 1) the State becomes eligible for management assistance grants from the Office of Coastal Zone Management (Section 306 of the Act) and 2) enforcement procedures are invoked involving Federal programs which issue licenses or permits for activity affecting land or water use in the coastal zone and Federal programs which provide Federal assistance affecting the coastal zone (Section 307 of the Act). These two results are not separable -- eligibility for management assistance grants cannot be established without also bringing the enforcement procedures into operation.

Under Section 307(d) of the Act, approval of a State CZM program would require that an applicant for EDA assistance would have to indicate, in the application, the views of the appropriate State or local agency (responsible for administering the CZM program) as to the relationship of activities proposed in the application to the approved management program for the coastal zone. EDA would be prohibited from funding any project which was certified by such State or local agency to be inconsistent with the coastal zone management program.

1 Initial review of the Washington CZM Program documents revealed that organizations associated primarily with economic development activities were not listed as having been consulted during the development of the program. EDA staff polled the EDA Western Regional Office, the Executive Director of the Central Puget Sound Economic Development District, the headquarters of the Office of Minority Business, the headquarters and field office of the Pacific Northwest Regional Action Planning Commission, and the Office of the Special Assistant for Regional Economic Coordination to determine whether any of them had been invited to participate but had not done so. With the exception of the field office of the Pacific Northwest Regional Commission (which was involved on a commission studying outer continental shelf oil exploration) none of the parties contacted had been consulted as a part of the development of the Washington State CZM Program.

Section 303(b) of the Act establishes Congressional policy that States should give "full consideration to ecological, cultural, historic and esthetic values as well as to needs for economic development. ..." Section 306(c)(1) requires opportunity of full participation in the development of a management plan of Federal agencies, State agencies, local governments, regional organizations, port authorities and other interested parties. Section 306(c)(2) requires coordination of a management program with local, areawide, and interstate plans applicable to areas within the coastal zone.

Section 923.30 of the regulations says, "It is the intent of these requirements for coordination with governmental and private bodies to assure that the State, in developing

its management programs, is aware of the full array of interests represented by such organizations, that opportunity for participation was provided, and that adequate consultation and cooperation has taken place and will continue in the future." It is obvious that the intent of the requirements for coordination with economic development interests were not met in the Washington CZM Program prior to submittal for approval by the Secretary of Commerce.

It is EDA's recommendation that the Secretary of Commerce should disapprove the Washington CZM Program pending adequate consultation by the Washington State Department of Ecology with groups and organizations that are primarily concerned with economic development. Given the present lack of consultation with economic development organizations, the approval of the subject Washington State CZM Program would expose future enforcement procedures under Sections 307(c)(3) and (d) of the Act to law suits charging failure to follow due process set forth in CFR Title 15, Chapter IX, Part 923, Subpart D, "Coordination."

At the suggestion of Mr. Richard Gardner of your office, EDA staff has been in contact with the Washington State Department of Ecology to express our concern that there should be thorough consultation with economic development interests before the Washington CZM Program should be approved by the Secretary of Commerce. The Department of Ecology has agreed to convene in mid-May, 1975, a meeting of the appropriate economic development organizations to discuss:

1) The procedural requirements of the Coastal Zone Management Act of 1972 for coordination and consultation with the varied interests in the management of coastal zones;

2) the substance of this specific management program which has been submitted for approval of the Secretary of Commerce and how such substance impacts on the economic development needs of the area;

3) the array of research, analyses, plan development, hearings and plan adoption activities which will remain to be accomplished by the State and local government units pursuant to the CZM Program after its approval and

4) the Federal, State, and local government enforcement provisions under the CZM program submitted for approval and how such would impact economic development activities at the Federal, State and local levels.

Contingent on a satisfactory consultation by the Department of Ecology with the economic development organizations this month we look foreward to rescinding our recommendation for disapproval on procedural grounds. We reserve the right to make substantive comments and recommendations to the Secretary following reports from EDA field staff who will attend the meeting.

I would like to take this opportunity to point out that the State of Maine Coastal Zone Management Program, Mid-Coastal Segment has a similar systematic omission of consultation with economic development organizations. The Maine Office of State Planning has agreed to convene a meeting similar to the one Washington will hold, so that consultation can be accomplished prior to the May 22, 1975 ending date for Federal agency review and comment. EDA has alerted the coastal management agencies of the States of Oregon and California about the deficiences found in the Washington and Maine programs, so that Oregon and California CZM Programs soon to be submitted for approval can meet the coordination requirements of your regulations.

I am sending a memorandum to each EDA Regional Director describing your program and asking them to make contact with each State agency designated for coastal zone management programs and to indicate the need for EDA to be consulted in the development of any CZM program under the Act. This should assure that the problem addressed in this letter should not occur again in the future.

Sincerely,

Joseph G. Hamrick
Deputy Assistant Secretary
for Economic Development Planning

NOAA Response to EDA.

1. Consultative processes have been further developed with interested Federal agencies. Specifically, contacts have been established with the Small Business Administration, EDA, and the Pacific Northwest Regional Commission. See Appendix B and D of the Washington Coastal Zone Management Program.

2. Participation. Economic interests in the development of the Shoreline Management Act, which is the basis for the Washington Coastal Zone Management Program, have had equal opportunity to participate in program development. Their concerns expressed prior to enactment of the Shoreline Management Act and at numerous public hearings have been useful at both state and local levels in developing guidelines and local master programs. These concerns are incorporated in state policies and goals. Local master program plan elements (WNC 173-16-040(3)) include an economic development element and a shoreline use element. There is also a continuous opportunity for further input at hearings on shoreline permit applications. Although there may be temporary impact on the economic community, the state does not appear to have neglected economic interests. See Program Coordination Objectives, pages 139-140, Washington Coastal Zone Management Program.

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, D.C. 20310

JUN 4 1975

21 MAY 1975

Dr. Sidney R. Galler
Deputy Assistant Secretary for
Environmental Affairs
Department of Commerce
Washington, D. C. 20230

Dear Dr. Galler:

The State of Washington's application for approval of a Coastal Zone Management Program under Section 306 of P.L. 92-583, and its associated Environmental Impact Statement have been reviewed. From the civil works point of view, the U.S. Army Corps of Engineers recommends that the Secretary of Commerce approve the Plan.

Sincerely,

Charles R. Ford

Charles R. Ford
Deputy Assistant Secretary of the Army
(Civil Works)

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Md. 20852

JUL 9 1975

MEMORANDUM FOR: Charles R. Ford
Deputy Assistant Secretary of the Army
(Civil Works)
Department of the Army

FROM: Robert W. Knecht
Assistant Administrator for Coastal Zone Management

SUBJECT: Office of Coastal Zone Management Response to the U. S. Army Corps of Engineers Comments on the State of Washington's Coastal Zone Management Program (WCZMP)

Your letter to Dr. Sidney R. Galler of May 21, 1975 was also referred to this Office as the administering agency for the Coastal Zone Management Program. Thank you for the review of the Washington Coastal Zone Management Program and your recommendation that it be approved. This continues a fruitful relationship with the Corps, not only in Washington, but with the coastal states as well.

We should also like to take this opportunity to inform you that we shall be working with your Planning Branch in the further refinement and enhancement of Corps' guidance to the field concerning coastal zone management.

We look forward to continuing our productive relationship with Civil Works in the future.

ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

HEALTH AND
ENVIRONMENT

9 JUN 1975

10 JUN 1975

CZM
Information
Copy ltr

Mr. Robert W. Knecht
Director, Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
U. S. Department of Commerce
Rockville, Maryland 20852

Dear Mr. Knecht:

This is to provide the Department of Defense's response to the Department of Commerce's requests of March 21st and 25th on the Washington State coastal zone management plan and draft environmental impact statement. In summary, we have no substantive comments to offer on the draft environmental impact statement, but we do strongly object to the final approval of the state plan at this time.

We object to the approval of the plan primarily because national security interests were not adequately considered in the program development. Of the four military services, the potential impact on the Navy's operation is of primary concern. Accordingly, specific comments from the Navy are contained in enclosures 1 - 3.

If you have further questions on this subject, they should be directed to Mr. Frances Roche at 695-6744. We appreciate the opportunity to review the plan and the draft environmental impact statement.

Sincerely,

George Marienthal

George Marienthal
Deputy Assistant Secretary of Defense
for Environmental Quality

Enclosures

NAVAL OPERATING AREAS AND TEST RANGES

The Navy usage of the following operating, warning or restricted areas includes all facets of readiness training; ordnance firing; research, development, testing and evaluation programs; support operations; and air, surface and subsurface access to military facilities and installations in support of the national defense and national security interests. The importance of continued unobstructed Naval usage of these areas has been established by categorical evaluation as follows:

A -- Cannot accept interference in any of the areas without loss of major capability or the functions performed in that area would have to be relocated at a major cost.

Areas: 3, 11, 13, 16, 24, 25, 28, 29, 30, 32

B -- Cannot accept interference in a specific portion of a designated OP-AREA for same reasons as (A) specifying the position that cannot be interfered with.

Areas: None

C -- Cannot accept interference in any of the area without loss of a major capability or the function in that area would have to be relocated at a substantial cost.

Areas: None

D -- Cannot accept interference in a specific portion of a designated OP-AREA for same reasons as (C) specifying the portion that should not be interfered with.

Areas: None

E -- Interference would result in a degradation of a function performed or would result in a major scheduling or coordination inconvenience.

Areas: 5, 6, 7

F -- Interference would result in a minor scheduling or coordination inconvenience.

Areas: 17, 23, 26

G -- Interference would be of little or no consequence to Naval operations or functions.

Areas: 1, 2, 4, 8, 9, 10, 12, 14, 15, 18, 19, 20, 21, 22, 27, 31

H -- Mutual use of an area or portion thereof would be compatible.

Areas: None

1. COMMON NAME: Admiralty Bay - (R-6701)

LOCATION AND BOUNDARIES:

Latitude North			Longitude West		
Beginning at:					
48°	10'	00"	122°	34'	48" to
48	05	45	122	31	30
48	06	06	122	41	12
48	10	00	122	40	56 to point of beginning.

DESCRIPTION: Special use airspace with a raked aerial mining range.

TYPE EXERCISES AND ORDNANCE: Bombing, mining-miniature practice bombs, practice aerial mines.

USAGE LIMITATIONS: Periods of usage Monday thru Friday, 0800-1630 local, VFR conditions

OVERLAPPING, INCLUDED AND ADJACENT AREAS, TARGETS: This area encompasses a surface exercise area R-6701

2. COMMON NAME: Admiralty Bay Surface Exercise Area (R-6701)

LOCATION AND BOUNDARIES:

Latitude North			Longitude West		
48°	10'	00"	122°	34'	48"
48	05	45	122	31	30
48	06	06	122	41	12
48	10	00	122	40	56

Land area within above points excluded.

DESCRIPTION: Surface operating area in Admiralty Bay

TYPE EXERCISES AND ORDNANCE: Individual ship and tactical exercises, tests; non-explosive ordnance, small arms fire.

USAGE LIMITATIONS: Periods of usage: Continuous

3. COMMON NAME: Queets (Sea Lion Rock) (R-6707)

LOCATION AND BOUNDARIES:

Latitude North	Longitude West
47° 29' 00"	124° 24' 15"

and the surrounding area within a 3 nautical mile radius lying between and eastward of the following coordinates:

47° 27' 00"	124° 24' 00"
47 24 25	124 24 30

DESCRIPTION: Special use airspace with a water target a barren unmarked rock. See flight information publication, Planning Section IIB, for legal description and boundaries.

TYPE EXERCISES AND ORDNANCE: Aircraft bombing, loft bombing, and rocket firing (inert ordnance only).

USAGE LIMITATIONS: Periods of usage: Sunrise to sunset, VFR conditions. Rocket runs from east to west. No bombing runs toward land.

OVERLAPPING, INCLUDED AND ADJACENT AREAS, TARGETS: Lies east of and contiguous to W-237, surface exercise area 237, and adjacent to two submarine test and trial areas.

4. COMMON NAME: Washington Coastal Warning Area (W-237)

LOCATION AND BOUNDARIES:

Latitude North	Longitude West	
48° 09'	125° 56'	
48 20	124 54	
47 35	124 38	
47 35	124 24	
47 30	124 24	
47 25	124 23	
47 00	124 23	
46 50	125 24	to a point of

beginning, excluding that portion coinciding with R-6707. W-237 north is that area north of a line between:

47°	31'	125°	42 and
47	41	124	35

W-237 south lies south of above line.

DESCRIPTION: Special use airspace over ocean area.

TYPE EXERCISES AND ORDNANCE: Air to air gunnery and rocketry; air to surface firing, bombing; conventional ordnance, photoflash cartridges. (For air missile firing reference COMMATVAQWINGPAC Instruction 8810.1)

OVERLAPPING, INCLUDED AND ADJACENT AREAS, TARGETS: Overlies Washington Coastal Surface Exercise area 237N, 237S STATA 3 and 4. Restricted area R-6707 adjoins the lower eastern portion of this area. Lies south of and adjacent to W-601.

5. COMMON NAME: Washington Coastal Surface Exercise Area 237N and 237S

LOCATION AND BOUNDARIES:

Latitude North		Longitude West	
48°	09'	125°	56'
48	20	124	54
47	35	124	38
47	35	124	24
47	30	124	24
47	25	124	23
47	00	124	23
46	50	125	24

to a point of beginning, excluding that portion coinciding with R-6707. 237N is north of a line between 47° 31'N 125° 42'W and 47° 41'N 124° 35W. 237S lies south of the above line.

DESCRIPTION: Ocean surface operating area

TYPE OF EXERCISES AND ORDNANCE: Surface tactical, gunnery including AA and missile firing; undersea warfare exercises and combined type exercises. Unrestricted ordnance except as noted in remarks, including rockets, missiles, torpedoes, incendiaries, photoflash, illumination and gun type ammunition may be used.

OVERLAPPING, INCLUDED AND ADJACENT AREAS, TARGETS: Underlies special use airspace W-237. Contains two submarine test and trial areas. Lies south of and adjacent to, special use airspace W-601, and surface use airspace R-6707.

6. COMMON NAME: Cape Flaherty, Washington (W-601)

LOCATION AND BOUNDARIES:

Latitude North			Longitude West		
48°	27'	00"	125°	15'	00"
48	17	00	125	15	00
48	17	00	125	45	00
48	27	00	125	45	00

DESCRIPTION: Special use airspace over ocean area.

TYPE EXERCISES AND ORDNANCE: Air to surface intermediate and low altitude bombing, strafing and rocketry. Conventional ordnance, photoflash cartridges.

OVERLAPPING, INCLUDED AND ADJACENT AREAS, TARGETS:

1. Area encompasses surface exercise area 601.
2. Lies north of and adjacent to W-237.

7. COMMON NAME: Cape Flaherty, Washington, Surface Exercise Area 601

LOCATION AND BOUNDARIES:

Latitude North			Longitude West		
48°	27'	00"	125°	15'	00"
48	17	00	125	15	00
48	17	00	125	45	00
48	27	00	125	45	00

DESCRIPTION: Ocean Surface Operating Area

TYPE EXERCISES AND ORDNANCE: Surface Tactical, Gunnery including AA firing and missile firing; undersea warfare exercises and combined type exercises. Unrestricted ordnance except as noted in remarks, including rockets, missiles, torpedoes, incendiaries, photoflash, illumination, and gun type ammunition may be used.

OVERLAPPING, INCLUDED AND ADJACENT AREAS, TARGETS:

1. Underlies special use airspace W-601.

2. North of and adjacent to special use airspace W-237 and surface exercise area 237.

8. COMMON NAME: Okanogan A. C. M. Area

LOCATION AND BOUNDARIES:

Latitude North			Longitude West		
49°	00'	00"	120°	00'	00"
49	00	00	119	00	00
48	03	30	119	00	00
48	06	00	119	35	00
48	08	30	120	27	30

Direct to point of beginning

DESCRIPTION: Special use airspace designated by Seattle ARTCC for aerial combat maneuvers operations. Protection afforded from known IFR traffic by Seattle Center.

TYPE EXERCISE AND ORDNANCE: Aerial combat maneuver operations and AMTI Training. No ordnance authorized.

USAGE LIMITATIONS: Periods of usage: continuous as scheduled with COMATVAQWINGPAC. Joint use airspace with 25th NORAD.

OVERLAPPING, INCLUDED AND ADJACENT AREAS, TARGETS: Lies adjacent to and east of Roosevelt ACM area. Underlies 25 NORAD special use airspace.

9. COMMON NAME: Roosevelt A.C.M. Area.

LOCATION AND BOUNDARIES:

Latitude North			Longitude West		
49°	00'	00"	119°	00'	00"
49	00	00	117	30	00
48	20	00	117	30	00
48	00	00	118	00	00

Direct to point of beginning.

DESCRIPTION: Special use airspace designated by Seattle ARTCC for aerial combat maneuver operations. Protection afforded from known IFR Traffic by Seattle Center.

TYPE EXERCISES AND ORDNANCE: Aerial combat maneuver operations and AMTI training. No ordnance authorized.

USAGE LIMITATIONS: Usage continuous as scheduled with COMMATVAQWINGPAC.

10. COMMON NAME: Olympic A.C.M. Area.

LOCATION AND BOUNDARIES:

Latitude North			Longitude West		
48°	15'	00"	124°	48'	00"
48	00	00	124	07	00
47	30	00	123	30	00
47	30	00	124	30	00
48	00	00	124	45	00

Direct point of beginning

DESCRIPTION: Special use airspace designated by Seattle ARTCC for aerial combat maneuver operations. Protection afforded from known IFR Traffic by Seattle Center.

TYPE EXERCISES AND ORDNANCE: Aerial combat maneuver operations. No ordnance authorized.

USAGE LIMITATIONS: Continuous as scheduled with COMMATVAQWINGPAC.

11. COMMON NAME: Danger Zone, Vicinity Deception Pass

LOCATION AND BOUNDARIES:

Latitude North	Longitude West
North zone:	
48° 21' 53"	122° 40' 00"
48 23 12	122 41 17
48 23 29	122 40 23
48 22 21	122 39 50
Along shoreline to point of beginning.	
South zone:	
48° 20' 57"	122° 40' 39"
48 20 40	122 42 59
48 21 19	122 43 02
48 21 13	122 40 26
Along shoreline to point of beginning.	

DESCRIPTION: Danger zones off northwest shore of Whidbey Island. See Coast Pilot 7 for legal description and boundaries.

USAGE LIMITATIONS: Periods of Usage: Continuous. The danger zone described does not have status as a surface exercise area. Occasional naval operations may be required incident to aircraft operations.

12. COMMON NAME: Hood Canal, Bangor, Naval Restricted Area.

LOCATION AND BOUNDARIES: That area bounded by a line commencing on the east shore of Hood Canal at latitude 47° 48' 28"; thence 270° true to a point 200 feet from the high tide line; thence northerly along the east shore of Hood Canal and within 200 feet of the high tide line to latitude 47° 44' 11"; thence approximately 358° true to latitude 47° 44' 24", longitude 122° 44' 24"; thence approximately 27° true to latitude 47° 45' 47", longitude 122° 43' 22"; thence approximately 90° true to latitude 47° 45' 47", longitude 122° 43' 06"; thence northerly along the east shore of Hood Canal and within 200 feet of the high tide line to latitude 47° 46' 20"; thence 90° true to the high tide line; and thence southerly along the shore line to the point of beginning.

DESCRIPTION: A naval security area in vicinity of the Naval Ammunition Annex Bangor for mooring and logistics.

TYPE EXERCISE AND ORDNANCE: In-port exercises, such as fire drills and communication exercises. No tactical, gunnery, or similar exercises involving the exploding of ordnance or use of incendiary devices are permitted.

USAGE LIMITATIONS: Continuous

OVERLAPPING, INCLUDED AND ADJACENT AREAS, TARGETS: Adjacent controlled areas include submarine test and trial area 1 (STATA #1) and the Hood Canal danger zone and torpedo testing area.

13. COMMON NAME: Hood Canal danger zone and torpedo testing area.

LOCATION AND BOUNDARIES:

Latitude North	Longitude West
47° 46' 00"	Shoreline*
47 42 00	Shoreline*

*Includes all waters of the Hood Canal except for a navigational lane 500 yards wide along west shore, and a similar lane along east shore south of 47° 43' 28".

DESCRIPTION: A danger zone and naval operations area used for non-explosive torpedo ranging. See Coast Pilot 7 for legal description and boundaries.

TYPE EXERCISE AND ORDNANCE: Exclusive use for torpedo testing and acoustic calibration exercises. Explosive ordnance of any type is prohibited.

USAGE LIMITATIONS: Continuous. (Normal hours 0800 - sunset Monday through Friday except holidays)

14. COMMON NAME: Dabob Bay restricted area (Vicinity Whitney Point)

LOCATIONS AND BOUNDARIES: See remarks.

DESCRIPTION: Surface operating area, a portion of the Dabob Bay danger zone.

TYPE EXERCISE AND ORDNANCE: See remarks.

USAGE LIMITATIONS: See remarks.

REMARKS/SPECIAL INSTRUCTIONS: This sheet is provided for continuity and cross reference purposes. See Dabob Bay danger zone data which includes the Whitney Point restricted area.

OVERLAPPING, INCLUDED AND ADJACENT AREAS, TARGETS: Adjacent area includes the naval restricted area Bangor (security area) and the Hood Canal Bangor danger zone and torpedo testing area.

15. COMMON NAME: Dabob Bay danger zone vicinity Quilcene

LOCATION AND BOUNDARIES:

Latitude Number	Approximate Location	Longitude West
47° 39' 27"	S. Dabob Bay	122° 52' 22"
47 40 19	S. Dabob Bay	122 50 10
47 41 34	Tatkutsko Pt.	122 49 52
47 48 00	N. Dabob Bay	122 47 12
47 48 00	Bolton Pen.	122 49 06
47 46 52	S. Quilcene Bay	122 51 06
47 45 44	Whitney Pt.	122 51 06
47 44 11	Pulali Pt.	122 51 15

DESCRIPTION: A naval operations and testing area of approximately 102 fathoms on west side of Hood Canal near Bangor. It includes a naval restricted area near Whitney Point. See Coast Pilot 7 for legal description and boundaries. Sections 204.222(b) and 207.750(o) apply.

TYPE EXERCISE AND ORDNANCE: Exclusive use for tests, analyses, and operations related to acoustic testing and torpedo testing when required. ISE authorized on a non-interfering basis when approved by Commanding Officer, NAVTORPSTA Keyport. No explosive ordnance authorized.

USAGE LIMITATIONS: Continuous. (0930 - 1430 Monday through Friday except holidays)

16. COMMON NAME: Sinclair Inlet Naval restricted area

LOCATION AND BOUNDARIES: All of Sinclair Inlet from longitude west 122° 36' 40" to longitude west 122° 40' 00".

DESCRIPTION: A naval security area adjacent to Puget Sound Naval Shipyard and Naval Inactive Ship Maintenance Facility, Bremerton, Washington, mooring piers.

TYPE EXERCISE AND ORDNANCE: Routine ship movements approval by Commander, Puget Sound Naval Shipyard, required for vessels over 100 tons. No ordnance is authorized.

USAGE LIMITATIONS: There is an array of seven sonar hydrophone transducers located on the bottom directly adjacent to the shipyard piers approximately 250 yards out from pierhead line. Anchoring of ships in this area is prohibited at all times.

17. COMMON NAME: Port Orchard Naval restricted and operations area.

LOCATION AND BOUNDARIES:

Latitude North (approximate)			Longitude West (approximate)		
47°	42'	01"	122°	36'	48"
47	42	01	122	36	40
47	39	09	122	35	30
47	39	08	122	36	54

Thence along shoreline to point of beginning

DESCRIPTION: A naval restricted area west of Bainbridge Island. See Coast Pilot 7 for legal description and boundaries.

TYPE EXERCISE AND ORDNANCE: Exclusive use for non-explosive torpedo testing. No explosive ordnance authorized. ISE on approval of scheduling authority. No trawling, dragging, or anchoring permitted at any time.

USAGE LIMITATIONS: Continuous when so scheduled. (Normal hours are from 0800-1600 Monday through Friday except holidays.)

18. COMMON NAME: Carr Inlet naval restricted area

LOCATION AND BOUNDARIES:

Latitude North				Longitude West		
47°	10'	27"	(Hyde Point)	122°	38'	36"
47	13	09	(Gibson Point)	122	36	02

Thence along shoreline of Fox Island northeasterly to

47	16	26	(Hale Passage)	122	39	27
47	16	59	(Warren Dock)	122	39	07

Thence along shoreline westerly to

47	16	54	(Green Point)	122	41	33
47	15	57	(Penrose Point)	122	44	02

Thence along shoreline southerly to

47	13	32	(Pitt Island)	122	43	08
47	13	10	(Pitt Passage)	122	42	37

Thence along shoreline to starting point,

DESCRIPTION: A naval operations area for acoustic research and noise trials.

TYPE EXERCISE AND ORDNANCE: Special noise trials and research studies. No explosives or explosive ordnance shall be used. This is the principal west coast trial area for analysis of radiated and self noise.

USAGE LIMITATIONS: Special navigation regulations and restrictions apply to this area. The full legal description of area and the pertinent regulations are published in the U. S. Coast Pilot 7, Section 207-750.

19. COMMON NAME: Point Jefferson naval restricted area.

GENERAL DESCRIPTION: A security area and degaussing operations area currently having inactive status. A small boat fairway is contained within the western portion. The area enclosed by points denoted with * form the small boat fairway. All waters west of the fairway form the security area. See Coast Pilot 7 for legal description and boundaries.

LOCATION AND BOUNDARIES:

Latitude North (Approximate)				Longitude West (Approximate)			
47°	45'	40"	*	122°	28'	14"	*
47	45	40	*	122°	27	31	*
47	45	33		122	26	50	
47	44	36		122	27	12	
47	44	43	*	122	27	51	*
47	44	49	*	122	28	27	*
47	45	09	*	122	27	51	*

Thence to point of beginning.

TYPES OF OPERATIONS, EXERCISES, AND ORDNANCE AUTHORIZED: Limited to degaussing operations when activated. No explosive ordnance, trawling, dragging or anchoring is permitted at any time.

20. COMMON NAME: Admiralty Inlet entrance naval restricted area.

GENERAL DESCRIPTION: A naval restricted area west of Whidbey Island but open to navigation at all times. See Coast Pilot 7 for legal description and boundaries.

LOCATION AND BOUNDARIES:

Latitude North (Approximate)			Longitude West (Approximate)		
48°	08'	40"	122°	45'	10"
48	12	30	122	44	24

Thence along shoreline to

48°	15'	00"	122°	45'	27"
48	15	00	123	00	00
48	07	00	122	51	51

Thence along shoreline to point of beginning.

TYPES OF OPERATIONS, EXERCISES, AND ORDNANCE AUTHORIZED: ISE and surface tactical exercises, except any dragging, trawling, anchoring, or use of similar ground tackle is prohibited. The dumping of any non-buoyant material is also prohibited. No explosive ordnance is authorized.

21. COMMON NAME: Elliott Bay, Smith Cove, naval restricted area

LOCATION AND BOUNDARIES:

Latitude North	Longitude West
47° 37' 54"	122° 23' 04"
47° 37' 33"	122° 23' 04"
47 37 33	122 22 36
47 37 37	122 22 36

DESCRIPTION: Commercial harbor. (See Coast Pilot 7 for legal description and boundaries.)

TYPE EXERCISE AND ORDNANCE: No ordnance authorized. Inport drills may be conducted.

USAGE LIMITATIONS: Continuous for inport exercises.

22. COMMON NAME: Warning Area 460 - Hoquiam, Washington

LOCATION AND BOUNDARIES:

Latitude North	Longitude West	
Beginning at:		
47° 21'	125° 39'	to
46 28	125 16	
45 50	128 27	
46 43	128 49	to point of beginning.

DESCRIPTION: Special use airspace over ocean area.

TYPE EXERCISES AND ORDNANCE: Air to air gunnery, rockets, missiles; air to surface firing, bombing, missiles, conventional ordnance, photoflash cartridges.

OVERLAPPING, INCLUDED AND ADJACENT AREA, TARGETS: Lies southwest of and adjacent to W-237.

23. COMMON NAME: Deperming Range, Illahee

GENERAL DESCRIPTION: An area occasionally used for the deperming of large Navy ships. When used, an appropriate local notice to mariners is issued, specifying the area and hazards. No statutory authority exists inhibiting other utilization.

LOCATION AND BOUNDARIES:

Latitude North (Approximately)	Longitude West
47° 36' 45"	122° 35' 00"

and buoys in vicinity.

TYPE OF OPERATIONS, EXERCISES, AND ORDNANCE AUTHORIZED: Deperming of ships on a prescheduled basis. No ordnance is authorized.

24. COMMON NAME: Explosive and Chemical Dumping Area - Columbia River mouth.

GENERAL DESCRIPTION: An at sea explosive and chemical dumping area bearing 272 distant 84 miles from Tillamook Rock in (about) 1300 fathom of water.

LOCATION AND BOUNDARIES:

Latitude North	Longitude West
46° 00' 00"	126° 00' 00"

(and all points lying within area of 5 nautical miles radius.)

TYPES OF OPERATIONS, EXERCISES, AND ORDNANCE AUTHORIZED: (1) All non-nuclear ammunition and components thereof, explosive devices, incendiary devices and pyrotechnics.

(2) All chemical warfare ammunition and bulk chemicals associated with or used as fillers for chemical warfare ammunition.

(3) All explosive materials in bulk may be disposed of in this area.

25. COMMON NAME: Explosive and chemical dumping area - Cape Flaherty.

GENERAL DESCRIPTION: An at sea explosive and chemical dumping area bearing 265 distant 93 miles from Cape Flaherty light in (about) 1400 fathoms of water.

LOCATION AND BOUNDARIES:

Latitude North	Longitude West
48° 15' 00"	127° 00' 00"

(and all points lying within area of 5 nautical mile radius.)

TYPE OF OPERATIONS, EXERCISES, AND ORDNANCE AUTHORIZED: (1) All non-nuclear ammunition and components thereof, explosive devices, incendiary devices and pyrotechnics.

(2) All chemical warfare ammunition and bulk chemicals associated with or used as fillers for chemical warfare ammunition.

(3) All explosive materials in bulk may be disposed of in this area.

26. COMMON NAME: Submarine Test and Trial Area 1 (STATA #1).

LOCATION AND BOUNDARIES:

Latitude North			Longitude West		
47°	46'	00"*	122°	44'	42"*
47	50	00*	122	40	50*
47	50	00	122	37	58 #
47	46	00	122	42	53 #

*Coordinates are connected by line parallel to, but 500 yards off shore.

#Coordinates are connected by shoreline.

DESCRIPTION: An operating area, surface and sub-surface, in the northern portion of the Hood Canal, a body of water separating Olympic and Great Peninsulas (West of Puget Sound).

TYPE EXERCISE AND ORDNANCE: Surface and sub-surface tactical exercises and ISE, excluding live firing exercises but including equipment tests and machinery trials. Dummy or practice type (non-explosive) ordnance only will be used.

USAGE LIMITATIONS: Continuous.

OVERLAPPING, INCLUDED AND ADJACENT AREA, TARGETS: The Bangor Security Area (Naval restricted) borders the eastern navigational lane and the submarine test and trial area #1 lies adjacent and north of this area.

27. COMMON NAME: Submarine Test and Trial Area 2 (STATA #2)

LOCATION AND BOUNDARIES:

Latitude North			Longitude West		
Canadian Border			124°	05'	00"
48°	12'	00"	124	05	00
48	10	30	123	42	00
Canadian Border			123	42	00

Along boundary to starting point.

DESCRIPTION: An occasional use surface and subsurface operating area situated in the Strait of Juan de Fuca; not contained within a naval restricted area nor does it have statutory authority for inhibiting its use by others.

TYPE EXERCISE AND ORDNANCE: Surface and subsurface tactical exercises, independent ship exercises, equipment tests, and machinery trials. No ordnance authorized.

USAGE LIMITATIONS: Not contained within a naval restricted area nor does it have statutory authority for inhibiting its use by others.

OVERLAPPING, INCLUDED AND ADJACENT AREAS, TARGETS: Underlies east portion of Strait of Juan de Fuca surface exercise area.

28. COMMON NAME: Submarine Trial and Test Area 3 (STATA #3)

LOCATION AND BOUNDARIES:

Latitude North			Longitude West		
48°	18'	00"	125°	02'	48"
48	18	00	125	00	00
48	06	00	124	59	30
48	06	00	125	02	18

DESCRIPTION: Surface and sub-surface operating area

TYPE EXERCISE AND ORDNANCE: Surface/subsurface tactical exercises and ISE, including equipment tests and machinery trials (service ordnance, see remarks).

USAGE LIMITATIONS: See remarks/special instructions.

OVERLAPPING, INCLUDED AND ADJACENT AREAS, TARGETS:

1. Underlies the northeastern part of W-237N and surface exercise area 237N.
2. Use of the overlying special use airspace must be specifically requested and scheduled.

REMARKS/SPECIAL INSTRUCTIONS:

1. Periods of Usage: Continuous.
2. Exercises, including upper ballistic limits pertaining thereto, must be confined within the space defined above and when scheduled, the designated airspace ceiling.

29. COMMON NAME: Submarine Test and Trial Area 4 (STATA #4)

LOCATION AND BOUNDARIES:

Latitude North			Longitude West		
47°	56'	00"	125°	21'	30"
47	50	00	125	08	00
47	44	00	125	08	00
47	50	00	125	21	30

DESCRIPTION: Surface and sub-surface operating area

TYPE EXERCISE AND ORDNANCE: Surface/sub-surface tactical exercises and ISE, including equipment tests and machinery trials. (Service ordnance, see remarks).

USAGE LIMITATIONS: See Remarks/Special Instructions

OVERLAPPING, INCLUDED AND ADAJACENT AREAS, TARGETS:

1. Underlies the northeastern part of W-237N and and surface exercise area 237N.
2. Use of the overlying special use airspace must be specifically requested and scheduled.

REMARKS/SPECIAL INSTRUCTIONS:

1. Periods of Usage: Continuous.
2. Exercises, including upper ballistic limits pertaining thereto, must be confined with the space defined above and, when scheduled, the designated airspace ceiling.

30. COMMON NAME: Submarine Transit Lanes

LOCATION AND BOUNDARIES:

a. SIERRA ALTAIR (See Remarks Note (1))

E-W FROM STRAITS OF JUAN DE FUCA 3.5 MILES EACH SIDE OF A LINE JOINING: 48-20N/125-15W TO 48-05N/126-40W

b. SIERRA VEGA (See Remarks Note (2))

N-S FROM SIERRA ALTAIR
5 MINUTES EACH SIDE OF A LINE JOINING:
48-07.5N/126-05W TO 39-45N/126-05W
(EXCLUDING THAT PORTION WHICH FALLS WITHIN SIERRA ALTAIR)

THEN 3.5 MILES EACH SIDE OF A LINE JOINING:
39-45N/126-05W TO 37-42N/123-50W

THEN 5 MINUTES EACH SIDE OF A LINE JOINING:
37-42N/123-50W TO 36-55N/123-50W (AT WHICH POINT IT CONNECTS WITH SIERRA SATURN)

c. SIERRA DENEB (See Remarks Note (2))

N-S FROM STRAITS JUAN DE FUCA
5 MINUTES EACH SIDE OF A LINE JOINING:
48-16.5N/125-08W TO 48-07N/125-08W

THEN 3.5 MILES EACH SIDE OF A LINE JOINING:
48-07N/125-08W TO 47-46N/125-01.5W TO 47-00N/125-05W

THEN 5 MINUTES EACH SIDE OF A LINE JOINING:
47-00N/125-05W TO 39-43N/125-05W

THEN 3.5 MILES EACH SIDE OF A LINE JOINING:
39-43N/125-05W TO 38-05N/123-15.5W

DESCRIPTION: Submarine Transit Lanes

TYPE EXERCISE AND ORDNANCE: Not applicable

PERIODS OF USAGE: Daily

31. COMMON NAME: Strait of Juan De Fuca (R-6705)

LOCATION AND BOUNDARIES:

Latitude North			Longitude West		
48°	14'	30"	123°	42'	00" to
48	10	30	123	42	00

Thence one half mile north of and parallel to the north coast of Washington.

To	48	18	35	124	25	00
	48	24	30	124	25	00

Thence along U.S. - Canadian boundary to point of beginning.

DESCRIPTION: Special use airspace over water area

TYPE EXERCISE AND ORDNANCE: Aircraft ASW and shipping surveillance training evolutions, to include usage of aircraft launched sonobuoys, signal underwater sound (SUS), and Marine smoke markers.

USAGE LIMITATIONS: Continuous under VFR conditions

32. COMMON NAME: Whidbey Island (R-6713)

LOCATION AND BOUNDARIES:

Latitude North			Longitude West			
48°	25'	00"	123°	05'	00"	
48	23	00	123	06	00	
48	16	30	123	03	00	
48	16	30	122	55	30	
48	18	20	122	50	30	
48	22	45	122	50	30	
48	25	00	122	53	30	to point of

beginning.

DESCRIPTION: Special use airspace over water area

TYPE EXERCISE AND ORDNANCE: Air to surface firing, night illumination (flare, photoflash, and searchlight) and practice torpedo drops. Authorized ordnance - rockets, water-fill/ miniature bombs, photoflash cartridges, flares, practice mines and torpedoes, practice depth bombs, and standard ASW search stores.

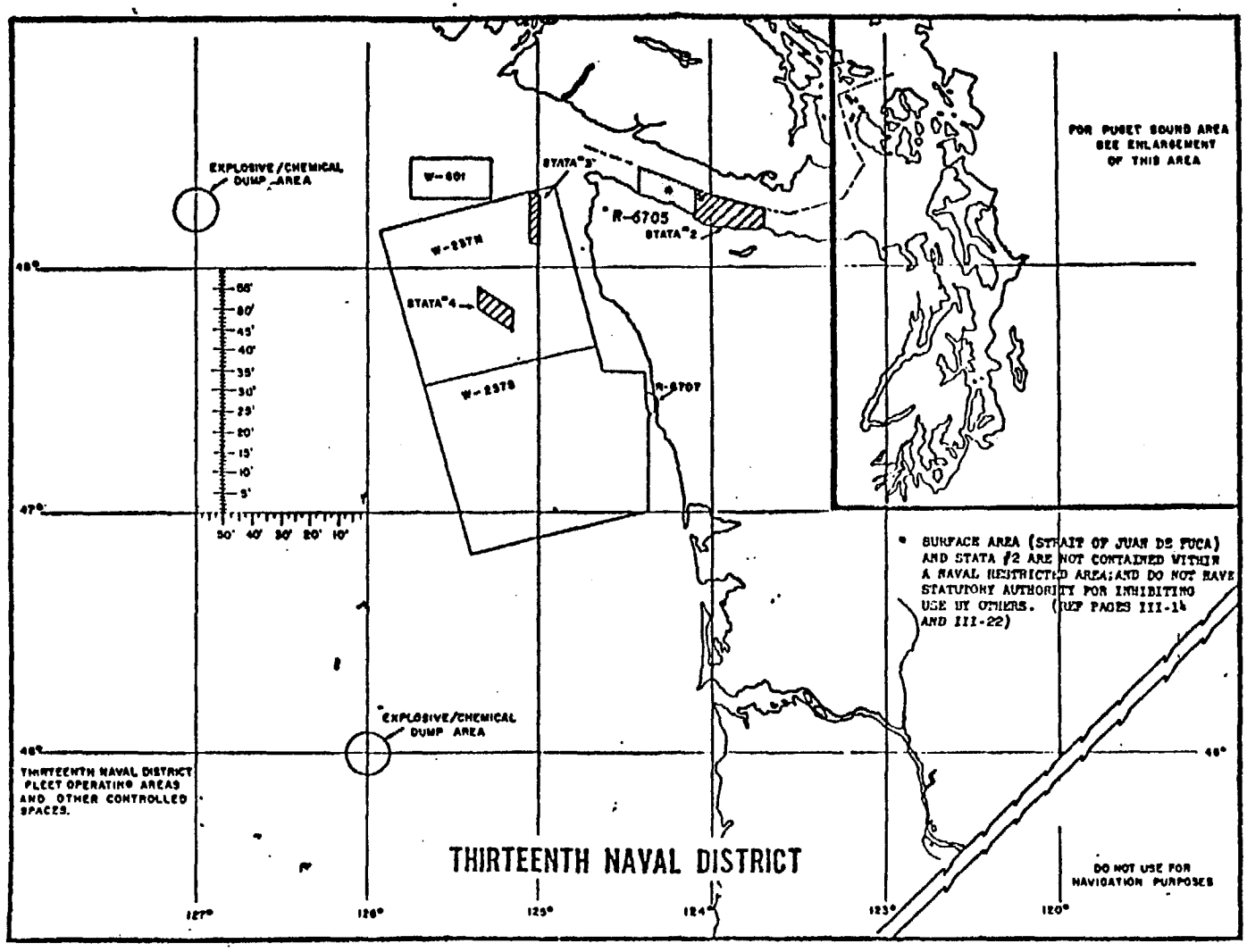
USAGE LIMITATIONS:

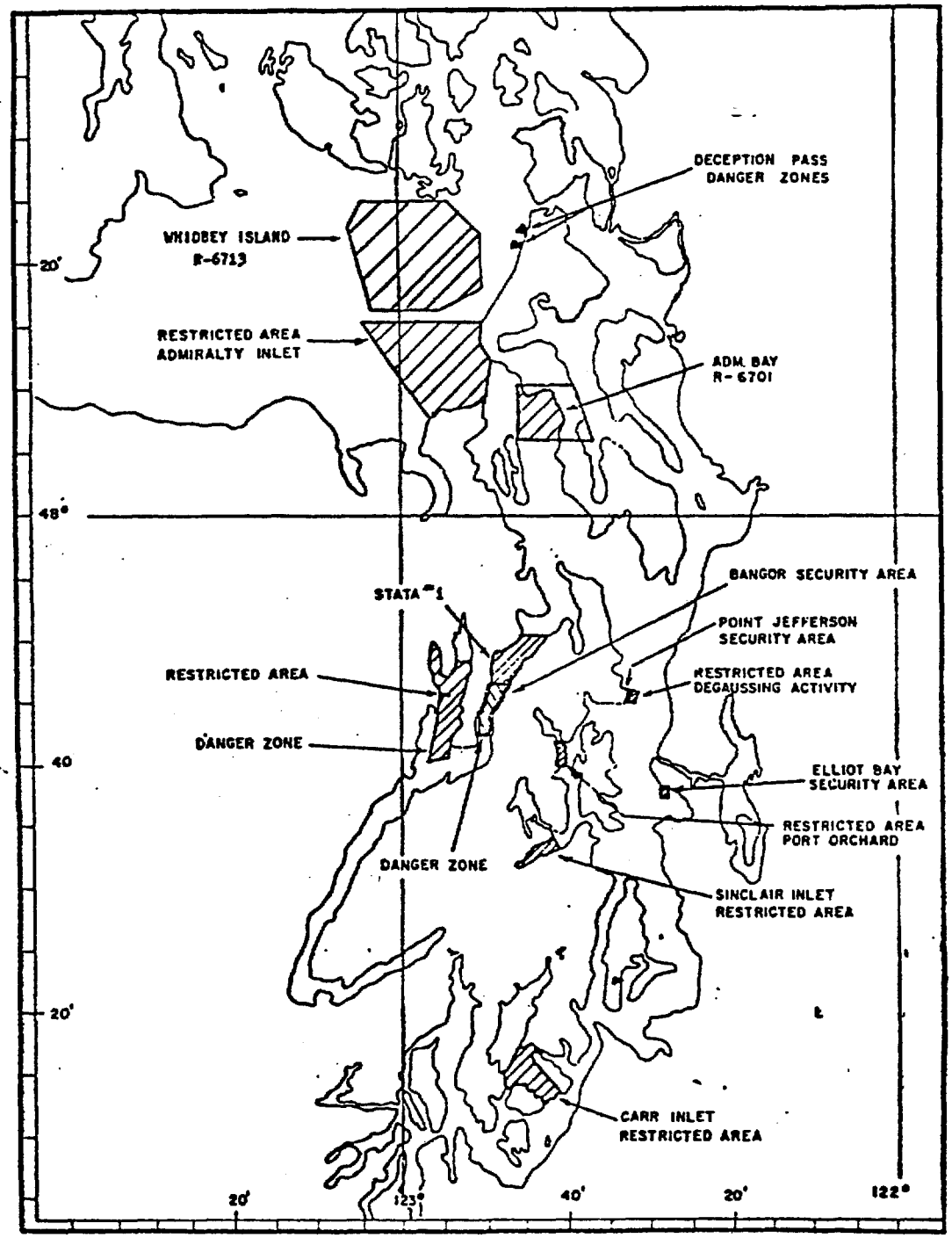
1. Continuous use under VFR conditions with ordnance drops (other than flares and photoflash) restricted to the hours of 0800-1600 local.

2. No ordnance to be expended so as to fall on Smith Island.

3. No firing shoreward.

OVERLAPPING, INCLUDED AND ADJACENT AREAS, TARGETS: Overlies surface danger zone


EXPLOSIVE/CHEMICAL DUMP AREA
W-601
STATA #3
R-6705
STATA #2
W-237A
STATA #4
W-237B
R-6707
FOR PUGET SOUND AREA SEE ENLARGEMENT OF THIS AREA
55'
50'
45'
40'
35'
30'
25'
20'
15'
10'
5'
50' 40' 30' 20' 10'
48°
47°
46°
* SURFACE AREA (STRAIT OF JUAN DE FUCA) AND STATA #2 ARE NOT CONTAINED WITHIN A NAVAL RESTRICTED AREA; AND DO NOT HAVE STATUTORY AUTHORITY FOR INHIBITING USE BY OTHERS. (REF PAGES III-14 AND III-22)
EXPLOSIVE/CHEMICAL DUMP AREA
THIRTEENTH NAVAL DISTRICT FLEET OPERATING AREAS AND OTHER CONTROLLED SPACES.
THIRTEENTH NAVAL DISTRICT
DO NOT USE FOR NAVIGATION PURPOSES
127°
126°
125°
124°
123°
120°



PUGET SOUND AREAS

DETAILED COMMENTS ON

WASHINGTON COASTAL ZONE MANAGEMENT PLAN

The following specific comments on the Washington Plan are germane. The specific portion of NOAA's Coastal Zone Management Program Approval Regulations (15 CFR 923) on which each comment is based has been listed as appropriate.

Citation	Comment
§ 923.11	Navy land within the geographic boundary of the state's coastal zone has not been identified for exclusion from the "coastal zone", either in the state program proper or in the Snohomish County Master Program which is offered as representative of local government supplements to the state program. It is considered that excludable Navy land should be specifically defined in the text of the program as well as graphically. It should be noted that the state's program introduces the concept of a three tiered coastal zone which extends to the eastern coastal state boundaries. This concept should be clarified to assure no misunderstanding of coastal zone boundaries intended.
§ 923.11	The program defines the coastal zone as including coastal waters, but otherwise neither in the state document nor in the appended Snohomish County Plan is the extent of state concern in these waters expressed, nor specific Navy exclusion conceded. Thus, the impact of the state's program on Navy operation in coastal waters, at present or in event of statutory change in boundaries of the territorial sea, is indeterminate.
§ 923.12	Neither the state nor its Snohomish County supplement fully explains the impact of projected land and water uses on installations and operations representative of Navy's defense installations and operations. The program speaks to public need and environment, but not to defense or Navy. Although it cites many uses of concern, which would impact on Navy, it does not recognize them as such.
§ 923.14	The program does generally acknowledge national defense as being one of the classes of interest to the state, but it is not designated as an important priority. A positive declaration of the priority of national defense and the importance to the state of the Navy presence in the coastal zone, would go a long way toward achieving state and Navy understanding.

Citation	Comment
§ 923.14	Inasmuch as the Navy has not been significantly mentioned, the potential requirement for new or expanded Naval activities on the land, in the air, on and under the water of the coastal zone has been totally ignored in the state's program.
§ 923.15	The implication in the program (page 53) that at some future date, some activities, presumably of national interest, will be determined to be inappropriate for location in the state, is of concern. Clarification of this statement is important to the future of Navy interest.
§ 923.31	Although the state speaks of working with federal agencies in developing the program, there was no representation by Navy. This is a matter of serious concern. Particularly in view of the wording in the second paragraph of page 83 which states, "Should an inappropriate federal action take place, and the agency not be willing to negotiate a compromise, the state will resolve the matter in the courts."
General	The program does not make a clear distinction between projects which are direct actions by federal activities on federally controlled lands and other projects which only require federal approval (i.e., for grants). The difference is significant in the federal Coastal Zone Management Act.
General	The Snohomish County Master Program, representative of the primary functionary arm of the state plan, one of 15 county and 37 city programs to follow, does not adequately fulfill the requirements for local administration so as to be consistent with the state program and applicable provisions of the federal act.
General	The general program does not address in detail any specific prohibitions, but the appended Snohomish County Program, which was the only local government program submitted for review, suggests numerous prohibitions which -- if included in other master plans -- would have a definite impact on the Navy.

Citation	Comment
General	The program as presented is incomplete, since it invokes local government (county and city) master programs as the single most important component, some 52 in number, of which only one is submitted for review. This one program falls far short of conforming with basic requirements of the federal act regarding, among other things, the definition of coastal zone boundaries, exclusion of federal lands, and the concept of federal consistency. If this one local program is representative, it is indicative that the policies of the state's Shoreline Management Act have not been fully resolved with those of the federal act, and casts serious doubt on the validity of the state's program. With this example, it would only be prudent at this time to withhold approval on the state's program until all local government programs are completed and reviewed.

Discussion Paper

State National Defense Coastal Zone Interests

National defense is an essential element of national interest and one of the high priority competing use requirements for coastal zone air, land and water resources. The Navy, in particular, because of its mission and extent of controlled property, is a significant user of coastal property, air space and offshore public lands and waters. Most of Navy's activities require a coastal zone location to carry out its mission.

Lands, the use of which is by law subject solely to the discretion of the Department of Defense, its officers or agents, are excluded from the coastal zone. This applies to all lands within the coastal zone subject to the jurisdiction of the Department of Defense.

The Department of Defense conducts, as required by law, careful environmental evaluations of all proposals which may be likely to constitute a significant impact on the quality of the environment, and national security requirements are not expected to conflict with the coastal zone management program. However, if occasions arise where certain military activities conflict with the state policies and program, state and local officials will consult and cooperate with Department of Defense representatives to the end that such conflicts are resolved.

Coastal zone military installations are important components in their local areas, and represent a stable and substantial contribution to the state economy. To support some of its installations, the military also requires an economic and industrial base and, to a large extent, depends upon local communities for schools, housing, recreation and other supportive facilities and services. It is recognized that it is in the national interest for the state to formulate plans which assist where possible to restrict private encroaching development from preventing or reducing a defense installation's mission. For example, encroachment of incompatible uses and configurations such as residential, high rise, and recreational developments into noise and accident potential zones of military air installations may create substantial problems. Accordingly, development within such zones, and similar zones surrounding other Defense installations in the coastal zone will be closely coordinated with appropriate Department of Defense and local officials to obtain compatibility of uses.

Military activities (operational, coastal or offshore defense, research and development, maintenance, support or training) are conducted in the interest of national defense in various air space, land and water areas. Such areas are usually designated, in accordance with law, as restricted or operational areas. The requirement for these current military activities, occasionally classified, as well as future new or expanded requirements in the interests of national security is recognized. Any plans concerning such areas, including the siting of energy-related facilities will be coordinated with local Department of Defense representatives.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Md. 20852

5 SEP 1975

MEMORANDUM FOR: George Marienthal
Deputy Assistant Secretary of Defense
for Environmental Quality
Department of Defense (DOD)

AND: Francis B. Roche
Director
Real Property and Natural Resources Division
Office of the Assistant Secretary
(Installations and Housing)
Department of Defense (DOD)

FROM: Robert W. Knecht
Assistant Administrator for
Coastal Zone Management

SUBJECT: Office of Coastal Zone Management (OCZM) Response to the Department of Defense Comments on the State of Washington's Coastal Zone Management Program (WCZMP)

Your letter and enclosures of June 10, 1975, transmitting DOD comments on the above-referenced WCZMP is acknowledged and appreciated. Before setting forth our responses to these comments, we would like to take this opportunity to express our sincere appreciation of your efforts to coordinate and consolidate DOD's review of the WCZMP. We also would like to note the outstanding sustained and cooperative efforts of the Oceanographer of the Navy staff in the WCZMP review and follow-up consultations.

A. General OCZM Concerns

Your letter indicates that the fundamental objection of DOD to the WCZMP is that "national security interests were not adequately considered in the program development." OCZM and the State of Washington agree with this general assessment and, based upon a substantial amount of discussion and additional work, believe that this key issue can be resolved to the satisfaction of relevant DOD interests, those of the State and in terms of the requirements of the Coastal Zone Management Act (CZMA).

The central interest of DOD in the CZMA and State programs resides in the Navy. Because the Navy was the only DOD component to submit detailed comments, and because its major interests will apply elsewhere, OCZM feels it important to identify and respond to Navy's generic concerns.

1. Understandably, Navy comments focus upon the responsibilities of the State (and its CZM program) to acknowledge and adequately respond to national security requirements, activities and restrictions. However, there is little if any acknowledgement of the reciprocal nature of the Act's intergovernmental obligations.

The Act, in its expression of national policy, declares in Section 303(c) that "all Federal agencies engaged in programs affecting the coastal zone are to cooperate and participate with State and local governments and regional agencies in effectuating the purposes of this title." At Section 307(c)(1) the Act also states that, "Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved State management programs." These provisions of the Act establish an affirmative duty in Federal agencies to further the objectives of the Act, cooperate with State programs and seek consistency of their activities with State programs after program approval.

In our view, Federal, as well as State recognition of these shared responsibilities is critical to the basic participation, consultation, coordination and accommodation requirements of the Act. An affirmative statement of Navy policy in this regard, perhaps building upon the "Discussion Paper" enclosed as Attachment 3, would be a significant contribution to the national CZM effort and a sound basis for State-Navy interaction in the future.

2. Repeated references are made to the Act's provision at Section 304(a) "Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents." Navy directs that all Navy lands be specifically identified by the State and excluded from the coastal zone. In Attachment 3, the cited provision of the Act is interpreted to mean: "This applies to all lands within the coastal zone subject to the jurisdiction of the Department of Defense."

OCZM recognizes that the interpretation and application of the "exclusion clause" has important legal and programmatic implications for both Navy and the national CZM program.

From a legal perspective, the language of the Act "solely to the discretion of" raises a reasonable question concerning the status of State jursidiction over various types of Federal land ownership and activities carried out on them. This has led some States to question the meaning of total "exclusion" of Federal lands from their coastal zones. Meetings with NOAA and Navy representatives subsequent to receipt of your letter have begun to clarify and narrow the legal issues and interpretations involved. NOAA and OCZM expect to develop and discuss with Navy a more definitive position on this matter within a few weeks, as a basis for resolving the current uncertainty in Washington and elsewhere.

The programmatic implications of the "exclusion clause" are equally important issues in need of clarification and resolution. The WCZMP experience highlights these issues. Even if relevant Federal lands are excluded from the coastal zone and CZM program authorities as a matter of law, the consistency provisions of Section 307(c)(1) nevertheless apply. Therefore, the policies, priorities, constraints and related contents of an approved CZM program would be applicable to Navy activities "to the maximum extent practicable." Exclusion, therefore, does not mean that a State or Federal agency can ignore Federal lands and the activities carried out within them and their relationship to coastal zone management. This is a particularly damaging assumption when, as is often the case, policies and activities within Federal lands have effects external to those lands and when decisions or actions adjacent to Federal lands may affect the appropriate or necessary uses of those lands. In addition, the Act requires reciprocal participation, consultation, consideration of views and a means to resolve disputes. These requirements further reinforce the need for sustained interaction between the State and Federal land managers during the development, as well as the implementation, of CZM programs.

3. Finally, there remains a legitimate but difficult issue of how the WCZMP and other States can demonstrate "adequate consideration" of national security interests. Further acknowledgement of these interests by the WCZMP in terms of the importance of national security and its overriding priority under certain circumstances is warranted. Additional discussion of Washington's contribution to national defense would also fulfill part of this demonstration. In addition, we will suggest that the WCZMP demonstrate that its policies, procedures and continuing coordination mechanisms do not arbitrarily exclude or unreasonably restrict existing national security missions of the Navy and provide sufficient flexibility to deal with future national security contingencies should they arise.

B. Responses to Detailed Comments

OCZM responses to detailed Navy comments on the WCZMP are set forth below in the order presented in Enclosure 2. We have attempted to respond to each point raised by Navy except those concerns dealt with in A. above.

1. The WCZMP has revised its boundaries to include the Shoreline Management Act (SMA) jurisdiction and the first tier of coastal counties. The application of the State's regulatory systems inland of the SMA, but supporting its policies and those of the CZMA, is a defined task the State has agreed to undertake as part of its supplemental 305 grant. Clarification of the revised boundary will be included in the final management program submission.

2. The WCZMP will amplify the State's interest in its coastal waters as they relate to the management program. This amplification will be made in light of Navy operating areas and their attendant restrictions contained in Enclosure 1. Given the uncertainties concerning extension of the territorial sea and its relationship to the CZMA and Outer Continental Shelf Lands Act (which may be controlling), the State has no basis upon which to assess potential future impacts of its WCZMP or other State programs beyond the current three mile limit.

3. We understand that consultations have been initiated with Navy to explore the interface between the WCZMP and Naval installations and operations. The State intends to prepare Federal agency/WCZMP analyses, of which Navy is a first priority, as one tangible means to clarify these interface questions.

4. Our response to this comment is found at A.3 above.

5. Our response to this comment is also found at A.3 above.

6. Clarification of WCZMP policies and authorities, especially as they relate to controls over future developments is an integral part of the State's program refinement effort. OCZM's understanding of the WCZMP, however, indicates that there is no intention to prohibit any particular activity from the State or its coastal zone. Rather, the WCZMP seeks to establish objectives, priorities, performance criteria, management environments and controls over uses throughout the zone. A key to addressing yet to be defined future proposals is the development and maintenance of a State-Federal consultation mechanism which the State is strengthening at this time.

7. Full Navy participation in the WCZMP that was lacking in the past has been remedied and will be assured in the future.

8. The State will develop a "consistency" section for its final management program submission which will define the State's position concerning Section 307 of the Act. Concurrently, as noted in A.2 above, NOAA and Navy are seeking to resolve the issue of activities on "excluded" Federal lands.

9. The Snohomish County Master Program meets the stringent State standards for implementation of the Shoreline Management Act. The State retains review and appeal authorities over these Local Master Programs (LMPs). Seven additional coastal county LMPs have been adopted and approved by the State. Taken together these LMPs, and the remaining seven which are substantially complete, provide an augmented perspective of the overall WCZMP. They also, together with the State's organizational and authority network, provide the basis for meeting the substantive requirements of the CZMA.

10. A review of the State's standards, criteria; guidelines and processes for the development and approval of LMPs indicates that they meet the threshold requirements of the CZMA. As such, the prohibitions or conditions placed upon activities within designated shoreline "environments" appear to be prudent and reasonable. We suggest that local representatives of the Navy review approved or submitted LMPs to satisfy themselves that when viewed in a statewide perspective, the LMPs exhibit a broad and balanced application of State policies and police powers in the coastal zone.

11. In our view, the State's statutory authorities, guidelines, review processes and appeal authorities concerning the Local Master Programs are sufficient to meet the basic substantive and process requirements of the CZMA. It is therefore our opinion that not all LMPs need to be adopted prior to approval of the program. However, it became evident that other requirements of the CZMA, specifically its requirements for full participation, Federal interests and the potential application of a consistency regime, make it highly desirable to have the majority of LMPs completed prior to program approval. The State has projected that most, if not all, coastal LMPs will be completed during the supplemental grant period.

We would again like to take this opportunity to compliment and thank you and the Navy for the careful analysis of the WCZMP and your commitment to work with the States and ourselves to achieve the objectives of the Coastal Zone Management Act.

cc: Lt. Cmdr. L. A. Yeske
Office of the Oceanographer of the Navy
Environmental Quality Division

10 JUN 1975

CZM
Information

Copy

TMA
BM
JP
TL

May 29, 1975

State of Washington
Department of Ecology

Rear Admiral Lando W. Zech Jr.
Commandant
Thirteenth Naval District
Seattle, Washington 98115

Dear Admiral Zech:

Thank you for sending us your comments on the Washington Coastal Zone Management Program.

Our coastal zone management people are reviewing the comments now and will provide a detailed response to each point raised as soon as possible. I felt however, that a more immediate response of a general nature was warranted in light of your concerns.

As I indicated in my earlier letter on this subject, we regret that a more concerted effort to involve the Navy in our coastal zone management program was not made, despite our early contact with the Department of Defense. Nevertheless, we have made numerous contacts in recent months which are extremely beneficial to this Department in helping us to better understand your concerns. We believe that this communication and understanding are the key basis for effective coastal zone management and will pave the way to resolution of your concerns.

To begin with, we have added your office to our Shoreline Master Program Review Task Force which will provide you an opportunity to review and comment on coastal county and city master programs prior to their acceptance by the State. Your participation will be timely in that most of the programs of apparent concern to the Navy have yet to be submitted, including King and Kitsap Counties and Seattle.

Many of the concerns listed stem from misunderstandings and differences in perception of coastal zone management.

Daniel J. Evans, Governor John A. Biggs, Director Olympia, Washington 98504 Telephone (206) 753-2800

An example of these differences in perception are illustrated by comments I and J, "the potential future requirements of the Navy are noted as not being addressed in our application."

We would perceive coastal zone management as a process in which Navy requirements would be identified and accommodated within the total management program. In this regard, we recognize that the Navy will have needs to carry on various activities in the coastal zone of Washington State. In some instances, your activities in pursuit of your responsibilities in the national interest will of necessity conflict with local and state resource management program. When such conflicts occur, it is the intent of the coastal zone process to work toward their resolution.

To reflect further on your example, the message indicates need for submarine operating areas. We recognize the Navy to be the only organization capable of assessing standards and requirements for submarine operating areas, and a suitable location for such sites. Again, as a component of the total management program, the needs would be made known or accounted for within the coastal zone management process.

The actual task of selecting operating areas for submarines, however is one that the Navy would perform itself. Our role in this example would be to assist the Navy in maintaining its submarine operating areas by preventing events that could reduce or eliminate the useability of the areas. To this end we would alert the Navy of any adverse proposal that other coastal zone users might encounter, and then work with the parties to resolve conflicts.

This process would avoid the common pitfall of attempting to project and forecast all the potential conflicts with the total Navy function. To thoroughly address all such concerns in our application for all governmental Federal functions, would be a monumental task. Rather, we as the lead coastal zone management agency have the responsibility for establishing and better utilizing mechanisms to resolve the problems as they arise. This includes better utilization of the several existing systems including NEPA, A-95, Section 10 permits, and the consultation/coordination relationship we have established with the Navy and other Federal agencies.

May 29, 1975

Department of Ecology

Another example of a difference in perception can be found in the topic: "Local Regulations and Uses of Regional Benefit." According to Coastal Zone Management requirements, the State must demonstrate that it can prevent a local government from unreasonably or arbitrarily excluding a use of regional benefit, which we have done. Through the phrase, a "use of regional benefit", defined as a "facility necessary to meet requirements other than local in nature" we have met the requirement. This key phrase is used in discussion of the National Interest for the siting of facilities including Naval facilities (see page 54 of the application). Because Navy facilities are needed to meet requirements other than local in nature, in this case national defense, these facilities by definition are of regional benefit.

Priority of Navy uses over others is another matter of concern here and in your comments in the message. While we have not specifically established priority by type of use, the Act is quite explicit in providing priority to those uses which require or are dependent on a shoreline location. Clearly, Naval installations are among those of the highest priority within our coastal zone because of their requirement for coastal locations.

We trust that this letter has addressed many of your most urgent concerns. I firmly believe that differences in perception, and a lack of sufficient explanation on our part can account for most of your comments. For such matters as listings of Navy properties, leaseholds, and operating areas, we will include them along with the statement of Navy policy in our program as soon as they can be forwarded to us.

Please contact me or Mr. Murray Walsh of this Department for any further concerns you may have, and thank you for your participation in the program.

Very truly yours,

John A. Biggs
Director

JAB:sc

cc: Tim Alexander
Cmdr. Myers (13th Nav. Dist.)
Lcdr. Yeske (CNO-Wash. D.C.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410

OFFICE OF THE ASSISTANT SECRETARY
FOR COMMUNITY PLANNING AND DEVELOPMENT

MAY 30 1975

4 JUN 1975

IN REPLY REFER TO:
CU

Honorable Rogers C. B. Morton
Secretary of Commerce
Washington, D. C. 20230

CZM F 4-7, due 6/25
Action (JW)
Copies TMA/JP/PP/BM
RG
TC

Dear Mr. Secretary:

This letter responds to your request for advice on whether or not to approve the State of Washington's Coastal Zone Management Program (WCZMP) and its application for administrative funds under section 306 of the Coastal Zone Management Act of 1972 (Public Law 92-583).

Reviews of these materials by HUD's Central Office and HUD's Regional Office in Seattle make it clear that the State of Washington has made commendable progress since 1971 toward developing a cohesive Coastal Zone Management Program in the State, and that the State has achieved some momentum in CZM affairs, for example, in administering the Shoreline Management Act of 1971 and its implementing regulations. The State has designated the Department of Ecology (DOE) as the focal point for CZM matters. The State has developed generalized statements of problems, goals, policies, and objectives. The State has taken the approach of delegating most of the initial CZM planning in the State to local governments for the development of "local master programs" (LMP's) within counties or cities in or near the coastal zone, but with the requirement of DOE approval of each LMP after coordination with other State agencies and Federal agencies and with the possibility of State override by DOE if appropriate. (Only one LMP has been made available for examination.) The Washington State DOE is responsible for achieving the necessary State-level perspective and cohesion for the WCZMP and for presenting the WCZMP in a self-contained format that is easy to understand and to administer.

A task force of representatives of some Federal agencies has existed for about one year to assist in the field review of various WCZMP planning elements. As indicated by the list of discussants on page 00079 of the application and Appendix A, HUD has not been included on this task force and HUD has not advised on the compatibility of the current WCZMP proposal and 306 application with the State's comprehensive plans being developed with assistance from HUD's 701 program.

It is our view that in order to have an approvable State CZMP and 306 application ready for "administration" under the approach taken by the State of Washington, (a) all local master programs (LMP's) relating to the coastal zone would have been completed; (b) the DOE would have reviewed each LMP; (c) the DOE with the assistance of other agencies would have reconciled conflicts among various LMP's and between State development and conservation interests (and the DOE preferably will have had some approach to Indian lands and Federal lands in or near the coastal zone even though Federal trust lands are excluded from funding under the CZM Act of 1972); (d) the State would have made and publicized first-round designations of regional and national needs that should be accommodated, would have caused their incorporation in (revised) LMP's and would have established satisfactory procedures and state-level institutions for updating these designations in the face of changing needs; and (e) the State of Washington would have completed a cohesive, comprehensive, self-contained, State-level WCZMP, including State-level maps and narrative support designating specific permissible uses of CZM lands (and water) and indicating where growth will not be permitted and where growth and development will be permitted, together with guidance on the general character and densities of this development and with plans for protecting the CZM against man-made and natural disaster. In short, the State would have completed a careful balancing of developmental and conservation needs and interests and would have aggregated and integrated the LMP's and regional and national needs into a State-level, geographically-specific concept of coastal zone land and water use for the immediate future with certain safeguards to be undertaken in State perspective and with an orderly approach for amending the WCZMP when appropriate.

FINDINGS:

The U. S. Department of Housing and Urban Development finds the following critical deficiencies in the WCZMP and its section 306 application:

1. Flood Hazards. HUD's Federal Insurance Administration (FIA) has noted a serious flaw in the proposed WCZMP in that there is a "lack of substantive consideration of the flood hazard in the coastal and coastal-riverine flood plains of the State": the proposed WCZMP only makes occasional passing reference to this problem. FIA suggests that any land use management measures for those areas of special flood hazard designated by FIA which are included in Washington's Shoreline Management Act and its extention, the CZMP, should be administered in accordance with the objectives contained in 24 CFR Part 1910 of FIA regulations. The program should also designate the FIA-

identified flood hazard areas and coastal high hazard areas as areas of particular concern as well as any flood-related erosion hazard areas and mudflow hazard areas which may be designated by FIA in the future. This problem alone would seem to make "final approval" and access to 306 funds impossible at this stage.

2. Facilities and Use of Regional Benefit. We believe that the proposed WCZMP does not give adequate consideration to land and water uses of regional benefit. The application acknowledges (page 00053) that "the determinations as to the national and regional needs ...for facilities...have only begun." Although section 923.17(b) of the application claims that the State will avoid unreasonable restrictions on uses of regional benefit by following the CZMP's standard procedures i.e., the Department of Ecology's review of proposed local master programs and of local decisions on permit requests; section 923.14 indicates that the State is to conduct these reviews on the basis of certain State-wide priorities and other unspecified "State-wide concerns and needs." The list of State-wide priorities does not include "uses of regional benefit" as a general category. In short, the proposed WCZMP does not compel the State to find that a use which is of regional benefit also satisfies "State-wide concerns and needs."

In addition, the application's definition of "uses of regional benefit" appears to be too narrow. Section 923.17(b) contains an ambiguous, implicit definition of "uses of regional benefit" which not only fails to show how "uses of regional benefit" are different from those of "national interest," but also fails to require that certain developments such as new residential communities, shopping centers, and other community facilities of a regional character should be considered by the Department of Ecology as "Uses of Regional Benefit."

This weakness in approach to regional benefit might stem from the absence of a strong mandate from the State legislature for a State-wide office of community development or for a State housing agency in the advisory process supporting DOE's final determinations. We are further concerned with a process that apparently approves LMP's before "Uses of Regional Benefit" or "National Needs" within the realm of development or renewal projects administered by HUD are even given preliminary consideration in State perspective.

3. Land Use and the Designation of Specific Growth and Conservation Areas and Policies. The proposed WCZMP does not have a clearcut articulation of policies or delineation of areas in or near the coastal zone with regard to where growth should and should not take place. The proposed WCZMP at this time is little more than a set of procedures and some guiding criteria

under which the cities and counties in or near the coastal zone can begin to make some basic land use decisions, subject to State override, on permissible uses that will guide change and orient future population growth. Until geographically-specific determinations of permissible land use in or near the coastal zone are made and approved at the State level in a format that is self-contained and easy to understand by interested parties, land owners and pro- and anti-development forces will remain virtually stalemated and all too often will become embroiled in costly and unnecessary litigation.

This land use problem has an important bearing on the bilateral coordination agreement between NOAA/OCZM and HUD/CPD, signed on February 19, 1975. The interdepartmental relationships are of such significance in this prototype case that we are annexing the comments of the (701) Office of Planning and Management Assistance in their entirety.

4. Effective date for approval, notification, and minimization of litigation. We would like at this time to identify several important implementation problems which would be considered before Washington's or any State's CZMP receives "final approval" by the U. S. Secretary of Commerce. These relate to the "Federal consistency requirement" that Federal agencies not engage in direct or support activities that violate that State's CZMP once it is approved by the Secretary.

a. Single effective date for the State CZMP.

HUD believes that the effective dates for approval and administration of each state's CZMP should be that for the Secretary's "final approval" of the State CZMP as a whole and it is at this level primarily that HUD seeks review in order to advise the Secretary on whether or not he should approve the CZMP. Although willing to be consulted on special, significant problems, HUD does not seek involvement in reviews of individual local master programs; HUD does not have the manpower for such involvement. Moreover, administratively it would be impossible to monitor in each coastal state some four or five dozen individual LMP's, all being approved at different times, each having different effective dates, and many having special conditions attached to their approval.

b. Prompt distribution of approved CZMP in comprehensive self-contained format.

If Federal agencies are to honor the Federal consistency

requirement and to minimize litigation, then "final approval" should be clean and unambiguous and copies of the State's CZMP should be distributed to central and field offices of Federal agencies promptly after final approval in a form that is definitive, self contained, easy to understand, and feasible to administer. Although the emphasis on Federal review is on process, nevertheless, we believe the process to be approvable should produce a definitive final product against which Federal consistency can easily be measured.

c. Transition phase.

A transition phase should be made part of each state's CZMP. Many of HUD's programs are developmental-support programs involving multiple stages of approval along a process of costly land acquisition and holding and subsequent construction activity--a process which often ties up enormous capital of private and public entities. As a practical matter, if the CZMP is to be administered with equity, a carefully-framed transition phase will be needed to deal with developers who had accumulated land and secured early-stage HUD approval before the Secretary of Commerce approved the State CZMP. Unless there is some such transition phase, developers will sue the State regulatory arm and probably name both the Secretary of Commerce and the Secretary of HUD as parties in the litigation.

These four matters represent critically important unfinished business that should be completed before the WCZMP is considered sufficiently mature to be ready for implementation and administration under section 306 of the CZM Act. The first three are not easily remedied; they are substantive matters which might take months to correct.

Beyond these critical deficiencies, we also want to express some reservation about the narrowness (200 feet) of the formal coastal zone strip and to question whether this is sufficient to deal with the problem at hand. We also have concerns about the cumulative effects deriving from successive exemptions that would permit unlimited numbers of single family dwellings to be erected one at a time along the coastal strip and from the bulkheading of landholdings there and filling to whatever grade is desired.

5. Environmental Impact Statement (EIS). We do not have grave problems with the draft EIS which deals reasonable adequately with the proposed WCZMP in its present, somewhat incomplete stage of development. The substantive deficiencies are mainly in the WCZMP itself. However, we do expect that significant revision

of the draft EIS will be necessary when the WCZMP is given the specificity, maturity of development, and state perspective necessary for "final approval."

CONCLUSION:

We believe that the State of Washington has made an excellent start in developing its CZMP, and that many of the initial activities show considerable imagination. There is at least one critical deficiency, the failure to give substantive handling to the flood plain hazard, which in the perspective of other Federal legislation precludes "final approval" of the WCZMP and the 306 application. There are several other deficiencies which individually are of a character which would make "final approval" unwise as a precedent and probably inappropriate as an evaluation of current status. Finally, despite many good elements to the proposed WCZMP, there remains a residual lack of cohesion at the State level which probably needs to be overcome to facilitate public understanding and effective administration of the program. On balance, we believe that the State of Washington should be commended for its initial efforts and encouraged to develop its CZMP with the support of section 305 funds toward the goal of achieving a CZMP worthy of emulation by other coastal states. My staff and the HUD Regional Office staffs will be happy to furnish additional detail describing the problems outlined above to NOAA/OCZM officials or to officials of the State of Washington.

RECOMMENDATIONS:

1. The U. S. Department of Housing and Urban Development recommends that the Secretary of Commerce grant "preliminary approval" to the Coastal Zone Management Program submitted by the State of Washington, as "preliminary approval" is defined in the Federal Register of January 6, 1975, Vol. 40, No. 6, Part I, Coastal Zone Management Program Administrative Grants.

2. The U. S. Department of Housing and Urban Development further recommends that the Secretary of Commerce advise the State of Washington that "final approval" will be contingent upon correcting the weaknesses identified herein under "Findings" and such other weakness as may be identified elsewhere.

3. The U. S. Department of Housing and Urban Development further recommends that additional development funds be made available to the State of Washington for further work on its important Coastal Zone Management Program.

4. The U. S. Department of Housing and Urban Development recommends that the State of Washington from the outset place its WCZMP in the context of State-wide growth policies.

Sincerely,

David O. Meeker, Jr., FAIA, AIP
Assistant Secretary

Attachment

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Md. 20852

22 AUG 1975

MEMORANDUM FOR: David O. Meeker, FAIA, AIP
Assistant Secretary
Community Planning and Development
Department of Housing and Urban Development (HUD)

FROM: Robert W. Knecht
Assistant Administrator for Coastal Zone Management

SUBJECT: Office of Coastal Zone Management Response to HUD Comments on the State of Washington's Coastal Zone Management Program (WCZMP)

Your letter of May 30, 1975, transmitting HUD comments on the WCZMP is acknowledged and appreciated. Our response to these comments is set forth below following the sequence presented in your letter.

A. General Comments

1. It is regrettable that HUD's regional office was not included among the Federal agencies participating in the WCZMP task force. We understand from the Department of Ecology (DOE) that they had worked closely with HUD over the past three years, and that in fact, HUD 701 funds contributed substantially to the early development of their program. This oversight is being remedied. HUD headquarters designation of its Regional Administrators as key state contact points should preclude this lack of involvement in the future.

2. The first paragraph of page two sets forth HUD's general criteria for approvability of the Washington program. Since OCZM considers this an essential policy question, we have set forth below our responses to these criteria in some detail.

   (a) In our view, the State's statutory authorities, guidelines, review processes and appeal authorities concerning the Local Master Programs are sufficient to meet the basic substantive and process requirements of the CZMA. It is therefore our opinion that not all LMPs need to be adopted prior to approval of the program. However, it became evident that other requirements of the CZMA, specifically its requirements for full participation, uses of regional benefit and the potential

application of a consistency regime, make it highly desirable to have the majority of LMPs completed prior to program approval. The State has projected that most, if not all, LMPs will be completed during the supplemental grant period.

By Washington statute, adoption of LMPs involves DOE and other State and public reviews.

DOE is charged by State law to assure that the statewide interest among LMPs is expressed. We have requested that the cumulative effect of individual LMPs be assessed and addressed in the final application. Not all conflicts can be resolved prior to program approval; the CZMA directs, however, that an adequate mechanism for conflict resolution be established. The Federal and State agency committee structure now being refined by DOE is designed to meet this requirement. Although not required, the State on its own initiative, is providing planning assistance to coastal Indian tribes in its current CZM grant.

National and regional interests and needs must be adequately considered by the DOE. Their responses to agency comments including HUD's, will form a part of the final application. We would like to underscore our belief that this consideration is the responsibility of the State, and that a State-level institution(s) must be in place prior to approval. Accommodation of overriding national or regional needs by LMPs must be worked out within a continuing process of State-local interaction, but with the State assuming primary responsibility for this accommodation process. Provisions for changes or amendments in LMPs are provided by State law and guidelines.

Your statements concerning the conditions to be met prior to approval in this subpart are laudible goals that for the most part parallel those of the CZMA. However, the CZMA as presently constituted contains no requirement for a "growth"--"no-growth" policy. Rather, CZMA requires that appropriate uses of the lands and waters be identified and that controls or conditions be specified to regulate activities in the coastal zone. Although an affirmative program of growth inducement may be desirable, the CZMA does not require such an element. Nor does the CZMA require a prohibition of growth, although Washington's "natural environment" designations appear to fully meet the intent of such a concept. Clearly, this issue underscores the need to interface HUD's land use element and CZM programs. We would be particularly interested in what specific requirements or degree of

performance HUD will place on its constituents to meet the growth--no-growth determination in its 701 land use element. This could provide a constructive basis upon which our two related programs can be dovetailed and made mutually supportive.

B. Findings

1. OCZM concurs that there is inadequate consideration given to the problems and issues of flood hazards in the WCZMP narrative. In discussions with the State we find that DOE is the lead State agency to deal with flood plain management, that the State FIA representative is housed in DOE, and that it will remedy this important gap in the program narrative. FIA should also note that flood plains and floodways are specifically included under the Shoreline Management Act and the criteria for designation of management environments. In addition, OCZM considers it important to meet again with headquarters HUD officials to clarify how our programs should coordinate from both a policy and operational standpoint.

2. OCZM, as well as the State, acknowledge that the issues involved in dealing with "uses of regional benefit" is a difficult conceptual and legal matter. The major tests of whether or not a program has met the Act's requirements (306(e)(2)) and NOAA's administrative regulations (S.923.17) include: (1) the adequacy of a State's method to assure that local regulations will not unreasonably restrict or exclude uses of regional benefit; (2) the absence of unreasonable restrictions or exclusions in a CZM program; and (3) if such restrictions or exclusions are in a program, they are accompanied by a reasonable suitability or capacity analysis.

   OCZM believes that the WCZMP must more adequately and specifically address the issue of regional benefit, but that the program already contains the basis for meeting the Act's threshold requirements in this regard. In terms of the three "tests" outlined above, our reasoning is as follows:

   (a) The State has designated the shorelines of State significance as a region where statewide (more than local) policies are given particular weight. The Shoreline Management Act, in a provision probably unique to the United States, declares use priorities for these shorelines to which the local governments "shall give preference" and "recognize and protect the statewide interest over local interest." (Ch. 90.58 RCW) Specific methods and guidance to localities in terms of this policy are contained in the "Final Guidelines: Shoreline Management Act." Further specific attention is given this regional-local issue in the "Shoreline Master Program Reviewer's Guidebook." In Section 3.5 of that document, DOE recognizes its responsibility to assess the regional implications of LMPs -- and sets up processes and participatory mechanisms to deal with this issue.

(b) An OCZM analysis of nine adopted LMPs indicates that there appears to be no unreasonable restrictions or exclusions in these LMPs. Viewed as a group, these LMPs further reinforce the notion that the overall WCZMP provides opportunity for a full range of coastal zone uses, including those of more than local benefit. Perhaps your Regional Administrator could examine the adopted programs to determine if our own analysis meets HUD's concerns in this area.

(c) Where uses are restricted or controlled by the WCZMP environments, OCZM believes these restrictions to be based upon broad and prudent criteria.

3. OCZM has attempted to deal with the generic concern for "where growth should or should not take place" in A.2(e) above. We also have met recently with your HUD/CPD Acting Director of OPMA and your Secretarial representatives to discuss this in further detail. That discussion concluded that there is a need for both agencies to strongly encourage the development of statewide growth policies and that CZM and HUD land use elements be consistent and are unified once such policies are formulated.

4. The potential implementation problems noted in your paragraph 4 are responded to below.

(a) OCZM concurs that the WCZMP should be approved as a single, unified program. Approval will apply to the State's overall program with sufficient adopted LMPs to meet the concerns outlined in A(2)(a) above.

(b) OCZM fully concurs with your comments here, and has notified the States that the efficacy of the consistency provisions of the Act is directly dependent upon the clarity, analysis and administrative feasibility of the State's CZMP.

(c) The WCZMP is based upon an integration of existing Washington planning and management authority; thus, HUD supported programs will not be subjected to any "new" requirements in mid-stream. The application of the consistency routines will be phased in over time and, we trust, will be applied to new applications or activities once a system for consistency is established. The potential deficiencies in the 200 foot SMA boundary and SMA exemptions are a crucial part of the further organizational and regulatory networking effort now underway in the State.

5. We plan to develop a supplement to the DEIS.

C. Conclusion

The letter's conclusions are consistent with those of OCZM, in the context of our responses to the specific concerns in A and B above.

D. Recommendations

1. OCZM has taken this action.

2. OCZM has notified DOE of the concerns expressed in your comments and has worked closely with the State in constructing a work program to meet the deficiencies contained in its initial application.

3. An enhanced grant was awarded to the State effective July 1, 1975 and will terminate January 31, 1976.

4. To the extent that statewide growth policies exist, or may be developed in the future, the WCZMP will seek coordination and compatibility with such policies.

We would again like to take this opportunity to compliment and thank you and your staff for the careful and constructive analysis and assistance they have provided to OCZM and the State of Washington's coastal zone management effort.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

24 JUN 1975

JUN 19 1975

Dear Mr. Secretary:

Each of the coastal States, including those bordering on the Great Lakes, are being encouraged through the Coastal Zone Management Act of 1972, to develop a program providing for wise and effective management of their coastal resources. As specified in the Act, the States are to submit their coastal zone management programs to the Department of Commerce for review by the Federal Government and subsequent approval by the Secretary of Commerce. This approval, among other things, means that Federal actions within the coastal zone must be consistent to the maximum extent feasible with the State program.

The State of Washington has submitted as its coastal zone management program a proposal consisting primarily of various guidelines, regulations, and suggested methods of implementation, based principally upon its Shoreline Management Act of 1971. Basically, Washington envisions management of the coastal zone as an aggregate of State law, administrative regulations and programs, with the primary role of implementation resting with the local city and county governments acting under the overall management of the State's Department of Ecology.

As requested, the Department of the Interior has reviewed the Washington coastal zone management program proposal and the associated draft Environmental Impact Statement. Detailed comments and suggestions for improvement of these two documents are contained in the two attachments to this letter. The remaining portion of this letter highlights the principal concerns emanating from our review of these reports. The basis of our review was to judge conformance of the program with the requirements of the Coastal Zone Management Act and subsequent regulations. We have also provided specific comments on the programs's impact on the Department in order to assist future coordination.

Commitment to management of the coastal zone in a coordinated and comprehensive manner is a basic criterion that each coastal State must address. To accomplish this, each State must formulate goals, policies, and methodologies which culminate in a comprehensive, objective, well coordinated approach to guide and regulate public and private uses of the resources in the coastal zone. Ideally, an effective coastal zone management program should be the result of cooperation and interaction among individual citizens, private groups and all levels of government - local, regional, State and Federal.

It should be emphasized to the coastal States that a coastal zone management program is more than the setting forth of policies and management approaches. To produce results, it must formulate a set of procedures and institutional arrangements to implement a program that achieves the stated goals, and accomplishes the adopted policies.

The Coastal Zone Management Act is unique in a sense that it sets forth requirements which tend to concentrate on process, leaving the determination of substance of the management program as a responsibility of the State. This process has two distinct components; (1) process of developing a management program for the coastal zone, and (2) process of actual management through administrative and operational procedures. The process of management program development is covered in the Act and attendant regulations through the presentation of several specific elements that each State must address in the formulation of its program. The process of actual management is contained in a series of suggested alternatives which are available to the coastal States.

The major elements that must be analyzed in the process of developing a management program for the coastal zone include determination of boundaries, delineation of permissible land and water uses, a prioritization of the uses and a designation of areas of particular concern. Authorities necessary and organizational structures available as a means of exerting control are the focal points in the process of considering actual management of the program. A critical concern in our review of both of these process components has been the extent of involvement and depth of coverage of Federal programs and the means of assuring coordination with and obtaining the cooperation of agencies from the Department of the Interior.

The Washington coastal zone management program proposal was submitted with the intention of providing any necessary additional material to the Federal reviewing agencies in response to any evolving problems surfaced during the review. In its report, the State expressed that ". . . . all the authorities, procedures and elements expected of a State program are in place . . . " and that " . . . . all required elements are at least underway, if not already fully accomplished". The proposal also says: "Much effort has been undertaken and will continue during the program development year to better prepare the State to enter the 306 implementation phase. These efforts, while reported in this document, will not be complete at the time of submittal of this document, but should be complete at the time of approval of our WCZMP and the granting of the State's Section 306 funding request". We quote this material from the report to point out a basic dilemma facing our reviewers. It was very difficult to be responsive to something that is undergoing development and change and is, in the words of the State, not complete.

There is substantial misunderstanding about what the State has accomplished through its Shoreline Management Act and what it intends through development of its management program to accomplish under the Coastal Zone Management Act. For example, there are inconsistencies and a lack of adequate explanation in the narrative on the process used in determination of boundaries in the proposal. This had led to many uncertainties about the substantive aspects of the boundary delineation. Instead of repeating what is contained in the Shoreline Management Act, it is our contention that the State should delineate a boundary which relates directly to the Coastal Zone Act.

Within the interrelated process of determining permissible uses, prioritizing the uses and ascertaining areas of particular concern, the State admits to incomplete efforts, need for improvements and several on-going activities. In our view, a properly formulated process to effectively respond to these elements of a management program requires that the State set forth a framework which concisely spells out the mechanism to be used and addresses some of the concerns anticipated. As it now stands, the process is silent on coordination with Federal agencies regarding common interests on contiguous non-Federal/ Federal lands and inadequately covers the methodology to be used in determining National interest. In addition, there is no way to determine if the process will lead to balance in the permissible land and water uses. A process to prioritize is alluded to; however, more explanation is needed to permit an adequate evaluation. In the proposal itself, there is not enough information on criteria for designation of areas of particular concern or on representative types. Generally, areas of particular concern could be viewed as areas where interests of various entities are likely to be in conflict, or where a use would significantly affect State or National interests. For example, the report does not touch upon the problems of hazard areas and the process the management program would pursue in attacking the problem; i.e. floodplains zones with associated safety considerations, danger of damages both to the natural environment and to man-made features and the unnecessary costs associated with improper development.

Another very important concern is the inconsistent and in some instances total lack of coordination with agencies from the Department of the Interior in the process of developing the management program. Contrary to what is mentioned in the report, two Interior agencies, Bonneville Power Administration and Bureau of Mines have had no direct contact by the Department of Ecology.

Our review also generated concern regarding the process being proposed by the State to actually manage its coastal zone program. It is our contention that most of the existing acts, policies, and procedures of the various State agencies which are proposed to be brought together with the Shoreline Management Act do not appear to constitute a uniform and comprehensive system of regulation and control which satisfies the letter and the intent of the act. By its own admission (page 20 of the draft) the State neither sees nor plans anything substantially new or different in policies or regulations. In our view, these

several authorities do not combine to form an integrated, coordinated, efficient, comprehensive system for management of the Coastal Zone. We would suggest that a means to actually implement the coastal zone management program cannot be examined and finalized until the process of developing the program is better analyzed and the results presented.

We realize that the Washington coastal zone management proposal is the first effort submitted under the CZM Act. The State is to be commended for its efforts in preparing this proposal under rather difficult time constraints. However, because of the concerns addressed earlier in this letter, the lack of coordination in the process of developing the proposal, and our uncertainties about the very critical additions presently being developed to supplement the Washington draft, we would urge that approval to permit implementation not be granted at this time, and that a revised environmental statement covering the improved submission be circulated to give reviewers an opportunity for a more meaningful review.

We recommend that the State be encouraged to continue to expend its efforts to improve this proposal under the program development authority of the Act. Agencies from the Department of the Interior are ready to help the State in its efforts to produce an adequate and viable coastal zone management program.

Sincerely yours,

Royston C. Hughes

Assistant Secretary of the Interior

Honorable Rogers C. B. Morton
Secretary of Commerce
Washington, D. C. 20230

Enclosures

Attachment #1 - Comments on Washington's Proposal for Coastal Zone Management

Our review of the State of Washington's draft Coastal Zone Management program discerned major inadequacies in the proposal. Many of the comments raise issues about the extent or lack of information on the process employed by the State in their coastal zone programming efforts. Others concern certain substantive issues and are presented primarily as questions and as additional information available to the State in their reconsideration of the proposal. Briefly our major concerns and suggestions for their elimination are:

1 - Inconsistencies and inadequate explanations regarding the process used in determination of boundaries and uncertainty as to what the actual boundaries to be used in coastal zone management are. The State should define a boundary which relates directly to the Coastal Zone Act.

2 - Lack of information on specific kinds of permissible uses and no means to determine balance in the program. The State should amplify on how the proposed methods to determine permissibility will work and initiate a determination of the Federal role in establishing permissible uses and in a continual review process.

3 - Lack of information on relative priorities of use, what will be done when conflicts occur, and means of revising priorities over time. The State should develop mechanisms to respond to these concerns and present them in the proposal.

4 - Inadequate delineation of areas of particular concern making it impossible to track the approach to be used. The State should detail the rationale for determining and presenting areas of particular concern and present in the proposal what is presently known.

5 - Lack of adequate explanation on obtaining and using expressions of National interest in the development and implementation of the coastal zone program. The State should modify the proposal to specifically recognize the expression of National interest and the importance of the Federal role in natural resources activities.

6 - Lack of information on whether the State can actually enforce its authority and what the criteria and guidelines are for program implementation. The State should provide a more thorough explanation of the mechanisms to be used to meet the intent of the Coastal Zone Act.

7 - Lack of specific information on means of coordination with various entities. The State should spell out in specific terms what it proposes in coordinating its program activities internally, with regional organizations and with the Federal Government.

Further details on these major points are presented in the rest of this attachment. Agencies from the Department are ready to help the State through actions of the Federal Advisory Committee, the Review Task Force, and any other means necessary to make the proposal adequate for final approval by the Secretary of Commerce.

(1) Identification of Coastal Zone Boundaries

Considerable difficulties were experienced by many reviewers in analyzing the process of boundary determination and the selected boundaries as presented in the Washington proposal. It appears that the State established a series of boundaries using basically the boundary definitions of the Shoreline Management Act. In the proposal, the boundary definitions should be more precisely worded to avoid ambiguities.

Coastal Zone is defined in the Act as ". . . . the coastal waters and the adjacent shorelands . . . strongly influenced by each other and in proximity to the shorelines . . . " Further, "The zone extends inland from the shoreline only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on coastal waters . . ." For the first tier boundary the use of a fixed measure, 200 feet horizontal distance from the high water mark, raises a concern that it may not be totally responsive to the CZM Act. On page 26, the State says that its first tier boundary will be used to demonstrate control over development which has a direct physical impact on the coastal waters. Perhaps a more meaningful boundary for the first tier would be a line encompassing shoreline vegetative zones intact. Such a boundary would be sensitive to ecological systems of the coastal zone.

The second tier boundary presents somewhat more of an interpretive problem. On page 26 it is stated: "Another boundary is the rest of the State". The map on page 29 portrays a second tier boundary that appears to be an extension of the first tier boundary upstream from the salt water intrusion zone. Yet the text at the bottom of page 26 seems to imply that another chosen boundary, the eastern edge of the 15 coastal counties is the second boundary. In the revision of the Washington program, a single definitive boundary which meets the requirements of the Act should be shown.

As the report points out, the bulkiness of available maps depicting location of Federal and Indian lands, prohibits a wide distribution with the program. Too, the scale of the summary map in the report does not lend towards an accurate identification of these lands, specifically excluded from the coastal zone by law. In the eventual implementation of Washington's program, an accurate record of location of Federal and Indian lands in the coastal zone would be needed. Land records, available in the Bureau of Land Management's Land Office in Portland, Oregon, could be used to precisely delineate these lands. Legal descriptions could be provided. Many of the 22 Indian reservations in the State are situated at the mouths of a number of rivers emptying into Puget Sound and along the Western coast. Accurate descriptions of the boundaries of these reservation areas can also be provided.

Another concern is the interstate boundary shared with the State of Oregon. The State should include as a part of its boundary determination process, a mechanism to coordinate its efforts with Oregon. The report makes no mention of Washington coordinating its boundary determination with Oregon relative to the Columbia River, and conceivably there could be substantial problems of disparity. When coastal zone boundaries involving a shared resource are not compatible or similarly derived, then the difference in degree of use of the shared resource can have an adverse impact. This potential problem could also have international implications in Washington's shared boundary on Puget Sound with British Columbia.

(2) Permissible Land and Water Uses

The State of Washington defines three methods by which permissible land and water uses within the coastal zone are determined. These three methods, the SMA, its guidelines, and the local master program development process would all act together to list allowable uses. One major concern, not readily apparent, is the extent of Federal involvement in this determination, especially in the coordination needed for common interests on contiguous Federal and non-Federal lands within the coastal zone.

Four separate tasks can be identified in a process of determining permissible uses having a direct and significant impact on coastal waters as outlined in Section 305 (b) (2). They are (1) determining of land and water uses which will be assessed for impact of identified coastal environments; (2) determining of criteria and measures to assess impacts; (3) categorizing permissible and non-permissible uses; and (4) continuing compilation, verification and assessment of the information. The State of Washington feels it meets the requirements of Section 305 and says on page 38: "General permissibility is now established in the Final Guidelines and local master programs." However, elsewhere on that page it says: "The processes we have described for permissibility determination constitute a threshold level of achievement, that is a reasonable job can be done with the present system. However, we believe that significant improvements can be made . . ." The report goes on to point out that several additional work items have been started to make better use of the existing information. Although the State maintains it has accomplished much inventory effort, there is no evidence in the report of the specific kinds of information on permissible uses available. In addition, it is not possible to measure the degree of balance in the program or relate aspects of Federal agency programs to either the State's process or its permissible use determinations.

For example, there has been no attempt to discuss the future recovery of mineral resources that are known or potentially exist in the program area. It is our contention that an analysis of the future development potential of mineral resources and the probable impact of this kind of program on such development is essential to the Washington program proposal and the environmental statement. This becomes particularly important in instances

where the State would prohibit future development through zoning or other action without fully understanding what is to be prohibited. Also, a number of important processing related operations are located in the coastal zone shore areas, many at or near the tidewater zone in the Puget Sound inland waterway. Operations for refining petroleum and for producing cement, lime, aluminum, copper, steel, ferroalloys, and sulferic acid are located in the tidewater zone in the Seattle-Tacoma, Everett, Anacortes, and Ferndale industrial complexes. The largest sand and gravel operations in the State are presently mining in the tidewater coastal shoreline. None of these operations are described or acknowledged as permissible uses in the program or environmental statement.

We point out this example to illustrate the lack of communication between the State and the Federal agencies. Neither the report nor the SMA presents the State's process for determining permissible uses in such a way that it is clear which uses are to be permitted and which are not to be permitted. Our suggestion is that these must be more explicitly defined prior to program approval and not left open-ended or to be decided on a case-by-case basis. The report does admit to gaps in the proposal which are supposedly in the process of being eliminated, but it is difficult for us to see how the application can be approved at this juncture with these important requirements not yet fulfilled.

We would strongly urge that a determination of Federal role in the process of establishing permissible land and water uses and subsequent review be initiated. The review task force concept (page 46) seems a logical entity to be involved in this determination.

(3) Priority of Use

The State has used the Shoreline Management Act and WAC 173-16 guidelines to establish priority for land and water uses by type and effect of use as well as by location or area. The reprinted paragraph from the SMA on page 50 of the draft proposal seems to say that the State is striving to prevent damage to the natural environment, control pollution and enhance the public's opportunity to enjoy the natural shorelines. But the listing of priority uses of activities that will be allowed in altering the natural condition of the shoreline of the State ". . . in those limited instances where authorized . . ." seems to be all encompassing and not really prioritized in terms of relative high or low priority. A process which includes specific guidelines to cover relative priorities based on both State and local needs should be provided in the Washington program.

The report is silent about what will be done in those instances where conflicts do occur among considerations. The State is responsible for developing an evaluation system to accomplish this and establishing procedures for trade-off decisions. This process should also be presented in the program.

No mention is made about a procedure for revising priority use designations over time. As goals and objectives change, priorities will change. The State must keep information concerning uses and their impacts updated and readily available for inter-actions with the public, local agencies and the Federal government. Here again we would suggest that the established review task force or the Advisory Committee could be used effectively to help the State in their efforts. As Washington points out in their SMA, the basic principle of selection of objectives for the coastal zone is the concerns by people.

(4) Areas of Particular Concern

The Washington proposal on page 44 states: "The implementation of the Shoreline Management Act will identify areas of particular concern" (emphasis added). The implication is that the identification of areas of particular concern has not been done or at the least, is incomplete. It is our contention that the State's approach to this very critical step should be better explained, especially in terms of the interrelated steps necessary to reach a delineation of areas of particular concern. The process for designating and the rationale for presenting the areas of concern, and an identification and presentation of what is known to date should be a part of this proposal. Federal agencies could then have the opportunity to better provide input directly to the determination effort and also have more understanding of their role in comparing their programs and missions to the identified results.

To amplify, the draft report states on page 41: ". . . the Zone contains areas of particular concern to Federal agencies and worthy of State cooperation with Federal agencies in the management and maintenance of such areas". However, as now spelled out, it is difficult to assess if the program provides an adequate inventory of these areas for the various Federal Agencies to make comparisons. For example, in accordance with the Land and Water Conservation Fund Act (P.L. 88-578) an approved State Comprehensive Outdoor Recreation Plan (SCORP) must exist in order for a State to be eligible for grants-in-aid to acquire and develop public outdoor recreation facilities. The proposed Washington program states on page 48, "The State Outdoor Recreation Plan calls for both the protection of coastal zone resources and the provision of adequate facilities for public enjoyment of these resources." However, there is no indication that the SCORP and the proposed coastal zone plan are in accord. Additionally, since the SCORP is not a static plan but is subject to revisions over a period of time; we feel that the proposed plan should include a mechanism or procedure to insure that the plan and the SCORP will remain in accord in the future.

We are pleased to note that the draft proposal reflects a concern for historic and cultural resources, particularly at the stage of locally written master programs. To assure that the requirements of Section 106 of the National Historic Preservation Act of 1966, the Procedures for Protection of Historic and Cultural Properties listed in 36 CFR Part 800, and Executive Order 11593 are met, the process should indicate that in both the coastal zone program

and the local master programs, consultation with the State Historic Preservation Officer will occur. Washington State planners may be aware of these requirements. However, we believe that the legal responsibilities of the Department of Commerce associated with coastal zone management should be specifically identified in the Washington program.

One of the important elements missing in the draft program is the process by which Washington will identify, designate and then manage areas of high hazard such as flood plains, areas susceptible to hurricanes or other areas which because of their location, present special dangers. This gap in the draft program especially weakens the Washington coastal zone management proposal.

To summarize, we heartily endorse the establishment of a review task force of local, State and Federal agencies to assist the Department of Ecology in the interrelated process of determining areas of particular concern. It would be helpful if the report presented details on the process this task force will employ, its membership, and a summary of what it has accomplished thus far. Apparently, the task force is one means of seeing that: "The Department of Ecology will be encouraging a more thorough effort for the designation of areas of particular concern. . ."

(5) Determination of National Interest

On page 18 of the Washington proposal, it says: "The Coastal Zone Management Act requires a high degree of Federal participation." While there was considerable Federal participation in shoreline management, it was felt that some of the statewide and national issues needed more treatment, so a Federal Agency Advisory Committee has been formed, with representatives from all the Federal agencies that are interested or have interest in the Coastal Zone." It goes on to say: "The basic purposes are to help us determine the National interest in Washington's Coastal Zone, determine the needs and plans of the Federal agencies involved, and for the Federal agencies to review our coastal zone management efforts and participate in those that they choose to participate in."

In our view, the expression of National interest provides a necessary perspective and direct input to the development of a coastal zone program and some very important guidance in the actual implementation of that program. The Washington draft proposal lacks adequate explanations of their use of expressions of National interest in both of these processes.

Section 307 of the CZMA requires that the Secretary of Commerce not approve a state coastal management program "unless the views of Federal agencies principally affected by such program have been adequately considered."

The legislative history of Section 307 is quite clear that "principally affected" Federal agencies are to be included in the development of state coastal zone management programs. Yet to the best of our knowledge, two

Interior agencies, Bonneville Power Administration and Bureau of Mines, have never been consulted in the preparation of the proposed Washington program. Nor does the state's application acknowledge these agencies as one of the 25 separate Federal agencies which "participated in our (the State of Washington's) Coastal Zone Shoreline Management Program:". (See state's application at page 79).

We suggest that the important Federal role in developing and participating in the management of the water resources of the Pacific Northwest be recognized.

We note that although the Washington Shorelines Management Act of 1971 acknowledges that "nothing in this chapter shall affect any rights established by treaty to which the United States is a party" (RCW 90.58.350); there is no language in the program recognizing the CZMA provision: "that nothing in that Act should be construed to diminish or interfere with Federal jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources or superseding, modifying, or repealing existing laws and treaties including "the Columbia River Basin Treaty".

There should be a recognition that no action taken as a part of the state's program would supersede, modify, or repeal existing Federal jurisdiction responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable water, nor interfere with the United States operating entity or entities established pursuant to the Columbia River Treaty.

We also believe that the right of Federal agencies to carry out scientific investigations in those areas of the coastal zone of Washington that are not Federal property or held in trust by the Federal government be recognized. Although there is no suggestion that Federal agencies would not have this right, we do feel that it is a right that needs to be protected, and that there should be a clear understanding that the right will not be abrogated through subsequent action.

(6) Authority, Coordination and Means of Control

The CZM Act is structured to achieve a State-level program that has sufficient legal authority to implement a coastal management program. To develop a plan that does not have implementing authority is not sufficient. Under the Act, the State's overall objective must be to implement laws, procedures and enforcement mechanisms to improve the manner in which decisions about coastal management are made.

The statement is made that the State can promote its interests in the Coastal Zone through functions of the Shoreline Management Act, especially for Shorelines of Statewide significance. The permit system, program review (including Federal agencies), and approval of the master program are vehicles by which the State hopes to promote its interest. A discussion

about how the State will go about getting the local government and public to accept or include the State's imposition may be helpful. As we see it, this imposition could be a standoff, particularly if the local governments followed the guidelines that the SMA provided.

As presently written, the Washington proposal merely represents the fact that the State master program is essentially the cumulation of local master programs. It is explained that the State has identified as one of the coastal zone management objectives a greater ability for local government to control its share of the coastal zone. What is missing, however, is any indication that the State can enforce its authority where required. Further, the process does not provide assurance that State criteria and guidelines exist by which local governments will be guided. A more thorough explanation of the actual mechanism to be employed by the State to meet the intent of CZMA is needed. Further, there is also uncertainty about whether the authorities as expressed are adequate for the State to do what they imply can be done. For example, are the authorities of the State adequate to implement the national interest needs? Since the power of eminent domain is apparently not needed (see page 71), the State must show what means of control authorities are available, how they can be used, and who will use them. The program of control needs a better explanation for presentation to the potentially involved public and the interested Federal and local entities. Included could be an explanation of how one agency, the Department of Ecology, will use where necessary, the services and authorities of other State agencies as a part of the control mechanism.

There also appears to be a need for coordination with regional entities. We see no evidence that the State Department of Ecology coordinated or consulted with adjacent States and provinces and interstate and regional agencies in the preparation of the Washington program. The Coastal Zone Management Act of 1972 requires coordination with regional agencies. We believe that effective management of the coastal zone along the shores of the Columbia River would require coordination with the State of Oregon and management of the coastal zone along the shores of the Juan de Fuca strait and the San Juan Islands area would require coordination with the province of British Columbia. Also, there is no indication that the Pacific Northwest River Basins Commission has been consulted regarding the impacts of its various regional and river basin planning studies.

Notably deficient is a description of the process by which Federal actions will be judged for consistency with the Washington coastal zone management program. This actually provides the linkage from the State process to a decision on substantive activities. This phase, including the selected institutional approach, must be presented before the Washington coastal zone management proposal can be considered complete.

Finally, it is our contention that the Washington proposal should be developed in concert with all affected agencies. Interior agencies stand ready to work with the State in developing an adequate and compatible program for the coastal zone. The State could make more efficient use

of the established Federal Coastal Zone Advisory Committee and the Review task force. The first tasks should be to complete the membership of these Committees and then to spell out their specific roles in both the process of developing the programs and in continual review of the overall effort in the implementation phase. The DOE may want to work again with the Federal Regional Council on the various relationships of the Federal and State agencies regarding the coastal zone program.

Attachment # 2 - Comments on the Environmental Impact Statement

Major revisions and additions appear necessary to the Washington coastal zone management proposal before it complies with the requirements of the Coastal Zone Management Act. It is our belief that when the proposal has more information on the specific processes being employed and of the substantive results, then an EIS can be prepared to discuss them and possible alternatives and the general impacts of implementation. Once the program is revised, the Department of Commerce will have an adequate basis on which to prepare an EIS that will be sufficient for interagency review in accord with CEQ guidelines.

The draft EIS does not recognize or fully spell out what are likely to be the impacts of the Washington coastal zone management proposal on the coastal environment, on ecological systems, and on various resource uses, amenities, and values of national interest. These were the uppermost concerns of the Congress in enacting P.L. 92-583 (Coastal Zone Management Act).

The following comments are presented for consideration during EIS revisions. On page 1 it is noted that Federal actions within the coastal zone are required by the CZM Act to be consistent with the approved State management program. Neither here nor elsewhere in the document, however, does NOAA explain what actions are or are not affected. There is no reference to Federal responsibilities and jurisdiction in coastal and navigable waters, even of those specifically identified in P.L. 92-583 which are not affected or diminished by the Act. The Washington draft program makes no mention of these responsibilities, of Federal jurisdiction and preeminence, or of such specific programs as the Federal permit program administered by the Corps of Engineers.

It is stated that Federal (Department of Commerce) program approval focuses more upon the procedure which the State has used to develop its program rather than on its substance. The paragraph concludes that it is therefore necessary to discuss environmental matters in generalities. We can appreciate the emphasis on procedure when dealing with several different possible techniques of management in various States or segments of the coast. Nonetheless, the impacts of a given State program cannot be properly assessed in accordance with NEPA by a superficial and general treatment. The ramifications of adopting this administrative procedure for review of program applications has widespread significance environmentally and those impacts must be addressed.

1 On page 3 reference is made by statutory citation and interpretation to the fact that the intent of the Act is that States exercise full authority over the coastal zone and in making use decisions other than those which are of no more than local significance. The EIS states that the State level of government is clearly given the central role and responsibility for this process, aided by Federal and local levels. Yet elsewhere in the EIS (page 16) and also in the draft proposal it is stated that primary responsibility is now (under Shoreline Management Act, SMA) and would be upon implementation of Washington's program bestowed upon the local governments. These seemingly conflicting roles need further clarification. What is needed is a discussion of how and through what means the State will exercise its authorities through local governments.

2 The misleading statement is made on page 5 that the SMA program is not yet in effect. It is stated that goals and policies will be supplemented and made more specific through the development of a planning program and regulatory permit system provided for in the SMA. Except for a few local master programs which are in the final stages of writing or adoption, the State has essentially completed its planning program under SEPA and has had the permit system in effect since 1971.

3 The statement on page 7 that the SMA guidelines are a framework for permit decisions is true only in the sense that local programs were approved (or will be) on the basis of the guidelines; although the guidelines will still have reference value in permit appeal hearings. The guidelines in some respects failed to address certain kinds of development and point out existing legal constraints in coastal waters. They would not appear sufficient to meet needs of coastal zone management for the future.

4 The excepted uses (page 7) require further clarification. In addition to the above, the State's Shoreline Management Act of 1971, sections 90.58.140.(8) and 90.58.140.(9) (d), also appear to indicate possible loopholes which could result in potentially significant adverse environmental impacts.

5 Permissible use is not defined in such a way that it is clear which uses are to be permitted and which are not to be permitted. Our belief is that these must be explicitly defined for program approval and not left open-ended.

6 The use of the "substantial development" criterion does not aid in the matter since it gives no indication as to how categories of uses impact the shorelines and waters and what control is appropriate. This definition does have the capability for applying a test of navigational interference except that this is not explained or defined.

7 We are pleased to note on pages 9 and 14 that the master programs developed by the cities and counties will contain policies regarding the protection and restoration of historical and cultural resources. Historical, archaeological, and architectural resources are fragile and non-renewable elements of the environment and must receive consideration prior to granting development permits. Unfortunately, the statement contains no information on historical and cultural resources which might be affected by the proposed program.

8 Did the inventories indicated on p. 10, paragraph 3, include historical and cultural resources? If not, plans for such surveys should be discussed. The presence of National Register properties within the designated coastal zone should be determined and procedures for complying with Section 106 of the National Historic Preservation Act of 1966 indicated.

9 Cooperative planning on the interstate and international levels is absent from the list of objectives on page 9. Coordination with Canada and the State of Oregon would appear to be particularly important in implementing Washington's coastal zone management plans. Section X of the draft environmental statement (p. 47ff) does not indicate consultation with these interests in either development or review of the State program.

P. 12-13. Figure 2 shows counties containing lands in the coastal zone, rather than the coastal zone itself as defined in page 10, paragraph 4. The title of the figure therefore is misleading, as it does not indicate that the boundary is drawn solely for "administrative, financial, and coordinative purposes." Figure 2 indicates that Puget Sound and certain included islands are excluded from the coastal zone. This seems to conflict with statements made elsewhere in the statement. Figure 3 is not keyed tightly to the text and its significance is difficult to determine. On page 7, paragraph 1, the entire Pacific Ocean coast, Puget Sound, and the Strait of Juan de Fuca are all identified as "shorelines of statewide significance." These same areas, or large portions of them, are not given this designation in Figure 3. This, and other apparent discrepancies (i.e., the river in Lewis County which is of "statewide significance" in Figure 3 but is not included in the coastal zone of Figure 2) reduce the value of this figure. It is suggested that all areas indicated on Figure 3 be identified in the text. Figure 3 probably should be specifically discussed and referenced on page 7 rather than page 13, where its presence is confusing.

We note that lands administered by the National Park Service have been excluded, as required, from the State coastal zone management program (i.e., Olympic N.P., North Cascades N.P., Mt. Rainier N.P., and Ross Lake N.R.A.)

P. 14, paragraph 5. It would be desirable to present a map showing the areas of particular concern initially determined to be especially suitable for preservation and restoration.

P. 15, paragraph 5. It is implied that the master programs of local governments and permits for "substantial development" prepared in accordance with the State's coastal zone management program will require environmental statements in accordance with the Washington State Environmental Policy Act of 1971. It would be desirable to indicate more specifically under what conditions this requirement will be applied to such actions. In view of the lack of detailed impact analysis in this Federal programmatic statement, the State environmental statements assume potentially great importance.

10 According to page 16, a supposed strength of SMA is that it incorporates explicit definitions. On this point we disagree and express the opinion that one of the major sources of problems and possibly of disenchantment with the Shoreline Management program stems from insufficient and illogically defined terms. The EIS describes the SMA as "relatively definitive" in establishing definitions, time requirements, etc. The terms in SMA (and in the draft proposal, contrary to the statement in the EIS, are a major source of misunderstanding to the general public, potential applicants, and local government officials.

11 The EIS indicates that the Department of Ecology (DOE) does not have the authority to accomplish Statewide planning. Contrary to the statements at the bottom of page 17, we do not see that surrounding the SMA with other existing authorities in any meaningful way supplements and augments the authorities of DOE in a clearly legal sense to enable DOE to function more effectively as a central administrative and managerial entity for coastal zone matters.

The subsection dealing with Puget Sound should indicate the critical significance of the belt of tidelands around the entire Sound. We take exception to the statement on page 20 that the effect of dikes and fills on fish populations (and other biological forms, presumably) in this narrow strip is not clearly understood.

The Fish and Wildlife Service report on Hood Canal 1/ discusses many of the known impacts of these alterations. Also pertinent is a 1972 publication by the Washington Department of Fisheries entitled "Food of Juvenile Pink and Chum Salmon in Puget Sound, Washington." Some effects are clearly severe and profund, while others are more subtle.

The statement on page 20 that some anadromous fish species spend their entire life cycle in Puget Sound requires correction, since by definition they do not. Mention should be made in this subsection of the importance to surf smelt spawning of certain beach areas having particular substrate composition and water regime. Reference could be made to a 1973 Washington Department of Fisheries report on surf smelt spawning beaches.

1/ Yoshinake, M.S. and N. J. Ellifrit. 1974. Hood Canal - Priorities for Tomorrow. USDI, Fish and Wildlife Service, Portland, Oregon. 97 p. 7 figures.

The great blue heron (page 21) is a conspicuous shorebird but is vastly outnumbered in most placed by sandpipers, plovers, and other small shorebirds that are highly dependent on the intertidal landstrip for food and for other activities. These species should be listed. The redundancy of "living population" on page 21 should be corrected.

12 On page 17, the statement is made that the State Master Program is the cumulative total of all local programs. On page 38 it is stated that local Master Programs are the basic implementing mechanisms for the CZM and SMA programs. It follows that the draft proposal cannot be implemented until local programs are completed and approved by DOE and NOAA. It would seem premature to issue grants for administering a program which at this time cannot be effectively implemented and is uncertain of completion. We thus find it difficult to accept the apparent predetermination in the EIS that the spirit and letter of CZM have already been met. The deadline for completion of local Master Programs has already been exceeded twice. In view of the stated expectation that all local programs will be completed by Fall of 1975, it does not seem unreasonable to delay program approval at least that long to insure program completion.

13 Under State CZM program alternatives, the third paragraph on page 40 needs additional clarification. It seems to argue that the existing State authorities do not cover the purposes of CZM, yet the CZM framework, it is stated, will provide necessary authorities. We do not understand how the draft proposal can broaden authorities if it does no more than bring existing ones under an administrative umbrella.

14 The second alternative in Section C involves incorporation of uses presently exempted under SMA. We believe the question is not so much one of bringing them under the permit system as it is whether or not by this means effective control can be achieved where needed for the protection and proper development of the coastal waters and shorelands. We do not think it is valid to excuse removing these exemptions on the basis that pressures of objections would mount, particular if it is true that they are subject to other State controls anyway, as claimed on page 43.

15 The third alternative discusses the question of compensation for opportunities lost. To the extent that actual legal property rights are involved, we cannot argue against compensation. However, it should be pointed out that within navigable waters of the United States where Federal permits are required, the claimed rights usually do not exist. The EIS does not adequately consider both sides of the argument.

16 Regarding the alternatives to the proposed action, NOAA has considered some options which are not viable for consideration while not considering other alternatives which are logically required to be considered. We have suggested some others. In addition, NOAA has discussed at length alternatives for the State which are inappropriate for consideration of action at the Federal level. These are alternative actions which are incapable of implementation under the authority of the Department of Commerce and P.L. 92-538.

17 The last paragraph on page 40 of the EIS seems to make compelling arguments for denial of the draft proposal. It states that existing authorities and permits cannot be used effectively to comprehensively plan and manage the resources of the coastal zone.

18 It also states that SMA is the principal authority of the State for administering the CZM Act, and that the SMA does not meet all the requirements of the Act. We do not understand how NOAA can state on page 38 that the State already meets the requirements for CZM when its program is not established and yet, on page 40 declares that the SMA does not meet all the requirements of the CZM Act.

19 The EIS specifically states that areas of particular concern, areas for restoration and for preservation, are missing under SMA. They are not found, except in a suggestive sense, in the draft proposal. We do not understand how the various existing State authorities which do not individually and separately provide a comprehensive program will suddenly become integrated through program approval.

P. 38-44. The tone of many of the discussions on alternatives is justificatory. It would be desirable to rework the section, as necessary, to ensure that only the alternatives and objective analyses of their impacts are presented.

Local and State implications are covered on Pages 45 and 46, but what are some of the national implications (e.g., energy development) of the program? The EIS states that adoption of the State management program will assure intense and "irrevocable" development in some areas. There should be an attempt to identify where this intense development will occur and what its effects on the environment might be.

Environmental impacts, some of which could be specified, are not adequately discussed in the section on probable adverse environmental effects which cannot be avoided or other sections of the EIS. We question whether it is correct to view restriction of resource extraction and timber harvesting on the whole as adverse environmental effects. It should be remembered that the rationale for doing this is protection of fragile environments and other resources.

We find it difficult to believe that the section on irrevocable and irretrievable commitments of resources that would be involved in the proposed action should be implemented can be satisfactorily covered in two sentences. Again, this is probably due to the fact that actual and specific environmental effects which might be uncovered from an analysis of the history of SMA, experience with all the local Master Programs, and analysis of the contents making up the WCZMP have not been fully identified.

Additionally, we offer comments in subject areas not covered by your draft EIS.

Indian Lands

An area of concern for the tribes and BIA is in water quality and water rights. As you are aware reservations are situated at the mouth of a number of the large rivers in Western Washington. You may wish to include in your draft a section on Indian water rights and their impact under Doctrine on the waters of the State of Washington and hence the impact in the Coastal Zone.

A number of tribes in the Western Washington Agency have completed or are working on various land use plans, they are as follows:

701 Plans and Similar Plans
Makah, Tulalip, Squaxin Island, Muckleshoot, Nisqually, Skokomish, Lummi, Swinomish, Quileute, Port Gamble, Quinault and Shoalwater.

Water Resource Inventories
Chehalis, Lummi, Muckleshoot, Nisqually, Quinault, Skokomish, Squaxin Island and Tulalip have completed inventories or inventories presently in progress. It is planned to conduct water resource inventories on all reservations.

Housing Authorities

Makah, Swinomish, Quinault, Quileute, Lower Elwha, Port Gamble, Tulalip, Lummi, Muckleshoot, Chehalis, Nisqually, Shoalwater, Skokomish and Squaxin Island presently have established Housing Authorities. A demonstration housing project is ongoing at Quileute and is planned to continue construction for the next 10 years.

There are additional trust land areas and Indian communities that should be identified, these are:

Tribe	County	Location
Puyallup	Pierce	Tacoma Area
Nisqually	Thurston	Nisqually River
Port Madison	Kitsap	North End of County
Port Gamble	Kitsap	Near Poulsbo
Quileute	Jefferson	Pacific Ocean coast
Lower Elwha	Clallam	East of Port Angeles
Shoalwater	Pacific	East of Cape Shoalwater
Nooksack	Whatcom	Near Demming and Nooksack Rivers

In respect to Indian fishermen at the present time, the following groups have been accepted by Federal Court as having fishing rights:

> Quinault, Makah, Lummi, Hoh, Muckleshoot, Squaxin Island, Skokomish, Yakima, Quileute, Nisqually, Puyallup, Sauk-Seattle, Upper Skagit, Stillauamish, Tulalip, Swinomish, Port Madison, Port Gamble, Lower Elwha Nooksack.

Water Development

In addition to operation of the dams, over 130 irrigation districts are responsible for serving irrigation water to some 2.7 million acres of land in the Columbia River drainage basin. Return flows from those lands contain suspended solids and soluble salts that are normal in irrigated agriculture. Although problems from those sources are insignificant as they pertain to quality of water in the Columbia River and the estuary, they should be mentioned.

Recreation

The environmental impact statement does not discuss the recreation facilities in the coastal zone or the possible impacts thereon of implementation of the management plan. We realize that the statement covers a plan, not a site specific project, and thus a detailed discussion of possible impacts under every conceivable contingency may not be possible. However, more detailed information concerning the guidelines under which the management program would operate should be possible. While the Bureau of Outdoor Recreation is not a land managing agency and therefore has no holdings of littoral land which the proposed plan would impact directly, it does have programs which will have to be considered in a coastal zone management program.

It is our opinion that the restrictions placed upon both Land and Water Conservation Fund projects and Federal Surplus properties transferred for recreation purposes, may, in certain instances, be constraining factors upon State land use planning and zoning through coastal zone management programs. We further believe that these factors should be acknowledged and addressed in the EIS.

In summary, the statement is basically deficient in not recognizing or fully spelling out what are likely to be the impacts of its implementation on the coastal environment, on ecological systems, and on various resource uses, amenities, and values of national interest. These, it seems to us, were the uppermost concerns of the Congress in enacting P.L. 92-583 (Coastal Zone Management Act).

NOAA Response to Department of Interior

A. General Letter

1) Boundaries: The process of boundary determination and how it functions to meet the specific goals and objectives of the CZMA are more thoroughly described in Chapter V of the Washington Coastal Zone Management Program.

2) Coordination/National Interests: The Department of Ecology and their consultants have taken various steps to improve coordination with Federal agencies. The Federal "packet" system described in Appendix D of the Washington Coastal Zone Management Program describes the beginning of a continuous process to better understand Federal agency concerns on such matters as common interests on contiguous non-Federal/Federal lands and determining national interests in the coastal zone. Discussion appears on pages 131-133.

3) The process of prioritizing permissible land and water uses described in Chapter V of the WCZMP is considered adequate to meet the requirements of the CZMA and provides for balanced consideration of the various needs and interests found among coastal zone users.

4) Chapter II of the Program elaborates on how areas may be designated as areas of particular concern over time. The State already has policies and controls over flood plain areas, the Shoreline Management Act contains a permit system and master programs which usually prohibit or restrict development in flood plain

5) See comment 2 above. This situation is being remedied and both concerned agencies of the Department of Interior have been contacted.

6) A more thorough description on how the state proposes to manage the coastal zone institutionally has been provided in Chapters III and VI. The State plan does not contain new or different policies or regulations because the existing aggregate of laws and policies is basically sufficient. The review indicated, however, that the State needed further work to coordinate the WCZMP with other state agencies and local governments as well as Federal agencies. This effort has been under way since June of 1975. The development of institutional relationships and coordination of effort takes time and, as well, must be continuous. Section 306 grant monies are clearly intended to assist in this effort.

B. Attachment #1

Many of DOI's concerns have been addressed in the new Washington Coastal Zone Management Program submitted for review.

1) Page 115 of the WCZMP contains further information on boundaries.

2) The question of balance is a difficult one. The State has established regulations and guidelines and set priority of uses within specific areas of the State. In this process, much of which has been based on scientific and economic investigations, the issue of balance has been addressed. See pages 118-120 and A9-A45.

3) The process of determining priorities of uses is not an inflexible process. "The Shoreline Regulatory Process," is described on page 40 of the WCZMP. See pages 118-120.

4) Chapter II of the Program presents the approach and rationale for determining areas of particular concern.

5) The State has established a process and specific tool in an attempt to alleviate these concerns to the maximum extent practicable. This system, commonly known as the Federal "Packet" system, identifies agencies missions and responsibilities, points of contact, mechanisms for coordination, how consistency will work between agencies and a number of other elements. A sample packet is included in the WCZMP, Appendix D, and in the FEIS. Further information can be found in the WCZMP, pages 105-111 and Appendix B.

6 & 7) Chapters III and IV address more specifically how the various authorities will be utilized and coordinated to implement the Program.

Specific Comments

1) Identification of Coastal Zone Boundaries: Boundary determinations have been clarified. The Coastal Zone includes the 200' resource zone, transitional areas, and the first tier of coastal counties and cities adjacent to salt water. This two-tiered landward boundary approach in conjunction with the State authorities and the organizational network developed are deemed adequate to meet CZMA requirements. Federal and Indian lands maps have been improved and included in Appendix C of the document. Coordination of the boundaries with Oregon has taken place. The difference between their common boundaries is now minimal not only with respect to the Columbia River, but inland to the

county and crest of the coastal mountain range (see page 137, WCZMP). Discussions have also taken place with Canada.

2) Permissible Land and Water Uses: Efforts to improve Federal consultation and coordination have been addressed in previous replies to comments. Chapter V, "Uses in the Coastal Zone", describes how the State will more explicitly determine permissible uses and involve Federal agencies.

3) Priority of Uses: Chapter VI of the WCZMP describes the process of establishing priority of uses, adapting to changes, and resolving conflicts.

4) Areas of Particular Concern: The State does have a program that deals with historical properties, hazardous areas, recreation elements, and others. In this respect, it is a comprehensive program.

5) Determination of National Interest: The State has addressed this issue on pages 130-134 of the WCZMP. With respect to the CZMA provision, "...nothing in the Act...laws and treaties," as part of the CZMA,is an automatic inclusion of any coastal zone management program. The possibility exists that scientific investigations and manipulative research may not be consistent with the WCZMP. In each instance coordination between the Federal and state or local agency should take place.

6) Authority, Coordination and Means of Control: The response to the various questions raised in this section can be found in Cahpters III, V and VI of the WCZMP.

C. Attachment #2 - Comments on the EIS

DOI has submitted many excellent comments which have been given consideration and either incorporated into the FEIS or can be found in the WCZMP. The following summarizes the responses to these comments:

- A more thorough description is included of the impacts that will take place.
- Clarification of which Federal actions are to be consistent with the state program.
- The EIS does not list all the responsibilities of Federal agencies; this is done, however, in the WCZMP and in the Federal "packet" system.
- Specific technical errors were corrected.
- Maps have been improved for clarity.

Specific comments correspond to the numbers in the left column.

1. This is not necessarily inconsistent. On page 3, reference is made to the fact that the CZMA encourages all states to exercise their full authority and may do so under one or a combination of three ways. Section 306(e)(1)(A-C) states:

> "(e) Prior to granting approval, the Secretary shall also find that the program provides:
>
> (1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone;
> (A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;
> (B) Direct state land and water use planning and regulation; or
> (C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings."

Washington has chosen the first way, and while the State assumed the major role in the development of the program, local governments will carry out the provisions of the program based upon their local master programs.

2. Eliminated in rewrite of program description.

3. Conversely; the majority of permits appealed to the Shoreline Hearing Board point out that the guidelines and policies are very much considered. A summary of the Board's decisions is included in the FEIS.

4. The impacts of the excepted uses were addressed in the DEIS and the FEIS.

5. Appendix 6 and pages 118-120 in the WCZMP should clarify the permissible uses subject to the management program.

6. This is a statement dealing with the substance of the process of defining permissible uses. The impacts of the uses under the permit program have been determined prior to being included in the legislation. The impacts are well documented as well as the types of controls necessary to minimize impacts. In some cases, it means prohibition of use within a certain environment. It

is obvious that the State has chosen the $1,000 figure as a basis for letting people know when they need to apply for a permit.

7 & 8. Chapter V contains new information on the "Impacts on Historic Properties."

9. Consultation and coordination have taken place between Canada, Oregon and Alaska. Both the WCZMP and the FEIS will be sent to the appropriate contacts.

10. This was an assessment made by the State. It is difficult to clarify terms unless some indication of the nature of confusion is illustrated. Perhaps the additional information in the Program document will provide sufficient background to aid in understanding the reference terms.

11. The CZMA does not require statewide planning. How the State plans to exercise comprehensive planning for the coastal zone following integration of previous comment is contained in Chapters II, IV and VI of the WCZMP.

12. The program has been effectively administered during the interim period of local master program approval. It is not required that all local master programs be completed and approved prior to Federal program approval. The State has an adequate process which is being implemented with the knowledge that all counties in the end must have an approved local master program.

13. This alternative was eliminated as it was not really viable under the CZMA.

14. The question here is one of requiring a legislative amendment only.

15. This alternative has been deleted since the CZMA does not provide for compensation funds and H.B. No. 550 has not been approved. Such an action would be feasible pending the approval of such legislation.

16. This is true and several alternatives have been deleted from the FEIS and others considered.

17. This was both an error in description and a misreading. "Specifically missing are areas of particular concern and designation of areas for restoration and preservation" (page 40). The Shoreline Management Act does not meet all the requirements of the CZMA, but it has been supplemented by the WCZMP and approved by the Governor. The WCZMP consists of more than the Shoreline Management Act and alone it would not be enough, but that does not imply that the WCZMP does not meet the requirements of the CZMA.

18. NOAA sees no real discrepancy in this statement; see the prior statement.

19. This sentence has been deleted since it was not totally correct. See Chapter III, Areas of Particular Concern, and Chapter V, page 129, for further clarification.

MAY 1 4 1975

DEPARTMENT OF TRANSPORTATION
REGIONAL REPRESENTATIVE OF THE SECRETARY
3112 FEDERAL BUILDING
915 SECOND AVENUE
SEATTLE, WASHINGTON 98174

REGION 10
Alaska
Idaho
Oregon
Washington

May 7, 1975

Mr. Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs
Office of the Assistant Secretary
for Science and Technology
U. S. Department of Commerce
Washington, D. C. 20230

Dear Mr. Galler:

The U. S. Department of Transportation has completed its review of your draft environmental impact statement for the proposed Federal approval of the Coastal Zone Management Program, State of Washington. This review is coordinated with Region 10 U.S. DOT agencies, including the U. S. Coast Guard, Federal Railroad Administration, Federal Highway Administration and the Federal Aviation Administration.

Significant comments have been provided only by the Commander, 13th Coast Guard District, in his letter of May 7, 1975 to the Region 10 DOT Secretarial Representative. This letter is enclosed. You may wish to consider these comments in the preparation of your final EIS.

It should be noted also that these comments should be considered in addition to those provided by the Department of Transportation's Office of Environmental Affairs in their letter to you of March 27, 1975.

Sincerely,

for R A Brower
DON SAMUELSON
Regional Representative of the
Secretary of Transportation, Region 10

cc:
COMDT(G-WEP)
FHWA, Region 10
FAA, Northwest Region
COM13 Coast Guard District

Enclosure

DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS
COMMANDER (mep)
THIRTEENTH COAST GUARD DISTRICT
915 SECOND AVE
SEATTLE, WASH. 98174
PHONE 442-5850

5922/19-1
Ser mep 0504
7 MAY 1975

U. S. Department of Transportation
Regional Representative of the Secretary
ATTN: Governor Don Samuelson
3112 Federal Building
915 2nd Avenue
Seattle, Washington 98174

Re: (draft) EIS, NOAA/OCZM. Proposed Federal Approval of the Coastal Zone Management Program, State of Wash.

Dear Governor Samuelson:

The following comprise the Thirteenth Coast Guard District's comments for inclusion in a DOT Regional reply:

We have reviewed the proposed coastal zone management program and the related draft EIS. While we endorse the program in concept, we have some definite concerns regarding implementation details:

- How will the program affect the Strait of Juan de Fuca, where we have an agreement with Canada regarding vessel traffic separation?

- What specific requirements or restrictions will be placed on the Coast Guard?

- How will the term "national interest" be defined?

- Who will determine if the Coast Guard has complied "to the maximum extent practiable"?

- Washington's Shoreline Management Act appears to provide for delegation of authority to various levels of local government. We fear that the Coast Guard will be required to deal with a morass of governmental bodies rather than a single state level point of contact.

- The proposed program, based on the CZM Act, provides for interruption/veto of federal actions. When this occurs, what specific procedures will be used to settle disagreements and within what time limits?

We feel that the proposed program is unacceptably general in that answers to the above questions are not apparant. Consequently, we can only recommend that the program not be

approved until clarification is provided and any resulting conflicts are satisfactorily resolved. Additionally, we feel that this program is of sufficient importance to require the circulation of a supplemental or amended draft EIS containing the necessary clarification. To date we do not feel that the Coast Guard has had sufficient opportunity for the "full participation" required by 306(c)(1) of the CZM Act.

Sincerely,

C. M. MAYES
Captain, U. S. Coast Guard
Chief of Staff, 13th Coast Guard District

Copy to:
COMDT(G-WEP)
FHWA Region X
COM13 Naval District

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Md. 20852

Date : JUL 3 1975

Reply to Attn. of:

To : Department of Transportation (DOT)
Regional Representative of the Secretary
Region 10

From : Office of Coastal Zone Management

Subject: Office of Coastal Zone Management's Response to DOT Comments on the State of Washington's Coastal Zone Management Program (WCZMP)

By a letter dated 7 May 1975 to the Office of the Assistant Secretary for Science and Technology, U. S. Department of Commerce, the Regional Representative (Region 10) of DOT transmitted the comments of the Chief of Staff, 13th Coast Guard District on the above-cited program. Although the comments were directed to the Draft Environmental Impact Statement accompanying the proposed approval action, they are programmatic in nature and are therefore responded to below in the order set forth in the Coast Guard letter.

Traffic Separation

A careful review by this Office of the Coastal Zone Management Act and the Washington Coastal Zone Management Program reveals no material impacts on the agreement with Canada relative to marine traffic separation in the Strait of Juan de Fuca. Specific legislation in the Act stipulates that "Nothing in this title shall be construed - (1) to diminish either Federal or State jurisdiction, responsibility, or rights in the field of planning, development, or control of . . . navigable waters; nor to displace, supersede limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States and the Federal Government . . . ," or as " (2) superseding, modifying, or appealing existing laws applicable to the various Federal agencies . . ." Reference Section 307(e)(1)(2). Neither the WCZMP nor the Local Master Programs can supplant the Coast Guard's specific legal responsibilities and jurisdiction for marine safety.

Federal Consistency

After final approval of the Washington program is given, the Coast Guard actions, as well as all other Federal agencies, will be required to be consistent to the maximum extent practicable with the Washington program. However, there are safeguards within the CZM Act and other applicable Federal laws which prevent interference by local government(s) with a Federal agency in carrying out of its lawful mission(s).

Our review of the CZM Act, the WCZMP, and your comments and statements indicate the degree of compliance required under Section 307 of the Act is well within the bounds of practical acceptance. Should there be specific discrepancies or areas of unaccountability which are not readily apparent, then you should bring these to the immediate attention of Washington's Department of Ecology and this Office for discussion and resolution.

The degree and spirit of cooperation this Office, and the State, can expect from the Coast Guard will, we are certain, reflect very favorably on your agency. This cooperation with the State will be further enhanced by the Coast Guard's visable presence in the coastal areas, your diversified enforcement powers for pollution control and the Coast Guard's well deserved reputation for expertise in marine affairs and safety.

The National Interest

The expression of "national interest" as it is relevant to the Coast Guard and coastal zone management should be part of the Washington program. As suggested in our cover letter under Consideration of the National Interest the Coast Guard should develop a statement of its understanding of national concerns and major programmatic matters for discussion with the State and subsequent responses in the Washington program.

Point of Contact

The Washington State Department of Ecology will be the focal point of contact for Federal agencies. To underwrite this relationship we have asked the State to establish, staff, and maintain a State-Federal Committee structured to handle affairs of Federal interest. This does not preclude the possibility of working at the county level of government, but the State retains final authority for review and administration and is in the best position to work in a continuing fashion with your agency.

Federal Actions and Compliance with CZM

Disagreements and disputes concerning Federal actions which cannot be resolved locally can be tendered to the Administrator of NOAA for consideration. The procedures for appeal are contained in Section 307 Interim Regulations published in the Federal Register, 28 February 1975, Vol. 40, Number 41. A reprint is enclosed for your convenience.

Your consideration in responding to the Washington management plan is appreciated. Your comments on organization, procedures, and implementation of the plan underscore some of our own apprehensions in an otherwise outstanding State management plan. We encourage you to continue your discussions with the State as this will help to insure mutual understanding and adequate consideration of the Coast Guard's views in the final application for approval, and in the future.

If there are any further questions or clarifications please contact Commander Phillip Johnson of OCZM at (202)634-4251, or Mr. Robert W. Knecht, Assistant Administrator for Coastal Zone Management directly.

OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

APR 2 1975

March 27, 1975

Mr. Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs
Office of the Assistant
Secretary for Science and Technology
U.S. Department of Commerce
Washington, D. C. 20230

APR 0 8 1975

CZM
Information

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Dear Mr. Galler:

Thank you for the opportunity to review the draft environmental impact statement on the Proposed Federal Approval of the Coastal Zone Management Program, State of Washington.

On review of the statement, we made particular note of the following:

(a) Local Master Programs for shoreline areas will supersede all existing land use plans, zoning and other controls (p. 31).

(b) Federal agencies shall insure that activities supported or undertaken in the coastal zone are to the maximum extent consistent with the approved state management plan (p. 31).

(c) Except in the interest of national security, Federal agencies shall not issue licenses or permits for any activity affecting the coastal zone unless the state issues a certification that the activity complies with the approved program (p. 31).

(d) The state must have an acceptable procedure to insure the adequate consideration of the national interest involved in the siting of facilities such as interstate transportation (p. 33).

(e) The state has solicited participation by state, local, and Federal agencies including the Federal Regional Council, U.S. Coast Guard, Federal Aviation Administration, and Federal Highway Administration (p. 47).

(f) U.S. Department of Transportation units from which comments on the environmental impact statement have been requested are Coast Guard and Transport and Pipeline Safety (p. ii).

1 On review of the statement, we do not find the procedure indicated in (d) above. We suggest that all affected Federal agencies be given opportunity to review and comment on such procedure.

2 With respect to item (f) above, on future coastal zone program environmental impact statements, we suggest that requests for comments from the Department of Transportation be directed to the Secretarial Representative in the appropriate Regional Office for coordination of the Department's comments (ref: Council on Environmental Quality Guidelines, 38 FR 147, August 1, 1973, p. 20561).

We look forward to continuing our coordination with your Office of Coastal Zone Management on administration of the Coastal Zone Program.

Sincerely,

Joseph Carry

for Martin Convisser, Director
Office of Environmental Affairs
Office of Environment, Safety,
and Consumer Affairs

NOAA Response to comments above.

1. The State of Washington has further elaborated its procedures regarding national interests in the Washington Coastal Zone Management Program dtd January 1976, pages 130-134.

2. Appropriate steps will be taken.

UNITED STATES
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
WASHINGTON, D.C. 20545

MAY 30 1975

JUN 3 1975

04 JUN 1975

CZM Information

TL
Copy TMA
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BM
TQO

Mr. Sidney R. Galler
Deputy Assistant Secretary for
Environmental Affairs
U.S. Department of Commerce
Washington, D. C. 20230

Dear Mr. Galler:

This is in response to your letters of March 21 and 26, 1975, in which you invited the Energy Research and Development Administration (ERDA) to review and comment on the Department's Draft Environmental Statements prepared by NOAA to support the proposed Federal Approval of Coastal Zone Management (CZM) Programs for the State of Washington and the mid-coast segment of the State of Maine.

We have reviewed these statements and have determined that at the present time, Federal approval of these programs may result in the establishment of undesirable procedures for the 32 CZM programs yet to be proposed.
1 In addition, we feel that final Federal agency reviews for both these programs should be delayed until after the Administrator has presented ERDA's comprehensive plan for energy research, development and demonstration to Congress on or before June 30, 1975, as required by Public Law 93-577.

The delay would, in addition to providing the much needed additional time for a more thorough review of the proposed subject programs, assure that all prospective ERDA and ERDA/industry cooperative programs are considered as to their potential conflict with the proposed CZM programs.

We base the foregoing upon our concern that the CZM's clearly offer an array of resources which make them particularly attractive to a variety of energy industries, as well as for ERDA research and development and commercialization activities and programs. More specifically, we are not clear whether Federal approval of the Washington CZM program might provide an additional conflict between the State and ERDA in the Richland area, since applications of the Washington Shoreline Management Act (SMA), which provides the authority for the State's CZM program, is interpreted to extend upriver from the defined coastal zone. If the interpretation
2 is correct, this enables the State of Washington to exercise control of uses outside of the zone which impact the coastal area.

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Furthermore, it is not clear whether Federal approval and State implementation of either or both of the proposed CZM programs will have substantial implications for ERDA in the siting of energy related research and development, and demonstration facilities. It is our understanding that Federal agencies are restricted by the Federal Coastal Zone Management Act from approving projects affecting coastal zones which require Federal assistance unless these projects are consistent with applicable State CZM programs. This is the case for Washington and Maine coastal zones. The State of Maine has established a Federal-State Coordinator's Office to determine consistency; however, 3 we cannot determine how the consistency provision of the Act will be implemented in the State of Washington. For this reason, we would recommend withholding Federal approval of the Washington CZM program pending a determination by ERDA, and other concerned Federal agencies that acceptable procedures and administration mechanisms have been established to ensure adequate consideration of the national interests in siting energy related facilities.

In summary, we do not feel that sufficient information is at hand, nor has there been proper consideration given to potential conflicts with other Federal agencies should these CZM programs be approved. We would like to repeat our concern that the brief review period provided for these proposed programs has not been consistent with the scope of implications of CZM programs if approved, and do not endorse these programs at the present time.

Thank you for the opportunity to provide these comments.

Sincerely,

James L. Liverman
Assistant Administrator
for Environment and Safety

cc: CEQ (5)

NOAA Response to Energy Research and Development Administration.

1. Program approval was delayed to allow for more time to meet various concerns.

2. The second tier of the coastal zone boundary is no longer the whole state, but the eastern end of the coastal counties. Although this puts Richland outside the new boundary, it is the intent of the CZMA for the state to exercise control over those inland uses that impact coastal waters.

3. The state has elaborated on how the consistency provisions will be implemented in its policy statement dated November 10, 1975. See pages D-4 and D-5 of the Washington Coastal Zone Management Program.

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION X
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

MAY 23 1975

27 MAY 1975

CZM Information TMA

Copy ltr. TC BM JP

REPLY TO ATTN OF: 10FA - M/S 623

Office of Coastal Zone Management
National Oceanographic & Atmospheric Administration
Department of Commerce
2001 Wisconsin Avenue
Washington, D. C. 20235
ATTN: Mr. Timothy Alexander

Dear Mr. Alexander:

We have completed our review of the State of Washington's application for approval of its Shoreline Management Program as a Coastal Zone Management Program, under Section 306 of the Coastal Zone Management Act of 1972. We have also completed our review of the draft environmental impact statement on the proposed approval of this application by NOAA. As we understand the current situation, NOAA is delaying its approval of the proposed program for approximately four to six months in order to allow the Department of Ecology to amend its application so that it responds to constructive criticisms offered by NOAA and numerous other Federal Agencies. We assume that as a part of this delay NOAA will be extending Washington State's Section 305 program development grant. All of the following comments on the proposed program and the draft environmental impact statement are based on this perception of the existing situation with respect to the timing of NOAA's program approval.

The Proposed Program

We believe that the State of Washington has submitted an incomplete application for program approval under Section 306 of the Coastal Zone Management Act (herein after referred to as "CZMA"). The missing elements, cited below, are, in our opinion, central to any assessment of the program's compliance with the terms of CZMA and its ability to meet the objectives of the CZMA. We recognize that in assembling the application the Department had to make some value judgements regarding the subjects which should be covered in detail and that the Department might consider the excluded subjects as being basic background knowledge with which most reviewers would already be familiar. However, we believe that the

elements discussed below merit extended discussion in the application because most people reviewing the application are and will be individuals whose involvement in Coastal Zone Management planning to date has been minimal and they therefore cannot be expected to have that background.

Permissable Land & Water Uses:

Section 305(b)(2) of the CZMA requires that the program contain a "definition of what shall constitute permissable land and water uses within the coastal zone." Although the proposed program and its final guidelines define a series of shoreline environments, coastal zone natural systems and land use activities, the program does not indicate which land use activities or water use activities are permissable in any of the numerous natural systems or shoreline environments. We believe that the CZMA requires that the State, or local governments acting under State authority, specify which land use activities are permissable in each of the natural systems defined in the State guidelines and the kinds of restrictive conditions which should be included in substantial development permits that local governments issue for each type of use activity in each natural system.

We recognize that this requirement of Section 305(b)(2) is subject to different interpretations and we are also aware that the definition of permissable land and water uses does appear in at least some of the local shoreline master programs approved by the Department, for example the Snohomish County program attached to the application. However, given that it has taken slightly over three years to get 25% of the local programs approved, we believe that the application should, as a minimum, discuss the major causes for the lengthy delays in program development and approval and the measures which it will take to expedite the completion of the local shoreline master programs. If this were accompanied by an operational description of how the guidelines serve to protect the coastal zone from detrimental land and water uses, the reviewer and the decision maker could function without the complete specific designation of permissable land and water uses.

Designation of Areas of Particular Concern:

Section 305(b)(3) of the CZMA requires that the program contain "an inventory and designation of areas of particular concern." It does not ask for or imply that Congress would accept, as a substitute, a description of how the State or local governments plan to make such designations. All that the application shows us is the procedure that local governments will probably use to make such designations. Admittedly, the State Shorelines Management Act designates Shorelines of Statewide Significance, but we have no idea, from the application, how effective this designation and the associated portions of the State Final Guidelines have been in protecting these shorelines from detrimental substantial developments. Such an

effectiveness analysis would go a long way towards assuring NOAA and the other concerned Federal Agencies that the "substitute" designation would serve the objectives of the 305(b)(3) designations during the indefinite period in which the remaining local Shoreline Master Programs are completed.

Land & Water Use Control:

Section 305(b)(4) requires "an identification of the means by which the state proposes to exert control over the land and water uses" referred to in 305(b)(2). The application limits its discussion of state control to a description of the legally mandated permits system under the Shorelines Management Act. Given that one of the stated objectives of the CZMA and the Section 306 financial assistance is to encourage the states to exercise their "full authority" over the coastal zone, reviewers of the application (especially NOAA) need to be able to assess the adequacy of that permits system, in the context of related State level and local level legal authority, in terms of that objective and the environmental protection objectives of the CZMA. The simple incorporation of related legal authoritites is not adequate in this context and we believe that the following expansions should be made to the application's content before the program is approved and funded under Section 306:

1. a description of how the Department screens proposed substantial development permits in order to flag those that merit detailed review by its technical staff and an assessment of how effective that screening, review and appeal process has been in preventing and limiting detrimental substantial developments.

2. a description of the major State level related legal authority and how the Department proposes to integrate the implementation of that legislation with the implementation of the coastal zone management program. This description should give special attention to legislation being implemented by other state agencies such as the State Forest Practices Act.

3. a description of typical organization structures for the local governments which will be preparing and implementing the local shoreline master programs and a description of how these local governments will coordinate their work with that of State and Federal Agencies that have management mandates within the coastal zone.

4. a description of how work, carried out under Federal, State and local environmental laws, will be integrated with the work local governments perform under the Coastal Zone Management Program. This is particularly crucial given that the environmental laws often provide more stringent and more easily implemented environmental protection "tools" than either the Coastal Zone Management Act or the Shorelines Management Act. We believe that special attention should be paid to air quality maintenance planning, new stationary air pollu-

tion source reviews, complex/indirect source reviews, Section 208 Area-Wide Wastewater Management Planning and permits issued by the U.S. Army, Corp of Engineers under the Rivers and Harbors Act of 1899 and Section 404 of the Federal Water Pollution Control Act Amendments of 1972.

The Draft Environmental Impact Statement

The environmental impact statement makes an explicit assumption that one cannot assess the specific environmental effects of program approval and implementation because there are no approved programs that can be used as a basis for projecting said environmental effects.

The logic of this assumption is highly questionable. The program, for which Washington State seeks OCZM approval and Section 306 funding, has been operational for over three years. There is a lengthy history of local shoreline master program approvals, within the state, and of shoreline permits and appeals.

OCZM should examine that history carefully to determine (1) whether the bulk of the shoreline master programs approved to date contain the restrictive zoning and land use constraints necessary to protect the "environments" identified in the Coastal Zone Management Act and the Shoreline Management Act, (2) whether the bulk of the shoreline master programs adequately identify and protect areas of particular concern (as required by the CZM Act), (3) whether shoreline permits issued under the state program contain "restrictive convenants" which are adequate to protect the "environment", (4) whether DOE's appeals were an adequate mechanism for the state to use in exercising its "full authority" to protect the coastal zone from environmentally damaging developments and to protect public uses of and public access to the coastal zone.

This examination would be the basis for projecting the environmental effects of approving the program and increasing its budget through Federal financial assistance under Section 306 of the CZM Act. This would be orders of magnitude better than the current approach of making an unsubstantiated assumption that the Shoreline Management Program will meet its objectives and the objectives of the Coastal Zone Management Act and will therefore protect the environment.

Recommendations

Given that NOAA has apparently decided that the Department needs more time in order to complete its application and program description, we plan to assist the Department in filling the information gaps identi-

fied in our comments on the program. We also hope to assist them in defining the "organizational relationships" and environmental program coordination mechanisms which we have cited, above, as missing from the program description.

We recommend that, as the application is completed over the next four to six months, the Office of Coastal Zone Management make an analysis, like that described in our comments on the draft environmental impact statement, of the Shoreline Management Program's performance to date and then proceed to evaluate the specific environmental effects of approving it as a Coastal Zone Management Program. This analysis should then be written up as a new draft environmental impact statement, which properly addresses each of the questions noted in the National Environmental Policy Act and in CEQ's implementing guidelines. With adequate contractor support NOAA could complete this task within the four to six month time frame that is apparently available.

Our comments on this draft statement have been classified 3, (Inadequate Information). The classification of the Environmental Protection Agency's comments will be published in the Federal Register in accordance with our responsibility to inform the public of our review on proposed Federal actions under Section 309 of the Clean Air Act.

Enclosed is a copy of the Environmental Protection Agency guidelines for the review of statements, which explain our rating system. If you have any questions, please do not hesitate to contact us.

Sincerely,

Clifford V. Smith, Jr., Ph.D., P.E.
Regional Administrator

Attachment

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Md. 20852

22 SEP 1975

MEMORANDUM FOR: Clifford V. Smith, Jr.
Regional Administrator
U. S. Environmental Protection Agency
Region X
Seattle, Washington

FROM: Robert W. Knecht Richard R. Gardner
for Assistant Administrator for Coastal Zone Management

SUBJECT: Office of Coastal Zone Management Response to the U. S. Environmental Protection Agency Comments on the State of Washington's Coastal Zone Management Program

Your letter of May 27, 1975 provided this Office with constructive criticism of the Washington Coastal Zone Management Program (WCZMP). It also provided a basis for EPA's Office of Federal Activities, in consultation with OCZM, to prepare "Guidance for EPA Participation in the Development and Review of State Coastal Zone Management Programs." We have also discussed your views with the State of Washington as they developed a specific work program to deal with perceived deficiencies in their initial submission of the WCZMP. This has caused some delay in responding formally to your critique, which by no means should be construed as a lack of interest or responsiveness to your concerns. On the contrary, your comments have served to clarify a number of issues and solutions that were unclear at the time Washington submitted its program. We are particularly pleased with EPA's Region X offer to assist the WCZMP "in filling the information gaps identified" in your analysis. Our responses follow the sequence of comments presented in your letter.

The Proposed Program

A major effort is being undertaken by the Department of Ecology (DOE) to address many of the concerns raised in this section of your letter. A major focus of that effort will be to construct a program narrative that is self-contained and comprehensive to a reviewer unfamiliar with the operating details of the Shoreline Management Program and its Coastal Zone Management Act amplification.

Permissible Land and Water Uses

We believe that the WCZMP, including the SMA, water quality, flood plain management and related standards and processes, contains sufficient analysis, procedures and policies to meet the "permissible uses" requirements of the Act. As EPA proceeds to assist the WCZMP, particular reference should be made to the "Final Guidelines: Shoreline Management Act," the "Shoreline Master Program Reviewer's Guidebook" and the adopted or submitted Local Master Programs (LMPs) to assess this really quite strong aspect of their program.

Half of the coastal county LMPs (which we consider most important to fleshing out the WCZMP) are now approved. DOE projects that the great majority of the remaining county LMPs will be either adopted or approved by January, 1976. In our view, the complex array of reasons for delay in approval of LMPs serve to highlight the stringent policies of the SMA and related Washington legislation and their administration by DOE. In short, we feel that the delays are directly associated with the environmentally responsive nature of the program. Your suggestion for a description of how the WCZMP has served to protect the coastal zone is one that should strengthen the program narrative.

Designation of Areas of Particular Concern

We concur that the WCZMP narrative was inadequate to meet the requirements of Section 305(b)(3) of the CZMA. Washington has developed a specific Task 4 in its supplemental 305 grant designed to unify the results of several past programs, including "natural area environment designations." This work should result in a display of areas by type of concern and levels of concern i.e., local, state, national. Your suggestion that an assessment be made of the effectiveness of shoreline environment designations, has been transmitted to the State.

Land and Water Use Control

The need for a more fully developed organizational and managerial network was the single most determinant factor in granting preliminary rather than final approval of the WCZMP. The major focus of the additional seven months of program development work will be directed to addressing the sorts of issues raised in this portion of your letter. However, OCZM working together with the WCZMP, will have to judge the degree of operational detail that is both necessary and desirable to meet the requirements of the Coastal Zone Management Act.

The Draft Environmental Impact Statement

The suggestions for amplifying the DEIS are constructive and are being considered as this Office prepares its supplement to that document.

We thoroughly appreciate the obvious time and effort your Region put into the comments on the Washington management program. They have been and will be of substantial value in strengthening their CZM effort.

FEDERAL ENERGY ADMINISTRATION
WASHINGTON, D.C. 20461

MAY 19 1975

OFFICE OF THE ADMINISTRATOR

20 MAY 1975

Mr. Robert Knecht
Assistant Administrator for
Coastal Zone Management
Office of Coastal Zone Management
The Page Building 1
2001 Wisconsin Avenue N.W.
Washington, D. C. 20235

CZM Information (1 L)
BM

Dear Mr. Knecht:

The Federal Energy Administration (FEA) has reviewed the Washington Coastal Zone Management Program. Although the program has much to commend, its treatment of energy concerns is cursory. We recommend that it not be approved as submitted. JP TMA

FEA's position is based on two points: first, that energy facilities usually have significant environmental impacts; and second, that certain energy facilities are particularly dependent upon the utilization of or access to coastal waters.

We urge more detailed treatment of the substantive matters included in the enclosed statement. FEA will be pleased to cooperate with your staff and officials from the State of Washington in developing additional materials for the program.

Sincerely,

Frank G. Zarb
Administrator

Enclosure

FEA COMMENTS

ON

STATE OF WASHINGTON'S PROPOSED COASTAL ZONE MANAGEMENT PROGRAM

PART A

Section 923.4--Problems, Goals, Policies and Objectives

The Washington Program provides no explicit and detailed statement of policy concerning the siting of energy facilities in the coastal zone. There are occasional references to "power generation," "deep draft port facilities," "petrochemical facilities," and "oil and gas drilling." These references indicate that the drafters of the program are aware of the need for policy and procedures pertaining to energy facility siting questions. A more detailed treatment is needed, however, covering the full range of types of energy facilities identified in the published Federal regulations. Given the environmental concern frequently associated with the development of energy facilities and the importance of adequate energy facility capacity, the enunciation of a detailed policy on this subject should be a major objective of the program.

PART B

Section 923.12--Permissible Land and Water Uses

FEA wishes that attention be given to the identification of areas particularly suitable for development, as well as those which are unsuitable, in designating permissible uses of the coastal zone. Achievement of this objective requires the development (presumably in Section 923.12) of objective criteria and procedures to be used in the decision process, including methods to be used in assessing the environmental impacts of resource utilization and those to be used in calculating anticipated energy facility requirements in the coastal zone. As indicated in the Federal regulations (CFR 923.12), an inventory of natural and man-made coastal resources is indispensable to the designation of permissible uses.

We note that county and local governments have conducted inventories of their respective segments of the coastal zone, in accordance with Washington's Shoreline Management Act. However, this information has not yet been consolidated into a single inventory--such consolidation is to be completed after approval of the program has been obtained. Accordingly, FEA is not able to adequately assess the program in terms of permissible uses.

Section 923.13--Areas of Particular Concern

As noted in the preceding section, FEA wishes to see coastal areas particularly suitable for energy development identified

as such, and encourages that they be designated as "areas of particular concern." Clarification on this point would be a contribution to both environmental protection and orderly development of facilities. Pertinent regulations (CFR 923.13) strongly suggest (if not require) that areas in the coastal zone especially suited for development be designated as "areas of particular concern."

Section 923.14--Guidelines on Priority of Uses

Federal regulations require that state programs must provide for analyzing state needs which can be met most effectively and efficiently in the coastal zone. The Washington program neither provides data concerning anticipated energy facility requirements in the coastal zone, nor a method for obtaining such data. The Washington Thermal Power Plant Site Evaluation Council is presumably the administrative system for resolution of issues pertaining to establishment of priorities for siting of thermal power plants. This concept is not clearly stated, however, and with respect to other categories of energy facilities, the Washington program is virtually silent. This is a **significant** deficiency.

In general, only the "urban environment" category provides for high intensity land use consistent with the requirements of energy facility development. Clarification of the intent of this material is needed. It would be appropriate to provide evidence of consideration of the alternatives for siting energy facilities in locations not within urbanized areas.

Section 923.15--National Interest in the Siting of Facilities

FEA's principal reservation concerning Washington's proposed program is that it does not **sufficiently** evidence consideration of the National interest in energy facility siting in planning for uses of the coastal zone. The program is already in place at the state level based on the Shoreline Management Act, which was primarily designed to protect state and local interests. One of the requirements of the Coastal Zone Management Act is to insure that state and local government adequately consider National and regional interests in management of the coastal zone.

Articulation and representation of the National interest in energy facility siting in the coastal zone, it appears, would be a responsibility of the Thermal Power Plant Site Evaluation Council. The program fails, however, to provide a clear statement of how the Council is to participate in coastal zone management. The program also does not recognize the

National interest in types of energy facilities not within the jurisdiction of the Council. FEA believes it is most important to fully involve the Council, and other energy agencies and interests, to establish an evaluation of the needs for siting of energy facilities. FEA would appreciate the opportunity to review and provide assistance with regard to developing projections of energy facility requirements in the coastal zone. FEA's viewpoint on this matter coincides with the Federal regulations (CFR 923.15) which seek to assure that National interests are included at an early stage in the planning process, but not to compel specific programs with respect to certain facilities.

The Shoreline Management Act gives major planning responsibilities to local governments. The guidelines promulgated by the Department of Ecology for use by counties and cities, therefore, should include consideration of National interests. One possible approach would be to expand the section of the guidelines pertaining to "Shorelines of Statewide Significance" (WAC 173-16-040(5)).

PART C

Section 923.21--Means of Exerting State Control over Land and Water Uses

The concerns of FEA with respect to this subpart are that the means of control established are consistent with Federal regulations (CFR 923.21) requiring that the "means must be capable of actually implementing the objectives, policies, and individual components of the management program."

The management program contains a provision which would allow the Department of Ecology, or an applicant in a permit case, to appeal the determination of a local authority to an objective state hearing board, and further to Superior Court in the State of Washington. Decisions of original jurisdiction and appeal will be based on the content of the program and the detailed guidelines of the Washington Administrative Code promulgated pursuant to the Shoreline Management Act. We believe that the means of control thus established will be "capable of actually implementing" concerns of National interest if these interests are adequately defined in accordance with FEA comments on Section 923.15.

Section 923.25--Authorities for Property Acquisition

The program states that "It is not foreseen that the power of eminent domain is needed to effectuate the Management

Program since no specific areas have been identified as critical to the implementation of the program"

As noted earlier, FEA believes that the program should identify areas which are especially suitable for energy development, and designate them as "areas of particular concern." In addition, the State should also have the legal capacity to acquire such lands. Section 306 (d)(2) of the Coastal Zone Management Act requires that, as a condition of Federal approval of a State Program, the State shall obtain authority "to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program."

PART D

Section 923.30-32--Coordination

The program does not adequately document coordination with energy company officials or with public officials responsible for energy planning. Much planning for energy development is done by energy companies rather than by public agencies. The Federal regulations pertinent to this section require that both public and private agencies and organizations be consulted and their interests be reflected in order to adequately comply with coordination requirements relevant to energy matters.

UNITED STATES DEPARTMENT OF C...
National Oceanic and Atmospheric Administ...
Rockville, Md. 20852

25 SEP 1975

MEMORANDUM FOR: Frank G. Zarb
Administrator
Federal Energy Administration

FROM: Robert W. Knecht
Assistant Administrator for Coastal Zone Management

SUBJECT: Response to Federal Energy Administration Comments on the State of Washington's Coastal Zone Management Program (WCZMP)

Your letter of May 19, 1975, provided this Office and the WCZMP with a basis for reassessing and supplementing the initial WCZMP submitted for review. The major thrust of our response is to set forth our understanding of what the Coastal Zone Management Act requires of the States in terms of the concerns raised in your letter. We also indicate where the WCZMP should adequately consider FEA interests and views during the refinement and completion of its program. Our responses follow the sequence of comments presented in your letter which is attached for convenient reference.

Part A

We concur that the WCZMP should give more detailed treatment to the siting of energy facilities in the coastal zone. State policies and procedures regarding energy development will be set forth in the context of the WCZMP, with particular reference to the Thermal Power Plant Site Evaluation Council and related State programs.

Part B

The WCZMP, through its Shoreline Management Act, "Final Guidelines" and "Shoreline Master Program Reviewer's Guidebook" (criteria for Local Master Program (LMP) approval) makes significant provision for a wide range of immediate coastal zone uses. Basic to the designation of management environments was the conduct of a joint State-local inventory of resources (which will continue) and the application of suitability and capability standards for resource uses.

Further, the State has agreed to undertake a major effort to integrate and coordinate a far broader range of State policies and programs into a final "managerial network" that will address developmental as well as environmental management in greater detail. One product of this effort will be a consolidated assessment of LMPs, including their overall developmental characteristics.

States are afforded a good deal of latitude in designating "areas of particular concern." OCZM has little directive authority, under current law, to require a State to designate specific development sites as areas of particular concern. The State has agreed to a specific task to develop and refine the determination of areas of particular concern, by levels of governmental interest and by diverse types of concern, for inclusion in their final program submission.

The initial submission did not address the points set forth in your comments on "priority of uses." The WCZMP will address the policies and procedures of the Thermal Power Plant Site Evaluation Council in relationship to their program. Further, we have requested that the results of collateral efforts to deal with ports, oil transmission and related matters be included in the final program submission. Both the affirmative and constraining qualities of the four management "environments" as well as the other elements of the managerial network will be described in further detail by the State.

FEA concern about adequate consideration of the national interest by the WCZMP is acknowledged by the State and this Office. The State must play a central role in this consideration and in recognition of this has committed itself to a "State-Federal Relationship and Interaction Program." This major effort is now underway and will involve FEA regional personnel on a first priority basis. A facility element establishing a process for consultation and resolution of differences is part of this effort. We welcomed FEA's offer to provide assistance to the WCZMP in this regard and trust that your inputs are being received and considered by the State.

Part C

The State must meet the requirements pertaining to State control over land and water uses. In our view, the Shoreline Management Program, together with an expanded and operational managerial network, will meet these authority requirements. We do not, however, consider the Coastal Zone Management Act, at least in its present form, to be the means by which specific energy (or other developments of Federal agency interest) are imposed upon the States.

We have discussed the issue of property acquisition with the State and have been assured that the State and the local governments have authority to acquire lands if necessary to carry out the objectives of the WCZMP. Again, however, this provision, in our view, was not envisioned as a means to establish an affirmative energy siting program -- although a State could choose to utilize this provision for such a purpose if it so desired.

Part D

We concur that the State must adequately document coordination with private and public energy officials as part of its overall strengthening of this dimension of its program.

I would like to express my personal thanks for the excellent support and constructive critiques of PEA in the past. We look forward to continuing our productive relationship with you in the future.

FEDERAL ENERGY ADMINISTRATION
WASHINGTON, D.C. 20461

19 JUN 1975

OFFICE OF THE ASSISTANT ADMINISTRATOR

FEA 75-115

JUN 24 1975

24 JUN 1975

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JP

Mr. Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs
U.S. Department of Commerce
Washington, D.C. 20230

Dear Mr. Galler:

This is in response to your request for review and comment on the draft environmental impact statement for the proposed Federal approval of the State of Washington Coastal Zone Management Program. Our comments are presented according to subject.

Energy Development

State coastal zone management plans could have an important impact upon energy development. Therefore, we suggest that the environmental statement contain a separate energy section which would provide an analysis of the impact of the plan upon energy use and development. The energy section should contain the following analysis.

1. The energy demand within the state through the year 2000.

2. The energy facilities needed to meet this demand.

3. The impact of energy conservation measures on the demand for energy within the state.

4. The regulation of land use in the coastal zone area as it allows or restricts energy production and transmission facilities, such as oil and gas wells, storage and distribution facilities, refineries, nuclear, conventional and hydro-electric powerplants, and deepwater ports.

5. The development of alternative energy sources with less adverse impact.

Energy Conservation

According to the impact statement, urban sprawl will be reduced through the implementation of the Washington Coastal Zone Management Plan. The effects of this reduction should be elaborated upon in the final statement in regard to factors such as energy consumption. Increased energy conservation will be realized through the concentration of development in selective areas. According to a recent study, The Cost of Sprawl, undertaken by CEQ, HUD, and EPA, urban sprawl accounts for 14 to 44 percent more energy use.

We hope our comments will be helpful to you in the preparation of the final statement and in your consideration of the program.

Sincerely,

Roger W. Sant
Assistant Administrator
Energy Conservation and
Environment

NOAA Response to Federal Energy Administration.

The current Washington Coastal Zone Management Program provides for a more detailed treatment of the siting of energy facilities. The modified policies and procedures regarding energy development are set forth in the text of the program.

With respect to accrual and analysis of energy demand, production and utilization, the state's plan contains an awareness of the needs and the mechanism to integrate such information. It is anticipated that as the result of FEA carrying out its normal function, most of the requested information will be developed and made available to the states either as a statement of national interest or for use in the state work effort to identify areas of particular concern.

FEDERAL POWER COMMISSION
WASHINGTON, D.C. 20426

May 12, 1975

Mr. Robert W. Knecht
Assistant Administrator for
Coastal Zone Management
U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Rockville, Maryland 20852

Dear Bob:

Our staff has reviewed the State of Washington's proposed coastal zone management program and your relevant environmental impact statement. Unfortunately, we have not yet been able to commit the necessary staff to this review effort to give these documents the detailed review that they deserve.

However, our preliminary assessment indicates that there are serious shortcomings because of a lack of long range energy demand assessment and energy systems planning (or at least a lack of demonstration of same). Enclosed is a preliminary staff analysis that addresses this problem more directly.

Because this plan is the first of a long series and because of our inability as of yet to address the documents in more detail, we request that as much time as possible to give further review to the documents and hopefully some opportunity to discuss the plan in an open meeting with the State planners.

Please advise as to the specific steps you will be taking for review of this plan and the associated schedule.

We appreciate the opportunity to work with you on this important program.

Sincerely,

for Richard F. Hill
Acting Director, Office of
Energy Systems

Enclosure-1

Federal Power Commission
Office of Energy Systems

Preliminary Review

CZM Program ~~Guidelines~~ for Washington

The Federal Power Commission is charged with review of the Washington Coastal Zone Management Program, and is also bound to consistency with Coastal Zone Plans which emerge from that Program. In addition, the Federal Power Commission is charged by the Federal Power Act to achieve and assure "an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources," and we have comparable responsibilities under the Natural Gas Act. We must therefore try to be certain that each Program provides for its own future energy needs and its fair share of regional and national needs.

To perform an adequate review, we need to understand how the Management Program addresses the following questions:

(1) What state/region economic growth is anticipated?
(2) What energy needs will follow from this growth?
(3) How will state and regional energy needs be met?
(4) How does the Coastal Zone accomodate these needs?

To place some of these issues in their proper perspective, the FPC Office of Energy Systems has made coarse estimates of the growth in some of the energy needs of Washington on the basis of the Bureau of Economic Analysis Area Projections to 1990. These estimates, and those for the Pacific Region, are attached. They show the heaviest 1971 energy demand in the BEA groups 491 (Paper & Allied Products -- SIC 26) and 493 (Primary Metals -- SIC 33) -- but groups 495 (Other Manufactures -- SIC 21,30,31,32,38,39) and 472 (Electrical Machinery -- SIC 36) have the highest rate of increase through 1990. Overall energy needs in these manufacturing sectors will grow 91 percent through 1990, which bears comparison with the regional growth of 79 percent and the national growth of 62 percent in energy needs in the same period.

We cannot determine the energy demand or supply for Washington or the Pacific Region. But our future actions must help meet those demands, and still remain consistent with the Coastal Zone Plan.

We therefore will use the following guidelines in reviewing the Washington Coastal Zone Management Program:

(1) The Program must specify the planned growth of the state and regional economies by detailed energy-using sector.

(2) The Program must specify a methodology for estimating the energy needs (by energy source, especially for natural gas and electricity) associated with the planned economic growth.

(3) The Program must specify methods for planning to balance Washington and Pacific energy needs with its energy supplies, including its share of energy transfers throughout the region and the rest of the Nation.

(4) The Program must detail the impact of energy supplies and shipments on its Coastal Zone, and describe how the Coastal Zone Plan will provide for state, regional, and National needs. The Program must explain how ports, LNG storage facilities, refineries, power plants, pipelines and hydro-electric facilities are presently treated, and how the Plan will ensure that the needed facilities can be accomodated.

(5) Since Washington appears to have a projected energy growth which is higher than the rest of its region, increased imports of fuel may be expected by the State. The Program must give explicit consideration to the problem of defining and bearing a "fair share" of energy transactions, and evaluating trade-offs by which Washington can maintain some balance of resource flows with the rest of the Pacific Region and the Nation.

The attached estimates were produced by methods which are still under development by FPC/OES, and which we hope to make more thorough and helpful in the near future. The starting point is the "Area Economic Projections" by BEA; these assume that regional growth throughout the country will be a function of national demand for the products of particular regions. The State's own projections of economic growth are preferable as part of the Program, as long as they are sufficiently detailed by fuel-using sector to permit adequate consideration of future energy demand.

We have used the state-level projections to forecast energy demands on the assumption that each industry will use the same fuel per dollar's output as at present. Residential and commercial demand is estimated on the basis of projected population, income, and climate. We expect to include some effects from national and local conservation efforts in the future. Specific local effects, such as changes in rate or distribution of economic growth or the nature of fuel use, can certainly be reflected if such effects are indeed being planned by the State. In short, the Program must indicate the kind of economic growth planned by the State and the energy needs which this growth implies; FPC will help in making this projection if the State wishes such help.

At the Federal level, there is very little information on the supply side of local energy equations. Coastal Zone Plans clearly need to consider how much of a State's fuel moves across its own Coastal Zone or that of some other State, as well as how much fuel other States expect to acquire across its Coastal Zone. The Program must therefore describe specific methods by which a Plan can reflect these needs. We recognize that this is a severe problem, but if less is done now, the future energy problems will be even more severe.

Energy Needs for Washington

// DRAFT //

BEA	Industry Group	SIC	1971 Sales	1971 Fuel	1980 Sales	1980 Fuel	Pct. Grth	1990 Sales	1990 Fuel	Pct. Grth	Req. Pct.	Nat. Pct.
493	Primary Metals	33	137.	35.5	173.	50.5	42.	206.	65.1	83.	120.	36.
450	Chemicals & Allied Prd.	28	60.	21.8	80.	31.0	42.	101.	40.0	84.	127.	82.
492	Petroleum Refining	29	22.	3.9	26.	5.9	54.	34.	10.5	172.	31.	45.
495	Other	21,30,31,32,38,39	80.	5.1	144.	14.3	183.	210.	22.6	346.	67.	61.
491	Paper & Allied Products	26	170.	74.0	265.	113.7	54.	359.	155.8	110.	149.	126.
410	Food & Kindred Products	20	219.	24.5	259.	28.0	14.	301.	31.5	29.	30.	33.
480	Transportation Equip.	37	591.	19.1	833.	25.7	34.	1040.	31.4	64.	69.	75.
420	Textile Mill Products	22	4.	0.2	5.	0.3	53.	6.	0.5	115.	104.	55.
471	Machinery, Non-Elec.	35	91.	3.2	152.	5.0	57.	236.	7.6	137.	175.	91.
494	Fabr.Metals & Ordn.	19,34	65.	2.7	97.	3.9	44.	131.	5.1	89.	80.	88.
472	Electrical Machinery	36	43.	1.4	76.	2.5	84.	123.	4.1	194.	156.	118.
460	Lumber & Furniture	24,25	393.	23.9	516.	30.5	27.	647.	37.4	56.	41.	55.
440	Printing & Publishing	27	85.	1.7	133.	2.4	43.	187.	3.1	88.	104.	81.
430	Apparel & Fabric Prods.	23	28.	0.6	47.	0.9	55.	74.	1.4	130.	107.	57.
400	TOTAL MANUFACTURES		1988.	217.5	2807.	314.7	45.	3656.	415.9	91.	79.	62.

EPC/OES STAGE ONE TEST RUN:

Values shown above are for illustrative purposes only.
Sales in $M based on BEA "Area Economic Projections 1990"
Fuels in TSTU based on 1972 Census of Manufactures SR-6
Captive, feedstock & State elec.shares estimated by OES

Data covers some 75% of industrial fuels, 32% of all fuel
Data has the following significant omissions:
(1) Fuels in Residential & Transport Sectors;
(2) Effects of post-1971 prices and technology;
(3) Fuels used by Non-Manufacture industries.

Energy Needs for Pacific

// DRAFT //

BEA	Industry Group	SIC	1971 Sales	1971 Fuel	1980 Sales	1980 Fuel	Pct. Grth	1990 Sales	1990 Fuel	Pct. Grth	Req. Pct.	Nat. Pct.
493	Primary Metals	33	746.	149.9	982.	246.2	64.	1179.	330.1	120.	120.	36.
450	Chemicals & Allied Prd.	28	608.	143.3	946.	229.1	60.	1345.	324.8	127.	127.	82.
492	Petroleum Refining	29	465.	314.2	573.	361.0	15.	685.	410.2	31.	31.	45.
495	Other	21,30,31,32,38,39	1533.	177.3	2515.	236.9	34.	3647.	296.3	67.	67.	61.
491	Paper & Allied Products	26	587	163.1	894.	276.8	70.	1225.	407.0	149.	149.	126.
410	Food & Kindred Products	20	1889.	186.8	2303.	214.4	15.	2752.	243.2	30.	30.	33.
480	Transportation Equip.	37	2919	70.4	3867.	97.7	39.	4609.	119.1	69.	69.	75.
420	Textile Mill Products	22	91.	9.0	130.	12.9	44.	184.	18.3	104.	104.	55.
471	Machinery, Non-Elec.	35	1466.	32.1	2307.	58.4	82.	3258.	88.4	175.	175.	91.
494	Fabr.Metals & Ordn.	19,34	1704.	49.8	2289.	69.0	39.	2924.	89.5	80.	80.	88.
472	Electrical Machinery	36	2228.	44.2	3935.	79.0	79.	5693.	112.9	156.	156.	118.
460	Lumber & Furniture	24,25	1722.	108.2	2250.	130.5	21.	2786.	152.8	41.	41.	55.
440	Printing & Publishing	27	923.	14.9	1470.	22.5	51.	2067.	30.4	104.	104.	81.
430	Apparel & Fabric Prods.	23	445.	5.7	656.	8.5	49.	920.	11.9	107.	107.	57.
40C	TOTAL MANUFACTURES		17324.	1468.9	25118.	2042.9	39.	33273.	2634.9	79.	79.	62.

FPC/OES STAGE ONE TEST RUN:

Values shown above are for illustrative purposes only.
Sales in $B based on BEA "Area Economic Projections 1990"
Fuels in TBTU based on 1972 Census of Manufactures SR-6
Captive, feedstock & State elec.shares estimated by OES

Data covers some 75% of industrial fuels, 32% of all fuel
Data has the following significant omissions:
(1) Fuels in Residential & Transport Sectors;
(2) Effects of post-1971 prices and technology;
(3) Fuels used by Non-Manufacture industries.

7/11/75

Dr. Richard F. Hill
Acting Director
Office of Energy Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Dear Dr. Hill:

We appreciate the preliminary review afforded the State of Washington's proposed management program by your staff and would like to take this opportunity to respond to your staff analysis following the sequence of comments in your letter. The awarding of preliminary approval and a second 305 grant, as outlined in the covering letter, should provide your staff with ample opportunity to review the program further.

1. We agree that there is a need for comprehensive and long-range energy planning, but it is our opinion that the degree of sophisticated planning indicated in your letter should originate from the Federal level, particularly in terms of regional and national evaluations. It is our opinion that the degree of specificity proposed in your letter regarding energy projections exceeds both the resource capability of the State and legal requirements placed upon it by our Act. At least two other Federal energy agencies, FEA and ERDA, are in the process of assessing national and regional energy issues, and the results of these should be considered by coastal States in the development, and during implementation, of their CZM programs.

Without such guidance from the Federal energy establishment, it appears unreasonable to expect a State with limited resources and mandate to produce the breadth and detail of the analyses suggested by FPC.

2. It is our opinion that Washington's program provides an adequate, if not entirely sufficient, framework for dealing with the siting of facilities. The Thermal Power Plant Siting Act, the Shoreline Management Act of 1971 and associated legislation contain sufficient policies and guidelines to assess the economic need and environmental acceptability of energy facilities. However, it is clear that the application should be

amplified to further consider the interrelationships of the CZM program with energy development interests and anticipated requirements. FPC can clearly assist in this effort by providing whatever supplementary views it may have directly to this Office and to the State. In continuing consultations with the State, it should be borne in mind that Washington's Puget Sound is anticipated to be a main destination-distribution point for a large percentage of Alaskan oil and that the coastal area supports numerous nuclear generating, hydroelectric power and associated facilities. In short, the State and its coastal resources are already contributing significantly to regional, as well as local, energy needs.

3. We commend and encourage your further efforts to develop guidelines from which FPC review of management programs will be based. However, we do have some reservations regarding your preliminary guidelines. In general, these concerns parallel our earlier comments, but are crucial to program review and warrant further comment.

- Your first proposal that the State must specify the planned growth of both the State and region by detailed energy-using sectors exceeds the requirements of our guidelines and the State's resources. Although conceptually sound from a planning perspective, it is not a requirement for approval of the State's management program under our Act at present, nor does there appear to be alternative requirements in other Federal laws. In our view these energy growth policies will be developed incrementally; State CZM programs are designed to evolve over time to respond to changing conditions of this sort.

- It is our opinion that the State does have a methodology for evaluating energy needs and acceptability from an economic and environmental basis in accordance with policies established in State law. Although these evaluations tend to be site specific, rather than based on an overall State plan, they provide a basis for further refinement, addition or change as circumstances warrant. It should be noted that the State intends to utilize its share of CZM funding to specifically address the anticipated effects and need to accommodate the off-loading and through-put of Alaskan oil in the future.

- Your suggested technical data and analysis requirements — as a minimum basis for program approval — exceed what we have considered adequate to meet our Act's requirements. This is not to deny that there may be a desirable or even a necessary basis for rational energy planning. We can and shall encourage the coastal States to consider and develop this sort of information as a continuing part of CZM managerial efforts.

In view of the concerns you have raised and our responses to them, we suggest that a meeting of our top level staff be planned for the near future. Please contact Timothy Alexander or Michael Payne of my staff to develop the timing, agenda and proper representation for such a session.

We appreciate your careful review of the Washington program and look forward to working with you closely in the future.

Sincerely,

/s/

Robert W. Knecht
Assistant Administrator for
Coastal Zone Management

Enclosures

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
WASHINGTON, D.C. 20546

REPLY TO
ATTN OF ADA-1

May 2, 1975

Dr. Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs
U.S. Department of Commerce
Washington, D.C. 20230

Dear Dr. Galler:

This letter responds to yours of March 21, 1975, addressed to the NASA Comptroller, requesting that NASA review the draft environmental statement, "Proposed Federal Approval of the Coastal Zone Management Program, State of Washington." The interested offices within this Agency have reviewed the draft environmental statement and have no comments.

As you know, we have an extensive research program to develop the technology of remote sensing systems that will ultimately contribute to improved coastal zone management techniques. I have suggested to the responsible group in our Office of Applications that they contact the State of Washington for the purpose of acquainting them with these developing technologies.

Thank you for affording us the opportunity to review this draft environmental statement.

Sincerely,

Nathaniel B. Cohen

Nathaniel B. Cohen, Director
Office of Policy Analysis

cc:
CEQ/Mr. Russell Peterson

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MAY 6 1975

Mr. Sidney R. Galler
Deputy Assistant Secretary
for Environment Affairs
U.S. Department of Commerce
Washington, D. C. 20230

MAY 12 1975

Dear Mr. Galler:

This is in response to your letter of March 21, 1975, to A. Giambusso, inviting our comments on the Draft Environmental Impact Statement Related to Proposed Federal Approval of the Coastal Zone Management Program and the Proposed Coastal Zone Management Program for the State of Washington.

We have reviewed the draft environmental impact statement and the proposed coastal zone management program for the state and determined that the proposed action does not have radiological health or safety impacts nor will it adversely affect any activities subject to regulation by the Nuclear Regulatory Commission. Accordingly, we have no significant comments or suggestions to offer.

According to NRC records five nuclear power plants are in operation or under construction which can possibly affect the proposed coastal zone management program of the State of Washington. We are listing the locations of the existing plants for your information. Two of the plants are actually located on the borderline in Oregon State.

1. Pebble Springs (1 & 2)
   Between Rt. 19 and Rt. 74, a few miles from Arlington (Oregon) on Columbia River.

2. Washington Nuclear Plant (1, 2 and 4)
   U. S. Energy Research and Development Administration - Hanford Site near Camp Hanford, near Richland, Washington (Columbia River).

3. Skagit (1 & 2)
   Near Rt. 20 (Washington) and Sedro Valley.

4. Washington Nuclear Plant (3 & 5)
   Near Rt. 12 (Washington) and Montesano

5. Trojan (1 & 2)
   Near Rt. 30, St. Helens (Oregon) Columbia River.

Thank you for providing us with the opportunity to review this draft environmental impact statement and the coastal zone managment program.

Sincerely,

Daniel R. Muller

Daniel R. Muller, Assistant Director
for Environmental Projects
Division of Reactor Licensing

Advisory Council
On Historic Preservation

APR 1 4 1975

Mr. Sidney R. Galler
Deputy Assistant Secretary for Environmental Affairs
Office of the Assistant Secretary for Science and Technology
U. S. Department of Commerce
Washington, D. C. 20230

Dear Mr. Galler:

This is in response to your request of March 21, 1975, for comments on the environmental statement for proposed Federal Approval of the Coastal Zone Management Program, State of Washington. Pursuant to its responsibilities under Section 102(2)(C) of the National Environmental Policy Act of 1969, the Advisory Council on Historic Preservation has determined that while you have discussed the historical, architectural, and archeological aspects related to the undertaking, the Advisory Council needs additional information to evaluate adequately the effects on these cultural resources. Please furnish additional data indicating:

I. Compliance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 [f]). The Council must have evidence that the most recent listing of the National Register of Historic Places has been consulted (see Federal Register, February 4, 1975 and monthly supplements each first Tuesday thereafter) and that either of the following conditions is satisfied:

   A. If no National Register property is affected by the project, a section detailing this determination must appear in the environmental statement.

   B. If a National Register property is affected by the project, the environmental statement must contain an account of steps taken in compliance with Section 106 and a comprehensive discussion of the contemplated effects on the National Register property. (36 C.F.R. Part 800 details compliance procedures.)

II. Compliance with Executive Order 11593 "Protection and Enhancement of the Cultural Environment" of May 13, 1971.

   A. Under Section 2(a) of the Executive Order, Federal agencies are required to locate, inventory, and nominate eligible historic, architectural and archeological properties under

The Council is an independent unit of the Executive Branch of the Federal Government charged by the Act of October 15, 1966 to advise the President and Congress in the field of Historic Preservation.

their control or jurisdiction to the National Register of Historic Places. The results of this survey should be included in the environmental statement as evidence of compliance with Section 2(a).

B. Until the inventory required by Section 2(a) is complete, Federal agencies are required by Section 2(b) of the Order to submit proposals for the transfer, sale, demolition, or substantial alteration of federally owned properties eligible for inclusion in the National Register to the Council for review and comment. Federal agencies must continue to comply with Section 2(b) review requirements even after the initial inventory is complete, when they obtain jurisdiction or control over additional properties which are eligible for inclusion in the National Register or when properties under their jurisdiction or control are found to be eligible for inclusion in the National Register subsequent to the initial inventory.

The environmental statement should contain a determination as to whether or not the proposed undertaking will result in the transfer, sale, demolition or substantial alteration of eligible National Register properties under Federal jurisdiction. If such is the case, the nature of the effect should be clearly indicated as well as an account of the steps taken in compliance with Section 2(b). (36 C.F.R. Part 800 details compliance procedures.)

C. Under Section 1(3), Federal agencies are required to establish procedures regarding the preservation and enhancement of non-federally owned historic, architectural, and archeological properties in the execution of their plans and programs.

The environmental statement should contain a determination as to whether or not the proposed undertaking will contribute to the preservation and enhancement of non-federally owned districts, sites, buildings, structures and objects of historical, architectural or archeological significance.

III. Contact with the State Historic Preservation Officer

The procedures for compliance with Section 106 of the National Historic Preservation Act of 1966 and Executive Order 11593 require the Federal agency to demonstrate consultation with the appropriate State Historic Preservation Officer. The State Historic Preservation Officer for Washington is Charles H. Odegaard, Director, Washington State Parks and Recreation Commission, P. O. Box 1128, Olympia, Washington 98501.

Should you have any questions or require any additional assistance, please contact Brit Allan Storey of the Advisory Council staff at P. O. Box 25085, Denver, Colorado 80225, telephone number (303) 234-4946.

Sincerely yours,

John D. McDermott
Director, Office of Review
and Compliance

Telephone response to [illegible] and State staff, May [illegible]
[illegible]

NOAA Response to Advisory Council on Historic Preservation.

The FEIS has an added section entitled: "Impact on Historic Properties," Chapter V, Section C, which addresses the concerns of the Council.

D.

Comments from the State Agencies.

Governor Daniel J. Evans

Office of Community Development

Department of Ecology

Department of Fisheries

Department of Game

Department of Natural Resources

Washington State Parks and Recreation Commission

Department of Highways

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
OLYMPIA

DANIEL J. EVANS
GOVERNOR

May 6, 1975

15 MAY 1975

CZM
Information (1 C)
Copy TMA
JP
BM

Mr. Edward T. LaRoe
Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
Rockville, Maryland 20852

Dear Mr. LaRoe:

It is my pleasure to submit the response of the State of Washington to the Draft Environmental Impact Statement for the proposed Washington State Coastal Zone Management Program.

Washington's citizens historically have displayed concern for management of coastal zone resources through support of advanced, innovative resource management programs. This support culminated in 1971 with the Shoreline Management Act which resulted from an initiative to the legislature and was later ratified by a popular vote of the people in 1972. We point with pride to the accomplishments of our environmental programs and to the lead role assumed by Washington in Coastal Zone Management.

The state program you now have under review evolved after nearly four years of specific experience in the management of coastal zone resources. At this time our local governments have completed development of comprehensive local shoreline plans, actively involving over 2,000 citizens in program development as members of local advisory committees. Thousands of other citizens participated through public meetings and hearings in every locality of the state. An accessible appellate body, the Shoreline Hearings Board, has been established and has effectively dealt with administrative and policy conflicts.

For these reasons, we feel that our Shoreline Management Act, along with existing state authorities, will enable the state to provide policy direction for an effective coastal zone program. Administrative approval under Section 306 will provide additional resources to implement the Coastal Zone Act and an incentive to hasten the implementation of the goals and policies of the State Shoreline Act.

My staff and the staffs of the several concerned state agencies have reviewed the Draft Environmental Impact Statement. We found the quality of the document and the accuracy of its information to be sufficient to assess the effects for this proposed administrative action. Your staff is to be complimented for the preparation of this quality report within so severe a time constraint.

I have attached the individual review comments from each of the reviewing state agencies in order that you may have the benefit of their direct reaction. Most of the comments are minor concerns which can be corrected in the final statement or that will be addressed in the development and refinement of the state's program.

I look forward to working with you and your staff in successfully implementing Coastal Zone Management.

Sincerely,

Daniel J. Evans
Governor

DJE: ks
Attachment

MAY 8 1975

DANIEL J. EVANS
GOVERNOR

RICHARD W. HEMSTAD
DIRECTOR

STATE OF WASHINGTON
Office of the Governor
OFFICE OF COMMUNITY DEVELOPMENT
OLYMPIA, WASHINGTON 98504
206/753-2200

May 2, 1975

Dr. Sidney R. Galler
Deputy Assistant Secretary for
Environmental Affairs
Department of Commerce
Fourteenth Street, Constitutional Avenue
and E Street N. W. - Room 3425
Washington, D. C. 20230

Dear Dr. Galler:

The Office of Community Development has reviewed the draft Environmental Impact Statement (EIS) on Washington's proposed Coastal Zone Management (CZM) program and requests approval of the program.

Of particular concern to this office in the implementation of the CZM program is the need to assist in coordination of the various planning and environmental regulation programs which impact local government. The formalization of an agreement between the Department of Commerce and the Department of Housing and Urban Development, coupled with the new HUD requirements for a land use planning element within the "701" program, require a more intensive coordination effort between this office, the Department of Ecology, and the local level.

The Office of Community Development (OCD) has submitted a request to the Department of Ecology that funding for one additional staff person to assist OCD's coordination activities be included in DOE's grant proposal for funds under Section 306 of the Coastal Zone Management Act.

Aside from the concern that coordination between state and local government agencies be adequately addressed in the administration of the CZM program, OCD feels that approval of the program is desirable as it will financially assist local governments in the implementation of the shoreline management programs which are now underway.

Attached are two letters from affected local governments responding to the draft EIS and the CZM program. OCD staff contacted 9 of the 12 other counties affected by the CZM program who generally indicated that

they would like to see the program approved as it would fund the administration of the local government substantial development permit process.

Sincerely,

Richard W. Hemstad

Richard W. Hemstad
Director

RWH:jc
Attachment

cc: Paul Pritchard
National Oceanic & Atmospheric
Administration
John Biggs, Director
Department of Ecology

April 30, 1975

State of Washington
Department of Ecology

Jerome F. Parker
Policy Analyst
Office of Program Planning
& Fiscal Management
101 House Office Building
Olympia, Washington 98504

Re: DEIS, Coastal Zone Management

Dear Mr. Parker:

The subject impact statement has been reviewed by our staff. Our comments have been directed at correcting technical errors and misinterpretations of the Shoreline Management Act in its relationship with the Coastal Zone Management Program.

Page 14 (4th Paragraph)
In addressing the process for ranking the designated "areas of particular concern," a statement should be included which indicates that in some instances only portions of the designated areas will meet the criteria for the priority ranking.

Page 15 (2nd Paragraph)
The Master Program review task force includes representatives from state agencies and local government as well as federal agencies and this representation should be indicated in this statement.

Page 15 (3rd Paragraph)
The second occurrence of the word "division" should be changed to "sections". Also, the Department of Game is another agency which is involved in resource management in the coastal area and should be included in this section.

Page 19 (5th Paragraph)
Seattle has approximately 36 inches of rainfall annually, not 50 inches.

Page 30 (3rd Paragraph)
The first sentence of this paragraph is inaccurate. In regard to traditional zoning, the majority of the coastal shorelines are zoned in one fashion or another, but when you are referring strictly to zoning under the Shoreline Management Act, then all the shorelines could be considered zoned.

Daniel J. Evans, *Governor* John A. Biggs, *Director* Olympia, Washington 98504 Telephone (206) 753-2800

Page 31 (2nd Paragraph)
The third sentence should read as follows "... must develop Master Programs regulating the use of land and water in all associated wetlands and the 200 foot upland area of the shoreline."

Page 31 (3rd Paragraph)
The statement the "zoning must be made consistent with master programs" may be misleading. Local zoning is the implementing tool for comprehensive land use planning. The Goals and Policies of comprehensive plans and master programs should be made compatible. It would then follow that the implementing regulation for both programs would be consistent.

Page 35 (Paragraph following #5)
The ratio of lands in each category should be changed to read as follows:

Urban - 15%
Rural - 20%
Conservancy - 55%
Natural - 10%

Page 35 (3rd Paragraph following #5)
Timber harvesting has not been prohibited within the 200 foot shoreline jurisdiction. It has been regulated and, to some degree, curtailed on Shorelines of Statewide Significance, but not prohibited. Timber harvesting on Shorelines of Statewide Significance must adhere to the 30% every ten years or to more stringent specifications promulgated in the local master program.

Page 36 (5th Paragraph)
Reference is made to a "...coastal zone permit...", there is no such permit. This should be replaced by "Shoreline Management Act substantial development permit."

Page 36 (Last Paragraph)
The second sentence should read, "Exemption from the Shoreline Management Act permit procedure, however, does not provide exemption from the <u>policies and regulations of the Master Programs, the Shoreline Management Act or from other</u> state regulatory authorities..."

Page 38 (1st Paragraph)
In mid-paragraph a statement indicates a deadline has been established for the submittal of all Master Programs, this is inaccurate. The Department anticipates the completion of all Master Programs by the end of 1975.

Page 39 (3rd Paragraph)
Coastal Zone Management and Shoreline Management Act are not pilot land use programs. Both programs have supportive land use elements, but are resource management oriented and not necessarily intended as forerunners of land use management.

Page 45 (2nd Paragraph)
It is not axiomatic that a loss of environmental amenities will occur by virtue of more rapid development. No existing controls are lost and where a shoreline is involved the protection, which is afforded by the Shoreline Management Act, still applies and any permitted development must cause the least possible amount of damage to the environment.

Page 45 (5th Paragraph)
Again, concomitant destruction is not automatic.

Sincerely,

James P. Behlke
Executive Assistant Director

JPB:sc

****

NOAA Response to Department of Ecology

All comments were incorporated as appropriate.

WASHINGTON
Department of
FISHERIES

DANIEL J. EVANS
GOVERNOR

ROOM 115, GENERAL ADMINISTRATION BUILDING • PHONE 753-6600
OLYMPIA, WASHINGTON 98504

DONALD W. MOOS
DIRECTOR

April 28, 1975

INTERDEPARTMENTAL MEMORANDUM

TO: Mike Mills
Office of Program Planning & Fiscal Management

FROM: Cedric Lindsay CEL
Washington Department of Fisheries

SUBJECT: REVIEW AND COMMENTS ON DRAFT EIS OF PROPOSED FEDERAL CANAL ZONE MANAGEMENT PROGRAM OF THE STATE OF WASHINGTON.

The Washington Department of Fisheries has reviewed the draft EIS on this proposal. We concur with much of the contents but will comment on several sections as related to protection and utilization of the food fish and shellfish resources.

On page 4, paragraph 2, we are pleased to note "the urgent need to protect and give high priority to the protection of natural systems in the coastal zone", and the expression of concern for loss of living marine resources and wildlife. This is commonly interpreted to mean that there is loss of habitat through physical alteration or pollution. However, this connotation is frequently used to prohibit or discourage commercial or recreational harvest of renewable resources on a sustained yield basis, the basic assumption being that a stock of living organisms should best be left in a totally undisturbed state and that any commercial activity that upsets the pristine balance should be prohibited.

1

We suggest that emphasis be given here, and in other appropriate parts of the EIS, that natural systems should be vigorously protected in order to achieve the levels of productivity of animals and plants that the area is capable of growing. Further, that harvest management should be permitted and controlled so as to provide a continuing supply of food and fiber in perpetuity through wise utilization. While the presence of a variety of marine and estuarine species is of value, utilization on a sustained basis provides further positive recognition that maintenance of natural systems in a healthy state has long-term implications in the world food supply.

2

A continuing problem is the relationship between private property rights and the public interest. Rational procedures for defining the public interest need to be developed and implemented, but they should not result in de facto confiscation of private property and certainly without appropriate mitigation and reimbursement. In the aquatic regime, this assumption is somewhat unique

to the state of Washington, since a significant proportion of the tidelands of this state are privately owned in fee simple, and in many instances are the only lands that contain balanced populations of edible species.

We concur with the assessment of the strengths and weaknesses of the Washington Shoreline Management Act as stated. However, we wish to emphasize that individuals and groups with purely local interests from time to time have been able to subvert the intent of the Shoreline Management Act through legal maneuvering or pressure on local government to prohibit activities already fully regulated by agencies charged with management of living aquatic resources. A case in point is the ongoing controversy regarding use of mechanical clam harvesters on privately owned or leased aquatic lands. These particular activities are already stringently regulated state-wide by Department of Fisheries in a scientific, even-handed manner. They should not be further regulated by local government except in aspects not directly related to fisheries harvest management.

3

Although in several places the document refers to long-range rather than short-range benefits, actions which result primarily from a veto by a vocal minority group, result in short-range benefits by maintaining status quo. The Department suggests that a Federal Coastal Zone Management Program in concert with the State of Washington's Shoreline Management Act specifically recognize the productive capacityof the state's quatic habitats, and that sustained utilization of these renewable resources be actively encouraged for both commercial and recreational purposes. A viable and continuing harvest provides concrete evidence of the economic value of the waters and aquatic lands. Such uses will serve as a positive brake on developmental pressures to degrade the aquatic habitat.

Another impact that we believe has not received adequate recognition is the impact of Shoreline Management Act regulations as well as the related State Environmental Policy Act on natural resource management agencies themselves. Most of the relevant data on shoreline and aquatic resources in specific areas are available only from these sources, and the demands of a broad spectrum of clientele including citizenry, other agencies, and consultants have placed an extremely difficult burden on these agencies. The result has been that agencies can provide only partial data or background information on which to base interpretations, as well as inordinate delays in making the material available to those who need to use the information.

4

Allocation of funds, available as a result of the Coastal Zone Act, for employment of technically trained assistance, would improve the decision-making process in a rational manner, and will hopefully improve the quality and completeness of data.

We wish to draw your attention specifically to the section on Puget Sound which appears to be quite superficial and contains a number of technical errors as well as incorrect interpretations. We suggest that an up-to-date and more

Page 21, paragraph 6, line 4: 1.3 million angler days of salmon fishing.

Page 21, paragraph 6, line 5: 1.2 million man-days for sport shellfish harvest.

Page 21, paragraph 6, line 8: "The total value of recreational fishing effort exceeds that of the commercial fishery...."

Page 22, paragraph 2, line 1: "....restricted to the northeast and southeast sections...."

detailed discussion on the aquatic resources of Puget Sound can be found in Pacific Northwest River Basins Commission's Puget Sound and Adjacent Waters, Appendix XI, Fish and Wildlife, March 1970. Some specific changes can be suggested but at best they correct the most glaring errors that we have noted. This section should receive further attention. Suggested alterations are as follows: 5

Page 19, paragraph 6, lines 1 and 2: Should read...."are the Nooksack, Skagit, Stillaguamish, Snohomish, Lake Washington, Green, Puyallup, and Nisqually systems."

Page 20, paragraph 4, line 2: Add herring and smelt between bottomfish and oysters.

Page 20, paragraph 4, lines 3, 4, and 5: Delete entire sentence and add new sentences: "Decline in shellfish production in southern Puget Sound has occurred but is related to economic conditions. The shellfish stocks in this region are increasing and could be significantly expanded for commercial and recrational harvest."

Page 20, paragraph 4, lines 9 and 10: The effect of dikes and fills on fish populations is understood, and affects nursery, rearing, and spawning habitat.

Page 20, paragraph 5, lines 1 and 2: "....or thermal character including the effects of logging provides...."

Page 20, paragraph 6, line 3: Delete eulachon.

Page 20, paragraph 6, line 4: Many individuals spend the entire saltwater phase of their life cycle in the Sound.

Page 21, between paragraphs 1 and 2: Insert:

> "Puget Sound has long been recognized by oceanographers as a unique body of water characterized by great fertility and food producing potential. Primary productivity rates are among the highest observed in marine waters around the world. Because of the high rates of primary productivity, Puget Sound has the potential to produce an estimated 6 billion pounds of bivalve mollusk meats per year.
>
> "Shellfish stocks support major recreational fisheries in Puget Sound. Approximately 1 million user trips are spent harvesting intertidal shellfish during the low tides of spring and summer each year. The recreational harvest of crab and shrimp with traps (pots) accounts for an estimated 250,000 user trips each year."

NOAA Response to Department of Fisheries.

1. The connotation was not intended.

2. The EIS attempts to assess state policies as they apply to natural systems.

3. This statement was based on the adequacies of the state process. The process may not be infallible and this statement has been incorporated in the impacts section.

4. This is addressed in the FEIS under impacts.

5. The technical corrections have been incorporated into the FEIS.

Director / Carl N. Crouse

Assistant Directors / Ralph W. Larson
Ronald N. Andrews

Game Commission

Arthur S. Coffin, Yakima, Chairman
James R. Azon, Lacrosse
Elmer G. Gerken, Quincy
Claude Bekins, Seattle
Glenn Galbraith, Wellpinit
Frank L. Cassidy, Jr., Vancouver

DEPARTMENT OF GAME

600 North Capitol Way / Olympia, Washington 98504

May 5, 1975

Jerry Parker
Office of Program Planning and
Fiscal Management
House Office Building
Olympia, Washington 98504

ATTENTION: Sidney R. Galler, Deputy Asst., Secretary for Environmental Affairs
and
Dennis Lundblad, Department of Ecology, Olympia, Washington

Gentlemen:

Your draft environmental impact statement - Proposed Federal Approval of the Coastal Zone Management Program, State of Washington, Office of Coastal Zone Management, National Oceanic Atmospheric Administration, U. S. Department of Commerce - was reviewed by our staff as requested. We understand that this
1 draft impact statement is submitted to fulfill requirements of both the National and State Environmental Policy Acts (NEPA and SEPA)(see page 00021) Application to the Secretary of Commerce for Approval of the State Coastal Zone Management Program under Section 306 of the Coastal Zone Management Act of 1972 (P.L. 92.583), State of Washington .

This draft generally follows the recommended format for draft environmental impact statements under NEPA. However, we were unable to get a clear understanding of the issues in our review of this draft. We hope our comments will help determine where clarification may be desirable and thus aid in preparation of the final draft.

There is a notable deficiency in this draft. Throughout the statement the impacts associated with existing Washington State laws are confused with impacts stemming from the proposed action. For example, the summary states that federal approval and implementation of the Washington Coastal Zone Management Program (WCZMP) will "restrict and prohibit land and water uses in certain parts of the Washington coast, while promoting and encouraging development and use activity in other parts." (page i, point 3). Is this not an impact generally attributable to the Washington
2 State Shorelines Management Act (SMA) rather than the proposed action? Would it not be experienced regardless of whether WCZMP were adopted?

Another deficiency is the statement's failure to distinguish between impacts attributable to the Coastal Zone Management (CZM) and those stemming from WCZMP. Throughout early sections of the statement, it was implied that WCZMP establishes a "comprehensive management program" under which all State laws included under WCZMP will be "exercized in coordinated fashion to achieve comprehensive management" as explained on page 5. To our knowledge the laws and processes included under WCZMP have not, in the past, been subject to a control mechanism which allows all of them to be exercized in a coordinated way.

3

The section, Probable Impact of the Proposed Action on the Environment, does not discuss WCZMP, as a whole. No impacts are assigned to this "comprehensive management program". Rather existing impacts associated with SMA are discussed. SMA comprises one of the primary components of WCZMP, but taken alone may not constitute an acceptable coastal zone program under CZM (page 40, bottom). If we understand this section correctly the only new impacts expected are those associated with federal approval of the State's application to participate in CZM. These are defined as impacts stemming from direct transfer of federal funds, and impacts associated with implementation of CZM procedural requirement such as federal consistency provisions of sections 307 (c) and (d) (page 32).

4

If the explanation of impacts included above is valid, then we question the omission of a discussion concerning impacts which CZM sections 306 and 307 (c) and (d) will sustain on the individual elements of WCZMP. These elements are described on page 5 (under point B). The following questions can be asked.

1. What mechanism has been established by the State of Washington, Department of Ecology (DOE) to channel section 306 funds among the various governmental processes included in the laws associated with WCZMP (Shoreline Management Act, Thermal Power Plant Site Evaluation Council (TPPSEC) Environmental Coordination Procedures Act (ECPA) etc.)?

5

6

2. What impacts are associated with the above, if there is such a mechznism.

3. What effect will these monies have on the various components of WCZMP (SMA, ECPA, SEPA, etc.)? For example, various state and local entities are required to review SEPA statements prepared for substantial development permits; will funds be channeled to such reviewing agencies to lessen the financial burden posed by this responsibility? Will funds be channeled to TPPSEC, Department of Natural Resources (DNR), or other bodies associated with the laws included under WCZMP? What protective mechanisms has the State established to insure section 306 funds will be for purposes directly related to the coastal zone?

7

8 4. What effect will the federal consistency requirements have on the various components of WCZMP (TPPSEC, SEPA, SMA, etc)? What mechanisms have been set up to resolve impacts stemming from federal consistency requirements? What are the impacts of these mechanisms?

Additional comments are included below, parallel to your report format.

Summary (page i)

As stated, we question whether the effects currently being sustained under SMA and associated processes can validly be attributed to approval or disapproval of the proposed action. Therefore deletion of the first sentence made under point 3, may be desirable.

Introduction (pages 1-2)

9 Shouldn't it be mentioned here that the National Oceanic and Atmospheric Administration (NOAA) statement is offered to fulfill both SEPA and NEPA requirements?

Description of the Proposed Action - The Federal Coastal Zone Management Program (pages 3-5)

10 In explaining CZM this section states, "... while local governments and Federal agencies are required to cooperate, coordinate and participate in the development of the management programs, the state level of government is clearly given the central role and responsibility for this process." (page 3, paragraph 3). We question whether there are other segments of the Act or pursuant regulations which allow approval of programs, such as Washington's where the basic mechanism of shoreline planning and regulation is centralized around local government. Inclusion of a discussion of parts of CZM, such as these, may provide for better understanding of CZM as it relates to Washington State.

11 Grants awarded under CZM to cover development and operation of estuarine sanctuaries are mentioned (page 4, paragraph 3). A history of Washington's participation in this facet of CZM processes would be constructive.

Description of the Proposed Action - The Washington Coastal Zone Management Program pages 5-17)

12 At the beginning of this section a conglomeration of legislation and legislative authorities are defined in relation to WCZMP. Although indication is given that these laws and pursuant regulations will be "exercised in a coordinated fashion", we could find no mechanism offered for such coordination. We request the final impact statement explain how Washington State proposes to accomplish the objective cited above. Although all these separate legislative processes may be somewhat complementary in intent, we feel the day-to-day governmental procedures which seek to carry out that intent are sometimes in conflict. We submit that rewording or reiterating the goals, policies, regulations, and processes associated with these separate laws so as to constitute a program may not in itself constitute a means to exercise such authorities in a coordinated way.

You have noted that the State Environmental Policy Act (SEPA) closely parallels the intent and directive of the National Environmental Policy Act (NEPA). Are the mechanisms included in SEPA to insure that such intent is fully realized also in parallel to those included in NEPA?

Although the local government master program is addressed in this section, no indication is included about specific problems which remain to be resolved with the local program approach.

13 Under "Land and Water Uses" (pages 10 and 11) the report claims that SMA process enable extended state control over uses impacting the coastal waters which originate outside the coastal zone. We question whether it would not be the county with jurisdiction outside the coastal zone which would exercise such control (page 10, 3rd paragraph). Our purpose behind making this point is to show an example of how the statement tends to make it difficult to understand just what authority (local, state, or federal) is primarily responsible for effects discussed in the statement.

14 In explaining the local government's responsibility for approval or disapproval of shoreline substantial development permits, you have indicated that local government must conduct an inventory (page 11, paragraph 1). Is this inventory in addition to that performed by local government in preparation of their county shoreline management program? You also mentioned the requirement for a capability-suitability analysis. What is this and how does it differ from the environmental assessment requirements?

15 Agencies with direct coastal resource management responsibilities are listed in the segment "Organization" (page 15) Washington State Department of Game is not listed. It should be recognized that the Hydraulics Act charges Department of Game with a field of jurisdiction which does extend into the Coastal Zone, and which does include fishery resources (steelhead and cutthroat trout) which utilize both inland and coastal waters.

16 The section "Coordination and Public Participation" says that DOE will file a state environmental impact statement on the CZM program (page 15, paragraph 2). The WCZMP application states that this environmental statement (authored by NOAA) is to serve both NEPA and SEPA requirements (page 00021, WCZMP Application). There seems to be some confusion on this issue; clarification should be made in the final statement. In addition, we tend to question the implication made in this section that the public was provided direct involvement in WCZMP by virtue of participation in county shoreline management plan formulation under SMA. You have established that WCZMP is composed of more that SMA, and indeed that if it only involved SMA it would not be acceptable for approval by the Secretary of Commerce. Even at that, is it not the case that most county master programs, formulated under SMA, are complete and that citizens who worked on these programs had little, if any, understanding of CZM, much less WCZMP?

17 A situation which was not addressed in this section is the interests which Idaho and Oregon have in proper management of Washington's Coastal Zone. For example the continued productivity of anadromous sport and commercial fisheries and the productivity of the Columbia River estuary concern not only Washington State, but also Idaho and Oregon. Washington's effectiveness (or lack thereof) in managing their coastal zone will affect other states; this overlapping of impacts should be acknowledged.

Description of the Environment Affected

The description of Puget Sound, Pacific Coast, and Columbia River resources is brief and accurate for the most part.

Relationship of the Proposed Action to Land Use Plans, Policies, and Controls for the Area

The first paragraph of this section addresses SMA and WCZMP. The last sentence of this paragraph states that the proposed action is expected to have a significant impact on existing land use plans, policies, and controls in the state's coastal zone. It is not clear what is meant by "the proposed action". We question whether this section means to attribute the significant impacts on land use associated with SMA to the adoption of WCZMP. We assume SMA will continue to impact Washington State with or without adoption of WCZMP (unless the Washington State legislature changes the SMA).

The next paragraph talks about the WCZMP's intent to coordinate government and agency actions into a comprehensive program. This is to be done to achieve "common explicit objectives". As noted, we could not find a description of how Washington State tends to integrate all the laws included under WCZMP so that they can be exercised in a coordinated way.

Probable Impact of the Proposed Action on the Environment

We have the following questions concerning information presented in this section.

18 1. Are we to conclude from this information that the WCZMP, as proposed for adoption by the Secretary of Commerce, contains no mechanisms for coastal zone management which do not exist and operate in Washington at this time?

19 2. If impacts associated with existing Washington legislation affecting the coastal zone are not considered, are the impacts of the proposed federal adoption of WCZMP limited to impacts associated with transfer of funds and those associated with Implementation of the Coastal Zone Management Act, as such (sections 306, 307 (c) and (d) etc.).

Probable Adverse Environmental Effects Which Cannot Be Avoided

In our mind this section does not address impacts of the proposed action, but rather impacts associated with existing Washington State Laws and procedures (SMA, etc.).

Relationship Between Local Short-Term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity and Irrevocable or Irretrievable Commitments of Resources that Would Be Involved In the Proposed Action

It is our feeling that these sections also fail to address the effects of proposed federal adoption of WCZMP, but rather discuss effects which will be experienced regardless of whether the proposed action is implemented.

Thank you for the opportunity to review your statement. We sincerely hope our comments will be helpful to you.

Sincerely,

THE DEPARTMENT OF GAME

E. S. Dziedzic

Eugene S. Dziedzic, Asst. Chief
Environmental Management Division

ESD:jb
cc: E. A. Chitwood
Fred Hosea
Frank White
Agencies

NOAA Response to Department of Game.

1. This is correct.

2. NOAA has attempted to include its action that that of the state. Federal funds will help the state manage its shorelines and, therefore, impacts associated with implementation of the Shoreline Management Act have been used as a base.

3. The Washington Coastal Zone Management Program is in the process of implementation. There is a great deal of coordination that needs to take place over the years. Section 306 grants are designed to help states administer a CZM program.

4. This is NOAA's best assessment of the situation.

5. The state Section 306 grant application is the mechanism for the distribution of funds. The Department of Ecology, responsible for administering the funds, will pass through grant money as appropriate to state and local government agencies.

6. These impacts were briefly discussed in the DEIS and have been supplemented in the FEIS.

7. Contract approval and audit controls.

8. The effects of Federal consistency have been elaborated in the FEIS.

9. Yes, included in the FEIS summary page.

10. This is not inconsistent with the requirements of the CZMA. Section 306(e)(1) states that the state may establish criteria and standards for local implementation,ssubject to administrative review and compliance.

11. Further information may be found in the Washington Coastal Zone Management Program, page 17. A separate DEIS and FEIS is required for each Section 312 application.

12. This has been done in both the FEIS and the Washington Coastal Zone Management Program.

13. The constant use of "state" is perhaps at times confusing. In this case, "state" means both the state executive agencies and the local governments.

14. Local units of government carry out the requirements of SEPA.

15. The Department of Game has been added. The Department's responsibilities are discussed in the Washington Coastal Zone Management Program, pages 91-92.

16. This was an error and has been deleted.

17. Implications to other state agencies are addressed in the FEIS.

18. There are no new legal authorities, but there have been some administrative changes within the Department of Ecology, Office of Land Programs.

19. Narrowly construed, yes.

STATE OF WASHINGTON
Department of
Natural Resources

COMMISSIONER
BERT COLE

DON LEE FRASER
SUPERVISOR

OLYMPIA, WASHINGTON
98504

MAY 14 1975

May 2, 1975

15 MAY 1975

CZM
Information

Sidney R. Galler
Deputy Assistant Secretary for Environmental Affairs
Department of Commerce
Washington, D. C. 20230

Dear Mr. Galler:

Following are some of our basic comments relating to the Draft Environmental Impact Statement Proposed Federal Approval of the Coastal Zone Management Program, State of Washington.

1. It appears upon reading this draft that the Coastal Zone Management Program will closely parallel the State of Washington's existing Shoreline Management Act.

2. Area Designation for Preservation and Restoration, Pages 35 and 43

1 We note references to the effect that natural resources such as timber and minerals which could not be utilized or exported "will be insignificant in view of the overall state timber resources." Our concern is we must be aware of the incremental approach the environmental planning process seems to progress. The sum of 200 feet strips, fragile areas, scenic points, historic places will quickly add to the total area.

There is reference to House Bill 550 in the Washington State Legislature regarding the state compensating land owners for property value impact "loss" as a result of the SMA. To date, this Bill is still in Committee and the likelihood of it passing is remote. However, we would like to comment on funding and the Coastal Zone Management Act and the guidelines in Section 306, (d). The Federal Act states that "prior to granting approval of the states management program, the secretary shall find that the state acting through its chosen agency or agencies..., has authority for the management of the coastal zone in accordance with the Management Program such authority shall approve power..., to assure fee simple and less than fee simple interest in lands, waters and other property through

EXPO'74

condemnation or other means when necessary to achieve conformance with the Management Program." To us this appears to be an obvious recognition of the fact that government does not intend that lands be classified for preservation purposes without those lands being acquired.

Another point to be considered is that in the proposed rules in the CZM Act, Paragraph 923.16, (b), (3), states that "the requirement of the statute goes to the procedure rather than the substance; the fact that a state may be unable to move rapidly ahead without a program of preservation or restoration will not prevent the program from being approved. The state should also rank in order of relative priority, areas of its coastal zone which have been designated for the purpose set forth in this section." This includes preservation and restoration for the conservation, recreational, ecological, and aesthetic values. The rules further states that as funds become available such ranking will provide a set of priorities for selecting areas to be preserved or restored. When we see this kind of language in the Act and the guidelines, this suggests to us that the Federal Government has acknowledged the need to compensate areas that have been set aside in a preservation or conservation category.

2

3. Offshore Oil and Gas Lease Program

As Senator Jackson pointed out in his National Land Use Bill, it is essential to tie energy facilities siting and land use planning. The two should not be separated. It seems to us that offshore oil exploration will obviously have a tremendous impact on onshore facilities siting, if substantial oil pools or energy sources are found under the beds of the ocean.

3 It seems to us that a planning process begun now on our coastal zone could be substantially revised, if such a "bonanza" is found off our shores.

4 We note, on page 4, reference to the final appropriation of 12 million dollars for Fiscal Year 1974. Of this total, 4 million dollars was for estuarine sanctuary grants. We are curious as to how this was applied to our State.

It seems to us that in lieu of spending more money for planning, since this state already has a Comprehensive Shoreline Planning process, that this money could be better spent in acquiring fragil estuarine areas.

These are our basic comments at this time. Thank you for the opportunity to comment.

Sincerely,

BERT L. COLE
Commissioner of Public Lands

Don Lee Fraser
Supervisor

DLF:gpe

cc: Ralph Beswick - Administration
Bill Johnson - Surveys and Marine Land Management Division

NOAA Response to Department of Natural Resources.

1. The economic incremental impacts have been addressed in the FEIS.

2. Coastal zone management grants are for administering the program and cannot be used for land acquisition. Compensation, when required, is the responsibility of the state and local governments.

3. The state has applied for a supplemental Section 305 grant to plan for the impacts associated with OCS developments (CFR Vol. 40, No. 104, Thursday, May 29, 1975).

4. Washington has applied to the Office of Coastal Zone Management for an estuarine sanctuary in the Puget Sound and Hood Canal area. No affirmative action has taken place. Section 312 estuarine sanctuary grants are for the express purpose of providing natural laboratories for scientific and educational field studies and data collection of the natural and human processes occurring in estuaries.

GOVERNOR
DANIEL J. EVANS
COMMISSIONERS:
JEFF D. DOMASKIN
THOMAS C. GARRETT
KAY GREEN
BEN HAYES
RALPH E. MACKEY
EUSTACE VYNNE
WILFRED R. WOODS
DIRECTOR:
CHARLES H. ODEGAARD

WASHINGTON STATE
PARKS & RECREATION COMMISSION
LOCATION: THURSTON AIRDUSTRIAL CENTER PHONE 753-5755
P. O. BOX 1128 OLYMPIA, WASHINGTON 98504

April 8, 1975

21 APR 1975
CZM
Informat
Copy the

IN REPLY REFER TO:
35-2650-1820
Draft EIS - Proposed Federal Approval of the Coastal Zone Mgnt. Program, State of Washington

Mr. Edward T. LaRoe
Office of Coastal Zone
Management
National Oceanic and Atmospheric
Administration
Rockville, Maryland 20852

Dear Mr. LaRoe:

Thank you for the opportunity to review your draft statement. Our comments follow:

Page 22 - Paragraph 5 - 2nd Sentence:

It is stated that "Almost the entire coast and most of the uplands are owned by the Federal Government or are part of Indian Reservations, and are excluded from state management under CZMA".

1 This statement is grossly in error concerning the ownership status of Pacific Coast beach lands if it is truly referring to the Pacific Coast of Washington which actually contains approximately 68 percent federal beach ownership and approximately 32 percent state beach ownership (administered by the Washington State Parks and Recreation Commission).

Perhaps you meant to say "Almost the entire (north coast and uplands adjacent to the north coast) are owned by the Federal Government". This statement would be closer to the facts although the Washington State Parks and Recreation Commission does administer approximately 7 percent of the beach in this "north coast" area. The uplands adjacent to this state beach are primarily owned by others with only approximately one-half mile of frontage in State Parks' ownership and an unknown amount administered by the Washington State Department of Natural Resources.

Page 40 - Paragraph 4 - 3rd Sentence:

It is stated that ". . .NEPA. . .and SEPA have as their objective adequate consideration and regulation of air and water quality."

The purpose of SEPA is specified in RCW 43.21C.010 and is reprinted here as follows:

"Chapter 43.21C
STATE ENVIRONMENTAL POLICY

43.21C.010 Purposes. The purposes of this chapter are: (1) To declare a state policy which will encourage productive and enjoyable harmony between man and his environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) and stimulate the health and welfare of man; and (4) to enrich the understanding of the ecological systems and natural resources important to the state and nation (1971 1st exs. c."

The purpose of NEPA is found in Public Law 91-190 and is reprinted here as follows:

"The purposes of this act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment: to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

2 It is obvious that both NEPA and SEPA concern themselves with much more than air and walter quality and, in fact, concern themselves with a wider scope of environmental concerns than the proposed CZM implementation for Washington State. Both SEPA and NEPA are used effectively to comprehensively plan and manage the resources of the entire state of Washington, not just the narrow coastal zone as is proposed by CZM.

3 There is no indication that the National Register of Historic Places was consulted to determine potential project effects on Register properties nor does there seem to be an assessment of effects on properties which may be eligible for inclusion in the Register.

Sincerely,

David W. Heiser, Chief
Environmental Coordination

David Hansen, Chief of
Archaeology and Historic
Preservation

sg

NOAA Response to Parks and Recreation Commission.

1. The statement is basically correct, but was misinterpreted. The rocky north coast refers only to the shoreline from Cape Flatery to the Quinault River. The comment is appropriate, however, for the entire Pacific coast.

2. This is a good point and is well understood. NEPA and SEPA were inappropriately and inadvertently included with the Clean Air Act and Water Pollution Control Act. They have been deleted from the FEIS.

3. A new section has been included in the FEIS on impacts on historic properties.

WASHINGTON STATE
HIGHWAY COMMISSION
DEPARTMENT OF HIGHWAYS

Highway Administration Building
Olympia, Washington 98504 (206) 753-6005

Daniel J. Evans, Governor
G.H. Andrews, Director

MAY 3 1975

April 28, 1975

09 MAY 1975

Mr. Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs
Department of Commerce
Washington, D.C. 20230

Re: U.S. Department of Commerce
Proposed Federal Approval
of the Coastal Zone
Management Program for the
State of Washington
Draft Environmental Statement

Dear Mr. Galler:

Reference is made to your letter of March 21, 1975, requesting our review of the draft environmental statement for the above project.

We have completed our review and find no conflicts with existing or proposed highways in the area.

Thank you for the opportunity to review this information.

Sincerely,

G. H. ANDREWS
Director of Highways

H. R. Goff

By: H. R. GOFF
Assistant Director for
Planning, Research and State Aid

GHA:aa
HRG

cc: W. C. Bogart
V. W. Korf
R. L. Carroll
E. I. Roberts

Baker Ferguson, Chairman, Walla Walla | I. H. Parker, Bremerton | Howard Sorensen, Ellensburg | Virginia K. Gunby, Seattle | Julia Butler Hansen, Cathlamet | Harold T. Boulac, Secretary

E.

Regional and Local Agencies.

Pacific Northwest River Basin Commission

Mason Regional Planning Council

City of Aberdeen
Assistant Attorney General, State of Washington, Response to Mayor of Aberdeen

Relevant letter regarding authorities to implement Washington Coastal Zone Management Program

Clallum County Planning Department

Cowlitz-Wahkiakum Governmental Conference

Skagit County Planning Department

pacific northwest
RIVER BASINS COMMISSION

1 COLUMBIA RIVER • P. O. BOX 908
VANCOUVER, WASHINGTON • 98660

May 5, 1975

OFFICE OF THE CHAIRMAN

Mr. Sidney R. Galler
Deputy Assistant Secretary for
Environmental Affairs
U. S. Department of Commerce
Washington, D. C. 20230

Dear Mr. Galler:

Thank you for the opportunity to review the draft environmental impact statement for the State of Washington Coastal Zone Management Program. This program is responsive to the needs identified in the Commission's comprehensive framework study of water and related lands for the Columbia-North Pacific Region which has been approved by the U. S. Water Resources Council and transmitted to the President and to the Congress.

The framework study implementation program stated in part: "The coastal zone and each estuary needs coordinated plans to insure that these resources continue to perform their natural function in maintaining ecological balance and yet provide esthetic, recreational, and economic benefits. . . The studies would integrate the expertise of educational institutions, State and Federal agencies, and managerial techniques into a program flexible enough to meet changing future conditions and backed by legislation to permit full implementation." The State of Washington's program is consistent with this approach and appears to be a substantial step toward its implementation. It will provide valuable input to the comprehensive, coordinated joint plan for water and related land resources development which is currently being prepared by the Commission.

During the past year we have been working with the States of Washington and Oregon, federal and local governmental agencies to assist in development of a coordinated program for the Columbia River estuary. Approval of Washington's coastal zone management program should enable them to participate more actively and extensively in this needed effort.

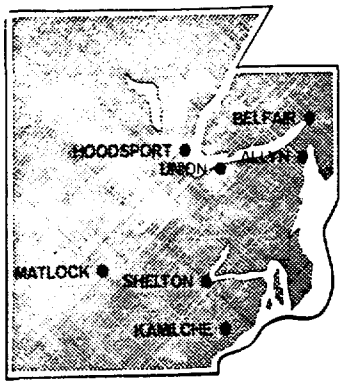
FTS 206/696-3601 • 503/285-0467 • 206/694-2581

The foregoing comments are my views as Chairman of the Commission and do not necessarily reflect those of the Commission as a whole or the other individual members.

Sincerely,

Donel J. Lane
Chairman

DJL:PB:bg



PHONE 426-1351
AREA CODE 206

JAMES E. CONNOLLY
DIRECTOR

MASON REGIONAL PLANNING COUNCIL

P.O. BOX 400 • COURTHOUSE
SHELTON, WASHINGTON 98584

April 15, 1975

Deputy Assistant Secretary
for Environmental Affairs
Department of Commerce
Washington, D. C. 20230

Dear Sir:

This office has reviewed the Draft Environmental Impact Statement for the proposed Federal approval of the Coastal Zone Management Program, State of Washington, and find it adequate and acceptable.

Approval of the program is requested. Funding then available under Section 306 would particularly assist the many local governments which have been hard pressed financially to do an adequate job on the State Shoreline Management Act. This deficiency is noted on Page 17.

Thank you for the opportunity to review this document.

Sincerely,

James E. Connolly

James E. Connolly
Mason Regional Planning Director

JEC:ve
CC: Office of Community Development

OFFICE OF THE MAYOR
HON. WALTER FAILOR

CITY OF ABERDEEN INCORPORATED 1888

ABERDEEN, WASHINGTON
98520

April 24, 1975

Richard Hemstad
Office of Community Development
State of Washington
Olympia, Washington 98504

Attn: Jennifer Parker

Re: NOAA EIS Coastal Zone Management Program,
State of Washington

Dear Ms. Parker:

The City of Aberdeen objects to the approval of the Washington State Coastal Zone Management Program.

1 The Department of Ecology does not have authority to define what shall constitute permissible land and water uses nor to exert control over them as called for in Sec. 305, PL 92-583. The authority for land use regulation in the State of Washington resides in the counties, cities, towns and townships in accordance with Article XI, Section 11 of the State Constitution. The regulation of land use in the City of Aberdeen is by a "special law" (Zoning Ordinance) and not by a general law. Article XI, Section 10 of the Washington State Constitution prohibits the Legislature from enacting "special laws".

The State of Washington can undertake a Coastal Zone Management Program under PL 92-583 only after amendment of the State Constitution.

2 Also, as is apparent in referenced EIS, the State has failed to meet the requirements of Section 923.41, 15 CFR Part 920, Federal Register 38(229):33044-33051) published November 29, 1973.

In fact, it appears that the cities of the State of Washington and their citizens were specifically excluded from the development of the proposed program.

Sincerely,

Walt Failor
Mayor

WF/ac

cc: NOAA

May 9, 1975

15 MAY 1975

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Information
Copy

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BM

Mr. William Morrison, General Counsel
Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
U. S. Dept. of Commerce
Rockville, Maryland 29852

Dear Mr. Morrison:

As per your request we have reviewed the letter from the City of Aberdeen date April 24, 1975, which pertains to this State's Coastal Zone Management Program.

We shall comment on the legal interpretations made in that letter regarding the State Constitution, and also we should comment on an apparent misunderstanding of the Department of Ecology's approach to fulfillment of certain Coastal Zone Management requirements.

The Department of Ecology has not defined what shall constitute permissible land and water uses except insofar as it has provided guidelines for such definition by local government. No further effort to define permissibility is intended by the Department of Ecology. The work of the local governments (in preparation of their shoreline master programs) constitutes a definition of permissibility and that definition, combined with the Department of Ecology's guidelines, is used to meet the Coastal Zone Management requirements for definition of permissible land and water uses. Further, the permit system acts as a definition device and both state and local government participate in this system.

Authority for making police, sanitary and other regulations is indeed granted to municipal corporations in Section 11, Article XI of the State Constitution, but that enabling section specifically limits that power to those regulations that "...are not in conflict with general laws". The Shoreline Management Act is a comprehensive land use statute for shorelines, applicable statewide. As such it is general, as opposed to special law.

Counties and Cities are creatures of the State and exercise only those powers and duties given by the State.

The State Constitution is enclosed for your information.

The State is undertaking Coastal Zone Management based on existing authorities, primarily the Shoreline Management Act, which is presumed to be constitutional. Thus far, no court in this state has declared the Act to be unconstitutional. The City of Aberdeen has been quite involved in all phases of Shoreline Management and the Department of Ecology is confident that this involvement, including public meetings and hearings held in Aberdeen, constitutes compliance with the requirements of Section 41 of 15 CFR, part 923. Aberdeen has been in receipt of periodic informational mailings sent from the Department of Ecology. The City has recently made a tentative request for funding from the State's anticipated Section 306 grant.

In conclusion it appears that the City of Aberdeen may have interpreted the actions of the Department of Ecology to mean that the State is planning to undertake efforts to regulate land and water uses, beyond what is permitted in the Shoreline Management Act. That is simply not the case.

We hope this clarifies matters pertaining to this letter. Please call me or Murray Walsh if you have any further concerns.

Sincerely,

R. V. Jensen
Assistant Attorney General

cc: Walt Failor, Mayor - City of Aberdeen
Edward T. LaRoe - NOAA
Richard Hemstad - OCD
Murray Walsh - Dept. of Ecology
John Farra - City Attorney, Aberdeen

Enclosures: (2)

M E M O

TO: JOHN L. FARRA

FROM: GORDON LOGAN

DATE: April 21, 1975

Dear John :

In an application for approval of the Washington State Coastal Zone Management Program, pursuant to PL92-583, the Department of Ecology has represented to the Federal Government that the DOE has authority to define what shall constitute permissible land and water uses and authority to exert control over such uses. This is a fraudulent application in that its purpose is to obtain a Federal Grant.

The Department of Ecology does not legally have such authority.

In the State of Washington the determination of permissible land uses and their control is a function of the police power of the state under Art. XI, Sec. 11 of the State Constitution. "Sec. 11, Police and Sanitary Regulations. Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws."

The Constitution of the State of Washington cannot be amended by statute, rules, regulations or administrative procedures. It can only be amended by a vote of the people.

The illegal arrogation of land use regulatory power by the Department of Ecology has damaged the City of Aberdeen and its citizens and has had deleterious effect on the environment of the City.

The assembly of an array of state and federal regulatory agencies in support of the Department of Ecology's effort to seize the police power of land use regulations is in the nature of a conspiracy to violate the Constitution of the State of Washington. The NOAA Environmental Impact Statement states that the principal authority for land use control is the Shorelines Management Act and that additional authority to establish a comprehensive management program (land use regulation) is contained in the Air and Water Pollution Control Acts,

Flood Zone Control, SEPA, and the Forest Practices Act. Thus, the Water Pollution Act is being utilized on a selective basis for land use regulation rather than improving the quality of the state's waters. The United States Army has an administrative procedure of not issuing the required permits if any of the contacted agencies do not respond or if they have a negative response. The Department of Ecology has utilized this device to delay and prevent land uses approved by the City of Aberdeen. The Federal Fish and Wildlife Service has also utilized this procedure to aggressively insert itself into the regulation of land use in the City of Aberdeen.

Both the Congress and the Legislature have refused to pass land use legislation in the recent past. For the Department of Ecology to attempt to arrogate this is reminiscent of the arrogant disregard of the law and the Constitution recently revealed in the Executive Branch of the Federal Government.

Yours very truly,

Gordon Logan
Development Coordinator

GL/ac

AFTER 5 DAYS RETURN TO
CITY OF ABERDEEN
OFFICE OF
DEVELOPMENT CO-ORDINATOR
ABERDEEN, WASHINGTON
98520

Mr. Wm. Morrison, General Counsel
Office of Coastal Zone Management
National Oceanic and Atmospheric Adr
U. S. Dept. of Commerce
Rockville, Maryland 29852

NOAA Response to Mayor Failor, City of Aberdeen.

1. There appears to be a misunderstanding of what the Department of Ecology has or has not done. The Shoreline Management Act provides for a system of local master programs, a permit system, and the responsibility for overview of uses of the coastal zone. Local governments are responsible for exerting control in accordance with the process set up under the Shoreline Management Act.

2. The central authority of the Washington Coastal Zone Management Program is the Shoreline Management Act. However, other existing state authorities are incorporated and a number of administrative additions have been undertaken (i.e., increased efforts at Federal coordination, state managerial network, and others). Thus, the Office of Coastal Zone Management believes the state program meets the requirements of the CZMA.

CLALLAM COUNTY

PLANNING DEPARTMENT

127 East First Street

PORT ANGELES, WASHINGTON 98362

APR 3 1975

March 26, 1975

Mr. Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs
U. S. Department of Commerce
Washington, D. C. 20230

Dear Mr. Galler:

I have reviewed the draft environmental impact statement prepared by the Department of Commerce for the Office of Coastal Zone Management for the proposed Federal Approval of the State of Washington Coastal Zone Management Program.

It appears that the draft statement provides an accurate and complete analysis of the proposed action, the effects of the proposed action and the alternatives.

1- There are certain questions raised by the statement on page 33 under Subsection A, "Impacts directly resulting from Federal approval." I would agree that a six month limitation for consistency certification could present an insurmountable administrative burden for local government, particularly if the environmental impact statement is to be prepared by the unit of local government prior to passing on the substantial development permit. This is an area that should receive careful attention and consideration.

The fifth paragraph on page 33 concerning closer cooperation and coordination between federal, state and local government is indeed a worthwhile objective. I would hope that Washington's Coastal Zone Management program could accomplish this purpose.

Sincerely,

Kenneth W. Sweeney
Planning Director

KWS:jml

X-183

NOAA Response to Clallam County Planning Department.

The question raised by the Clallam County Planning Department appears to be founded on a slight misunderstanding. Sections 307(c) and (d) of the CZMA set forth the duties and general process for Federal agency consistency with the state's program. The state as a matter of policy has determined that "for coastal zone management purposes, determination of consistency and any determination relating to the process of permit and license certification shall be undertaken . . . with the Federal agencies involved . . ." (Washington Coastal Zone Management Program, page 134). This does not negate local governments' meeting the requirements of the state permitting system, which may include the preparation of an EIS.

COWLITZ-WAHKIAKUM GOVERNMENTAL CONFERENCE

COWLITZ COUNTY COURTHOUSE
FIFTH AVENUE ANNEX
KELSO, WASHINGTON 98626
PHONE 425-6905

COWLITZ COUNTY
CITY OF LONGVIEW
CITY OF KELSO
CITY OF CASTLE ROCK
CITY OF WOODLAND
CITY OF KALAMA
TOWN OF CATHLAMET
PORT OF LONGVIEW
PORT OF WOODLAND
PORT OF KALAMA
COWLITZ COUNTY P.U.D. NO. 1
LONGVIEW SCHOOL DISTRICT NO. 122
KELSO SCHOOL DISTRICT NO. 403
BEACON HILL SEWER DISTRICT
WAHKIAKUM COUNTY PORT DISTRICT NO. 2
WAHKIAKUM COUNTY

April 30, 1975

Mr. Sidney R. Galler
Deputy Assistance Secretary
for Environmental Affairs
Department of Commerce
Washington, D. C. 20230

Dear Mr. Galler:

After intensive review of the Draft Environmental Impact Statement of the Proposed Coastal Zone Management Program for the State of Washington, it is found that the general concept and intention of this program will be most favorable and promising.

There is, however, one statement that causes particular concern, as it possesses the possibility of local frustration. This is found on page 33, paragraph 6; "Federal approval of a state's program would also signify that the state has an acceptable procedure and administrative mechanism to insure the adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature. Such facilities might include energy production and transmission; recreation; interstate transportation; production of food and fiber; preservation of life and property; national defense and aerospace; historic, cultural, aesthetic and conservation values; and mineral resources, to the extent they are dependent on or relate to the coastal zone."

Local government is asked to give similar consideration to state interests along rivers of statewide significance under the Shorelines Management Act.

Now, herein lies the concern and confusion: the state has designated the Columbia River as "Statewide Significance", however, Wahkiakum County does not have any information outlining the long-range state interests which may supersede local plans for development along this river. Without such information, local government is placed in the awkward position of "second-guessing" state interests. This tends to undermine the long-range planning efforts at the local level.

It is hopeful that the federal government can achieve greater strides towards alleviating this problem under the Coastal Zone Management Program, than has so far been experienced with the Shorelines Management Act at the state level. Until the local government planning agencies acquire the long-range plans of interest at both the state and federal levels, we must assume you have no interest and plan accordingly until requested to do otherwise, which may cause major alterations and additional expense, which adds up to a total waste of everyone's previous efforts and is contrary to the planning process.

Once this problem is solved and close coordination between agencies established, the administration of the Coastal Zone Management Program will increase its efficiency and the overall effectiveness of this program will greatly enhance the Coastal Zone Areas of Wahkiakum County.

Thank you for presenting this program for our review and comment.

Sincerely,

COWLITZ-WAHKIAKUM GOVERNMENTAL CONFERENCE

FRED L. DAYHARSH, DIRECTOR

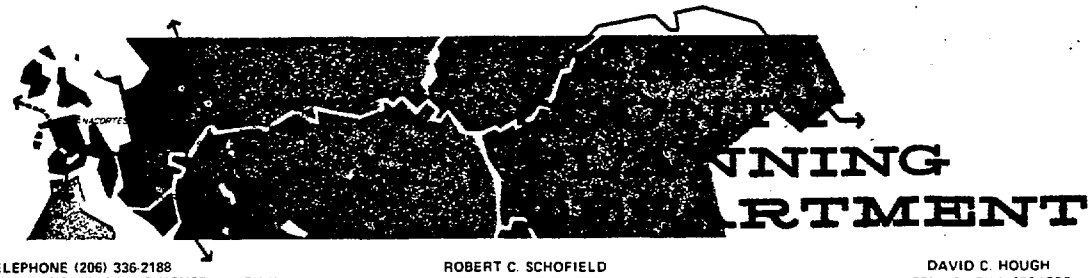
Don Mathison
Associate Planner

lp

The concern raised is very important and may not easily be resolved. The Washington Coastal Zone Management Program approval may be able to minimize this concern.

Federal agencies are to express the national interests with regard to their specific missions((i.e., energy, parks, defense, etc.). As these statements at the national level are formulated, they are to be submitted to the states. In turn, the state should be able to integrate the national interests and state interests into a form useful to local planners.

In addition, the Section 306 administrative grants will enable more coordination to occur between state and local governmental agencies, and updating of plans and programs.



TELEPHONE (206) 336-2188
120 W. KINCAID, COURT HOUSE ANNEX II
MOUNT VERNON, WASHINGTON 98273

ROBERT C. SCHOFIELD
DIRECTOR

DAVID C. HOUGH
ZONING ADMINISTRATOR

May 6, 1975

MAY 1 5 1975

Sidney R. Galler
Deputy Assistant Secretary for
Environmental Affairs
Department of Commerce
Washington, D.C. 20230

Dear Mr. Galler:

This department is presently engaged in the development of the Skagit County Shoreline Master Program, based upon the guidelines and requirements of the Shorelines Management Act and the Department of Ecology. Upon approval by DOE, this program potentially will become part of a statewide master program and subsequently part of the state's Coastal Zone Management Program. At this time, we wish to address certain items discussed in your draft environmental impact statement for Federal approval of Washington's Coastal Zone Management Program. Our concerns are primarily directed at aspects of the Federal CZM Act and Program which are, unfortunately, predetermined, existing "facts of life" at this time.

Specifically, our concerns are:

1. The necessity of producing and distributing an environmental impact statement for a purely administrative action such as this program approval.
2. Actions and projects of Federal agencies within the defined Coastal Zone should be subject to direct county review and coordination. This may be affected through the implementation and adherence to the Skagit County Master Program.
3. EIS, p. 15, para, 2 - We had no idea federal agencies were directly involved in review of local Master Programs prior to DOE approval. We are curious as to the degree of impact or influence such a review capacity will have on approval and implementation of local Master Programs.
4. EIS, p. 45, VII. - Probable Adverse Environmental Effects Which Cannot be Avoided.

   Another unavoidable, probable adverse effect could be from Federal facilities or activities established on the basis of national interest

or security, or, in the event of local and/or state nonconcurrence, by Secretarial override. However, we realize this provision is already an established part of the CZMA, but it is a critical policy to be of concern to local governments.

We have no other comments on this EIS at this time and appreciate the opportunity to review and, somewhat belatedly, comment upon your work. Also, we support and urge the adoption of a Washington State Coastal Zone Management Program based upon the existing, comprehensive Shorelines Management Act and Master Program guidelines.

If you have any comments or questions concerning this correspondence or wish input from the local government SMA implementation point of view, please do not hesitate to contact us.

Sincerely,

R. C. Schofield, Director
SKAGIT COUNTY PLANNING DEPARTMENT

cc: D. Rodney Mack, DOE
John Biggs, DOE

NOAA Response to Skagit County Planning Department.

1. NOAA, in conjunction with CEQ, has determined that an EIS should be required because of the transfer of Federal funds, implementation of Federal consistency, and the impacts (both favorable and non-favorable) program approval will have.

2. The State Department of Ecology will handle all matters of Federal consistency and consult with local units of government. The procedure is more thoroughly explained in the Washington Coastal Zone Management Program, page 134.

3. Federal review has occurred for several years, although not all Federal agencies have chosen to participate.

4. This is a good point and has been addressed in the FEIS.

Whatcom County
Courthouse, Bellingham, Washington 98225

April 18, 1975

TO: Deputy Assistant Secretary
for Environmental Affairs
Department of Commerce
Washington, D.C. 20230

29 APR 1975

CZM
Information

FROM: Thomas R. Randall, Director
Whatcom County Council of Governments

SUBJECT: Draft E.I.S. - Federal Approval of the
Washington State Coastal Zone Management Program

Members of the W.C.C.O.G. have been actively engaged in preparing and implementing Shoreline Management Program in response to the Washington Shoreline Management Act. We believe this act is one of the most important pieces of legislation passed in this state with its objective to enhance the uses of shorelines and protect the public interest.

Implementation and administration of the Shoreline Master Program is an expensive and difficult task. The objective of the Washington Coastal Zone Management Program is to aid the state and local governments in their efforts to preserve our shoreline areas.

1- Table II and Table III present a certain degree of inconsistency. Table II shows the relatively small amount of beach area accessible to the public. By adding tidelands as in Table III it would appear that there is available to the public 735 miles of beaches. In effect this is not true. Much of this tideland fronts on privately owned backshore, where access is limited.

One of the main goals of the SMP is to provide greater public access to beach area.

The beneficial impact of the Washington Coastal Zone Management Program should greatly exceed any adverse impacts. The W.C.C.O.G., therefore, endorses this program.

Sincerely,

Tom Randall

Thomas R. Randall

TRR:mlm

X-191

cc: D.O.E., Shoreline Division

NOAA Response to Whatcom County.

1. Due to the questionable nature of Table III, it has been deleted from the final EIS. The point is that public access is important to the citizens of the state and to the state's economy, and that access has generally declined as population increased and developments have increased along the shoreline.

F.

Public Interest Groups

Environmental Defense Fund

League of Women Voters of Washington

National Audubon Society

Takoma Audubon Society

Black Hills Audubon Society

Northwest National Seashore Alliance

22 MAY 1975
CZM
Information

ENVIRONMENTAL
DEFENSE
FUND

1525 18th STREET, NW, WASHINGTON, D.C. 20036/202 833-1485

May 19, 1975

Dr. Edward T. LaRoe
Office of Coastal Zone Management
NOAA
2001 Wisconsin Avenue, NW
Washington, D.C. 20007

Re: Mid-Coast Maine and Washington State CZM Programs

Dear Ted:

Attached are a set of very sketchy comments on the above. I'll be happy to talk with you in more detail about our concerns if you want to call.

With best personal regards,

Very truly yours,

Edward Thompson, Jr.

OFFICES IN: EAST SETAUKET, NY (MAIN OFFICE); NEW YORK CITY (PROGRAM SUPPORT OFFICE); WASHINGTON, DC; BERKELEY, CALIF.; DENVER, COL.
Printed on 100% Recycled Paper

COMMENTS OF EDF ON PROPOSED FEDERAL APPROVAL OF COASTAL ZONE MANAGEMENT PROGRAMS FOR STATE OF WASHINGTON & MID-COAST MAINE

1. Approval of state programs by NOAA is the critical stage in Federal administration of the CZM Act since it is at this point, presumably, that primary responsibility for carrying out the substantive goals of the Act shifts somehow from Federal to state authorities. See, Section 307(c). How and to what degree this responsibility shifts is not clear, however, from the Act. Section 307(e).

2. The basic substantive goals of the Act appear to be protection of coastal ecosystems. This is borne out by both explicit language and the legislative history of the Act. Section 302. This is not to say that development should be excluded from the coastal zone but, rather, that it must respect critical estuarine and marine resources without which the coastal zone would lose much of its rich diversity and unique appeal. In our view, the substantive purpose of the Act can be carried out only if states assume responsibility for guiding development away from intolerant land and water resource areas and into areas which are more tolerant to the particular activity and its expected secondary effects.

1 In effect, what we believe the Act should achieve is a comprehensive scheme of "natural zoning," whereby the natural ecosystems determine where development should go to minimize environmental harm. This is only a small step from traditional zoning which, in response to easily observable harmful effects of particular activities such as noise or smoke, attempts to protect the public health, safety, and welfare by separating, for example, industrial and residential areas. Where scientific method can predict remote, and not necessarily observable environmental harm as a result of a particular land use, it seems entirely reasonable to attempt to protect the public from such uses in appropriate ways.

3. To achieve the substantive goals of the Act, we believe that states must meet three general requirements. First, they must have the technical competence and funding to do the baseline inventory studies necessary as the foundation of a coastal management program. Second, they must be willing and able to develop and implement a plan and policies which 1) harmonize the efforts of land use planners and
2 marine biological experts (the discipline most nearly familiar with functions of coastal ecosystems) and 2) put the public on notice that specific areas are suitable for only particular activities. And third, they must enact and implement legal mechanisms which are able both to control nonconforming uses and to deal fairly with vested property interests which may have attached to particular resource areas.

4. Since we feel that the scope of NOAA review should encompass not only compliance with the letter of its regulations but also the ability of state programs to comply with the substantive, environmental protection goals of the Act, we cannot see how NOAA can finally approve state programs which lack, as do the Maine and Washington programs, both site-specific planning guidelines and comprehensive legal mechanisms to guide development. We suggest, therefore, that NOAA come up with a mode of conditional approval, perhaps for one year, while would enable states to make additional progress toward implementing the Act's substantive goals through an infusion of Federal funds, while, at the same time, preserving existing relationships between Federal and state responsibility.

3

5. Further, we suggest that NOAA encourage all Federal agencies with program or regulatory authority over coastal resources to define precisely how and to what degree they expect to allow primary responsibility for coastal zone management to shift to the states upon approval, how they anticipate coordination of Federal and state administration with respect to permit approvals, and what they regard as the distinctly national interest in coastal resources which they seek to protect even if it means overriding state determinations of public interest in particular actions. See, Section 307(e). Federal agencies might develop their ideas on these subjects in coordination with the states and interested members of the public and present them in their comments on the states' programs.

4

6. We are troubled by the approaches to coastal zone management taken by both Maine and Washington which regulate development only within a uniformly defined, narrow strip of land adjacent to the shoreline. If a coastal management program is to be truly successful in guiding development not only away from intolerant areas but into tolerant ones, we think that it must be able to transfer property use rights beyond a narrow strip of shoreland. It does not appear to be sufficient merely to prohibit development in one, particularly inadvisable location; one must also be able to encourage development elsewhere by legal systems such as tax incentives, transferable development rights, etc. Shorelands and uplands, which may be necessary to absorb development which otherwise would be sited in the "coastal zone," should be administered under the same coastal management authority which would have the power to control the entire region, not merely a strip of land.

5

We do not wish to derrogate from the considerable efforts which these states seem to have made to date, but we stress that the narrow approach which they have taken does not seem to us to meet the substantive goals of the Act.

7. There are other, more specific shortcomings of both states' programs, such as the exemption of single-family units from the Washington permit system which might perpetuate, rather than ameliorate the problem of "piecemeal" degradation of coastal ecosystems. We agree with the positions of the environmental impact statements that these are, indeed, weaknesses; but we would go further in

suggesting that these weaknesses may be enough to disqualify the state programs, as presently considered, from NOAA approval.

8. Finally, we commend NOAA on the excellent job it has done in preparing environmental impact statements on agency action relating only to programs rather than specific development proposals. However, we think that it might be more profitable, in the future, to prepare an overall program EIS on the CZM program, with supplements on each state program as it is submitted. The supplements would be most useful as a vehicle for public information and comment if they outlined, in graphic form if desirable, the specific coastal resource regime of each state. (The degree of detail of the Maine EIS with respect to the Town of Bucksport may not be necessary, but the general maps which are found in the Washington EIS are much too vague to be very useful.) Further, a more thorough attempt to outline the specific manner in which the state program functions--in terms of both control and transfer of uses--should be included in the EIS supplements. 6

Respectfully,

Edw. Thompson Jr.

Edward Thompson, Jr.
Wetlands Monitor

May 15, 1975

NOAA Response to Environmental Defense Fund.

1. The State of Washington does have a system of "natural zoning" based upon scientific methods as well as other factors. The initial baseline studies will be followed by additional field efforts and an improved system for data retrieval is being developed. An in-depth explanation can be found in the Washington Coastal Zone Management Program, January 1976, Appendix E, "Recent and Current Data Management Activities within the Washington Coastal Zone."

2. NOAA has made the determination through its review process that the state has effectively dealt with the concern outlined.

3. The state has both site-specific planning guidelines (i.e., Shoreline Management Act Guidelines, 173-16WAC, Procedures for Shoreline Inventory, Environmental Designations, and uses within these environments) and legal mechanisms to guide development (Local Master Programs, State SMA policies, permit review process).

4. Appropriate steps have been taken.

5. NOAA has determined that the new boundary/legal authorities/managerial network approach of Washington can be a successful method of meeting the objectives of the CZMA. Shoreline development is encouraged to take place in specific environmental designations of Urban and Rural Classifications and away from the natural and conservancy areas.

6. This has been attempted in the FEIS. The program contains a more complete description of how it is to function. The FEIS attempts to summarize this aspect of the program.

LEAGUE OF WOMEN VOTERS OF WASHINGTON

April 30, 1975

05 MAY 1975
CZM
Information
Copy to

Edward T. LaRoe
Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
Rockville, Maryland 20852

Dear Mr. LaRoe:

Having actively supported the development of the Shoreline Management Act in the State of Washington, the League of Women Voters of Washington strongly endorses the proposed Coastal Zone Management Program of the Federal Government. The CZM program supplements our state plan and should help ameliorate some of the adrinistrative problems, such as funding and overall state responsibility.

The League particularly supports the concept of placing major responsibility and authority for control at the affected level of government, as this Program does. Requiring state certification before federal permits can be issued within the affected areas further sustains this concept.

The impacts on local government administration of the Shoreline Management Act and the CZM Program are mentioned only briefly. The chart on page 9 of the draft EIS shows "Local Government Action" as a major event in the procedure, yet it does not indicate that there should be any formalized citizen review and recommendation for permit applications. The SMA mandated an excellent citizen participation program for the development of plans, which should be continued during the implementation phases. Because local planning commissions have busy schedules already, it may be preferable to tap the talent of those who worked so long on the Shoreline Management Plans by creating Shoreline Permit Review Commissions at the local levels. In addition, to avoid confusion, review procedures should be more specifically spelled out with criteria for office review only or for citizen review.

1 The second alternative under "C" on page 42 should be reconsidered. A planning department has a more difficult time knowing what is happening and setting standards for comprehensive planning when single family dwellings and barns are excluded from its purview. Large sections of the coastal shoreline would remain completely outside the consideration of planning bodies if permits are not required for these exempted uses. The CZM Program should specify clearly that some kind of permit is required for all uses to insure the legal authority for local regulations. Not all of the other controls mentioned on page 43 are being enforced or coordinated.

Thank you for the opportunity to comment on this proposed program.

Sincerely,

Maxine Krull

Maxine Krull, President

1406 - 18TH AVENUE, SEATTLE, WASHINGTON 98122 • 329-4646

NOAA Response to League of Women Voters of Washington.

1. The alternative was reconsidered and remains a viable alternative at the state's option; however, it is not required to meet CZMA requirements. The state is not required to control all uses of the coastal zone, but rather those uses that it determines have a direct and significant impact on coastal waters. An increase in Federal assistance can help in the enforcement and coordination of regulations.

NATIONAL AUDUBON SOCIETY

950 THIRD AVENUE, NEW YORK, N.Y. 10022 (212) 832-3200 Cable: NATAUDUBON

April 29, 1975

05 MAY 1975

CZM
Information

Dr. Edward T. LaRoe
Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
Rockville, Maryland 20852

Dear Dr. LaRoe:

Enclosed are the comments of the National Audubon Society on NOAA's draft impact statement on proposed federal approval of the State of Washington's proposed coastal zone management program.

We appreciate the opportunity to review the draft statement and to submit our views for your consideration.

Sincerely,

Elvis J. Stahr
President

EJS:SMS

c.c.: Dr. Robert M. White

NATIONAL AUDUBON SOCIETY

950 THIRD AVENUE, NEW YORK, N.Y. 10022 (212) 832-3200 Cable: NATAUDUBON

April 29, 1975

Comments of the National Audubon Society
On NOAA's Draft Impact Statement on Proposed Approval
Of Washington State's Coastal Zone Management Program

The Coastal Zone Management Act and NOAA's regulations for the approval of state coastal zone management programs declare that a state's proposed coastal zone management program must meet several requirements in order to be approved by the federal government and in order to be eligible for federal grants to help administer the program. Among the requirements are the following:

* That the state be "organized to implement the management program."

* That the state have "the authorities necessary to implement the program."

* That the management program make provision "for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values."

* That a single state agency be designated "to receive and administer the grants for implementing the management program."

* That the state have authority "to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses."

* That the state have authority "to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program."

* That the state have authority for "direct state land and water use planning and regulation" or, if such authority is delegated to local government, that the state have authority to review and the "power to approve or disapprove" local government decisions on development plans,

projects, or land and water use regulations, including exceptions and variances.

* That the coastal zone to be managed "extends inland sufficiently for the management program to control lands the uses of which have a direct and significant impact upon coastal waters."

* That the coastal zone to be managed should not be "so limited that lands strongly influenced by coastal waters and over which the management program reasonably apply are excluded."

Also, the Coastal Zone Management Act declares that "the key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states...in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods and processes for dealing with land and water use decisions of more than local significance." (Emphasis added.)

Based on our review of the draft environmental impact statement (DEIS), we reluctantly conclude that the State of Washington's proposed coastal zone management program does not appear to meet some of the requirements for approval. We say we have reached this conclusion "reluctantly," for we appreciate and salute the progress made by the State of Washington in moving toward sound management of its coastal areas through enactment of various laws in recent years.

But the State's proposed program clearly does not fulfill some requirements set forth by Congress for program approval and grants under Section 306. Moreover, some provisions of the State's proposed program raise questions that should be resolved before the program is approved. For example:

1 1. On Page 7, the DEIS notes that the State lacks veto power over permits issued by local governments. But Section 306 (e)(1)(C) of the Act requires that the State must have power "to approve or disapprove" such actions.

2 2. On Page 7, the DEIS notes that cities and counties "are now developing Master Programs for their shorelines." How can the federal government consider approving the program until those city and county Master Programs are completed and reviewed for consistency with the letter and spirit of the CZMA?

3 3. On Page 10, the DEIS notes that "direct control" of the coastal zone has been established "to a line 200 feet inland from the ordinary high tide, or further if necessary to include all 'associated' wetlands." We find it difficult to believe that the 200-foot inland boundary is sufficient "to control lands the uses of which have a direct and significant impact upon coastal waters," as required.

4. On Page 10, the DEIS notes that "additional management controls beyond" the 200-foot inland line "are exerted through air and water quality

standards and by flood zone permits." How do those "indirect" controls give the State the authority required by the federal CZMA "to administer land and water use regulations, control development...and to resolve conflicts among competing uses" beyond the 200-foot line?

We fear that compliance with air and water quality standards will not necessarily provide proper regulation, as required by the federal CZMA, beyond the 200-foot boundary. We fear that reliance on air and water quality standards beyond the 200-foot boundary will inevitably produce unwise development of that portion of the State's coastal zone -- and after-the-fact controversy.

5. On Page 17, the DEIS notes that the State's assessment of its Shoreline Management Act identified several "weaknesses." The DEIS adds that supplementing the SMA program with other State programs and approval of the State's proposed coastal zone management program "will aid in overcoming these weaknesses and in creating a stronger overall program."

Approval of the State's proposed program and an infusion of federal grant funds under Section 306 may well help the State overcome some weaknesses in the program. But the question is this:

4 Do the admitted "weaknesses" in the State's proposed program constitute failure to meet requirements of the federal CZMA? And how can federal approval of the State's proposed program overcome the State's lack of "explicit authority" to undertake shoreline planning on a statewide basis?

6. On Page 30, the DEIS notes that "except for areas in Puget Sound, most of the State's shoreline is not presently zoned." On Page 31, the DEIS notes that zoning "must be made consistent with the new Master Programs" -- but that "the Master Programs reflect existing land use and policies, so the impact of this requirement should not be great."

5 How can a system that reflects "existing land use and policies" enable the State to meet the requirements mandated by Congress for approval of a state management program? And if the Master Programs will indeed "reflect existing land use and policies," it seems all the more important to withhold approval of the program until those Master Programs are completed and reviewed for compliance with the federal CZMA.

7. On Page 33, the DEIS notes that "there is some confusion" as to how the State "certification of consistency" provision of the federal CZMA will be implemented at the State and local level.

6 We suggest that this "confusion" should be cleared away before a State program is approved.

8. On Page 36, the DEIS notes that certain activities -- agriculture, private residences, and private bulkheading -- are exempt from the State Shoreline Management Act permit requirements. This, says the DEIS, "will have the potential for an adverse environmental impact on coastal resources." The DEIS then notes that "other state regulatory authorities" will be "fully utilized to minimize" this adverse environmental impact.

This raises several questions:

A. What are the "other state regulatory authorities" mentioned on Page 36?

B. How will the "other state regulatory authorities" be utilized to meet the requirements of the federal CZMA? 7

C. And since the Shoreline Management Act is, according to Page 5 of the DEIS, "the principal authority" for the State's proposed program, how can a program containing such exemptions be deemed to meet the requirements of the federal CZMA?

9. On Page 38, the DEIS says that the State's SMA and other legislation, together with the other program elements, "meet the spirit and letter of the CZM Act."

That statement is contradicted by other findings in the DEIS. For instance, on Page 40 the DEIS says: "The basic purposes of the CZM Act... are not completely covered by any of these authorities." The DEIS also says on Page 40: "The SMA...does not meet all the requirements of the Act. Specifically missing are areas of particular concern and designation of areas for restoration and preservation." And on Pages 40-41, the DEIS says: "These other authorities...do not individually or separately provide for the comprehensive land and water use management program called for by the Act and implemented through program approval." 8

The DEIS sums up the State's proposed coastal zone program in these words on Page 40:

"The state's use of existing authorities, especially the SMA and the SEPA, could go a long way to meeting the concepts described in the CZM Act."

Perhaps so. But is the "long way" far enough in terms of meeting the requirements of the federal CZMA?

We think not. And while we praise the State of Washington for its efforts to date to achieve wise use of the land and water resources of its coastal zone, we can only conclude on the basis of the facts presented in the DEIS that the State's proposed management program should not be approved until it complies with the requirements of the federal CZMA.

The State of Washington's proposed program is apparently the first to be submitted to the federal government for approval. We suggest that the federal government's decision on this first program will establish precedents that other States may seek to follow in preparing their own programs. The Coastal Zone Management Act is difficult enough to administer, what with its declaration of what are often contradictory, mutually exclusive objectives: the preservation and development of coastal resources.

NOAA will compound its problems and establish unfortunate precedents if it approves a program containing the shortcomings that NOAA itself has

noted in the DEIS -- no matter what disclaimers to the contrary NOAA might make.

9 The National Audubon Society therefore respectfully urges NOAA not to approve the State of Washington's proposed program until that program is strengthened and until it meets the requirements of the CZMA.

We wish to commend NOAA for its very fine draft impact statement on this first proposed state coastal zone management program. Preparing an impact statement on a proposed program, rather than on a proposed project, is a difficult assignment. NOAA has performed that assignment exceedingly well.

However, we would like to suggest some revisions in the "alternatives" section of the DEIS.

On Page 39, the DEIS says one alternative to the proposed action is: "The Secretary could delay approval of the Washington CZM program until legislation is passed for comprehensive statewide and nationwide land use programs."

10 We question whether that is truly an alternative. The CZMA may well be integrated with a nationwide land use program in time, should Congress enact a national land use law. But the planning and protection of coastal resources envisioned under the CZMA stand by themselves and can and should be undertaken as rapidly as possible, consistent with the requirements of the Act. There is no legal basis for delaying approval of a state program until nationwide or statewide land use programs are enacted. We therefore suggest that NOAA delete this "alternative" from the impact statement.

On Page 39, the DEIS says another alternative is to "delay CZM approval until the federal establishment has developed specific policies for the siting of facilities meeting requirements which are of national interest."

11 Again, we question whether that is truly an alternative. We see no legal basis for such an action in the CZMA. We do see the potential for great mischief by a federal agency that may desire to frustrate the CZM program if this is made a valid alternative. We suggest that this "alternative" be deleted from the impact statement.

On Page 41, the DEIS says another alternative is to give local governments control and CZMA funds to run the CZM program. But on the same page

12 the DEIS notes that "total local control is incompatible with the objectives of coastal zone management and not allowable under the act." We suggest that this too is thus not a true or valid alternative and that it too be deleted from the "alternatives" discussion.

Some final comments: In its regulations implementing Section 306 of CZMA, NOAA said, in Section 923.5, that the impact statement on a proposed state program will be "prepared primarily on the basis of an environmental impact assessment and other relevant data submitted by the individual applicant states."

13 We suggest that it would be helpful to reviewers if a state's environmental assessment would be included as an appendix in NOAA's impact statement on each proposed state program.

And we also suggest that NOAA include in future impact statements on proposed state programs a summary of the program geared to the requirements for approval contained in the CZMA and guidelines for program approval.

We appreciate the fact that the DEIS describes elements of the state program in various places. But the structure of an impact statement does not necessarily lend itself to program review as such. We recognize that it would be financially difficult and physically cumbersome, if not impossible, to circulate a copy of a state's complete program with each impact statement. 14 Similarly, it is simply not possible for each reviewer to examine the complete state application and supporting documents.

Hence our recommendation for inclusion of a program summary in the impact statement, perhaps as an appendix.

The summary could be prepared in outline form, or table form -- a brief statement of the statutory or guideline requirement, followed by a brief comment that the state program does or does not meet the requirement. This type of information would enable reviewers to obtain a capsule view of the structure of a proposed program. The summary might also help NOAA determine if a proposed state program should be approved.

NOAA Response to National Audubon Society.

1. Section 306(c)(1) calls for any one or a combination of the three techniques. Washington falls under the first: "(A) state establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance." This is what has happened in the case of the Shoreline Management Act and the development of local master programs. While the Department of Ecology checks for consistency, the state has established a Shoreline Hearing Board to make the decision to approve or disapprove.

2. NOAA has determined the procedures required to develop a master program as adequate. While it was not required that all local master programs be in because the state had interim procedures, part of the delay and the granting of preliminary approval was caused by NOAA's and other interested parties' concerns that more local master programs be completed. This has been done.

3. The state has a second tier boundary which includes the coastal counties. It is anticipated that a large number of uses can be controlled in the 200 foot boundary and most of the remaining within the county boundaries. In addition, the Shoreline Management Act directs that other developments, even though outside these boundaries, be consistent with the goals and policies of the SMA as it affects the shoreline and waters of the state

4. NOAA feels that these weaknesses are not prohibitive to program approval. Some of the problems can be minimized through 306 funding. While the Department of Ecology does not have authority for statewide planning, other state agencies do. Further efforts at intragovernmental coordination are taking place. In addition, the state Department of Ecology had the cumulative programs of all local master programs to help assess the total state coastal zone situation.

5. The EIS did not explain the Washington coastal zone management program in total, and, therefore, additional information for clarity is in order. The first statement is correct that "zoning must be made consistent with the new master programs." However, in developing the master programs, existing land use is only one element of determining environments, etc. Ownership patterns, natural characteristics, and other plans that have a bearing are also included.

6. This has been clarified in the Washington Coastal Zone Management Program, pages 133-134, and the FEIS.

7. Responses to these programmatic questions are found in the Washington Coastal Zone Management Program. It should be noted, however, that the Department of Ecology, the "principal authority," is not the whole state and CZM is a state effort. It is practically impossible for any one state agency to administer the entire CZM program without eliciting the help and authorities of other government agencies.

8. This section was not clearly written. The statement "specifically missing . . . 'preservation' " is not correct and has been deleted. However, the point is that the state needed to add a cohesive factor to those various pieces of legislation, authorities, and institutional networks in order to meet all the CZMA requirements.

9. Washington was granted preliminary approval only and has spent the last 8 months in strengthening its program.

10. NOAA agrees with this reasoning. This alternative has been deleted.

11. This is not a necessary alternative and has been deleted. However, nothing prevents a state CZM program from changes and amendments over time. As other legislation is passed or particular Federal interests are expressed, these items can be incorporated.

12. This alternative has also been deleted.

13. The state's EIA will be included as part of any further EIS's submitted.

14. This may be done for future programs. NOAA will use a threshold determination outline for the following seven program elements:

Boundaries
Uses
Areas of Particular Concern and Preservation and Restoration
Federal Consultation and National Interest
Public Participation
Authorities
Organizations

3024 North 25th
Tacoma, Washington 98406
22 April 1975

TAHOMA AUDUBON

the Tacoma, Washington chapter of its national education and conservation society

STATEMENT FOR THE HEARING RECORD, PROPOSED FEDERAL APPROVAL OF THE COASTAL ZONE MANAGEMENT PROGRAM, STATE OF WASHINGTON

We are pleased to submit comments on the Washington Coastal Zone Management Program and on the Draft Environmental Impact Statement therefor.

The Tahoma Audubon Society recommends that the Secretary of Commerce approve the proposed Coastal Zone Management Program of the State of Washington. We believe that the proposal is consistent with the fundamental requirements of CZM; we emphasize that it reflects a statewide referendum by Washington voters and thereby incorporates broad popular recognition and support of the need for special coastal area protection.

GENERAL COMMENTS:

SMA as written seems to offer essentially the same goals and policies as CZM. It also has at present an administrative mechanism able to achieve the objectives of CZM with the possible exception of eminent domain. Eminent domain was originally part of SMA but was amended out by the legislature.

There may be some problems with SMA as a CZM vehicle due to the difficulty in state coordination of multiple local master programs. SMA appeared to function more efficiently during the pre-master program period when the guidelines set a statewide standard for uniform application. The State has also identified this as a weakness. (See page 17, EIS.)

However, overall SMA does offer reasonably effective means for local, state and federal coordination with the state as "lead agency." This will be true only as long as the state continues to have 1) review powers, 2) jurisdiction to accept or deny variances and conditional uses, 3) ability to accept or reject amendments to local master programs on the basis of consistency with SMA and CZM.

Concerning the Draft Environmental Impact Statement, we find it generally accurate and containing adequate information.

SPECIFIC COMMENTS:

II DESCRIPTION OF THE PROPOSED ACTION

B. The Washington Coastal Zone Management Program

1 Page 9, third paragraph from the bottom needs clarification. Does

"greater ability of local government to control its share of the coastal zone" mean more legislative or administrative control to local government or better tools to accomplish existing administrative responsibilities? We would oppose further delegation of state's responsibility to local governments as non-compliance with CZM, but we support financial and technical assistance to achieve the best possible master programs.

V PROBABLE IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT

B. Impacts Resulting from State and Local Government Actions

Page 36, par. 2: Since each local government drew up its master program with healthy self-interest in mind, it seems unlikely that there will be a long-term net loss in services due to tax reduction in any jurisdiction.

Page 36, par. 4: Reference to increased operating or capital costs reflecting the external costs traditionally borne by the public, but now charged to the responsible individual, is an excellent comment which has not been emphasized often enough as a benefit of SMA and now of CZM.

2 Page 36, par 8: Exemptions are a serious concern in SMA; legislative action to increase exemptions in response to special interests could further reduce the value of the state plan. EIS should also note that existing federal regulatory authorities control such activities as filling and bulkheading.

VI ALTERNATIVES TO THE PROPOSED ACTION

A. Federal Alternatives to Approval of Washington CZM Program

3 Adoption of any of these alternatives either presumes that certain legislative actions will take place, which in fact may not, or discounts the concept of Coastal Zone Management as an on-going, ever-changing and improving process. Adoption of the currently proposed action in no way precludes future modifications.

We believe the Washington proposal substantially complies now with the requirements of CZM; therefore, delay in adoption would serve no useful purpose.

B. Implementation and Control Alternatives

The EIS is probably correct in asserting that complete state control would 1) be more effective as a CZM coordinating tool, and 2) is politically unfeasible. However, any further erosion of state jurisdiction at the request of special interests could well disqualify Washington for CZM participation, since coordination with the mission of federal agencies would become impossible. The scope of exempt activities is

dangerously broad at present and in case of bulkheads and small docks even exempts actions which are subject to existing federal permit requirements. Complete local control would not comply with Sec. 306 (e) (1) of CZMA.

C. Alternatives to Proposed Program Elements

The compensation alternative would be an unwarranted and costly attempt to broaden the constitutional definition of a taking as determined by the courts. We feel that CZM and SMA are legitimate exercises of the police power and specific instances where a taking may occur should be adjudicated, not legislated.

4 The dollar value cited in this section is totally hypothetical and has no validity in the EIS.

VII PROBABLY ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED.

5 The limitation on resource extraction or exploitation is not an unavoidable adverse effect since limitation on exploitation of some resources, i.e. timber and minerals is intended to protect other resources, i.e. public water supply, commercial and sport fisheries. Therefore a balance or a net environmental benefit should result. Additionally, any adverse effect would be economic, not environmental, and would be the result of rightly placing the burden of avoiding harmful externalities on the responsible individual.

6 Densely concentrated population and industrial growth are not necessarily "adverse environmental effects" since such concentration makes feasible such expensive urban amenities as theatres, libraries, sports centers and museums. Continued strip development in the coastal zone, prevented by this proposal, would be an adverse effect.

Thank you for this opportunity to comment on the EIS and to endorse approval of the Washington Coastal Zone Management Program.

THE TAHOMA AUDUBON SOCIETY by

Nancy Thomas

First Vice-President

NOAA Response to Tahoma Audubon Society.

1. This statement refers to the "tools" (financial, technical, etc.) needed by local governments to adequately manage the coastal zone.

2. This EIS is based on the current exemptions. Further exemptions will need to be evaluated as they occur.

3. NEPA requires a Federal agency to consider all feasible alternatives even if jurisdictions and authorities are transcended. The alternatives in the DEIS were considered to be the conceptual possibilities, and for this purpose they were evaluated and included. They do not appear in the FEIS.

4. The hypothetical dollar figure was used to show a possible order of magnitude. However, the point is well taken and the reference to the dollar figure was deleted.

5. This is not an unavoidable adverse environmental effect and has been deleted from the text.

6. This statement was not meant to indicate that all aspects of urban densities are adverse environmental effects.

My name is Maurita Smyth and I am here tonight to represent the Black Hills Audubon Society.

In essence, the society feels that final approval of the Washington Coastal Zone Management Program be withheld pending modification and improvement of the plan as it now stands. We believe that the basic problem with the Washington plan lies in the philosophical viewpoint underlying it. Fundamentally, Washington bases its CZMP on the Shoreline Management Act of 1971. In this Act, we have the following as recognized fact about the coastal zones - that they are " the most fragile and valuable of its natural resources." But - the result of this recognition is a demand for concerted effort for DEVELOPMENT of the state's shorelines. This to us implies a great emphasis on people use and its attendant constructions. These of course minimize the protection and preservation angle of the situation consistent with the idea of shoreline fragility.

When we peruse the Coastal Zone Management Act of 1972, we find the following:

sect. 302b " The coastal zone is rich in a variety of natural, commercial, recreational, industrial and esthetic resources."

This statement is definitely consistent with the SMA, but the federal act continues:

302d " The coastal zone, and the fish, shellfish, other living marine resources and wildlife therin, are ecologically fragile and consequently, extremely vulnerable to destruction by man's alterations"

302e " Important ecological, cultural, historic and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost."

It would seem obvious that these last statements imply a minimum of people use with greater emphasis put on protection of these delicately balanced natural resources.

In light of this, this society can not feel assured that the tenor of the Washington Management Program will assume the same emphasis and responsibility toward shoreline preservation as does the Coastal Zone Management Act. 1

Continuing in the same line of thought, we make reference to sections 302 g and h which recognize, respectively, the inadequacy of state and local regulations regarding land and water use in coastal zones, and which encourage STATE AUTHORITY over coastal zones incorporating cooperation among state, local and federal agencies and including " unified policies, criteria, standards, methods and processes for dealing with land and water use decisions of more than local significance". (emphasis added) We ask: "Can Washington's CZMP, as based on the Shoreline Management Act, achieve this with the piece-meal process of state review of local government's Master Plans. This process has not only proved cumbersome but time-consuming, and in the final analysis can not yield a state purview of total coastal zone management because of the inherent and irresolvable conflicts of interests among local governments which share a homogenous stretch of shoreline but demand opposing priority uses.

In light of these facts, we ask, minimally, that Washington first complete its review of Master Plans, and then, after deliberation and study, present a comprehensive State Oriented Coastal Zone Management Program.

Finally, we take offense at the slipshod reasoning of the Draft Environmental Impact Statement on p. 41 re; ALTERNATIVE:

The state exert complete control over implementation of the CZM Program

The DEIS argues that this alternative be rejected because the residents of Washington failed to accept an alternative shoreline management act, entitled SHORELINE PROTECTION ACT, and this supposedly reflects a general consensus that the program as it now stands under the SMA is more than acceptable. This is neither here nor there considering that the Coastal Zone Management Act demands a Comprehensive STATE management program. And if it be the case that Washington needs to propose new legislation consistent with the CZMA let that not deter us from our primary concern here tonight - Does Washington's CZMP fulfill its requirements as set forth by the federal act of '72?

-2

Perhaps it was wrong of Washington to equate its SMA and its CZMP? Considering the facts I have discussed, Black Hills Audubon feels that Washington's plan has fallen short in this fulfillment and consequently should not be approved in its present state.

We thank you.

NOAA Response to Black Hills Audubon Society.

1. NOAA has determined that the Washington Coastal Zone Management Program meets the requirements of the CZMA and Section 306 regulations. The reasons for passage of the Shoreline Management Act are the same as those of the CZMA. Thus, the policies towards the natural resources of the coastal zone are, if not in the same language, similar in tone. The fact that a state is willing to designate parts of its shoreline as natural and conservancy areas and limit uses in those areas is a milestone. People will always criticize individual decisions that take place; however, the history of the Shoreline Hearing Board decisions can be a good indicator of whether the state's policies regarding its natural resources are being protested.

2. The Office of Coastal Zone Management believes the current program fulfills the requirements of the CZMA. However, approval of the program does not preclude further refinement by new or modified legislation.

NORTHWEST NATIONAL SEASHORE ALLIANCE

Box 107 • La Conner, Washington 98257

Chair. Barbara James
Vicechair. Phil Zalesky
Third Officer. Pat Sietsma
Secretaries Pat Johnston
Elmer Ned Johnston

May 4, 1975

13 MAY 1975
CZM
Information
Copies

Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs
United States Department of Commerce
Washington, D.C. 20230

Dear Mr. Galler:

The Northwest Seashore Alliance is pleased to have the opportunity to respond to the Coastal Zone Management Draft Environmental Impact Statement for the State of Washington.

The goal of Coastal Zone Management, as stated on page 40, paragraph 3, to promote unified policies for dealing with land and water use decisions of more than local significance, will be of major importance in the future development of this state. 1 The Alliance suggests that a means of eliciting and implementing citizen input in promoting these policies be established.

There could be a conflict between policies developed through Coastal Zone Management for the coastal areas covered by the Act and use policies in Federal lands, Indian Reservations, and other exempted areas. This Draft Environmental Impact Statement does not deal with means of resolving such possible conflicts. It seems that a 2 method should be developed whereby Federal lands and reservations should also be in compliance with Federal, as well as state, regulations.

Briefly mentioned are some significant coastal areas such as the Nisqually Delta. This inventory is limited to areas mentioned by the Shoreline Management Act. However, not all fragile or significant areas in this state are named by SMA. Provisions for inventorying 3 these areas should include active participation by interested groups and individuals. The Alliance has had an especial concern for protection, preservation, and restoration of some of the significant, fragile coastal areas of the state. Among them are Dungeness Spit, the shore-lands and bluffs of Ebey's Landing on Whidbey Island, certain estuarine areas in Hoods Canal, and the ocean strip from south edge of the Makah reservation to the Ozette River. This ocean strip is in large part privately owned and yet is adjacent to the Olympic National Park. There is a need for planning for use and acquisition compatible with the integrity of the Park.

The Alliance is very much interested in further participation in the process of developing Coastal Zone Management. It is our hope to be of continued assistance, particularly in the inventory and designation of coastal areas of special significance.

Yours very truly,

Pat Johnston

PAT JOHNSTON

NOAA Response to Northwest National Seashore Alliance

1. The process of program development has been an open process from the beginning and continues to be so. See sections on pp. 52 - 55, and pp. 125 - 126. Special interest groups such as the Alliance are welcome to contact the local governments in dealing with special areas within their jurisdiction or with the State Department of Ecology.

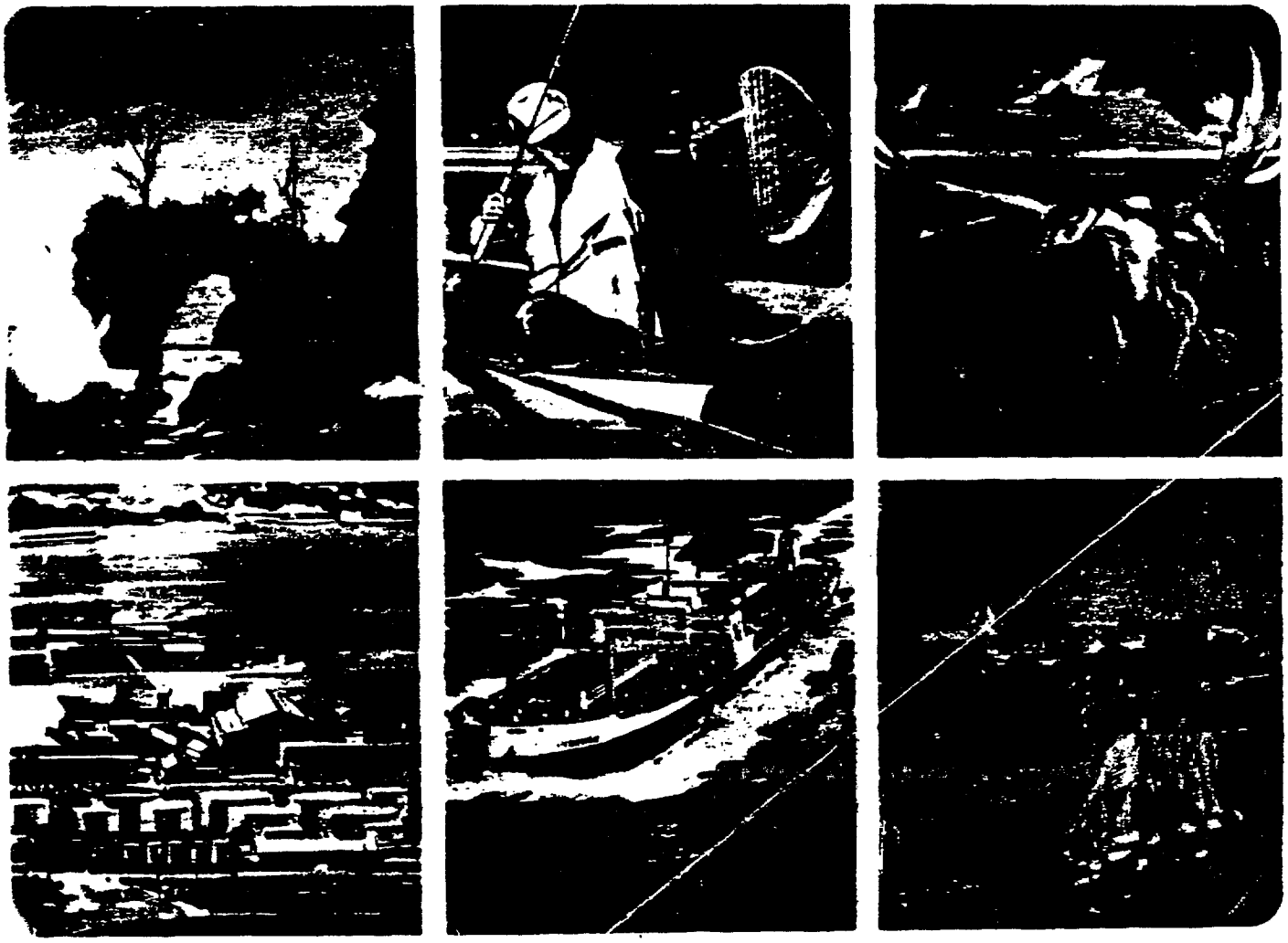
2. See sections dealing with excluded lands and Federal consistency in this FEIS.

3. The State has designated areas of particular concern, and areas for preservation and restoration, which include many of the areas mentioned. Interested groups and individuals should also be in contact with local governments in expressing concern for these types of areas. While certain areas have been mentioned, it should be clear that the State has established a process whereby other areas can be selected if and when the need arises.

Appendices XI

Washington State
Coastal Zone Management Program

June 1976



Washington State Coastal Zone Management Program

State of Washington
Department of Ecology

State of Washington
Daniel J. Evans
Governor

Department of Ecology
John A. Biggs
Director

June 1976

The preparation of this report was financed in part through a Program Development Grant under the Coastal Zone Management Act of 1972, administered by the Office of Coastal Zone Management of the National Oceanic and Atmospheric Administration.

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
OLYMPIA

DANIEL J. EVANS
GOVERNOR

March 29, 1976

Dr. Robert M. White, Administrator
National Oceanic and Atmospheric Administration
U. S. Department of Commerce
Washington, D. C. 20240

Dear Dr. White:

I am pleased to transmit to you several amendments and modifications to the Washington State Coastal Zone Management Program. The original program document was sent to you on December 12, 1975, and since that time, a number of matters have arisen that require clarification and modification in that document.

I have reviewed and approved the attached amendments and modifications and hereby declare them to be part of the Washington State Coastal Zone Management Program.

I believe that the attached material will resolve the questions and concerns raised by the various reviews of the program document, and that you should be in a position to approve Washington State's program with no further difficulty.

The program document will be reprinted soon with the attachments incorporated into it, along with minor clerical and informational corrections that are needed.

I am looking forward to an early approval of the program and to our continuing relationship with your office as the program is administered.

Thank you for your effort and concern on our behalf.

Sincerely,

Daniel J. Evans
Governor

sp
enclosures

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
OLYMPIA

December 12, 1975

DANIEL J. EVANS
GOVERNOR

Dr. Robert M. White, Administrator
National Oceanic and Atmospheric
Administration
U. S. Department of Commerce
Washington, D. C. 20240

Dear Dr. White:

I am pleased to transmit 250 copies of the State of Washington's coastal zone management program. This document reflects the current status of coastal zone management in the State of Washington and projects future endeavors in this field.

We firmly believe that this document represents a process which meets and exceeds the programmatic requirements for states under the Coastal Zone Management Act of 1972. I, therefore, request that you examine this document and grant approval under the terms of section 306 of the Coastal Zone Management Act.

I have reviewed the Washington coastal zone management program, and, as Governor, approve the program and certify to the following:

1. The state has the required authorities and is presently implementing the coastal zone management program;

2. The state has established, and is operating, the necessary organizational structure to implement the coastal zone management program;

3. The Department of Ecology is the single designated agency to receive and administer grants for implementing the coastal zone management program, and further the Department of Ecology is hereby designated as the lead agency for the implementation of the coastal zone management program;

4. The state, in concert with local governments, has the authority to control land and water uses, control development, and resolve conflicts among competing uses,

5. The state presently uses the methods listed in Section 306(e)(1) of the Coastal Zone Management Act for controlling land and water uses in the coastal zone, including: (a) the authority derived from the Shoreline Management Act, the Act's implementing regulations including the Final Guidelines and local master programs; (b) state administrative review of local programs, and permits associated with the Shoreline Management Act; and (c) direct state regulatory authority for control of air and water pollution;

6. The state has sufficient powers to acquire lands, should that become desirable or necessary under elements of the coastal zone managment program;

7. Those state laws cited in the program have been passed by the legislature and enacted into law. Administrative regulations required to implement the laws have been formally adopted by the responsible state agencies; and state approved local master programs have been formally adopted by the appropriate local government;

8. The state's air and water pollution control programs, established pursuant to the Federal Water Pollution Control Act of 1972 and the Federal Clean Air Act, insofar as those programs pertain to the coastal zone, are hereby made a part of the state's coastal zone management program. The regulations appurtenant to the air and water programs are incorporated into this program and shall become the water pollution control requirements and air pollution control requirements applicable to the state's coastal zone management program. Further, any additional requirements and amendments to air and water pollution programs shall also become part of the state's coastal zone management program; and

9. I further certify that the Washington coastal zone management program is now an official program of the State of Washington and the state, acting by and through its several instrumentalities, will strive to meet the intent of the Coastal Zone Management Act of 1972, and the state's corollary legislation; and to do so in a uniform, cooperative and aggressive spirit.

We trust you will approve our program in an expeditious manner and we will gladly assist in whatever way we can during your review procedure.

My staff has found your staff in the Office of Coastal Zone Management to be competent and extremely cooperative throughout program development. We look forward to this continued relationship through the administration of the coastal zone management program. Please contact Mr. John A. Biggs, Director of the State Department of Ecology, if you have any questions or need any assistance.

Sincerely,

Daniel J. Evans
Governor

DJE:sc

Enclosures

TABLE OF CONTENTS

Chapter		Page
I	INTRODUCTION	1
	Introduction	1
II	WASHINGTON STATE'S COASTAL ZONE	5
	An Overview of Coastal Resources	5
	Areas of Particular Concern	12
III	STATE COASTAL ZONE MANAGEMENT	23
	Introduction	23
	Overview of the State Management Network	25
	The Shoreline Management Act of 1971	29
	SEPA and ECPA	44
	Primary Management Network Agencies	51
IV	SYNOPSIS OF FEDERAL AGENCY AND INDIAN INVOLVEMENT IN WASHINGTON'S COASTAL ZONE	107
	Introduction	107
	Federal Involvement in the Coastal Zone	107
	The Management of Coastal Zone Indian Lands	115
V	WASHINGTON COASTAL ZONE MANAGEMENT AND THE COASTAL ZONE MANAGEMENT ACT	119
	Introduction	119
	General Policy	119
	The Coastal Zone Boundary	119
	Excluded Federal Lands	121
	Uses In The Coastal Zone	122
	The State's Managerial Network	124
	Geographic Areas of Particular Concern and Areas for Preservation and Restoration	134
	State/Federal Relations	136
	Citizen and Governmental Involvement in Program Development	142
	Designated Agency and Authority for Property Acquisition	145
VI	CONTINUING DEVELOPMENT OF THE MANAGEMENT PROGRAM	147
	Introduction	147
	Overall Program Objectives	147
	Program Coordination Objectives	147
	Program Enchancement Objectives	150
	Conclusion	153

Chapter I
Introduction

CHAPTER I. INTRODUCTION

INTRODUCTION

During the late 1960s a series of conflicts over environmental issues erupted in the State of Washington. Many of the most serious related to the use and abuse of the state's invaluable water resources and the adjacent shorelines. The threat of thermal and industrial waste pollution, the depletion of fisheries, offshore oil drilling and oil spills, the loss of beaches to residential and commercial development—all became the focus of intense and often protracted controversies involving a broad range of citizens, private interest groups, and private and public organizations. At first controversies centered on particular projects and specific sites. But as the number and variety of incidents increased, the need for a more comprehensive approach to the protection and enhancement of the environment became obvious. By the end of the decade the state was ready to act.

In 1970 the Legislature created the Department of Ecology in a major reorganization of state government designed to increase the effectiveness of the state's administration of its newly appreciated responsibilities for environmental management. In a remarkably strong statement on the need for the new department, the Legislature declared

> it to be the policy of this state, that it is a fundamental and inalienable right of the people of the state of Washington to live in a healthful and pleasant environment and to benefit from the proper development and use of its natural resources. The legislature further recognizes that as the population of our state grows, the need to provide for our increasing industrial, agricultural, residential, social, recreational, economic and other needs will place an increasing responsibility on all segments of our society to plan, coordinate, restore and regulate the utilization of our natural resources in a manner that will protect and conserve our clean air, our pure and abundant waters, and the natural beauty of the state. . . .In recognition of the responsibility of state government to carry out the policies set forth [herinabove] it is the purpose of this chapter to establish a single state agency with the authority to manage and develop our air and water resources in an orderly, efficient, and effective manner and to carry out a coordinated program of pollution control involving these and related land resources. [Revised Code of Washington (RCW) 43.21A.010-.020]

A year later the Legislature went even further, mandating environmental protection and enhancement as an obligation upon every governmental agency under the jurisdiction of the state. The State Environmental Policy Act of 1971 (SEPA) was passed in the first extraordinary session of the 42nd Legislature and became effective August 9, 1971. With some exceptions SEPA is a copy of the "Purpose" section and Title I of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. Section 4321 et seq.), exhibiting extreme similarity in both intent and directive. SEPA is primarily a disclosure statute, requiring environmentally sound planning and the airing of issues involved in governmental decision making by providing for increased public scrutiny of proposed actions. The statute was an important step in re-ordering priorities such that the isolationism and parochialism that tends to characterize governmental entities would be replaced by a more holistic consideration of issues.

SEPA remains the state's most comprehensive statement of environmental policy. The Legislature there declares it to be

> the continuing responsibility of the state of Washington and all agencies of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
>
> (a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
>
> (b) Assure for all people of Washington safe, healthful, productive, and esthetically and culturally pleasing surroundings;
>
> (c) Attain the widest range of beneficial uses of the environment without degradation, risk

to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. [RCW 43.21C.020(2)]

And in another strong statement of environmental rights and responsibilities, the Legislature claimed in SEPA *"that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment."* [RCW 43.21C.020(3)]

The chronology of events which led to the passage of SEPA also convinced the Legislature that the newly recognized fundamental and inalienable environmental rights of the people of the state were most seriously jeopardized with respect to the state's invaluable water and shoreline resources. There were two occurrences, however, which may be identified as of special importance in spurring the Legislature to definitive action in accepting state responsibility for shoreline management. First, a state supreme court decision in December of 1969 found a landfill into one of the state's major lakes to be illegal and ordered it to be removed on the basis that "the public has a right to go where the navigable waters go." The court also concluded that judicial decision-making on a case-by-case basis was not the appropriate method of attacking what was a monumental statewide problem and urged the executive and legislative branches to develop a comprehensive shoreline planning and use regulation program for the state. The immediate effect of the decision was to cast a cloud on all shoreline development in the state.

Secondly, the Washington Environmental Council (WEC), discouraged by the Legislature's failure to enact coastal management legislation in previous legislative sessions, circulated a popular petition in a statewide drive and obtained more than sufficient signatures for presentation to the Legislature. Under the Washington State Constitution, upon presentation of an initiative from the people the Legislature may (1) enact it into law during the ensuing legislative session, (2) reject it, in which case it is placed on the ballot at the next general election, or (3) propose an alternative, in which case both the initiative and the alternative appear on the ballot. The Legislature opted for the third course of action and passed the Shoreline Management Act of 1971 (SMA), subject to ratification by the voters of the state. The Act contained an emergency provision which made it effective on June 1, 1971, nearly eighteen months before it was placed on the ballot. The essential difference between the WEC initiative (Initiative 43) and SMA (Alternative Measure 43B) was that the former involved lands from the shoreline 500 feet inland and placed the bulk of the technical administrative responsibility in the hands of the Department of Ecology, while the latter limits the land involved to 200 feet inland from shorelines and associated wetlands and places the bulk of technical administration in the hands of local governments.

In the election of November, 1972, the people had two choices: to accept or reject any form of shoreline regulation; and to choose their preference between measures 43 and 43B. Some kind of shoreline management was accepted 603,167 to 551,132, and the Shoreline Management Act (Measure 43B) was favored over Initiative 43 by 611,748 to 285,721. From the time of its effective date after passage by the Legislature in 1971 to its final ratification in November of 1972, SMA was in force and operating.

The Shoreline Management Act is perhaps the most comprehensive tool for control of shoreline uses to be found in the nation. By designing a use permit system and mandating a solid environmental planning program as its base, the Legislature accepts state responsibility for shoreline quality. It becomes "the policy of the state to provide for the

management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses." (RCW 90.58.020) The legislative concerns prompting such decisive action are made clear:

> The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that . . .coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines. [RCW 90.58.020]

The Legislature was particularly careful in its treatment of those shorelines it considered to be of statewide significance declaring "that the interest of all of the people shall be paramount in the [ir] management" and setting forth clear priorities for their use. To avoid confusion, the Legislature defined "shorelines of statewide significance" in exhaustive detail. Though the Shoreline Management Act governs the management of both freshwater and saltwater shorelines in the state, the areas designated as of statewide significance make clear the Legislature's focus on the state's saltwater coastline. SMA resulted in, among other things, a massive state program to manage the state's coastal resources with new attention to the environmental, economic, and social impact of resource utilization.

In 1972 the United States Congress passed the Coastal Zone Management Act (CZMA) (PL 92-583; 86 Stat. 1280) as an expression of strong national interest in the effective management, beneficial use, protection, and development of the nation's coastal resources. The Act is based on several important Congressional findings, but the primary finding reads as follows:

> The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance. [Section 302(h)]

The Congress further finds and declares in CZMA

> that it is the national policy. . .to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development. . .[Section 303(b)]

Three financial assistance grant programs are authorized by the Act. Section 305 authorizes annual grants to assist states in developing coastal zone management programs to be approved by the Secretary of Commerce, who is charged with the responsibility for administering the Act.

Section 306 authorizes annual grants to states for administration of management programs developed under Section 305 and approved by the Secretary of Commerce. The third grant program, Section 312, allows for federal financial assistance to states for the establishment of estuarine sanctuaries for scientific and educational purposes. To give states an added incentive to participate in the coastal zone management program, the Act also stipulated that federal activities within respective state coastal zone boundaries be, to the maximum extent feasible, consistent with approved state CZM programs. This stipulation, known as the federal consistency provision, is contained in Section 307.

Washington State's development of a coastal zone management program under Section 305 has afforded the state two particularly noteworthy opportunities for increasing the effectiveness of coastal resources management. The first is a new incentive to evaluate, shore up, and coordinate

existing state management programs and practices. The second stems from the Act's federal consistency requirement. This provision offers the state a management tool it never could have developed internally under state law. Both achieving internal coordination and the forging of consistent state/federal management relations are long-term goals. The State of Washington has an effective coastal zone management program in effect at the present time which centers on the controls provided in the Shoreline Management Act and which has been augmented over the past year by state activities in response to the Coastal Zone Management Act. The present document is a reflection of that ongoing program.

Chapter II provides a brief look at the state's coastal resources as necessary background for subsequent discussions of resource management. Emphasis is placed on peculiarities of the coastal zone insofar as they present potential management problems. Special attention is devoted to geographical areas of particular concern to the state. For purposes of description and with a view to a more formal treatment in Chapter V, the term "coastal zone" is used in Chapter II and subsequently to refer to the geographical area bounded by the political boundaries of the 15 coastal counties, as shown on the map in Appendix A, page A-1(a).

Chapter III is in some respects the heart of the present document. It embodies an attempt to describe in considerable detail what the state's management system looks like in its formal and informal operation. While the state's coastal zone management program inevitably keys on the Shoreline Management Act, SMA is only one of many important contributors to coastal management.

Chapter IV provides an introductory look at two kinds of governmental entities with massive management responsibilities for the coastal resources in Washington State which do not come under the jurisdiction of state government: federal agencies and Indian tribes. The point is primarily role identification as a base for subsequent coordination.

Chapter V is somewhat more technical. The responsibility for administration of the Coastal Zone Management Act was given to the Secretary of Commerce. Within the Department of Commerce the responsibility was lodged with the Office of Coastal Zone Management (OCZM) located in the National Oceanic and Atmospheric Administration (NOAA). OCZM has adopted regulations amplifying the requirements of the Act relating to coastal zone management program construction. A great many of the specific requirements are satisfied by the state in the natural course of its management practices. But others are more technical and require special attention. Chapter V, then, molds the information contained in Chapters II, III, and IV into a cohesive coastal zone management program satisfying the program requirements of the Act and the OCZM regulations. Particular attention is paid to the significant beginning made toward the goal of state/federal consistency through the establishment of a communications process focusing on informational packets designed to make clear to all parties the noteworthy interfaces between the State of Washington and the federal agencies active in the state's coastal zone.

And finally, Chapter VI is devoted to a brief look at the immediate future of the state's coastal zone management program.

Chapter II
Washington State's Coastal Zone

CHAPTER II. WASHINGTON STATE'S COASTAL ZONE

AN OVERVIEW OF COASTAL RESOURCES

Introduction

The fifteen counties which contain Washington's 2,337 miles of marine shoreline constitute one of the richest resource pools in the nation. The coastal zone contains only 29 percent of the state's land but fully two-thirds of its 3,400,000 residents. Three major national parks (Mt. Rainier, Olympic, and North Cascades), over three million acres of National Forest, and substantial alpine areas set aside in wilderness areas provide a variety of recreational and educational experiences. Nutrient-rich estuaries and streams not only support a local sport and commercial fishery but also serve as propagation waters for salmon of central importance to national and international fisheries. Deep, sheltered harbors located on the Pacific Rim contribute significantly to international trade and commerce as ports for the export of grain and forest products to Asian countries and the import of processed goods. The zone's strategic location for national defense purposes has made it the site of several large military installations and its position in the northwestern corner of the contiguous states makes it the key access route to meet Alaska's transportation needs and to respond to the emerging Alaskan role in providing for national energy needs.

Basic Resources

The coastal zone consists of two types of land formation: glaciated regions in the north and coastal plains to the south and west. The northern area, including Puget Sound, the north shore of the Olympic Peninsula, and the Pacific Coast south to the Quinault River, was sculptured by glacial activity and is characterized by rugged mountains and glacial valleys. The beaches are narrow and rocky and are backed by high forested bluffs. Rocky outcrops and islands are common offshore. Limited floodplains and deltas associated with the largest rivers provide the only low flatlands and excellent agricultural lands. Although a few fishing villages are located along the northern coast of the Olympic Peninsula, the state's northern Pacific Coast proper is sparsely populated and remains largely unaltered. There are no large estuaries, good harbors, or industrial sites.

The southern part of the coastal zone is a broad coastal plain with wide sandy beaches, dunes, and extensive lowlands. Sand for this region both originates locally and is provided by the northward littoral drift of sediments along the Pacific Coast. The extensive elongated dunes have formed major estuaries at the mouths of the Chehalis and Willapa Rivers, which drain this area. The dunes are the most attractive recreational beaches in the state.

The climate of the entire area is maritime, with generally mild winter temperatures and cool, moderately dry summers. Nestled between the Olympics and the Cascades, the Puget Sound climate especially reflects marine influences. The two mountain ranges, combined with the prevailing ocean breezes, cause large variations in precipitation among localities. Precipitation varies from up to 200 inches per year in the mountains and western slope of the Olympic Peninsula to a more moderate 35 to 50 inches per year in Puget Sound to 17 inches per year in the rainshadow lowlands. Precipitation is seasonal, being heaviest from October to March and lightest in July and August. Heavy snowpack in the mountains, however, prolongs the seasonal river discharge into the coastal zone. Abundant freshwater discharge plays a significant role in the great productivity of Puget Sound.

Washington's 2,337 miles of marine shoreline are made up of 157 miles along the Pacific Ocean, 144 miles along the Strait of Juan de Fuca, 89 miles in Grays Harbor, 129 miles in Willapa Bay, 34 miles on the Columbia River, and 1,784 miles bordering Puget Sound and the Strait of Georgia. (These figures include the shorelines of 172 significant islands of the San Juan Archipelago.) 1,847 miles of the shoreline have beaches and the remaining 490 miles consist of rocky headlands, marsh areas, bulkheads, and revetments.

In terms of basic resources, the Washington coast may be conveniently divided into two broad coastal areas: the Puget Sound/San Juan Island/ Strait of Juan de Fuca complex; and the Pacific coastline including the Columbia River.

Puget Sound is a complex system of interconnected inlets, bays, and channels with tidal sea water entering from the west and freshwater streams entering at many points throughout the system. Most of the Sound was formed by glacial action that terminated near Tenino in Thurston County. The 2,700 square miles of Sound water surface under the jurisdiction of the United States is a relatively small part of the complex that also includes the Strait of Georgia and the Strait of Juan de Fuca.

Puget Sound is a deep body of water with depths of 100 to 600 feet found less than one mile offshore. Shoal areas are virtually nonexistent and large tideflats and marshland areas are restricted to mouths of the major rivers—the Skagit Bay, Padilla Bay, and Samish Bay flats on the north and the Nisqually River delta on the south are the most notable. Small tideflats and marshes are found frequently in the numerous inlets in South Puget Sound and Hood Canal.

The shoreline resources of Puget Sound include few beach areas which are not covered at high tide. Bluffs ranging from 10 to 500 feet in height rim nearly the entire extent of the Sound making access to beach and inter-tidal areas difficult. For this reason, the relatively few accreted beaches which are not inundated at high tide are extremely valuable for public recreation purposes. The ubiquitous bluffs are also a serious topographic constraint to development, which has necessitated the filling of tidal estuarine and flatland areas for port and industrial activities. The estuaries that remain largely unaltered are highly valued, in part because of their increasing rarity.

Because of their glacial-till composition, the Puget Sound bluffs are susceptible to fluvial and marine erosion and can be serious slide hazards. Although the Sound is protected from the direct influence of Pacific Ocean weather, storm conditions can create very turbulent and occasionally destructive wave action. Without an awareness of the tremendous energy contained in storm waves, the development of shoreline resources can be hazardous and deleterious to the resource characteristics which make Puget Sound beaches attractive. Miles of physically unsuitable shorelines were committed to residential and recreational subdivisions before the recent upsurge of environmental analysis. Some areas have already experienced slide loss and others are now known to be hazardous to future development.

Ten major rivers, fourteen minor rivers, and a great many small streams flow into Puget Sound. While most of the Sound's waters are usually well mixed, the areas near the mouths of major rivers will approach freshwater conditions during periods of continuous heavy rainfall. While mixing by strong winds occurs in some areas of the South Sound during winter months due to Pacific storm patterns, stratification often occurs in the late summer in sheltered South Sound bays.

Flooding within the coastal zone includes coastal type flooding which results from the high spring tides combined with strong winds from winter storms, riverine overbank flooding and the combination of the two. Storms that produce the surges also bring heavy rains and, therefore, the high river flows are held back by tides producing flooding at river mouths. Major damages occur within the flood plains which have experienced the greatest growth and development, and these are the streams draining westerly into Puget Sound.

Tidal circulation varies throughout the area. It is best in the North Sound, where relatively constricted channels and an open connection with the ocean promote good circulation and poorest in the sheltered bays of the South Sound and Hood Canal. Because of the north-south axis of the Sound, there is a difference between the North Sound and the South Sound in terms of the flow of tides. A tide change at Olympia, on the southernmost portion of the Sound, will occur approximately one hour and fifteen minutes after a similar change at Port Townsend, at the north end of the Sound. Tidal amplitude also varies, being greatest in the southern portion of the Sound and decreasing generally toward the north. The tidal currents are variable and strong. Where affected by narrow passages or shallow, they may exceed seven knots.

Flushing of Puget Sound waters occurs annually during the spring and summer, except in the lower South Sound and Hood Canal. Cold, highly saline, low-oxygenated water, upwelling in the Pacific Ocean along the Washington coast, enters and slowly spreads at depth throughout the Sound, displacing the existing water mass and flushing it out along the surface.

The Pacific coastline offers a different kind of panorama. From Cape Flattery on the north to Cape Disappointment on the south, there are approximately 160 miles of beaches, rocky headlands, inlets and estuaries. The shoreline south of Cape Flattery to the Quinault River is generally characterized as rugged and rocky with high bluffs. The remaining shoreline south of the Quinault River is made up of predominantly flat sandy beaches with low banks and dunes. During the winter, Pacific currents set toward the north, while during summer months they set to the south. Associated with the summer currents is a general offshore movement of the surface water, resulting in upwelling of water from lower depths. The upwelled water is cold, high in salinity, low in oxygen content and rich in nutrients. It is this last-named characteristic which causes upwelled water to be extremely significant in biological terms, since it often triggers blooms of marine plant life. Directions of wave action and littoral drift of sediments shift seasonally with Pacific Ocean storms. Although very little data are available on the net direction of littoral transport, the University of Washington has offshore data which indicate a northerly offshore flow.

Water Quality

The marine waters of the state, except for population and industrial development concentrations, are generally of excellent quality. Most areas are essentially free from major pollution sources. State-established water quality standards are rarely violated in coastal waters at any time of the year and nutrient values and dissolved oxygen levels are normally above the state standard. However, major water pollution problems exist in the heavily industrialized areas and large population centers of Puget Sound.

There are other areas in Puget Sound where existing or planned activities may seriously affect water quality in the near future. Such activities include: (1) increased land development and recreational potential of the Hood Canal and San Juan Island areas; (2) urban development and the possibly large influx of people to the Kitsap Peninsula associated with the construction and operation of the Trident Nuclear Submarine Base; (3) the heating of water in proposed nuclear electric power plants with once-through cooling, the effects of which on aquatic organisms can be disastrous; (4) the shipping of Alaskan oil through northern Puget Sound to the refineries at Anacortes and the Ferndale-Cherry Point area, and the associated danger of major oil spills; and (5) the continued urban and industrial development in the South Sound area which is already limited in its waste assimilating capacity by a low flushing rate and relatively shallow depth.

While the state's water quality program is successfully implementing control over municipal and industrial point sources of pollution, the non-point sources and accidental spills remain a serious threat to the marine resource. Although the actual contribution of non-point sources (wastes which enter streams and marine waters as runoff, drainage, or seepage) is not known, the contribution from forestry and agricultural activities and urban runoff is thought to be considerable. Any effective approach to the control of non-point source water quality problems will require coordination among all programs and is particularly dependent on local shoreline programs.

The water pollution incidents reported to the Department of Ecology between 1968 and 1973 are shown in the following table:

Year	Oil Spills	Fish Kills	Other
1968	52	3	192
1969	120	16	314
1970	262	25	406
1971	406	31	402
1972	734	31	503
1973	983	38	405

The dramatic increase in the number of oil spills, and to some extent fish kills, can be attributed in part to an increase in public awareness of environmental problems. It is safe to assume that many of the incidents of pollution now being reported to the Department for investigative action previously went unnoticed or were observed but not reported.

Fisheries and Wildlife Resources

Fisheries are a significant coastal resource for both commercial and sport fishing. Estimates indicate that one half of the state's residents fish for sport or commercial use, in addition to thousands of visitors who fish for salmon. Commercial fishermen annually harvest over six million salmon, twenty million pounds of bottom fish, and six million pounds of shellfish. The total value of sport fish catch exceeds that of commercial fishing, but an estimate of total recreational use of Puget Sound and its resources is not available.

Puget Sound waters are rich in nutrients and support a wide variety of marine fish and shellfish species. An estimated 2,820 miles of stream are utilized by anadromous fish for spawning and rearing throughout the area, including chinook, coho, sockeye, pink and chum salmon, steelhead, searun cutthroat and Dolly Varden trout. All these fish spend part of their lives in the saltwaters of Puget Sound and the Pacific Ocean before returning to the streams of their origin to spawn. Their offspring spend varying amounts of time in the shore waters of the area before moving to sea to grow to maturity.

Shellfish abound throughout Puget Sound and on the Pacific Coast. Several varieties of clams, some of which are indigenous to the Pacific Coast like the well known razor clam, and a variety of crabs including the well known Dungeness are found in the state's coastal waters. Other noteworthy shellfish include butter and little neck clams, small Olympia, Japanese, and rock oysters, shrimp and king clam or geoduck. In the Pacific Ocean large numbers of hake, ocean perch, and Columbia River smelt are taken each year. In some years, depending on the ocean currents, albacore tuna catches are significant.

Puget Sound has historically supported substantial fish populations. However, with the development of the surrounding area, some of these fisheries, particularly in the Southern Sound, have declined. The principal causes of the decline have been habitat degradation brought about by industrial and domestic wastes and unfavorable land use practices, direct habitat destruction through diking and land fills, construction of upstream water development projects, and poor timber harvesting practices. The effect of dikes and fills on fish populations is not clearly understood, but a substantial loss of nursery and rearing habitat has occurred.

The decline in fisheries is partially balanced by the fact that aquaculture or sea farming is beginning to come into its own in the Puget Sound complex. The mass production of seaweed, clams, geoducks, scallops, shrimp, oysters, small salmon, lobsters and other marine biota looms as an important new industry. Effective shoreline management is particularly crucial to the success of sea farming. Aquaculture on any scale can coexist with maritime shipping and shorelands industrial activities only by careful planning and regulation.

Puget Sound is an important resting place, feeding area and wintering ground for many thousands of birds in the Pacific Flyway. Major waterfowl species include Mallard, pintail, canvasback, ruddy, harlequin, ringnecked, and wood duck, widgeon, scaup, goldeneye, green-winged teal, shoveler, Canada, lesser Canada and snow geese, and black brant. Merganser, scoter and American coot will also be found. The most common shorebirds are gulls and terns. Great blue herons are common salt marsh birds.

The major wintering areas for waterfowl in Puget Sound are the Skagit, Snohomish and Nisqually flats, and Padilla/Samish Bays. Each small bay and inlet provides a discrete area for a portion of the total waterfront inhabitants population. For example, twenty to thirty thousand snow geese winter in Skagit Bay – the only concentration of these geese found in the State of Washington. Waterfowl hunting is a major recreational activity on the Sound in fall and early winter. Nearly one-third of Washington's duck and goose hunting occurs in Puget Sound.

Harbor seals, killer whales and porpoise are commonly found in Puget Sound, and mammals inhabiting adjacent freshwater areas include beaver, muskrat, mink, weasel, otter and racoon.

The development of the Puget Sound area has brought with it a noticeable deterioration of wildlife resources due to habitat disruption, though the loss of wildlife habitat has not been quantified. An important need in obtaining relevant information on habitat loss is the analysis of the impact of incremental fills and small-scale developments. Efforts to obtain such information are now underway.

Population

Census figures for 1974 indicate that about 2.2 million people live in the Puget Sound area as compared with only 80,000 on the state's Pacific Coast. In general, Washington has experienced a growth rate in excess of the national average since World War II. This increase has been due primarily to the employment opportunities and amenities found in the Puget Sound region, causing a net immigration to the state. The state experienced a particularly rapid growth in the years between about 1965 and 1969 and far slower growth from 1969 to the present. Both trends reflect the reaction of economic conditions to the aerospace industry. In fact, from 1970 through 1973, the state experienced a net emigration with an actual decline in total population in 1972. This trend has apparently stabilized and at least in terms of unemployment the state is now healthier than the national average.

The majority of the state's population is concentrated in the central and southern region of Puget Sound. The four coastal counties of King, Kitsap, Pierce and Snohomish contain over 57% of the total state population as well as two of the state's largest metropolitan areas, Seattle and Tacoma. From 1960 to 1970, these counties experienced an overall increase of 28.1% with Snohomish County achieving the fastest rate of growth at 54.0%. Large gains were realized by the smaller suburban communities surrounding the Seattle area, while metropolitan Seattle experienced a 4.7% decline.

On the other hand, with the exception of a few favorable port sites, the Olympic Peninsula and the Pacific Coast regions are sparsely populated. The population along the Pacific Coast and mouth of the Columbia is far more stable.

Commerce and Economic Development

Puget Sound is the West Coast's largest deep water protected port and the focus of shipping and industry in the Pacific Northwest. Its primary ports are at Port Angeles, Bellingham, Everett, and Seattle-Tacoma. Its excellent harbors and proximity to Alaska make the area a prime candidate for receiving oil from Alaska. The economic development of the central Puget Sound Basin has been stimulated by the fact that the Sound is one of the few areas in the world which provides several deep-water inland harbors. The use of Puget Sound waters by deep-draft vessels is on the increase due to its proximity to the developing Asian countries. This increased trade will attract more industry and more people which will put more use pressure on the Sound in the forms of recreation (sport fishing, boating and other water-related sports) and the requirements for increased food supply. Increasing population can also be expected, ultimately, to tax the Sound's ability to assimilate municipal and industrial wastes.

The Sound is vitally important to the marine life which both utilizes the Sound as habitat and which provides one of the major bases for the important commercial fishing and tourist industries. The close proximity and increasing interaction of the population to and with these natural resources have in recent years meant increasing demands on and conflicts for the area and its resources.

The tourist, recreational and second home industries are among the fastest growing businesses in Puget Sound. Currently ranked behind food, manufacturing and forest products, the tourist industry has been projected in some studies to assume the number one position by the year 2000. The importance of water-related recreation as an industry is indicated by the fact that the resident population has the highest boat ownership per capita in the nation. Because of the recent increase in tourism and recreation and the number of watercraft,

impact. The need to increase recreation boating facilities while maintaining a high quality environment is a serious problem. In fact, the location of new boating facilities which will meet state and federal environmental standards and yet be consistent with local land use desires is one of the major resource management issues confronting Puget Sound.

From the Quinault River south to the Columbia River, the coastal lands are characterized by wide sandy beaches and extensive dunes backed by grasslands and forests. Two major estuaries occur in this region: Grays Harbor at the mouth of the Chehalis River and Willapa Bay at the mouth of the Willapa River. These two resources have served as a focus for development and industry along the Pacific portion of Washington's coastline, while providing important fish and wildlife habitat as well. The sandy beaches, mudflats, marshes, eelgrass beds, and waterways play an essential role in maintaining fish and shellfish, including salmon, sturgeon, herring, hard and softshell clams, oysters, crabs and waterfowl, which are of both commercial and recreational value.

Food products (fishing and agriculture) and timber-related industries are the major industrial establishments in the region, although here, too, the tourist and recreation industries are playing an increasingly important role. For example, in 1972, there were 92,716 people employed directly in the commercial fishing industry in the state. Income accruing to Washington residents from fishing totaled $156 million and was projected to reach $325 million by 1974.

Resource Ownership and Use

2,075 miles or about 75% of Washington's shoreline landward of the extreme high waterline is in private ownership, as is about 60% of the state's tidelands. Of the publicly owned coastline, the federal government owns about 155 miles, including the Olympic National Park and various wildlife refuge areas. Non-federal public ownership totals 107 miles, consisting primarily of state, county, and city parks. When tidelands (between extreme low tide and ordinary high tide) which are owned by the state and managed by various public agencies are included, the public access shoreline mileage increases to 735 miles. Some of the non-federal public land is owned by port districts and utilized for waterborne commerce facilities. In addition, about 40 miles of privately owned shoreline is used for recreational purposes, such as resort areas and privately owned marinas.

Most of the 3,000 square miles of marine beds out to the three mile limit are owned by the state under management by the Washington State Department of Natural Resources, which also owns and administers leases for nearly 40% of the inter-tidal areas. State-owned inter-tidal areas often abut uplands owned by another land owner. Thus, within the shoreline/tideland interface, there are many miles of marine resources with a private or local port district upland owner and a state bedland or tidal owner. This situation leads to inherent conflicts between the aspirations and desires of the upland owner, as often expressed in local land use planning, and the state's interests as the manager of the bedlands or tidelands.

Each of the fifteen coastal counties and thirty-eight coastal cities is responsible for applying a variety of building, land use, and health codes to shoreline segments. Many localities, supported by separate local taxing port districts, compete for commerce and industry in the coastal zone. In these same areas county and regional efforts are often thwarted by city annexations which promote proposals inconsistent with local regional objectives. And on the other hand, well founded town and city development plans and programs are all too often disregarded or bypassed in favor of physically unsuited county locations where codes may be less stringent. Moreover, some counties and Indian reservations have established working relationships for managing the coastal zone, while others remain at odds over jurisdictional questions.

Washington State's coastal zone has more than one hundred separate institutional organizations which are faced with the awesome task of maximizing the use potential of what amounts to an incredibly rich coastal resource. The primary competing uses to be balanced include timber harvest, industry, commercial fishing, recreation, tourism, second-home development, and agriculture. About 77 miles of shoreline have non-recreational development such as commercial

and industrial areas. Heavy industry is concentrated along the shores of Commencement Bay and Elliott Bay, on the tideflats of the Puyallup River, and in the lower Duwamish River area.

Quite generally speaking, the legislature has identified the problem of competing uses on the Pacific coastline. RCW 43.51.650 declares:

> The beaches bounding the Pacific Ocean from the Strait of Juan de Fuca to Cape Disappointment at the mouth of the Columbia River constitute some of the last unspoiled seashore remaining in the United States. They provide the public with almost unlimited opportunities for recreational activities, like swimming, surfing and hiking; for outdoor sports, like hunting, fishing, clamming, and boating; for the observation of nature as it existed for hundreds of years before the arrival of white men and for relaxation away from the pressures and tensions of modern life. In past years, these recreational activities have been enjoyed by countless Washington citizens, as well as by tourists from other states and countries. The number of people wishing to particpate in such recreational activities grow annually. This increasing public pressure makes it necessary that the state dedicate the use of the ocean beaches to public recreation and to provide certain recreational and sanitary facilities. Nonrecreational use of the beach must be strictly limited. Even recreational uses must be regulated in order that Washington's unrivaled seashore may be saved for our children in much the same form as we know it today.

AREAS OF PARTICULAR CONCERN

Though a broad survey of the coastal zone in terms of the Puget Sound area and Washington's Pacific Coast can serve to isolate some important questions, many of the issues which constitute problems for effective management of the state's coastal resources are of unique or at least special significance in much smaller geographical areas. The state has given recognition to areas of particular concern in a great many ways, in response to both state concerns and those identified in the Coastal Zone Management Act. Special problems are frequently the subject of specific legislation or of specific regulatory or administrative action by resource ownership and management agencies.

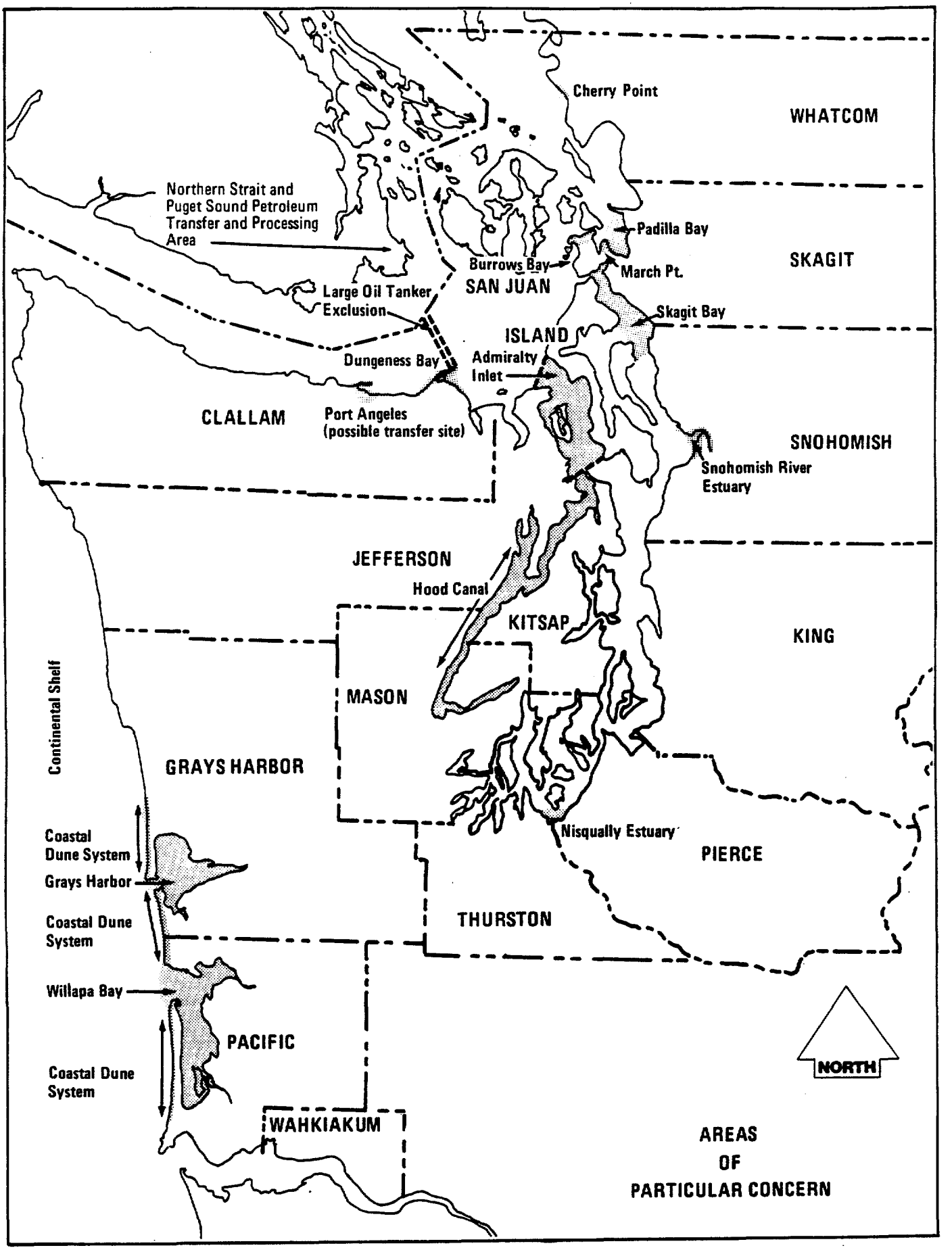
Identified areas of particular concern will receive fresh attention under the Washington coastal zone management program. Because of the controversies surrounding their management and ultimate uses, such areas merit special study and will become foci of attention for the resolution of management problems as the program matures. Areas of particular concern to the state and the nation in terms of coastal zone management include only those problematic shoreline segments and water areas where options and alternative uses of the coastal resource are still open possibilities for action. Areas the fate of which has for all practical purposes already been determined provide no forum for the expression of dynamic concern that might result in more effective management and will not be treated in what follows here. An example of such predetermination is provided by the 50-mile Pacific Ocean Strip of Olympic National Park. The outstanding natural qualities of its rugged shoreline features have been recognized as a national asset and will be managed in their natural state. Though the Strip is an area of particular interest in the State of Washington, it is not an area of particular concern requiring the attention of the state's coastal zone management program.

Nor can the state's major harbor/industrial port areas be usefully identified as areas of particular concern, in spite of the fact that the Port of Seattle (Duwamish Waterway and Elliot Bay) and the Port of Tacoma (Commencement Bay and the Tacoma Tideflats) are of central significance to the economic vitality of the state and the Pacific Northwest. Significant port/harbor areas and their uplands are reserved through state legislation and local zoning for navigation and commerce. Generally speaking, large-scale investments in terms of harbor improvements, channel improvements and deepening, docking facilities, and long-range programs for general port enhancement ensure that uses other than navigation and commerce will not be seriously considered. Such commitments do not formally preclude other public uses within the harbor areas, but non-maritime commercial and industrial uses are considered secondary and usually allowed only when they do not interfere with the primary uses of commerce and navigation. While many interesting issues relating to ports remain to be addressed, the basic issue of primary port uses is already settled.

The fundamental principle used here for the identification of areas of particular concern is that such areas must be of greater than local interest and offer a live issue of competing uses and management options. More specifically, selection of the areas of particular concern discussed below has been guided by the following criteria: (1) the area contains a resource feature of environmental values considered to be of greater than local concern or significance; (2) the area is given recognition as of particular concern by state or federal legislation, administrative and regulatory programs, or land ownership; and (3) the area has the potential for more than one major land or water use or has a resource being sought by ostensibly incompatible users.

These criteria lead to the identification of the following areas as areas of particular concern: (1) the Nisqually Estuary; (2) Hood Canal; (3) the Snohomish River Estuary; (4) Skagit and Padilla Bays; (5) the Northern Strait and Puget Sound Petroleum Transfer and Processing Area; (6) the Dungeness Estuary and Spit Complex; (7) Grays Harbor; (8) the Willapa Bay Estuary; (9) the Pacific Coastal Dune Area; and (10) the Continental Shelf. A map delineating these areas is found on the following page.

One final remark should be made here in passing. Identified areas of particular concern are based on existing authorities, expressions of legislative concern, and current resource management conflicts. They are intended to represent areas which are responsive to the requirements


Cherry Point
WHATCOM
Northern Strait and
Puget Sound Petroleum
Transfer and Processing
Area
Padilla Bay
Burrows Bay
March Pt.
SKAGIT
SAN JUAN
Large Oil Tanker
Exclusion
ISLAND
Skagit Bay
Dungeness Bay
Admiralty
Inlet
CLALLAM
Port Angeles
(possible transfer site)
SNOHOMISH
Snohomish River
Estuary
JEFFERSON
Hood Canal
KITSAP
KING
Continental Shelf
MASON
GRAYS HARBOR
Nisqually Estuary
PIERCE
Coastal
Dune System
Grays Harbor
Coastal Dune
System
THURSTON
Willapa Bay
PACIFIC
Coastal Dune
System
NORTH
WAHKIAKUM
AREAS
OF
PARTICULAR CONCERN

statewide significance in 1971 and received further attention from a gubernatorial mediation team established for land use planning and flood control for the Snohomish Basin. In 1974 the team recommended that the seaward extensions of the delta and biologically functioning surge plains be maintained in a natural state. The mediation team also gave recognition to the possibility of some of the delta immediately to the north of Everett for industrial purposes and recommended that a feasibility study be undertaken to design an economic development study for the area west of Interstate 5. It was further recommended that the upstream floodplains be maintained for agricultural purposes and that the filling of wetlands be restricted. To implement the recommendations a Snohomish River Basin Coordinating Council was created to design the structure of a permanent council and to prepare the legislation and intergovernmental agreements necessary to complete the recommended tasks. The central problem to be worked through is maintaining a functioning estuary while at the same time allowing for some fill and loss of wetlands for water-dependent industries.

The other issue of particular concern with respect to the Snohomish River estuary is declining water quality. The problem is especially acute to the south in Port Gardner Bay, which is subject to pollution from municipal sewage treatment facilities, regional sanitary landfills, urban runoff, wood products industry wastes, and river water contaminants from the upper Snohomish drainage area.

The wood products industry is the most important cause of water quality degradation in the area, though solid waste disposal and sewage treatment are serious problems. Sulfite pulp mills currently discharge large amounts of wastewater which often result in concentrations of sulfite waste liquor toxic to fish and shellfish in Everett Harbor. Major wastewater improvements are scheduled for the near future.

The immediate area contains two sizable sanitary landfills which are discharging an undetermined quantity of leachate into the Snohomish River near its mouth. A large solid waste disposal area in the delta utilized by the City of Seattle on the Tulalip Indian Reservation has been the subject of recent litigation, and disposal at the site has apparently been terminated. Attempts to relocate the disposal area within the estuary have met with effective resistance. Such relocation is prohibited by Snohomish County's shoreline and solid waste progams.

For the most part, water pollution stemming from inadequate sewage treatment is not a serious problem in the estuary. The Marysville and Everett sewage treatment lagoons on the Snohomish River flats usually provide adequate secondary treatment. Occasionally, however, overloading during high flow periods results in the discharge of inadequately treated sewage to the lower Snohomish and adjacent marine waters.

Skagit and Padilla Bays

The Skagit River system accounts for over 35% of the fresh water entering the Straits and Puget Sound. It has created the largest flat tidal areas in the Puget Sound Basin. While the extensive estuarine area of Skagit and Padilla Bays are plysically separated by the Swinomish Channel, their creation from sediments from the same river system makes it appropriate to treat them together as parts of one natural system. At one time Padilla Bay received water from the Skagit River by channels through the Skagit flood plain and Skagit water still greatly reduces salinity in Padilla Bay during flood periods. Nonetheless, Padilla Bay is more subject to the marine influences common to Samish and Bellingham Bays and the eastern San Juan Islands than is Skagit Bay.

The estuary of the Skagit River is the most diverse, least disturbed, and most biologically productive of all the major estuaries on Puget Sound. Man has thus far had relatively little adverse effect on the estuarine portion of the system or on its water quality.

Because of the diversity of habitats it contains, almost all plant and animal species found in western Washington will be found within the estuarine area. The Skagit Delta is the most important estuary for waterfowl on the Pacific Coast of the United States. Padilla Bay, with its extensive eelgrass beds, hosts some 35,000 black brant.

More than 200 species of birds have been identified on the Skagit delta. Swans and snow geese are among the most noteworthy feathered visitors to the area.

The fisheries resources of the Skagit River system are outstanding in comparison to any other stream entering Puget Sound. Padilla and Skagit Bays are important nursery areas for marine fishes and highly productive of shellfish. Several tidal areas within both bays contain commercially valuable beds of softshell clams. Clam harvesting has been a controversial issue for some time in the estuarine area and in Port Susan Bay to the south. Conservationists and residents claim that the methods used by some of the larger clam harvest operators destroy important wildlife habitat and constitute a source of noise and sediments which have caused serious disruption to the area. The clam harvesters and the State Department of Fisheries which licenses the operations claim that the alleged problems are not serious and most of the legitimate concerns can be accommodated through technical adjustments to the harvesting equipment. The conflict has resulted in litigation. All parties appear to agree that there is a need for additional study analyzing the effects of mechanical clam harvesting by large-scale machinery.

The Skagit Wildlife Recreation Area operated by the State Department of Game contains about 13,000 acres of salt marsh and tide flats. At present, a unit of Game Department land and some private holdings are being considered for acquisition, development and operation as an estuarine sanctuary under a grant request from the Department of Ecology to the Office of Coastal Zone Management under the provisions of Section 312 of the Coastal Zone Management Act. Included in this same application are 5,700 acres of Padilla Bay and another area on Thorndyke Creek in Jefferson County on the Olympic Peninsula.

In 1971 Skagit and Padilla Bays were declared by the Legislature to be shorelines of statewide significance. While there would appear to be few threats to the protection of these valuable wetlands, there remain some concerns. For one thing, Padilla Bay is adjacent to two major oil refineries at March Point and faces the possibility of petroleum spills. And for another, plans have been developed several times for diking the area, first for farming and later for industrial development. In fact, detailed plans that have now been abandoned were even developed for a combined dredge and fill operation to create a Venice-style residential area.

The Northern Strait and Puget Sound Petroleum Transfer and Processing Area

The state's northern marine waters and adjacent upland areas are within a petroleum transfer corridor which includes terminal areas for tanker shipments of crude petroleum. The shipping of petroleum to three major refineries in the area has occurred for some time and will increase correspondingly with a reduction in the Canadian pipeline supply. Prevailing state policy at this time indicates that the state is not interested in becoming a major petroleum processing center or transportation terminus for a major new pipeline to the midwest, though how much additional petroleum traffic would actually be generated is not entirely clear. But the current shipping of over 310,000 barrels daily to seven refineries with a combined capacity of 363,000 barrels has resulted in oil spills in the past and any increase in shipping could be expected to increase the likelihood of a spill in the future. While some spills have been contained or managed, there is widespread disagreement on the effectiveness of the cleanup techniques.

In recognition of the potential impacts of Alaska North Slope Oil on Puget Sound and the Strait of Juan de Fuca, the Washington State Legislature has taken several steps to prepare for spill threats to the state's inland marine waters. Senate Bill 3253 of May, 1974 set aside $427,000 for a study by the Oceanographic Commission of Washington of the feasibility of offshore monobuoy and related petroleum transfer facilities, which resulted in a report to the Legislature entitled "Offshore Petroleum Transfer System for Washington State". Senate Bill 2978 of 1974 requested the Department of Ecology to establish a continuing, comprehensive program of baseline studies for the waters of the state that would aid in the maintenance of water quality standards and address the specific problems associated with oil

contamination of the marine ecosystem. Further, the 1975 Legislature passed House Substitute Bill 527, which provides for safety standards and prohibits tankers larger than 125,000 deadweight tons from entering Puget Sound and the Strait of Juan de Fuca beyond a point east of the Dungeness Lighthouse. The prohibition is currently being appealed as unconstitutional by a major oil company.

The baseline study authorized in Senate Bill 2978 focused attention on waters which run the greatest risk of damage from oil spills including the areas where marine life is being utilized for food production. The first study area chosen was North Puget Sound, where there are existing refineries, crude and refined product transfer points, and tanker routes.

The upland impacts of petroleum transfer and processing could be particularly significant in the existing processing areas at Cherry Point in Whatcom County and March Point in the Anacortes area. Other specific areas which could be impacted significantly depending on the outcome of studies in process and on policy decisions yet to be made, include the Port Angeles area and Burrows Bay west of Anacortes. The Oceanographic report described a preferred alternative which contemplates unloading tankers at or west of Port Angeles and piping crude petroleum to Puget Sound refineries. This alternative would involve a major pipeline crossing of Admiralty Inlet. In February 1975, the Legislature authorized the Oceanographic Commission to conduct another study, a site-specific feasibility analysis of the Admiralty Inlet crossing area. Oil companies have proposed making Burrows Bay a major oil tanker unloading area as another alternative.

The Dungeness Estuary and Spit Complex

Dungeness Spit, on the Olympic Peninsula, is a narrow neck of land extending five-and-a-half miles into the Strait of Juan de Fuca. It is claimed by the U.S. Fish and Wildlife Service to be one of the longest natural sandspits in the world.

The Dungeness estuary and spit complex is a natural area unique within the state and has been recognized nationally for its significance in terms of wildlife and waterfowl. The area encompassing the mouth of the Dungeness River, Cline and Graveyard Spits, and the adjacent submerged lands and uplands is a highly complex geo-hydraulic system. The ecosystem's shoreline landforms have become highly valued public recreation and wildlife habitat areas. For this reason, resource management agencies directly involved with responsibilities in the area, including the Washington State Department of Game and the U.S. Fish and Wildlife Service, have indicated their concern that any major development in the area could have serious environmental consequences. Any development that required extensive filling, dredging, or breakwaters could affect currents and tidal patterns thereby altering deposition and sedimentation and eventually changing the shoreline landforms.

In 1915 when Woodrow Wilson formally established Dungeness Spit as a 556-acre refuge for migratory and resident birds, the primary importance of the area was as a wintering site for black brant. The shallow waters of the harbor provided the proper environment for the growth of eelgrass, and while many waterfowl use the plant for food, the brant is almost totally reliant upon it. Thousands of wintering waterfowl of many different kinds will be found today in New Dungeness Harbor between Dungeness and Graveyard Spit. Varied ecological conditions make the area a valuable habitat for fish and shellfish, too, providing productive shellfish beds on the tidal flats and sport fishing and crabbing in the relatively sheltered waters of New Dungeness Bay.

The Dungeness estuary and spit complex is a good example of resource use conflicts in the coastal zone. Competition is strong among commercial, aquacultural, recreational, and wildlife management interests.

Grays Harbor

Grays Harbor has long been an area of special concern. The shallow estuary of approximately 100 square miles of surface water presents complex management problems in terms of maintaining good water quality while providing a navigation channel for industrial needs. For many years Aberdeen and Hoquiam, located at the mouth of

the Chehalis River, have constituted a major port-industrial harbor. The resultant water quality problems of the harbor have long been recognized and in fact prompted some of the earliest water quality efforts and studies in the state. In recognition of the state's concern, the Bay has been designated a shoreline of statewide significance. The fact that the area contains several Wildlife Recreation Areas managed by the Department of Game is a further indication of the state's interest.

Substandard water quality in Grays Harbor results from pollution from municipal and industrial point sources and non-point sources. The wood products industry is the most important contributor to such water quality problems. Local pulp mills discharge large quantities of toxic wastewaters (largely sulfite waste liquor) into the harbor. Waste treatment before discharge ranges from good to nonexistent. A large amount of mill water is held during critical low flow periods (summer months) for discharge during higher flows. Other wastes are also commonly held for release during outgoing tides.

Grays Harbor bacterial contamination is partly due to inadequate facilities and treatment at the four municipal sewage treatment plants. Other Grays Harbor discharges and those from the upper Chehalis River drainage will continue to cause water quality standards violations. Point source discharges from local fish and shellfish processers, lumber companies, and cranberry processing firms are not considered significant compared with other area dischargers.

Nonpoint source contamination contributes significantly to the poor quality of the water in Grays Harbor. Pollutants include woodwaste landfill, septic tank leachates, urban runoff, dredging, and log storage wastes. Current studies deal with proper disposal of ship channel dredging spoils and the possible consolidation and relocation of woodwaste landfills.

Somewhat isolated from industrialized areas, the harbor is quite productive in terms of marine life and provides important waterfowl habitat. Anadromous fish pass through Grays Harbor to and from the ocean and anadromous fingerlings use the harbor as a feeding ground. Bottom fish, sturgeon, and herring are found in and around South Bay. Oysters, clams and crabs live in the outer bay. To assure continued productivity, a balance between the filling of intertidal areas and the preservation of wetlands must be maintained. Since the filling of lowlands has provided the only flatland available for industry and commerce in the area, pressures to fill are not uncommon.

The fact that Grays Harbor is extremely shallow, shrinking to less than one half of its total surface area at low tide, necessitates substantial dredging requirements to ensure the maintenance of harbor navigation channels. The dredged material in turn becomes a disposal problem. To dispose of it at sea or in deeper waters is likely to cause water quality problems, while to deposit it in intertidal areas causes the loss of valued wetlands. At present, the U.S. Army Corps of Engineers has funded a study to be completed by the State Departments of Game, Fisheries, and Ecology to determine the effects of dredge material on aquatic life and water quality. In the meantime, the Corps plans to undertake a study to determine the feasibility of deepening the navigation channel to forty feet.

Willapa Bay

Willapa Bay, one of the largest relatively natural estuaries on the west coast, is recognized in the Shoreline Management Act as a shoreline of statewide significance. About half of its shoreline is salt marshland containing large fish and shellfish populations.

The shellfish in the estuary support the Willapa Bay oyster industry and the Bay provides extensive feeding and nursery grounds for young fish. The area is an important producer of salmon, cutthroat and steelhead. Harbor seals, sea lions and porpoises will be found in the Bay as well.

Located on the Pacific flyway, the bay is of critical importance to a large number of water-related birds. The protected Bay waters and associated marshlands provide substantial shelter and nesting places, while the Bay's extensive tidal flats are a rich source of food. The Willapa National Wildlife Refuge was established in 1937 to provide protected areas for the Bay's bird populations, especially the Canadian geese and black brant that winter in the area.

The shorelines of Willapa Bay are relatively free of intrusions and modifications. The largest concentration of filled areas is along the Willapa River Channel and at the industrial shipping centers at Raymond and South Bend. This amounts to more than six thousand acres of marsh and tidelands that have been filled for agricultural purposes and a little over 300 acres reclaimed for highway and industry. This intrusion and siltation from other sources pose a threat to the Bay's shellfish industry. Area residents are also concerned about recent intrusions by recreationists into productive shellfish beds. A recent decision by the Corps of Engineers to discontinue maintenance of the Bay as a shipping channel after 1977 can be expected to cause some difficulties leading to readjustments in the local economy.

The Pacific Coastal Dune Area

The Pacific Coastal Dune Area of Grays Harbor and Pacific Counties is one of the most attractive resource features in the state. Located immediately to the north of the Columbia River, it includes three shoreline segments interrupted by the mouths of Grays Harbor and Willapa Bays. In all, the beach areas are some 54 miles in length and vary in width from 500 feet to over 7,000 feet. The region attracts large numbers of visitors to its beaches and to several popular sport salmon fishing areas. The State Parks and Recreation Commission maintains several developed parks and provides numerous access points to the popular beaches, which attracted over three million visitors in 1974.

Management of the area's beaches has a long history of conflicts, most notably between state agencies and local or private upland owners over access to and development in the dune area. The Legislature has given clear indication of the state's concern by declaring the beaches a public highway and a public recreation area and by designating the area a shoreline of statewide significance. In recognition of the area's attractiveness to recreationists, the state's Interagency Committee for Outdoor Recreation and the State Parks and Recreation Commission have made acquisition of these Pacific beaches a high funding priority.

Because the dune system is very complex and delicate, there is considerable concern about its maintenance in the face of significant impacts from human activities. In many areas development has encroached into the dunes causing alteration of landscape and resource features. Developments usually require a drainage system which lowers the water table thereby destroying the vegetation and resulting in barren areas of blowing sand. The same result can be brought about by the removal of sand, the filling of wetlands between dunes, and other requirements of urban development.

The area's management has for many years suffered from conflicts between local interests and state interests. In addition to disputes over the ownership of accreted lands, there has been local resistance to state recreation development and programs to provide additional public access and overnight facilities in the area. The state has been concerned over the apparent lack of local land use restrictions to protect fragile dune areas, which has raised questions relating to the application of the Shoreline Management Act with respect to geographical jurisdiction. The question has already been the subject of some study and will continue to be evaluated under the coastal zone management program. Other conflicts have arisen over the potential dangers associated with allowing automobile traffic on public beaches.

The Continental Shelf

The continental shelf is the submerged land sloping gradually outward from the exposed edge of a continent for a varying distance to the continental slope, where the continental mass drops more abruptly to the ocean floor. State jurisdiction over the continental shelf extends seaward one marine league from the coastline of the state, which comes to three nautical miles or about 3.5 statute or land miles. The boundaries of counties on the ocean coast are coterminous with the boundaries of the state.

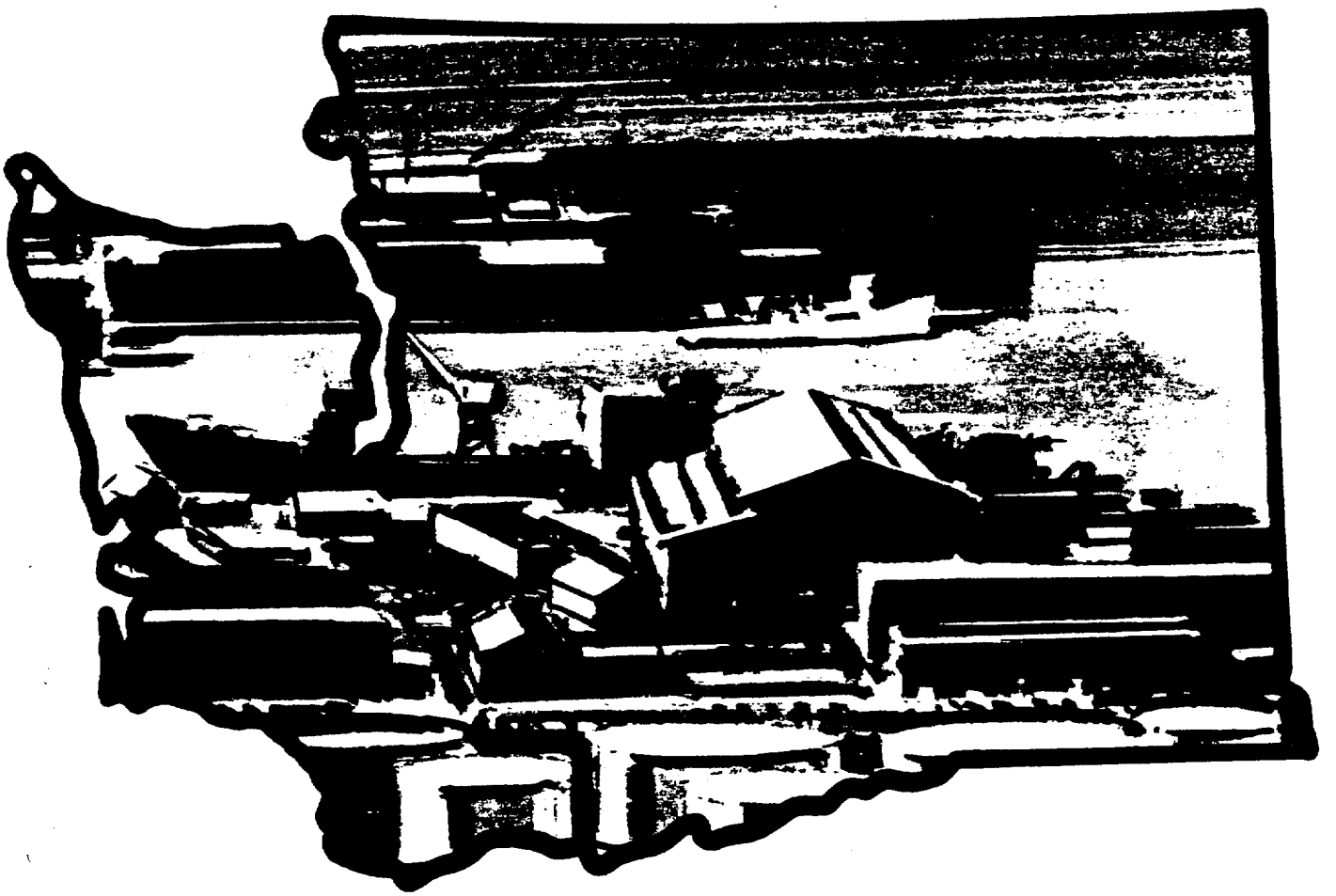
Beyond the state's continental shelf boundary lies the outer continental shelf under the jurisdiction of the federal government. The outer continental shelf is the seaward portion of the continental shelf and has been defined by Congress to include all submerged lands lying seaward and outside of the area of state jurisdiction and of

which the subsoil and sea bed appertain to the United States and are under its jurisdiction and control.

The continental shelf off the coast of Washington varies in width from 10 to 35 miles, averaging about 25 miles. Water depth graduates from mean sea level to about 600 feet at the edge of the continental slope.

Interest in managing the resources of the continental shelf is shared by a great many agencies. The primary federal actors include the Department of Commerce, through the National Oceanic and Atmospheric Administration's Offices of National Ocean Survey, National Marine Fisheries Service, Pacific Oceanographic Laboratories and Coastal Zone Management; the Department of the Interior, particularly through the Fish and Wildlife Service USGS, and the Bureau of Land Management; the Navy; the Army Corps of Engineers; and the Coast Guard. The submerged lands of the shelf that are under state jurisdiction are state lands owned and administered by the Department of Natural Resources. But the State Departments of Ecology, Fisheries, and Game also have managerial roles, and both the University of Washington and the Oceanographic Commission of Washington have been heavily involved in research activities in the area. The complexity of the ownership/management patterns that result from this web of responsibility necessitates a careful coordination among agency programs that may be difficult to achieve.

The need for coordination is dramatized by the increasing national attention given to the shelf as an energy source. The goals of the Ford Administration's Project Independence indicate that the expansion of domestic energy production is necessary to decrease national reliance on foreign energy sources. The outer continental shelf is viewed as a major source which will contribute significantly to national self-sufficiency. At present the development of outer continental shelf oil and gas resources is a very uncertain business, due largely to a lack of information on the available reserves of oil and gas in the shelf, the biological impacts of oil spills on marine ecosystems, and the environmental, economic and social impacts on the coast of offshore drilling operations.



Chapter III

State Coastal Zone Management

CHAPTER III. STATE COASTAL ZONE MANAGEMENT

INTRODUCTION

Effective management of the state's coastal resources is the most challenging task facing Washington State government. The complexity of the environmental, economic, and social resources of the coastal zone gives rise to the need for a management system of sufficient sophistication to respond efficiently and effectively to new needs and changing conditions. The system must be flexible enough to take unusual events in stride.

The Coastal Zone Management Act of 1972 provides the state with a new opportunity to construct a comprehensive program for managing the state's coastal resources. One of the first steps in the process of program construction is to take a close look at the state's management network as it relates to the coastal zone. It is the purpose of the present chapter to address this complex issue.

The discussion in this chapter focuses on the authorities, techniques, and general coordinative mechanisms available to the state which meet the land and water use authority requirements of the Coastal Zone Management Act. The more specific roles, responsibilities, and organizational arrangements for DOE administration of the coastal zone management program are set forth in Chapters V and VI of this document. The present chapter provides the detailed context for that subsequent discussion.

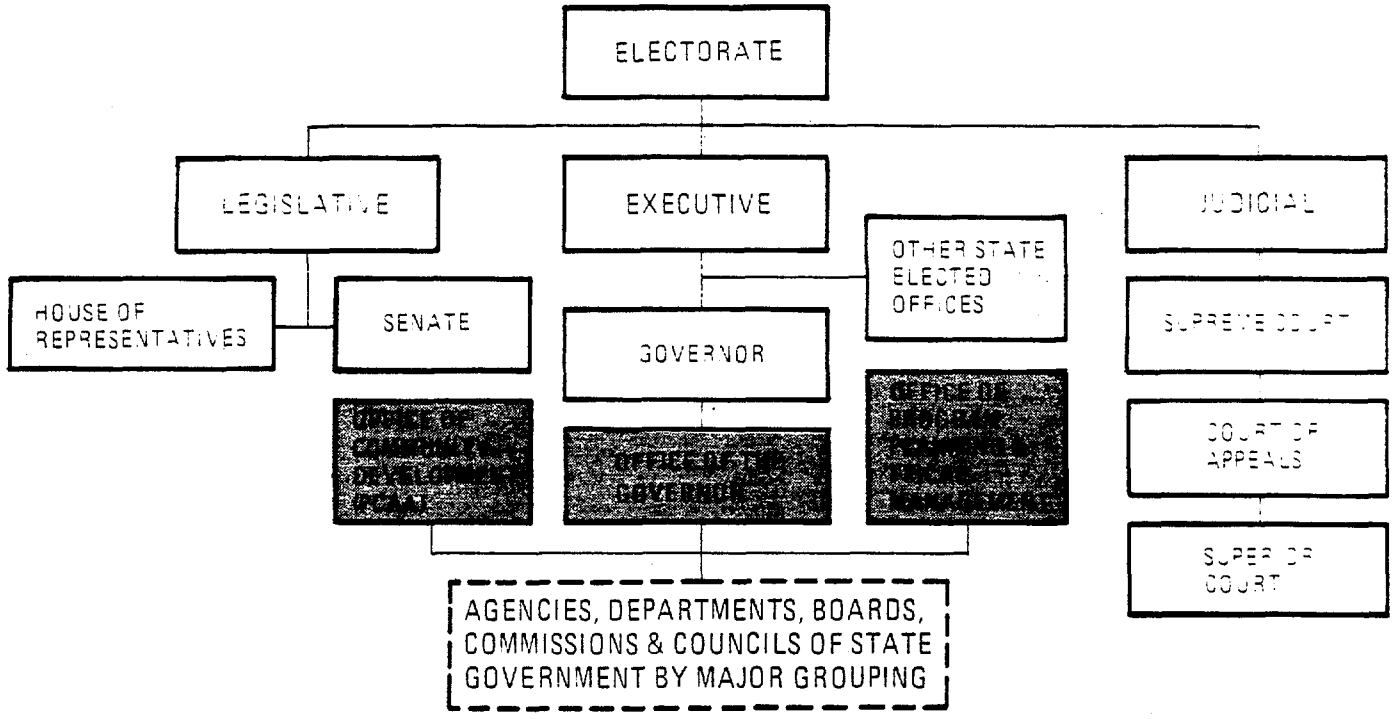
There are many governmental agencies under the jurisdiction of the state which contribute to the management of the Washington coastal zone, ranging in importance from the Governor and State Legislature to the smallest special district. The primary actors, however, can be identified fairly readily. The state agencies which are key coastal zone actors are listed in the abbreviated state organizational chart on the following page. There are a few other primary actors under the state's jurisdiction as well: regional councils of government, air pollution control authorities, cities and counties, and public port districts.

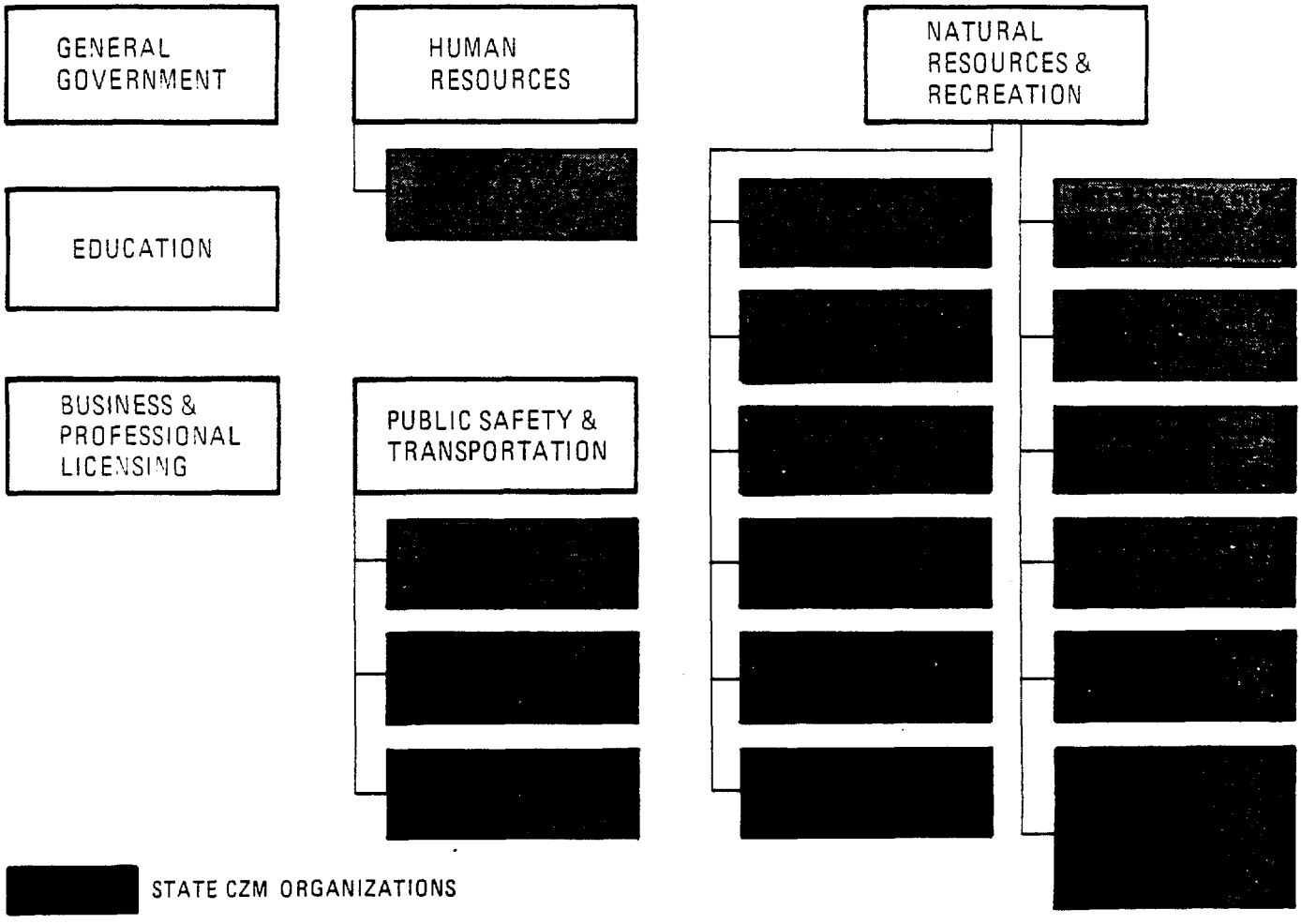
There are a variety of ongoing programs, both state and federal, which formally ensure cooperation among the state's primary coastal zone agencies. There are also a number of bodies which by their make-up or nature force an interagency focus on issues and problems. But most important of all in terms of agency interaction is the informal management coordination which is brought about in the natural course of events each time a proposal of any significance is made in the coastal zone.

Each of the agencies and programs discussed in this chapter, and again in Chapter V, have their own mandates and purposes which include, but are not limited to, concern for the coastal zone. In that provisions of the Shoreline Management Act require uniform application of SMA provisions, and direct that the planning of various agencies be consistent with SMA, it provides the single most comprehensive mandate for managing the coastal zone.

Along with SMA are the State Environmental Policy Act (SEPA) and the Environmental Coordination Procedures Act (ECPA) which in more general terms require uniformity of purpose, planning, and regulation.

WASHINGTON STATE GOVERNMENT
State Agencies with Programs Related to Coastal Zone Management





OVERVIEW OF THE STATE MANAGEMENT NETWORK

The state has an imposing array of formal authorities and informal mechanisms to bring to bear on the development and conservation of its coastal resources. The purpose of this section is to outline the major policies and procedures tying these management tools together.

The heart of Washington State coastal zone management is the comprehensive control program instituted pursuant to the directives of the Shoreline Management Act of 1971. The development of shoreline master programs and the administration of the permit system authorized by the Act have required extensive coordination not only among state and local governmental agencies but among a wide variety of citizen interests as well. The implementation of the Shoreline Management Act demands treatment in great detail in terms of coastal zone management. (See pages 29-43 and the supplementary material constituting Appendix A.)

SMA is strongly supported in the state by the State Environmental Policy Act of 1971 (SEPA) and the Environmental Coordination Procedures Act of 1973 (ECPA). The information generated under SEPA is reviewed by the general public and all agencies with an interest in the proposal in question. Since sound decision making in the coastal zone must begin with a solid informational base, the impact of SEPA on the State of Washington requires detailed discussion. (See pages 44-47.) ECPA provides another kind of inter-agency support for coastal zone management by giving the state a procedural system which ties a great many agency programs together. The coordination of management practices is central to the state's coastal zone management program and ECPA is treated in some detail on pages 47-50.

While these three programs are by no means the only state programs providing for substantive interagency action in the coastal zone, they are far and away the most important in terms of coordinating coastal resource management. A great many other interagency programs deserving discussion will be dealt with as the primary responsibility of individual agencies later in this chapter. (See, for example, the discussion of the state's hydraulic permit process in the discussion of the Department of Fisheries (page 90) and the discussion of the Forest Practices Act in the discussion of the Department of Natural Resources (pages 78-81).

There are also a number of bodies in the State of Washington which by their very make-up or nature ensure the coordination of a number of agencies in the handling of management issues. For example, the Thermal Power Plant Site Evaluation Council (TPPSEC), which is the state's evaluator of energy facilities siting, consists of representatives of the Parks and Recreation Commission, the Utilities and Transportation Commission, the Office of Program Planning and Fiscal Management, the Office of Community Development, the Interagency Committee for Outdoor Recreation, the Departments of Ecology, Fisheries, Game, Social and Health Services, Commerce and Economic Development, Agriculture, Emergency Services, and Natural Resources, and, for each application considered, an appointee from the county within which the project is proposed. It is unlikely that the siting of energy facilities in the coastal zone will receive inadequate consideration. (See pages 92-93 for further discussion of TPPSEC.)

One of the agencies represented on TPPSEC is itself a body made up largely of representatives of other agencies. The Interagency Committee for Outdoor Recreation (IAC) coordinates outdoor recreation planning and allocates outdoor recreation funding for the state. It consists of 12 members including five citizens appointed by the Governor and representatives from the seven state agencies most directly concerned with outdoor recreation: the Parks and Recreation Commission and the Departments of Ecology, Natural Resources, Commerce and Economic Development, Game, Fisheries, and Highways. The Committee's composition ensures a broad perspective in designing the state's program for outdoor recreation. (See pages 84-86 for further discussion of the IAC.)

The composition of the Shorelines Hearings Board, of interest here primarily because of its substantive decision making with respect to the Shoreline Management Act, also provides structurally for a coordination of potentially divergent

agency views. The Board consists of the three members of the Pollution Control Hearings Board, the Commissioner of Public Lands, a representative of the Association of Washington Cities, and a representative of the Washington State Association of Counties. (See pages 41-43 for a detailed treatment of the Shorelines Hearings Board.)

Of particular importance in terms of coordinating the state's coastal zone management agencies in a functional network is the role taken by the Governor himself. The Governor has established five cabinet level advisory groups to consider the longer term implications of state policy and decision making. Each group meets about once every five weeks. Of most importance to the management of the coastal zone is the Natural Resources Cabinet, which is composed of the Commissioner of Public Lands and the directors of the Parks and Recreation Commission, the Interagency Committee for Outdoor Recreation, and the Departments of Ecology, Agriculture, Game, Fisheries, and Commerce and Economic Development. As the need arises the Governor also establishes by executive order ad hoc advisory groups which come together to address a particular subject or problem and then are disbanded. A typical example is the Energy Policy Council which began meeting in 1973 and published its final report on proposals for a state energy policy program in late 1974. The recommendations in that report indirectly led to the establishment by the Governor of a new Energy Office which will soon begin drafting proposed energy legislation and a state government energy conservation policy.

Another important coordinative function performed by the Governor's office involves state planning. Each of the two major branches of the Governor's office has a role to play in the state's overall planning effort: the Office of Program Planning and Fiscal Management (OPP&FM) (see pages 88-90) and the Planning and Community Affairs Agency now operating as the Office of Community Development (OCD) (see pages 93-94). OPP&FM advises the Governor on matters relating to state policy and has recently been administering the Alternatives for Washington program, a massive statewide policy planning effort designed to provide direction for the future development of the state through careful analysis of alternatives by a wide range of interests. (See page 89) OCD, though not directly involved in statewide planning, does provide centralized assistance and coordination to the planning efforts of regional councils, cities, and counties in the state.

In addition to the programs and bodies generated by the state, there are a number of federal programs which automatically trigger interaction among the state's primary coastal zone actors. Aside from the Coastal Zone Management Act itself, the most important sources of such programs are Circular A-95 of the Office of Management and Budget (OMB), the National Environmental Policy Act of 1969 (NEPA), the River and Harbor Act of 1899, and the Federal Water Pollution Control Act amendments of 1972 (FWPCA).

OMB Circular A-95 implements the directives of the Intergovernmental Cooperation Act, requiring states to designate clearinghouses to coordiante extensive interagency review of applications for federal funding under (now) some 300 federal grant-in-aid programs. In the State of Washington the clearinghouse function has been entrusted to the two offices of the Governor, OPP&FM and OCD.

OPP&FM is the state's A-95 clearinghouse for state agency applications, of which it handles about 400 per year. The process works as follows. State agencies seeking funding submit copies of their federal grant applications to OPP&FM, which initiates a 30-day review period (with a possible extension to 60 days). OPP&FM circulates the applications to the appropriate state agencies. Which agencies receive which applications is determined by OPP&FM on the basis of agency expertise and review capability and the nature of the application in question. OPP&FM also conducts its own in-house planning and fiscal review. By the end of the review period OPP&FM has received all written comments from the other review agencies and, if appropriate, drafts a state clearinghouse response coordinating the comments received. Informal contacts between OPP&FM and the other review agencies during the review period usually ensure that the comments received by the clearinghouse will already have some consistency. In any event all agency comments are appended to the

application with the OPP&FM response and the whole package is returned to the applicant, who submits the application and the appended comments to the federal agency from which funding is requested.

In the case of applications for federal funding by local governments, the Office of Community Development is the chief state actor. OCD's role is to make local A-95 clearinghouses operational through meetings, training, and education. In most cases, the state's regional councils of government are the designated local clearinghouses. An executive order of the Governor in April of 1975 promulgated a new statewide policy revising the organization of areawide planning districts and district clearinghouses, focusing on the geographic jurisdiction of the county as the basic regional unit. As a result, there are now 29 local A-95 clearinghouses statewide and 11 covering the coastal counties. (See pages 100-101 for further information on local clearinghouses.) OCD itself reviews the local pre-applications circulated for review, distributes copies to other agencies as appropriate, receives the comments from the other review agencies, and drafts a response summarizing all the comments received. The comments of all agencies are usually appended to the pre-application, and the whole package is returned to the local applicant for submission to the federal agency from which funding is requested. OCD publishes a weekly Public Notification Log listing all the pre-applications (and EISs) it has received. Distribution of the Log includes state agencies that might have an interest in the applications. In the case of applications from local governments which might be of significance to the state, OCD contacts OPP&FM for broad state agency A-95 review.

The review of draft and final environmental impact statements (EISs) under NEPA is also covered by A-95 review. OPP&FM receives copies of draft EISs from the federal agencies required to prepare them and circulates them to all agencies which might have an interest in reviewing them. The initial distribution is completed quickly because the 45-day draft EIS review period leaves little time for review. Comments are requested from the reviewing agency within a month or so in order to leave at least a week for OPP&FM to pull together the comments received and prepare a state response. In some cases the OPP&FM response is a formal state position statement and in others it is simply a letter transmitting the comments of the other agencies. In any case all review comments are transmitted to the federal agency which prepared the statement. Final EISs are sent to OPP&FM for distribution. All state agencies which responded in writing to the draft receives a copy of the final and the remaining copies are circulated as appropriate. Follow-up after a final EIS has been distributed is usually pursued directly by individual agencies in the state as they feel the need, though OPP&FM might remain involved in the case of a large-scale or controversial proposal.

The Army Corps of Engineers is responsible for granting several permits for activities which take place in the waters of the coastal zone. In the case of the processes stemming from Section 10 of the River and Harbor Act of 1899 and Section 404 of the FWPCA, a considerable amount of agency interaction is required. Section 10 prohibits the obstruction or alteration of any navigable water of the United States unless authorized by a Corps permit. This section applies among other things to virtually all construction within coastal waters. Section 404 authorizes the Corps to issue permits for the discharge of dredged or fill material into navigable waters and expands the scope of what counts as navigable waters. Under administrative procedures established by the Corps, applicants must obtain all required state approvals prior to the final granting of Section 10 or Section 404 permits. These approvals include the state water quality certification called for under Section 404 of the FWPCA and will include certification that projects meet requirements of the state's coastal zone management program. The only exceptions are in the case of special national interests or when a state does not act in a timely manner in conducting its review.

The State of Washington has established an internal procedure for review of Corps permits which involves seven state agencies and the local governmental jurisdiction in which the permit is being sought. The Department of Ecology has been designated as the coordinator of the review process. Other agencies participating are the Parks and

Recreation Commission and the Departments of Natural Resources, Fisheries, Game, Highways, and Social and Health Services. Local agencies must review applications for their compatibility with city and county master programs under SMA. The total state review ordinarily takes about 90 days though in some cases it can be accomplished in as few as 30 days and in others it may take as long as six months or even a year.

Though the formal programs and bodies ensuring interaction among the state's primary coastal zone actors contribute invaluably to the coordination of management efforts, there is an important sense in which they miss what is most important about an effective management network. The key to effective coastal zone management is the way in which the state's multifarious authorities combine in their actual application for controlling coastal uses, encouraging sound development in the coastal zone, and protecting the state's coastal environment. The management network must be seen in action to be clearly understood. (See Chapter V for examples of how the network operates.)

THE SHORELINE MANAGEMENT ACT OF 1971

Requirements and Range of Applicability of the Act

The Shoreline Management Act requires and defines a planning program and a regulatory permit system, both of which are initiated at the local level under state guidance. The planning program for each local government consists of a comprehensive shoreline inventory and a master program for the regulation of shoreline uses. The inventory covers existing land and water uses, generalized ownership patterns, and natural shoreline characteristics. The master program utilizes the inventory information and is essentially a comprehensive land use plan with a distinct environmental orientation. The master program includes basic goals and objectives, the designation of all shoreline areas into a categorization system, and specific regulatory language. The entire planning function is conducted in conformance with guidelines prepared and adopted by the Department of Ecology (DOE). The resulting local master programs are subject to state review and approval and are then adopted as state regulations. The regulatory permit system is overseen by a state administrative appellate body created for the purpose by the Act.

The management program established in the Shoreline Management Act applies to all "shorelines of the state," including both "shorelines" and "shorelines of statewide significance." In a nutshell the Act applies to all marine water areas of the state, to streams with a mean annual flow of 20 cubic feet per second or more, and to lakes larger than 20 acres. It also applies to adjacent land areas extending landward 200 feet from the ordinary high water mark and to all marshes, bogs, swamps, floodways, river deltas, and floodplains associated with water bodies subject to the Act. In all, there are 791 lakes, 965 rivers and streams, some 2,400 miles of marine shoreline, and over 3,000 square miles of marine waters subject to the Act.

Special legislative concern was expressed in SMA for those shorelines identified as of statewide concern and special use priorities were established to govern their treatment in operating shoreline programs. The Act defines "shorelines of statewide significance" as follows:

(1) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(2) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

  (a) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

  (b) Birch Bay—from Point Whitehorn to Birch Point,

  (c) Hood Canal—from Tala Point to Foulweather Bluff,

  (d) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and

  (e) Padilla Bay—from March Point to William Point;

(3) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(4) Those lakes, whether natural, artifical or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(5) Those natural rivers or segments thereof as follows:

  (a) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

  (b) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(6) Those wetlands associated with (1), (2), (4), and (5) above.

Two interrelated time schedules were set up in the Act for the Department of Ecology and local governments to establish the framework, guidelines, and plans which will collectively constitute the management system. The Department was directed to undertake and complete the following no later than the dates indicated:

September 28, 1971—initial draft of the guidelines and submission to local governments for comments.

February 26, 1972—completion of a final guideline draft and submission for review.

March 26, 1972—completion of public hearings on final draft.

June 24, 1972—holding of a public hearing to adopt final guidelines.

Local governments were to fulfill their basic responsibilities—the completion of an inventory of their shorelines and the drafting of the master program—on the following schedule:

November 30, 1971—submission of a letter of intent to the Department of Ecology indicating that the governmental unit will undertake and complete the shoreline inventory and the master program.

January 26, 1972—last date for responses to the Department of Ecology initial draft of guidelines.

November 30, 1972—shoreline inventory to be completed.

December 24, 1973—submission of master plan to the Department of Ecology at least eighteen months after the effective date of the guidelines (this was later amended to June 20, 1974).

In general terms, then, the process of creating the system was to be completed within three-and-a-half years. The state was directed to cooperate fully with local governments in meeting their responsibilities. In addition, there is a provision in the Act which authorizes the Department to distribute grant funds appropriated by the Legislature to assist local governments. DOE was also authorized to undertake the completion of inventories and master programs where a local government declined or refused to do so. Only two counties and two small towns refused to complete programs. The Department has completed and adopted programs for all four jurisdictions.

Policy Direction from the Act

Management goals in SMA place a strong emphasis upon a balance between conservation and use of the shorelines. In RCW 90.58.020 the Legislature declares that "unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest," which should be protected through coordinated planning, while "at the same time, recognizing and protecting private property rights consistent with the public interest." The Legislature further declares that it is the policy of the state to provide for the management of the state's shorelines "by planning for and fostering all reasonable and appropriate uses" and that this policy is designed to

> "insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state; while protecting generally public rights of navigation and corollary rights incidental thereto."

More specific priorities are given for shorelines of statewide significance. DOE and local governments are directed to give preference to uses in the following order of preference which:

(a) Recognize and protect the statewide interest over local interest.

(b) Preserve the natural character of the shoreline.

(c) Result in long-term over short-term benefit.

(d) Protect the resources and ecology of the shoreline.

(e) Increase public access to publicly owned areas of the shorelines.

(f) Increase recreational opportunities for the public in the shoreline.

The Legislature further specifies that where alterations of the natural condition of shorelines are permitted, priority should be given to the following uses: (1) single family residences; (2) ports; (3) shoreline recreational uses; (4) industrial and commercial developments that are particularly dependent upon their location on or use of shorelines; and (5) other developments which will provide an opportunity for substantial numbers of people to enjoy the shorelines.

While the policy citations above are quite general, there are a number of policies in the Act which are considerably more specific. Timber cutting regulations for shorelines of statewide significance were specifically included within the 200 foot zone of these areas; only selective commercial cutting is allowed so that no more than 30 per cent of the saleable trees may be harvested in any ten-year period. Authorization is provided for other harvesting methods when they are necessary for regeneration. Surface drilling for oil or gas is prohibited in the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca seaward from the ordinary high water mark and on all lands within 1,000 feet from the mark. There is also a height limit on structures. Permits cannot be issued for any new or expanded building or structure of more than thirty-five feet that will obstruct the view of a substantial number of residences on areas adjoining the shoreline except where a master program does not prohibit such a height and only when overriding considerations of the public interest will be served.

The concept of preferred shoreline uses is asserted in both the Shoreline Management Act and the Department of Ecology's final guidelines. The Act states that

> . . .uses shall be preferred which are. . .unique to or dependent upon use of the state's shoreline. Alteration of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for industrial and commercial development which are particularly dependent on their location or use of the shorelines of the state."

Similarly, the final guidelines recommend that "water-dependent industries which require frontage on navigable water should be given priority over other industrial uses."

While it is not the intent of the Act to categorically prohibit all non-water dependent uses, there is clear intent to establish a preference for water-dependent uses. The concept of preference of use is particularly applicable to shorelines under intense development pressures for port- and harbor-related industrial activity where availability of that shoreline resource is limited and the resource is extremely valuable.

The Shorelines Hearings Board (see pages 41-43) has further expanded and refined the concept and policies of water dependency. The Board, in *DOE and Yount vs. Snohomish Co.*, defined water dependency in the following terms:

> A water-dependent commerce or industry, to which priority should be given, is one which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. A water related industry or commerce is one which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a shoreline location.

In light of the fact that the Department of Natural Resources' policies for the leasing of state-owned tidal areas further supports the concept of water dependency, the policy of specifying water dependent uses as priority uses has solidified considerably over the past four years. However, an emerging concept of "water relativity" promises more difficulty in interpretation. Consistent with these concepts, many local master programs have established the following preferences for three classes of uses:

(1) Water-dependent uses are those uses which cannot logically exist in any other location but on the water.

(2) Water-oriented uses are uses which are helped by their location on the shoreline, but it is possible for them to locate away from the waterfront with existing technology.

(3) Non-water oriented uses are all uses which can locate equally well away from the waterfront.

Policy Direction from the DOE Guidelines

Final DOE rules and regulations governing the development of local master programs were adopted on June 20, 1972, as Chapter 173-16 of the Washington Administrative Code (WAC). The rules and regulations constituted strong policy guidelines to local governments on how to construct master programs. Of particular interest here are the parts of the guidelines which set forth state policy relating to the classification of shoreline environments, permissible and priority uses, and the treatment of shorelines of statewide significance.

The guidelines set forth a system of categorizing shoreline areas for local governments to use in their master programs. The system was designed to provide a uniform basis throughout the state for applying policies and use regulations to different shoreline locations. The guidelines suggest categorization into four distinct environmental types—natural, conservancy, rural, and urban—based on the existing development pattern, the biophysical capabilities, and the goals and aspirations of the local citizenry, In actual fact, some local programs have identified more than the basic four environments and others have only three, depending on the character and diversity of conditions along the shoreline in question, but the guidelines did achieve a basic standardization.

The categorization system is designed to encourage uses in each type of environment which enhance the character of that environment and to utilize performance standards which regulate use activities in accordance with the locally defined goals and objectives rather than to simply exclude any use from any one environment. Thus, the particular uses or types of developments allowed in each environment must be designed and located to minimize detrimental effects thereby leading to the achievement of the objectives of the local shoreline development goals for each type of environment. The system results in the superimposition of an overall environment class over local planning and zoning along the shorelines. The determination of which environment designation should be given to any specific area was made as follows:

(1) The resources of the shoreline areas were analyzed for their opportunities and limitations for different uses. Completion of a comprehensive shoreline inventory was a prerequisite for the development of local shoreline master programs.

(2) Each of the plan elements was analyzed for its effect on the various resources in shoreline areas. Since shorelines are only a part of the system of resources within a local jurisdiction, it was particularly important that planning for shorelines be considered an integral part of the area-wide planning. Further plans, policies, and regulations for lands adjacent to the shorelines of the state were reviewed in accordance with RCW 90.58.340.

(3) Public desires were considered through the citizen involvement process to determine how local values and aspirations related to the development of different shoreline areas.

The management objectives and features by which the DOE guidelines characterize each of the environments (WAC 173-16-040(4)(b)(i)-(iv)) are quoted in full in what follows because of their central importance as the basis for environment designations within local jurisdictions.

Natural Environment: The natural environment is intended to preserve and restore those natural resource systems existing relatively free of human influence. Local policies to achieve this objective would aim to regulate all potential developments degrading or changing the natural characteristics which make these areas unique and valuable.

The main emphasis of regulation in these areas is on natural systems and resources which require severe restrictions of intensities and types of uses to maintain them in a natural state. Therefore, activities which may degrade the actual or potential value of this environment are to be restricted.

The primary determinant for designating an area as a natural environment is the actual presence of some unique natural or cultural features considered valuable in their natural or original condition, which are relatively intolerant of intensive human use. Such features are defined, identified, and quantified in the shoreline inventory. The relative value of the resources is based on local citizen opinion and the needs and desires of other people in the rest of the state.

Because of its restrictive regulations, the natural environment has been utilized sparingly throughout the state. Publicly owned fragile and ecologically valuable shorelands are more likely to be designated as natural than privately owned similar shorelands.

Conservancy Environment: The objective in designating a conservancy environment is to protect, conserve, and manage existing natural resources and valuable historic and cultural areas in order to ensure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization.

The conservancy environment is for those areas which are intended to maintain their existing character. The preferred uses are those which are nonexploitative of the physical and biological resources of the area. Nonconsumptive uses are those uses which can utilize resources on a sustained yield basis while minimally reducing opportunities for other future uses of the resources in the area. Activities and uses of a nonpermanent nature which do not substantially degrade the existing character of an area are appropriate uses for a conservancy environment. Examples of uses that might be predominant in a conservancy environment include diffuse outdoor recreation activities, timber harvesting on a sustained yield basis, passive agricultural uses such as pasture and range lands, and other related uses and activities.

The designation of conservancy environments also seeks to satisfy the needs of the community as to the present and future location of recreational areas proximate to concentrations of population, either existing or projected.

The conservancy environment is also the most suitable designation for those areas which present too severe biophysical limitations to be designated as rural or urban environments. Such limitations include steep slopes presenting erosion and slide hazards, areas prone to flooding, and areas which cannot provide adequate water supply or sewage disposal.

Rural Environment: The rural environment is intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, function as a buffer between urban areas, and maintain open spaces and opportunities for recreational uses compatible with agricultural activities.

The rural environment is intended for those areas characterized by intensive agricultural and recreational uses and those areas having a high capability to support active agricultural practices and intensive recreational development. Hence, those areas that are already used for agricultural purposes, or which have agricultural potential, should be maintained for present and future agricultural needs. Designation of rural environments also seeks to alleviate pressures of urban expansion on prime farming areas.

New developments in a rural environment are to reflect the character of the surrounding area by limiting residential density, providing permanent open space and by maintaining adequate building setbacks from water to prevent shoreline resources from being destroyed for other rural types of uses.

Public recreation facilities which can be located and designed to minimize conflicts with agricultural activities are recommended for the rural environment. Linear water access which prevents overcrowding in any one area, trail systems for safe nonmotorized traffic along scenic corridors and provisions for recreational viewing of water areas illustrate some of the ways to ensure maximum enjoyment of recreational opportunities along shorelines without conflicting with agricultural uses. In a similar fashion, agricultural activities are to be conducted in a manner which will enhance the opportunities for shoreline recreation. Farm

management practices which prevent erosion and subsequent siltation of water bodies and minimize the flow of waste material into water courses are encouraged by the master programs.

Urban Environment: The objective of the urban environment is to ensure optimum utilization of shorelines within urbanized areas by providing for intensive public use and by managing development so that it enhances and maintains shorelines for a multiplicity of urban uses.

The urban environment is an area of high-intensity land-use including residential, commercial, and industrial development. The environment does not necessarily include all shorelines within an incorporated city, but is particularly suitable to those areas presently subjected to extremely intensive use pressure, as well as areas planned to accommodate urban expansion. Shorelines planned for future urban expansion should present few biophysical limitations for urban activities and not have a high priority for designation as an alternative environment.

Because shorelines suitable for urban uses are a limited resource, emphasis is given to development within already developed areas and particularly to water-dependent industrial and commercial uses requiring frontage on navigable waters.

In the master programs, priority is also given to planning for public visual and physical access to water in the urban environment. Identifying needs and planning for the acquisition of urban land for permanent public access to the water in the urban environment should be accomplished in the course of continuous shoreline management. To enhance waterfront and ensure maximum public use, industrial and commercial facilities shall be designed to permit pedestrian waterfront activities. Where practical, various access points are to be linked to nonmotorized transportation routes, such as bicycle and hiking paths.

The counties and cities have varied in their approach to environment designation for the water areas in their jurisdiction. Many counties have extended the shoreline environments over the water areas, others have designated the water differently from the uplands but still using shoreline classes, and a few have added a separate marine or aquatic environment.

Many counties have also identified a fifth shoreline environment which is between the intensively developed urban and the agricultural rural environments. This environment is called either suburban/semirural or rural-residential and is intended to identify those shoreline areas with low-density residential development ususally with individual water and sewage disposal systems. The objective of the designation is to preserve the low-density character.

The DOE guidelines also provided policies for shoreline activities which served as the basis for the development of the local shoreline master programs (WAC 173-16-060). The development guidelines were also used as criteria for the evaluation of proposed shoreline developments at both the local and state levels while local master programs were being developed. The following is a brief summary of DOE's development policies.

Agricultural Practices: Agricultural practices should not lower water quality by causing erosion and permitting chemicals or animal wastes to enter water bodies.

Archaeological Areas and Historic Sites: The National Historic Preservation Act of 1966 and Chapter 43.51 RCW provide for the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American and Washington history, architecture, archaeology or culture. The Washington State Parks and Recreation Commission is responsible for this program.

Shoreline permits should contain provisions which would require developers to notify authorities if any possible archaeological data are uncovered during construction, and the sites should be preserved if possible.

Aquaculture: Aquaculture is a preferred use in suitable water areas but should be conducted with due consideration for navigation rights and visual quality.

Breakwaters: Breakwaters should be constructed in such a way that detrimental effects on the movement of sand, circulation of water, and public use of the water surface are reduced or eliminated.

Bulkheads: Bulkheads and seawalls are to be constructed to protect upland property from imminent erosion and should not cause adverse effects on nearby beaches, damage fish and shellfish habitats, or detract from the aesthetic quality of the shoreline.

Commercial Development: Shoreline-dependent commercial development and developments which will provide shoreline enjoyment for a large number of people should be preferred. New commercial activities should locate in urbanized areas.

Dredging: Dredging should be controlled in order to minimize damage to existing ecological values and natural resources of both the area to be dredged and the area for depositing of dredged materials. Single-purpose dredging to obtain fill material shall be discouraged.

Forest Management Practices: Forest management practices are to guard against siltation, increased water temperature in spawning streams and lakes, pollution due to application of chemicals, and destruction of scenic quality. Only selective timber cutting is permitted within the 200-foot area abutting shorelines of statewide significance. (RCW 90.58.150)

Jetties and Groins: The effects on sand movement from these structures, when proposed, should be carefully evaluated and, when necessary, steps should be taken to investigate negative effects.

Landfill: Priority should be given to landfills for water-dependent uses and for public uses. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restrictions, impediment to water flow and circulation, reduction of water quality, and destruction of habitat should be considered.

In the limited instances when fill is authorized the fill material should be of such quality that it will not cause problems of water quality.

Marinas: Marinas should be located near high use areas and should be designated in a manner that will reduce damage to fish and shellfish resources and be aesthetically compatible with the adjacent areas.

Mining: Removal of sand and gravel from marine beaches should not be permitted. When authorized, removal of rock, sand, gravel, and minerals from shoreline areas should be conducted in the least sensitive biophysical areas, with adequate protection against siltation and erosion.

Outdoor Advertising: Off-premise outdoor advertising signs are discouraged from shoreline locations. Where permitted, signs should be located on the upland side of transportation routes and should not impair vistas and viewpoints.

Piers: In general, the continued proliferation of single-purpose private docks is to be discouraged and the use of community piers or offshore floating devices for boat moorage is encouraged.

Ports and Water-Related Industry: Industry which requires frontage on navigable waters should be given priority over other industrial uses. Prior to allocating shorelines for port uses, regional and state-wide needs for such uses should be considered.

Recreation: Priority will be given to developments which provide recreational uses and other improvements facilitating public access to shorelines. Water-oriented recreation is a preferred use along the shorelines, but it should be located and conducted in a way which is compatible with the environment.

Residential Development: Residential development should protect the aesthetic quality and natural character of the shoreline by preserving vegetation, controlling density, using a planned unit development approach when practical, and promoting access to the shorelines within a subdivision. Over-water residential structures should not be permitted.

Road and Railroad Design and Construction: Whenever possible, major roads and railroads should be located away from shorelines and shoreline locations should be reserved for slow-moving recreational driving and nonmotorized traffic.

Roads should be designed to fit the topography and to prevent erosion and water pollution from direct runoff.

Shoreline Protection: Bank stabilization measures should be constructed so as to avoid the need for channelization and to protect the natural character of the streamway. Flood protection measures, such as dikes, should be placed landward of the streamway, including associated swamps, marshes, and other related wetlands.

Solid Waste Disposal: Shoreline areas should not be used for garbage dumps or sanitary landfills.

Utilities: Utility pipes and lines should be installed with minimum disturbance to the shoreline. After installation, the sites should be restored to their preconstruction condition and facilities should be placed underground if possible.

One other important contribution of the DOE guidelines to establishing a solid foundation of state policy to underlay the needed diversity of local master programs was the provision of a set of development guidelines for implementing the use preferences established in the Act for shorelines of statewide significance. What follows is a summary of the development guidelines given for each use preference in WAC 173-16-040(5).

(1) Recognize and protect the statewide interest over local interest.

Development Guidelines:

(a) Solicit comments and opinions from groups and individuals representing statewide interests by circulating proposed master programs for review and comment by state agencies, adjacent jurisdictions' citizen advisory committees, and statewide interest groups.

(b) Recognize and take into account state agencies' policies, programs, and recommendations in developing use regulations.

(c) Solicit comments, opinions, and advice from individuals with expertise in ecology, oceanography, geology, limnology, aquaculture, and other scientific fields pertinent to shoreline management.

(2) Preserve the natural character of the shoreline.

Development Guidelines:

(a) Designate environments and use regulations to minimize manmade intrusions on shorelines.

(b) Where intensive development already occurs, upgrade and redevelop those areas to reduce their adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.

(c) Ensure that where commercial timber-cutting is allowed as provided in RCW 90.58.150, restoration will be possible and accomplished as soon as practicable.

(3) Result in long-term over short-term benefit.

Development Guidelines:

(a) Prepare master programs on the basis of preserving the shoreline for future generations. For example, actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited.

(b) Evaluate the short-term economic gain or convenience of developments in relationship to long-term and potentially costly impairments to the natural environment.

(c) Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or for the general enhancement of shoreline areas.

(4) Protect the resources and ecology of shorelines.

Development Guidelines:

(a) Leave undeveloped those areas which contain a unique or fragile natural resource.

(b) Prevent erosion and sedimentation that would alter the natural function of the water system. In areas where erosion and sediment control practices will not be effective, excavations or other activities which increase erosion are to be severely limited.

(c) Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human uses.

(5) Increase public access to publicly owned areas of the shorelines.

Development Guidelines:

(a) In master programs, give priority to developing paths and trails to shoreline areas, to linear access along the shorelines, and to developing upland parking.

(b) Locate development inland from the ordinary highwater mark so that access is enhanced.

(6) Increase recreational opportunities for the public on the shorelines.

Development Guidelines:

(a) Plan for and encourage development of facilities for recreational use of the shorelines.

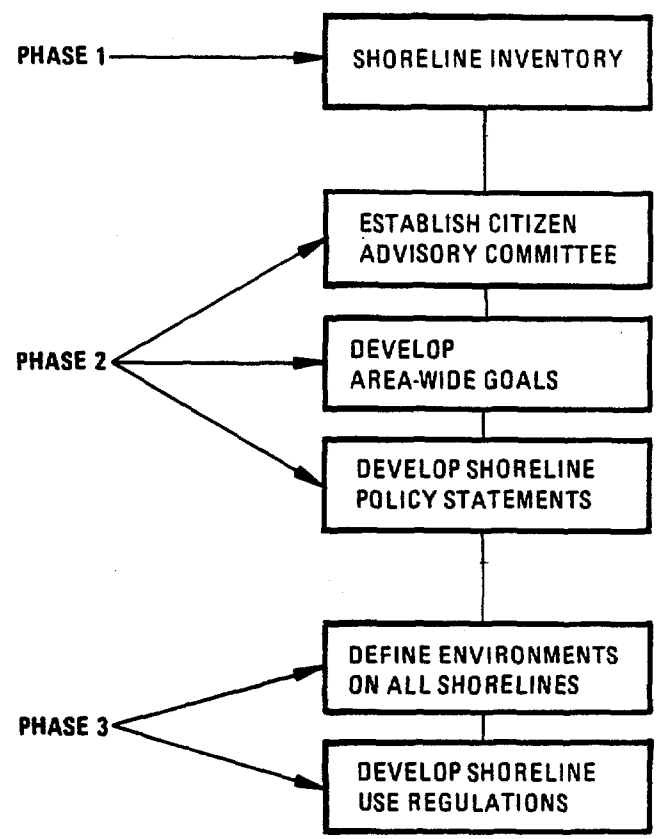
(b) Reserve areas for lodging and related facilities on uplands away from the shorelines with provisions for non-motorized access to the shorelines.

The Planning Process and the Local Master Programs

The formulation of master programs is the most critical task of the shoreline planning process. Each local government has been responsible for formulating a development plan to guide proposed activities along its own shorelines. Within the coastal zone, this includes all 15 counties and 38 incorporated towns. Many counties prepared programs in a cooperative arrangement with the cities which allows one document to apply to several jurisdictions. Fifteen cities used the coastal county programs which reduces the number of separate documents to 38 — 15 county and 23 city programs.

As required by the Act and the final guidelines, master programs are to include goals, policies, a map of generalized shoreline environmental designations, and specific use regulations. Local government preparation of shoreline inventories to provide the data base is the first phase of master program formulation. The second phase involved the formulation of shoreline goals and policies. This is to be established through close cooperation with citizen advisory committees, which worked closely with local planners in establishing the goals and policies of the shoreline. Development of specific shoreline environment designations and use regulations by citizens and planners comprises the third phase of the process.

THE FORMULATION OF LOCAL MASTER PROGRAMS



Local governments were directed by the Act to complete shoreline inventories to provide a data base for effective planning and administration. Inventories were to be compiled by December 1, 1972, for ownership patterns, existing land and water use patterns, and natural shoreline characteristics.

The Department of Ecology issued inventory guidelines suggesting that local inventories contain

> a map or series of maps depicting existing land uses, ownership patterns, topography, and other information which lends itself to presentation in graphic form; and
>
> a series of descriptive analyses of the water characteristics and the natural features of the shorelines. Descriptive analyses should be done on an area-by-area basis and should be keyed to the map element in a clear and direct manner.

The majority of counties used large-scale maps with overlays to present their inventory. Several counties stored information on computer cards and tape. Data was often gathered by volunteer task forces and agency publications rather than by extensive field work. DOE has since compiled this data for the marine shorelines on U.S.G.S. maps on a common base and format.

The procedure of cataloging ownership patterns and existing land and water uses is adequately covered by local government inventories – past data bases and previous studies aided in the completion of this task. But there has been a lack of analysis of use patterns in local inventories. Moreover, the complex task of inventorying natural characteristics was beyond the staff capabilities of most local governments within the limited time frame and available resources. There was a general lack of useful information relating to marine and intertidal areas.

Inventory information has been used primarily in the master program formulation stage of designating environments. Inventories have been too general to use during the issuance of shoreline permits. Site visits currently provide the detailed information necessary for issuance of permits. There is also a continuing need to compile usable information in a useful format over areas larger than individual jurisdictions.

The Act required local governments to provide opportunities for all citizens and governmental agencies with shoreline interests or responsibilities to participate in the development of master programs. The final guidelines gave direction to this broad mandate with the recommendation that citizen advisory committees be formed as a vehicle for citizen participation. Key features of citizen advisory committees delineated in the final guidelines include the following:

1. Members should represent a diverse set of interests ranging from commercial to preservationist.
2. Citizen advisory committees should guide the formulation of the master programs through a series of public meetings.
3. Citizen advisory committees should work in close cooperation with local government.
4. Citizen advisory committees are not intended to substitute for general citizen input.

The guidelines further stipulated that the failure of local governments to encourage and utilize citizen involvement, without proper justification, may be considered as failure to comply with the Act.

Citizen advisory committees were generally appointed by local governments in the summer of 1973. Usually citizen participants were chosen from those who represented a specific interest group and members of the public at large. County committee size in the coastal zone varied from 12 in Mason County to 85 in Pierce County.

Citizen advisory committees worked with local planners during master program formulation. Somewhere between ten and fifty public meetings and hearings were held in each locality, as mandated by the Act and final guidelines. Outside citizen advice was solicited. Frequently citizen advisory committee meetings have included outside comments from statewide groups and federal and state agencies.

Generally the range from economic to environmental interests were well represented by the citizen advisory committees. If the composition of committees was initially unbalanced, committees were usually altered to accommodate the interests

left out in the initial selection process. Both environmental protection and private property rights were well represented. In addition, several counties, such as Whatcom, Snohomish and Kitsap, appointed technical advisory committees composed of agency, industrial, and commercial representatives. Over the past three years, approximately 2,000 persons with various interests have been directly involved in the shoreline management planning process throughout the state.

During the summer of 1973 the state arranged for a workshop to be conducted in each of its four state regions to deal with problems encountered by local governments in implementing the Act. The instruction at the workshops was directed toward resolving basic difficulties in interpreting the requirements of the Act and final guidelines. The Department attempted to be responsive and available to local governments informally, providing substantial information on specific questions.

Consistent with the state's supportive role in implementing SMA, the Department attempted to make adequate funding available for local government to carry out their shoreline management responsibilities. In the early stages of development, this activity was carried out in cooperation with the Office of Community Development, the designated state agency for the distribution of HUD 701 funds. HUD and OCD rated the shoreline management program high priority for receiving HUD monies in 1972, 1973, 1974, and 1975.

The Department was authorized by the Office of Community Development to administer and disperse grant funds for the purpose of assisting local units of government in undertaking an inventory and preparation of their master programs. In excess of $580,000 of HUD and state monies have been made available to local units of government.

In addition, the state received $388,820 through Section 305 of the Coastal Zone Management Act in 1974, of which approximately $65,000 went to local governments in the coastal zone. In June of 1975, $500,000 was awarded the state, of which approximately $215,000 went to coastal zone cities and counties. In all, the state has disbursed approximately $860,000 of state and federal monies to assist local governments to comply with the state Shoreline Management Act of 1971 and the federal Coastal Zone Management Act of 1972.

The Act gave to the Department of Ecology the authority to designate regional planning units to help coordinate local governments in the formulation of master programs and the Department used this authority to designate Lake Washington as a region at the request of its eleven local jurisdictions. The resulting regional goals and policies were adopted as state regulations and have since been incorporated in several local master programs. As such they become the primary policy tool for local, state, and federal actions on Lake Washington.

State review and approval of local master programs is the final and most significant step in implementation of the program. DOE has 90 days to approve or reject proposed local programs. After a local program has been prepared and appropriate public hearings held, it is submitted to the Department for review. The Department then distributes it to a review task force consisting of representatives from interested state and federal agencies. Federal and other state agency comments are often the basis for Department requests for changes in the local program. Within 90 days, based on Ecology staff review findings and the comments received from task force members, the local program is either approved or denied. If denied, it is returned to the local government with suggestions for modifications. The local government then has another 90 days in which to prepare the changes and consider the recommendations. For shorelines of statewide significance, the Act specifically authorizes the Department of Ecology to prepare an alternative if the local program repeatedly fails to be consistent with the Act. Approved programs are then adopted as state regulations under the Washington Administative Code.

At this time, all major jurisdictions which were to prepare a master program within the coastal zone have a functioning local shoreline program. As of October of 1975 seven counties have yet to

submit programs to the Department of Ecology for review, though all seven expressed their intent to submit programs by the end of the year. Most were held up in the final local government proceedings and public hearings. All local programs have been developed and completed for some time – that is, the program documents are complete and the work has been completed by the staff, the citizen advisory committees, and the planning commissions. Those that remain out require final legislative action by the county or city commissioners and councils. During this interim period prior to program approval, the DOE guidelines are in effect for permit administration and planning.

It should be emphasized that the Act provides that the master programs are the basis for permit administration and activities at every stage of their development. SMA states (90.58.140):

> A permit shall be granted: (a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and regulations of the department; and (iii) so far as can be ascertained, the master program being developed for the area.

To provide an overview of some of the substance of the master programs prepared for the coastal zone, shoreline use matrices have been assembled for all fifteen coastal zone counties and are included along with coastal county environment maps in Appendix A to this document. The matrices should help to make clear what kinds of uses are considered permissible in the several shoreline environments, though caution should be exercised in using the matrices for an actual determination of an allowable use. They are intended only as a general citation from the regulations of each master program. Attention should be given to the following considerations before judging a proposal to be permitted in a given environment:

Proposals must conform to the goals, policies, and general regulations which apply to all development.

Seven of the fifteen programs were not approved by the Department of Ecology at the time the matrixes were assembled. There is a possibility that local governments will amend the programs, or that changes will be made at DOE's request between now and the time of adoption.

Many of the policies and regulations allow for some discretion or provide for some judgment on the part of the administrator. Also, many of the performance standards require judgment, and the actual determination of permissibility must be made based on such judgmental factors as the scale of the project, aesthetics, and nondegradation of the environment.

In all cases, the requirements of other programs and regulations must be complied with. While many of these, such as local health, zoning, subdivision, and state and federal regulations are specifically adopted by reference into the master program, the master program does not affect the applicability of other authorities.

The shoreline permit must be viewed as a process to determine permissibility, The project design itself, or the ability to redesign or condition the permit to meet standards can make a given use permissible.

Most programs were written to recognize the natural systems and features found within the broad environment management classification. Thus, a fragile feature, such as a sand spit, with a broader environment classification, may require the application of additional standards.

The Shoreline Regulatory Process

The regulatory phase of the shoreline management program consists of a permit system for all substantial developments and shoreline modifications. The system is administered locally subject to state review. Once a permit application is acted on by local government, and prior to the commencement of development, that decision and the application must be forwarded to the Attorney General and the Department of Ecology for review. The Department does not have approval or denial authority over the local decisions, but it does have a specified period of time in which to appeal the decision to an independent hearings board created by the Act called the Shorelines Hearings Board.

Although all shoreline developments must be consistent with the policy of the Act and the local master program, certain exemptions are provided from the substantial development permit requirement. Substantial developments are those of which the fair market value exceeds $1,000 or which "materially" interfere with normal public use of the water or shorelines of the state. Exemptions are granted for repair and maintenance of existing structures, docks costing no more than $2,500, protective bulkheads for single family residences, certain agricultural and irrigation projects and structures, navigational aids, single family residences built by the owner for his use, and emergency construction. The permit requirement is also waived for construction under a certificate obtained in conformity with the state's Thermal Power Plants Act (RCW Chapter 80.50) (see pages 92-93) and for certain actions under the state's Forest Practices Act (RCW Chapter 76.09) (see pages 78-81).

An applicant must publish two public notices a week apart upon filing for a substantial development permit. Local governments must wait a minimum of 30 days before taking action on the permit. There is no maximum time limit on when a local government decision is to be rendered. After final action is taken, the local jurisdiction must notify the applicant, the Department of Ecology, and the Office of the Attorney General. The Department and the Attorney General have 45 days to determine whether an appeal should be made to the Shorelines Hearings Board. The applicant and all other interested persons have 30 days after a permit decision to request a review of that decision. Appellants must obtain certification of the review request from DOE and the Attorney General before the Shorelines Hearings Board can hear the appeal. Assuming that the permit is approved without an appeal, the applicant may proceed with his proposed activity 45 days after receipt by DOE. Thus, the minimum time possible to complete the permit process is 82 days. For larger or controversial projects the process may take longer depending on such things as whether or not an EIS is required under SEPA or NEPA. The substantial development permit process is presented graphically in the flow chart on the following page.

To aid the courts in the anticipated increase in shoreline litigation resulting from the Act, SMA created the quasi-judicial Shorelines Hearings Board. The Board provides an avenue of review for those aggrieved by a local government permit decision and for local governments which take exception to regulations and guidelines adopted by the Department of Ecology. It has also played a significant role in formulating and articulating policy and in resolving conflicts relating to the implementation of the Shoreline Management Act.

The six-member Shorelines Hearings Board is made up of the three members of the Pollution Control Hearings Board, the Commissioner of Public Lands, a representative of the Association of Washington Cities, and a representative of the Washington State Association of Counties. Terms are not specified. The Chairman of the Pollution Control Hearings Board also acts as the Chairman of the Shorelines Hearings Board.

The Shorelines Hearings Board, together with the Pollution Control Hearings Board, is recognized as one of the nation's most successful administrative appeal bodies. The Board provides a judicial process whereby an impartial body with resource expertise can hear matters without becoming entangled in the costly and time-consuming court system. The Board is intended to, and does in fact, deal with substantive as well as procedural issues. Moreover, the Board has been able to avoid lengthy appeal backlogs. Efficient operating regulations have enabled the Board to handle certified appeals in an average time of seven months now as compared to a nine month average for the appeals certified in 1972.

The Board is widely recognized as a credible body in terms of environmental expertise, which is no doubt at least partially due to the Board's relationship with the Pollution Control Hearings Board (see pages 83-84), which provides a close bond between the state's shoreline management program and its other programs for ensuring environmental protection. By creating the Board, SMA both encourages greater citizen access to the appeal process and provides a substantive environmental foundation for the shoreline management program.

Aggrieved parties seeking Board review of a shoreline permit must file appeals within 30 days after the local decision being appealed. As mentioned above, the Department of Ecology and Attorney General have 45 days upon receiving the shoreline permit to request review. After receiving a request for review, the state has 30 days to exercise one of three options: (1) certify the review request as valid; (2) certify and intervene (on either side) in the request for review; or (3) refuse to certify the review request for procedural or substantive reasons. All certified requests for review and state appeals go to the Shoreline Hearings Board. Any Board decision can be appealed to Superior Court, as can any request for review not certified.

The appeal process is initiated when the Board receives a Department or Attorney General appeal or a properly certified appeal initiated by an aggrieved party. The Act requires that the burden of proof rest with the party seeking review. The first step is the holding of a pre-hearing conference to obtain an agreement as to the issues of law, the facts to be presented, and procedural rules, objections and motions. The pre-hearing conference has served to clear up procedural delays before the formal hearing, and more importantly, this process of clarifying the issues and facts has frequently resulted in a settlement before the formal hearing. The next two steps include the actual formal hearing and the circulation of proposed findings of fact and law to the participants involved. The information obtained by circulating the proposed findings is utilized in the preparation of the final order.

Persons aggrieved by a Shorelines Hearings Board final order may appeal the decision to the State Superior Court. Approximately one Board decision in every five is appealed to the judicial system. Because most appeals are settled prior to final Board orders, those appeals which move on to the judicial system represent only 7% of all certified appeals received by the Board.

The state has taken a lead role in the initiation of shoreline appeals. As of October of 1975, 102 out of 201 requests have been made by the Department and the Attorney General. The vast majority of these appeals concerned development on shorelines of statewide significance. The special statutory attention given to these shorelines by the delineation of use priorities has been a factor in their constituting such a high percentage of state appeals. In 26 other appeals the state joined aggrieved parties or intervened on behalf of the defending local government. These appeals have included a high percentage of non-water-dependent development involving landfills or over-water construction, and most have been on marine shores of statewide significance. While the state had been involved in 102 out of 142 requests for review prior to 1975, citizen appeals are becoming increasingly significant. The table below summarizes appeal activity to date.

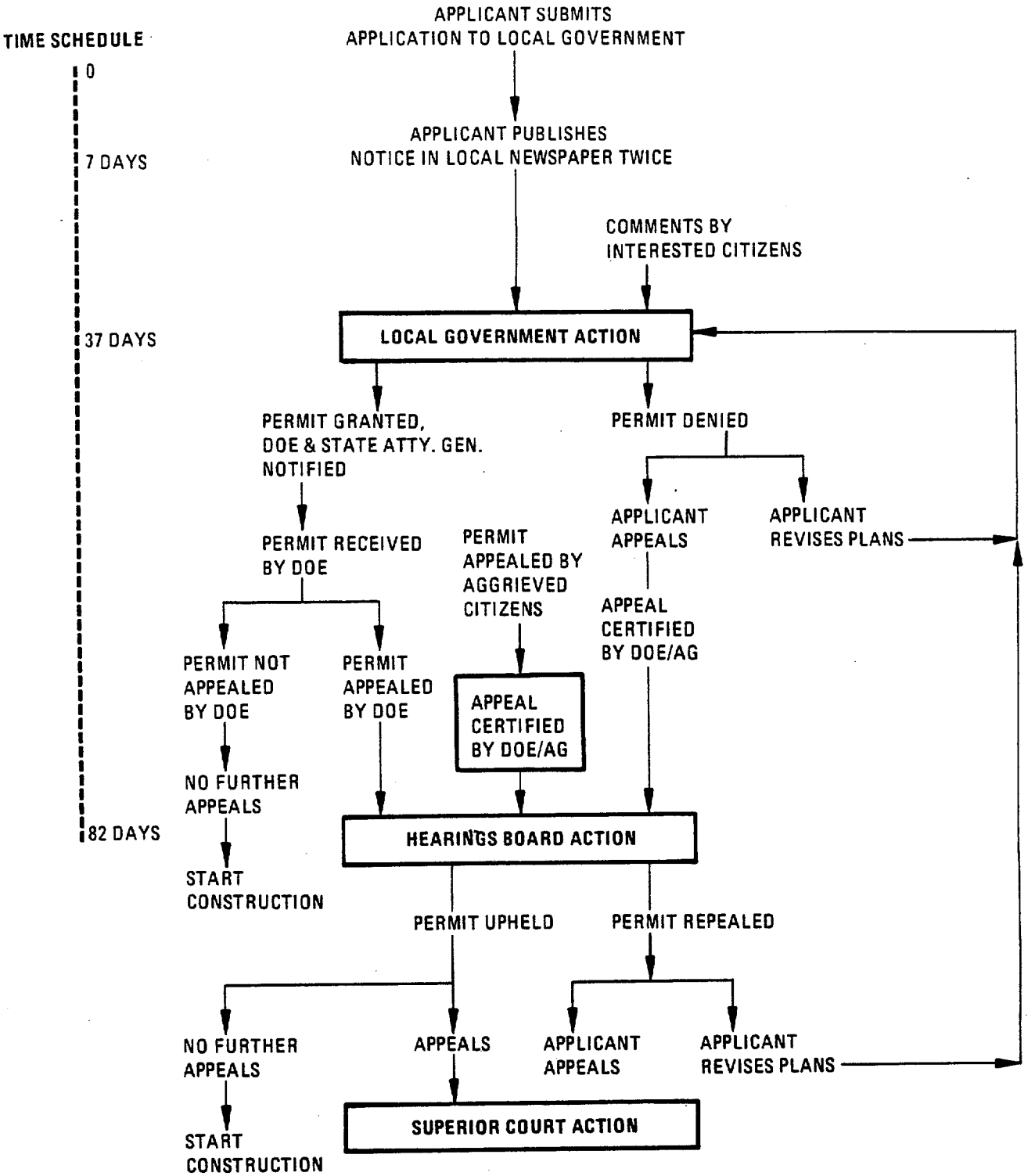
In general, the state has taken an active leadership role in applying the Shoreline Management Act during the review of local permit decisions. Creation of the Shorelines Hearings Board has increased the accessibility of permit review while at the same time substantially reducing shoreline litigation to be dealt with by the courts. The review process has been both reasonable and efficient in handling the increased shoreline litigation brought about by the passage of the Act.

Shorelines Hearings Boards Appeal

	Total Appeals	Certified Appeals	Resolved Prior to SHB Hearing	SHB Decision	Pending SHB Action	Appealed SHB Decisions
Department of Ecology	102	102	65	32	5	7
Private Applicant	26	24	2	18	4	5
Public Applicant	14	13	1	10	2	4
Other Aggrieved Parties	74	57	14	34	9	7
Total	201	196	82	94	20	23

As of October 1975 Total Permits Reviewed by DOE: 3242

SHORELINE PERMIT PROCEDURE



SEPA AND ECPA

The State Environmental Policy Act of 1971

The State Environmental Policy Act of 1971 (SEPA) (RCW Chapter 43.21C) is a sweeping environmental statute containing both substantive policies and procedural directives. SEPA is the state's strongest statement of a comprehensive environmental policy, going so far as to recognize explicitly that "each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment." [RCW 43.21C.020(3)] This proclamation appears at least to give a private citizen standing as broad as to challenge actions and decisions by state and local agencies, alleging violation of the Act, where such activities threaten to have adverse effects upon the environment that will personally affect such complainant. The point is that SEPA's policy statements represent a substantive change in state policy that cannot be taken lightly. (See pages 1-2 for further discussion of the environmental policy enunciated in SEPA.)

The heart of SEPA's procedural requirements is contained in RCW 43.21C.030(2) (c), which states:

> . . . (2) all branches of government of this state, including state agencies, municipal and public corporations, and counties shall:
>
> . . . (c) [i]nclude in every recommendation or report on proposals for legislation and other major actions significantly affecting the quality of the environment, a detailed statement by the responsible official on:
>
> (i) the environmental impact of the proposed action;
>
> (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;
>
> (iii) alternatives to the proposed action;
>
> (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
>
> (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. . .

The comprehensive effect of this procedural mandate is stated poignantly by the Washington State Court of Appeals in the case of *Juanita Bay Valley Community Association v. City of Kirkland* (9 Wn. App. 59, P.2d (June 4, 1973), at 72-73):

> . . .SEPA requires that an Environmental Impact Statement be prepared prior to the first government authorization of any part of a project or series of projects which, when considered cumulatively, constitute a major action "significantly affecting the quality of the environment. . ."
>
> . . .SEPA requires that a decision not to prepare an Environmental Impact Statement must be based upon a determination that the proposed project is not a major action significantly affecting the quality of the environment. [The court's emphases]

Thus, compliance with SEPA is required before any government authorization of *any* project, whether it is a major action significantly affecting the quality of the environment or not. Furthermore, as SEPA makes clear, its procedural mandate is applicable not only to projects, but to a variety of other kinds of governmental actions as well.

Partial guidance on implementation of SEPA's environmental impact statement (EIS) directive is given in the form of a further directive to "all branches of government of this state, including state agencies, municipal and public corporations, and counties":

> Prior to making any detailed statement, the responsible official shall consult with and obtain the comments of any public agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statements and the comments and views of the appropriate federal, province, state, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the governor, the department of ecology, the ecological commission, and the public, and shall accompany the proposal through the existing agency review processes. . . [RCW 43.21C.030(2) (d)]

The procedural system that has evolved since the original SEPA bill was passed has implemented the consultation and review directive through a two-step process including the production of a draft environmental impact statement which is circulated for review and the subsequent production of a final EIS incorporating review comments.

The original Act left government officials with a variety of thorny problems relating to its implementation. In an attempt to provide some guidance the Department of Ecology prepared "Guidelines for Implementation of the State Environmental Policy Act of 1971," which were distributed in February of 1972: they were re-issued on December 29, 1972. The Guidelines were issued cautiously, ". . . to provide a helpful and consistent overall statewide approach. . ." They were not adopted as regulations (since SEPA contained no such authorization), and their noteworthy tentativeness was surely due, at least in part, to the lack of clarity in SEPA with respect to the role of DOE in the implementation of SEPA.

In 1973 the State Legislature passed into law what has come to be called the single family dwelling amendment to SEPA (Chapter 179, Laws of 1973, 1st Ex. Sess., now codified as RCW 43.21C.070-.090). Section 1 of the amendment (RCW 43.21C.070) directs DOE ". . .to establish classifications and categories of building permits and acts of governmental agencies concerning an individual single family residence, which classification and category shall be exempt from the detailed statement required by RCW 43.21C.030." Pursuant to this legislative mandate, DOE adopted such exemptions in the Washington Administrative Code (WAC 173-34). Section 2 of the single family dwelling amendment (RCW 43.21C.080) was of considerable importance, too, setting out a public notice requirement on major actions significantly affecting the quality of the environment and a statute of limitations on appeal of decisions relating to such actions.

At about the same time as the passage of the single family dwelling amendment, the State of Washington launched a full-scale attack on the complex problems besetting full implementation of the Act by contracting for a pioneering study on implementation of SEPA. The resulting recommendations were translated into bill form as a SEPA amendment and submitted to the House and Senate Ecology Committees before the January, 1974 legislative session. After lengthy consideration and reworking, the bills surfaced from committees during the April legislative session, and a substantial amendment to SEPA was passed unanimously by both houses of the Legislature. With minor item vetoes, the amendment (Substitute Senate Bill No. 3277, Chapter 179, Laws of 1974, 1st Ex. Sess.) was signed into law on May 5, 1974.

The amendment attacks head-on what was thought by most to be the single most important impediment to implementation of SEPA: the lack in the original Act of the establishment of any body to oversee implementation through the adoption and enforcement of guideline regulations. Section 4 of the amendment establishes the Council on Environmental Policy (CEP) (to be composed of the members of the Pollution Control Hearings Board) whose sole responsibility was "[t] o adopt initially and amend thereafter rules of interpretation and implementation of [SEPA] . . . for the purpose of providing guidelines to all branches of government . . ." The rule-making powers granted to the Council were quite broad. The CEP is to be abolished on June 30, 1976, and further amendment of the regulations adopted by the Council is to be entrusted to DOE.

The 1974 amendment was designed to ensure local implementation of SEPA by providing that no later than one hundred and eighty days after the effective date of the rules adopted by the CEP,

> [a] ll public and municipal corporations, political subdivisions, and counties of this state are directed, consistent with rules and guidelines adopted under section 6 of this 1974 amendatory act, to adopt rules, ordinances, or resolutions pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation.

State agencies are required to adopt rules and guidelines within one hundred and twenty days of the effective date of CEP rules. All challenges with respect to the consistency of the local and state agency rules with the rules and guidelines adopted by the CEP will be heard by the Pollution Control Hearings Board. DOE is charged with the responsibility (in consultation with other bodies) of drafting model ordinances for use by local government.

The 1974 amendment provides a new statute of limitations on challenges of actions on grounds of non-compliance with SEPA, which substantially

revises that that was initially given in the single family dwelling amendment. The triggering of the statute of limitations depends on an optional procedure of public notification of actions taken. Unlike the statute of limitations given in the 1973 amendment, it can be brought into play for all governmental actions and not only for those that are major actions significantly affecting the quality of the environment. The statute reads:

> Any action to set aside, enjoin, review or otherwise challenge any . . . governmental action for which notice is given as provided in subsection (1) of this section on grounds of non-compliance with the provisions of this chapter shall be commenced within sixty days from the date of [notice] or be barred: PROVIDED, HOWEVER, That . . . the time period within which an action shall be commenced shall be ninety days (1) for projects to be performed by governmental agency or to be performed under government contract, or (2) for thermal power plant projects: PROVIDED FURTHER, That any subsequent action of the acting governmental agency for which the regulations of the acting governmental agency permit the same detailed statement to be utilized and as long as there is no substantial change in the project between the time of the action and any such subsequent action, shall not be set aside, enjoined, reviewed, or thereafter challenged on grounds of noncompliance with RCW 43.21C.030 (2)(c).

In an effort to avoid duplication of EIS preparation efforts, the amendment also provided that the detailed statement requirement of SEPA does not apply "when an adequate detailed statement is prepared pursuant to the national environmental policy act of 1969, in which event said prepared statement may be utilized in lieu of a separately prepared statement under RCW 43.21C.030(2)(c) . . .", though this does not apply to actions of the Thermal Power Plant Site Evaluation Council or to thermal power plant sites subject to Chapter 80.50 RCW. Finally, the new amendment provides an interesting linking of SEPA with the Environmental Coordination Procedures Act of 1973 (ECPA) (see the discussion on pages 47-50). Considerations relating to SEPA were originally specifically excluded from ECPA, but the 1974 amendment to SEPA provides that DOE is to

> adopt rules which insure that one detailed statement prepared under RCW 43.21C.030 may be utilized by all branches of government participation in the processing of a master application. Whenever the procedures established pursuant to chapter 90.62 RCW are used, those procedures shall be utilized wherever possible to satisfy the procedural requirements of RCW 43.21C.030 (2)(c).

The EIS process established in the new rules and regulations can be summarized as follows if detailed qualifications are ignored:

(1) An action is proposed by a public agency or a private person.

(2) If the proposal is not exempt, a lead agency is determined from the guidelines.

(3) The lead agency decides whether or not the proposed action is a major action significantly affecting the quality of the environment. If not, a negative declaration is filed.

(4) If the proposed action is a major action significantly affecting the quality of the environment, a draft EIS is prepared.

(5) The draft EIS is circulated for review to all public agencies with an interest in the proposal and is made available to the general public.

(6) The final EIS is prepared incorporating the comments resulting from the review process and responding thereto.

(7) Public decision makers use the final EIS as a basis for their decisions with respect to the proposed action.

The last point, of course, is pivotal. SEPA makes clear that the environmental information disclosed through the EIS process is to be used to increase the environmental sensitivity of public decision making. There have been many cases in which it is clear that the EIS process has been responsible for significant protection of the environment.

After an extensive process of drafting, public hearings, and redrafting, the Council on Environmental Policy adopted final SEPA rules and regulations (guidelines) on December 12, 1975, which took effect on January 12, 1976. Among other things, the detailed guidelines set forth: (1) a comprehensive exemption system replacing

the limited system adopted by DOE pursuant to the 1973 amendment to SEPA; (2) a process for designating a single (lead) agency for every non-exempted proposal to serve as the agency responsible for processing that proposal under SEPA; (3) procedures for determining whether or not a proposed action is a major action significantly affecting the quality of the environment; (4) requirements for the filing of negative declarations in the event that the responsible official determines that a proposal is not a major action with a significant environmental effect; (5) procedures for and contents of draft environmental impact statements; (6) procedures for review of draft EISs; and (7) requirements relating to the preparation and disposition of final EISs.

Insofar as is consistent with the availability of human resources, the guidelines place the burden of compliance with SEPA's impact statement requirement on the governmental agency with the most comprehensive authority over a given proposal. In the case of proposals by agencies of Washington State government, it is usually clear that the proposing agency is the responsible agency under SEPA. In the case of a private proposal, which may require approval from several agencies, the matter is less clear, but the thrust of the guidelines is to identify the city or county with jurisdiction over the area in which the action is proposed as the lead agency.

The Department of Ecology, which serves as the state's primary depository of documents resulting from the requirements of SEPA, receives approximately 20 draft EISs and 15 final EISs every month, and informal departmental research suggests that this represents only some 75 percent of the EISs prepared in the state. Based on these figures, it appears that there are some 320 draft EISs and 240 final EISs prepared under SEPA annually. The effect of the new Council on Environmental Policy rules and regulations in this respect is unknown at present, though EIS production is unlikely to decrease as a result.

SEPA is of central importance to all approval processes in the State of Washington, those operative in the coastal zone as elsewhere, and when used as intended provides a solid informational base for public decision making.

The Environmental Coordination Procedures Act of 1973

The purposes of the Environmental Coordination Procedures Act of 1973 (ECPA) (RCW 90.62) are to: (1) provide an optional procedure to assist those who obtain environmental permits from state agencies by establishing a coordinative administrative decision making procedure; (2) provide the members of the public with a better and easier opportunity to present their views on proposed uses of natural resources and related environmental matters; (3) provide to members of the public a greater degree of certainty in terms of permit requirements; (4) provide better coordination and understanding between state and local agencies; and (5) establish the opportunity for members of the public to obtain information pertaining to requirements of state and federal law.

ECPA was signed into law on April 25, 1973. RCW 90.62.110(1) directs the Department of Ecology to adopt rules as appropriate to carry out the provisions of the Act. Such rules were filed on April 30, 1974, and became effective thirty days later.

Under ECPA "[a]ny person proposing a project may submit a master application to the department [of ecology] requesting the issuance of all permits necessary prior to the construction and operation of the project in the state of Washington." (RCW 90.62.040(1)) The master application form and the procedures for processing the master application form have been provided by DOE. The procedures are given in detail in WAC 173-08-040 and -050.

An important point in ECPA, set forth in RCW 90.62.010(2)(a), is that the procedure for filing a master application is totally optional for a potential applicant. Its use is in no way mandatory, but once set into motion by the applicant, it must be carried out by the involved agencies, with the coordination for such handled by the Department of Ecology.

After a blank master application form has been obtained from DOE's central office, one of its regional offices, or a county master application office, the applicant fills it out and returns it to one of the above-named offices. If returned to a DOE regional office or a county office, the form is submitted to the DOE office in Olympia, though "[n]o master application pertaining to a project shall be processed unless it is accompanied by certification from the local government . . ." (Such certification is discussed below.) After DOE receives the application, the form is forwarded to the other state agencies which might have an interest in the proposal and which in turn indicate to DOE whether or not they are interested in the application. They also indicate whether or not a public hearing on such an application would be in the overall public interest. If an agency notified by DOE does not respond with interest, it is prohibited from subsequently requiring a permit of the applicant for the project described. Each agency notified has fifteen days within which to respond to DOE.

"Upon receipt of the above information from participating agencies, the department [of ecology is to] notify the applicant of the requirements of all agencies covered by the Act and provide appropriate blank application forms." (WAC 173-08-050(5)) After receipt of the various permit application forms from the Department of Ecology, the applicant has 90 days to complete the forms and return them to DOE with the appropriate fees. If he does not do so within the 90 days, the master application process is terminated.

After the applicant has completed the appropriate forms and returned them to DOE, the applicant, at his cost, is instructed to prepare and publish a notice of application. Publication must be for three consecutive weeks once a week on the same day of the week in a newspaper of general circulation in the county where the project is proposed. If it has been determined by DOE that a public hearing should be held, the hearing is not to occur until at least 20 days after the date of the last notice publication. If a public hearing is held, it is to be chaired by the Director of the Department of Ecology or a hearing officer appointed by him.

Each state agency having an application for a permit before it is to be represented at the public hearing. At such hearing the applicant may submit any relevant information and material in support of his application, and members of the public may submit relevant views and supporting materials pertinent to the applications being considered. If the project is complex of significant magnitude, the hearings's chairman may hold the hearing in two parts; the initial hearing informing the public of the general intent and impact of the project, and the second directed to informing the public of the tentative decisions of the participating agencies.

> Upon completion of the public hearings and after consultation with the state agency representatives, the chairman shall establish the date by which all state agencies will forward their final decisions on applications to the department, provided that this date may be extended by the chairman for reasonable cause. [WAC 173-08-050(9)]

As soon as the decisions are received by DOE, RCW 90.62.060(6) directs the Department to incorporate the decisions and comments without modification into one document and to transmit such to the applicant.

ECPA requires substantive coordination between state agencies and local governments. RCW 90.62.100 states in part that

> [n]o master application pertaining to a project filed under RCW 90.62.040 shall be processed under this chapter unless it is accompanied by a certification from the pertinent local government that the project is in compliance with all zoning ordinances, and associated comprehensive plans, administered by said local government relating to the location of the project: Provided, That if the local government has no such ordinances or plans the certification from local government shall so state and issue. [Emphasis in the law]

An equally significant part of the same section states that "the provisions of the state environment policy act relating to the preparation of detailed impact statements shall not be applicable to the action approving or denying certifications authorized in this section." Certification by local

government is to indicate that the project is consistent with that government's zoning ordinances and comprehensive plans "and does not indicate compliance with specific action permits or requirements, such as the set-back or building requirements." In addition, local governments are to indicate on their certification form whether or not the project falls within the jurisdiction of the Shoreline Management Act. ECPA states clearly that approval of an application for certification does not eliminate any requirements of the Shoreline Management Act or any other statutes administered by local government. Finally, all local governments are directed to accept master applications for certification and to rule on them expeditiously.

ECPA requires all counties in the State of Washington to designate an office or offices to provide the master application form established by the state and assistance in the preparation of such applications to any person requesting it. It is the county's responsibility to see that a master application filed at its office is immediately forwarded to DOE. Filing a master application with a county office constitutes for the applicant a submission to the Department of Ecology.

WAC 173-08-030(4) lists all the permit and other environmental authorization programs covered by ECPA. Such programs are listed here by the agency authorized to administer the program and the statutory authority providing for such issuance. Page references are to the discussions of the agencies in this document where the listed authorization programs are explained insofar as they relate to coastal zone management.

Department of Ecology (pages 51-70)

- Surface water rights permit – RCW 90.03.250
- Dam safety approval – RCW 90.03.350
- Reservoir permit – RCW 90.03.370
- Approval of change of place or purpose of use or point of diversion – RCW 90.03.380 (surface water code); RCW 90.44.100 (ground water code)
- Ground water permit – RCW 90.44.050
- New source construction approval – RCW 90.94.152
- Burning of field and turf grasses grown for seed – RCW 70.94.650
- Flood control zone permit – RCW 86.16.080
- Waste discharge permit – RCW 90.48.180
- NPDES permit – WAC 173-220
- Sewage and industrial waste treatment facilities approval – RCW 90.48.110
- Weather modification permit – RCW 43.37.110

Department of Natural Resources (pages 70-83)

- Burning permits – RCW 76.04.150 and 76.04.170
- Dumping permits on forest lands – RCW 76.04.242
- Operating permit for machinery – RCW 76.04.275
- Cutting permit – RCW 76.08.030
- Surface mine reclamation permit – RCW 78.44.080
- Right of way clearing – RCW 76.04.310
- Drilling permit – RCW 78.52.120
- Log patrol license – RCW 76.04.030

State Parks and Recreation Commission (pages 86-88)

- Park and recreation facilities – RCW 90.08.260
- Safe and adequate facilities and equipment – required of owner and operator – operator not common carrier – RCW 70.88.010
- Permits for improvement of parks – RCW 43.51.130

Department of Fisheries (pages 90-91)

- Hydraulic project approval – RCW 75.20.100
- Salmon aquaculture permit – RCW 75.16.100

Department of Game (pages 91-92)

- Hydraulic project approval – RCW 75.20.100

Department of Social and Health Services (pages 94-96)

- Public sewage – WAC 248-92
- Public water supplies – WAC 248-54

Regional Air Pollution Control Authorities (page 101)

- New source construction approval – RCW 70.94.152
- Burning permit – RCW 70.94.650
- Burning of field and turf grasses grown for seed – RCW 70.94.650

Incorporated Cities and Counties (pages 101-103)

Substantial development permit – RCW 90. 58.140

There can be no doubt that ECPA is a large step in the right direction. The program established by the Act, while sacrificing nothing in terms of effective control through the state's network of approval processes, provides a potentially bewildered private applicant with a single state contact throughout the processing of his proposal. The process is being used increasingly as its availability becomes increasingly well known. Between January 1 of 1974 and June 30 of 1975 the Department of Ecology processed 81 master applications statewide. (For a brief discussion of the internal handling of the ECPA process within DOE, see pages 69-70.)

PRIMARY MANAGEMENT NETWORK AGENCIES

Department of Ecology

The Department of Ecology (DOE) was established through legislative action in the 1970 session and became operative on July 1, 1970. Its purpose at the time of establishment was to provide a consolidation of the responsibilities of the former Department of Water Resources, the Water Pollution Control Commission, the Air Pollution Control Board, and the solid waste program of the Department of Health.

The enabling legislation establishing DOE declared it to be the policy of the State of Washington that it is a fundamental and inalienable right of the people of this state to live in an environment that is not only healthy, but pleasant. This legislation recognized that the state population growth will place increasingly heavy demands on state resources and that there is an urgent necessity for planning and coordinating the conservation, protection, and usage of those resources. The legislation charged that there shall be increasing responsibility to "protect our clean air, our pure and abundant waters, and the natural beauty of the state."

The goals of the Department of Ecology, as set forth in the legislation, are to: (1) identify and determine the abundance and quality of the existing environmental resources and provide for the care, protection, and perpetuation of those resources through the establishment of appropriate standards for air, water, and land; (2) analyze the availability of environmental resources and determine appropriate uses consistent with environmental resource standards for protection of the air, land, and water through issuance of appropriate authorizations; (3) measure the environmental resources and measure the natural and man-caused influences which change or tend to change the environment, particularly with respect to the actual or potential detrimental effect which such change may cause, and require appropriate compliance with standards, rules, and regulations by all entities; and (4) plan for the future conservation, perpetuation, and uses of the environmental resources, develop programs responsive to the needs and problems of the environment, and assign the human and economic resources available to the Department to address these needs.

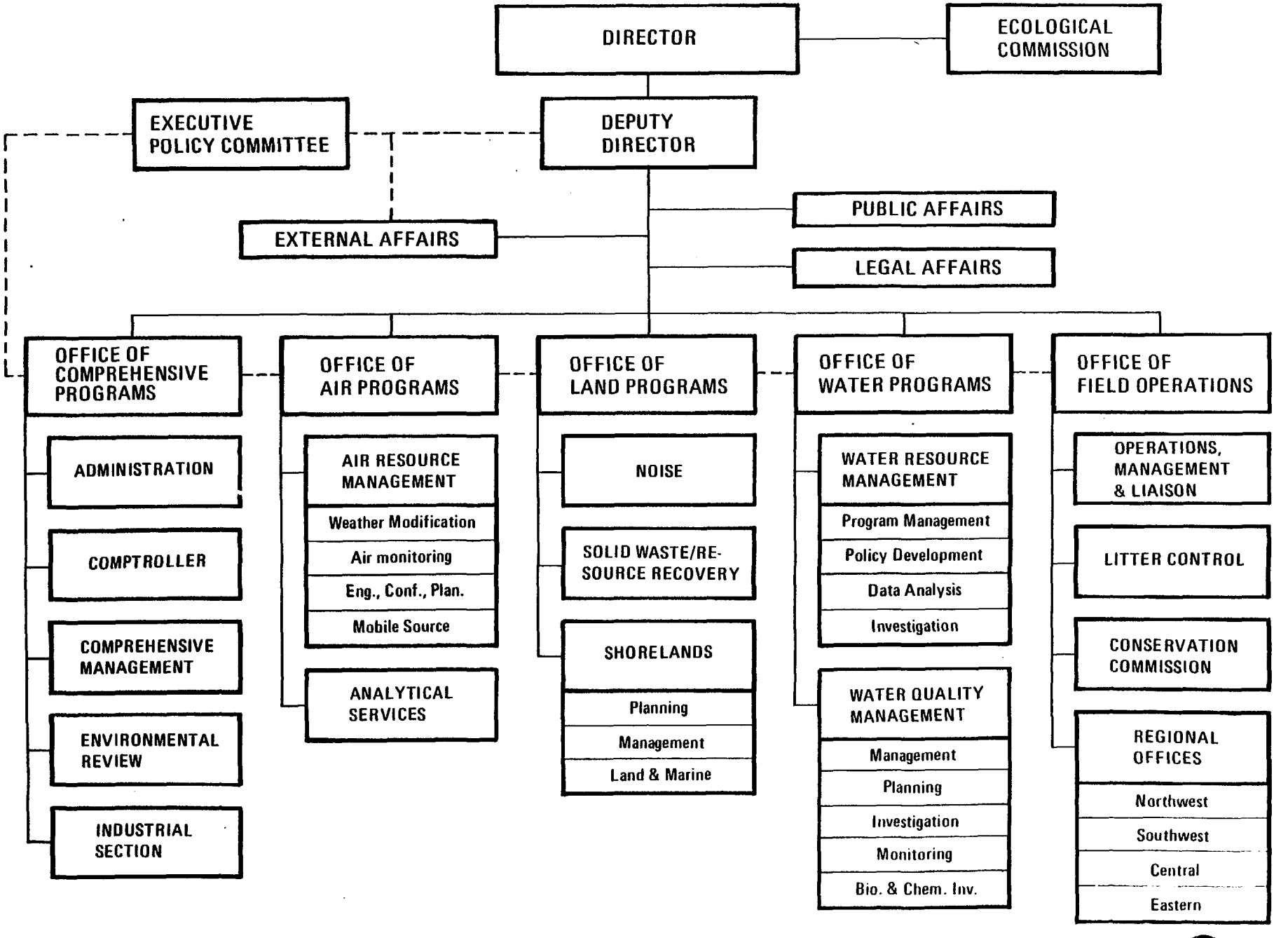
The Department is administered by a Director who is appointed by the Governor. Under the Director is one Deputy Director and six Assistant Directors, all of whom serve at the pleasure of the Director. The six Assistant Directors head the major program areas for the Department: (1) external affairs; (2) water; (3) air; (4) land; (5) comprehensive programs; and (6) field operations. Each of the last five program areas contains elements which are important to the management of Washington's coastal zone area. The organization of DOE, including the major programs and the elements which make up each program, is summarized in the basic organization chart on the following page. Each of the program elements which affect the management of Washington's coastal zone will be presented in detail in later portions of this section.

The Department of Ecology, which aggregates under one department the majority of the most important environmental regulations in the state, is the single most important agency in the implementation of the Washington coastal zone management program. DOE has been officially designated by the Governor as the official agency of Washington State government to administer and implement the federal Coastal Zone Management Act. In addition to this, it houses the state's basic regulatory authority for air and water resource and quality protection and solid waste management. Its Office of Land Programs administers the Shoreline Management Act on a day-to-day basis. There are over 20 formal state environmental regulatory authorities directly affecting the coastal zone area which are administered by DOE and at least five federal authorities (in air and water quality) which are administered through DOE programs.

The Director of the Department is a member of a number of inter-agency commissions and bodies. Two of the most important functions of the Director which help inject the Department's environmental perspective into major state programs are his participation on the Energy Facility Site Evaluation Council and his membership on the Governor's Natural Resources Cabinet. In

DEPARTMENT OF ECOLOGY

Basic Organization



addition, the Director meets quarterly with the Ecological Commission, which is a citizens' body composed of seven individuals appointed by the Governor to review the DOE programs and to provide advice to the Director concerning general citizen questions and desires in the state.

Another major duty of the Department is the integrated administration of federal funds in air quality, water quality and solid waste management programs. DOE provides a single point of contact and administration for the Environmental Protection Agency, which is the federal agency administering these environmental programs. This type of coordination activity provides not only for more effective implementation within the state but also for more effective communication with federal concerns in these three program areas which form a central part of coastal zone management in Washington.

In the following pages, DOE's regulatory authorities, planning functions, and coordinative programs are presented in considerable detail. Almost all of DOE's activities directly affect the Washington coastal zone, some more so than others, and close attention must be given to the Department's programs to make clear the web of coastal protection mechanisms in the state and the role of the Department of Ecology as the state's primary coastal zone manager.

Water Programs

Within the Department of Ecology, water resource management and water quality management are distinct programs located within the Office of Water Programs. Both water resource control and development and water quality control are long-standing programs in the state even though the most important developments at the state and federal levels have occurred in the last few years. Water rights (resources) legislation in the state was first passed in 1917 and the first waste discharge (quality) program was established in 1955. These programs have been separated in DOE for administrative purposes, though one assistant director is charged with supervisory responsibility with respect to both.

Water Resources: The first water resource program was established in the state in 1891. In 1917, the State Legislature expanded the program when it passed a law which developed a state permit and certification system for the issuance of rights to use surface water. This process has as its premise the "first in time is first in right" doctrine, and the date an application is received by the state establishes its priority. Approval of an application results in the issuance of a permit to develop and put waters to beneficial use consistent with the provisions and limitations of the permit. Once beneficial use has occurred, the final certificate of water right is issued and recorded in state and county offices.

In 1945, this system was expanded to include ground water withdrawals of 5,000 gallons or more per day. At the present time, there are some 20,000 legally recorded rights to water, though the extent to which people are actually using their rights is not known. Recent checks by DOE in several areas suggest that the percentage of actual use compared to that allowed under recorded rights could be as low as 30 percent. Also unknown is the extent of valid pre-1917 surface rights and pre-1945 ground water rights.

In 1967, a water rights relinquishment program was established by law (RCW 90.14.130 et seq.), which states that rights may be relinquished upon evidence of nonuse of water for five consecutive years, but no program to process the relinquishment of rights was implemented. A water registration act was passed in 1967 and reenacted two years later with funding provided for five years of operation. The purpose of this act was to give the state a rough estimate of the claims against the state's water resources. One result of the legislation and associated court interpretations is that in the absence of a recorded right or registered claim a vested water right may not be legally claimed.

The body of water legislation dealing with resource management has increased significantly since the passage of the surface water code of 1917. In addition to the laws mentioned above, significant legislation includes the Flood Control Laws of 1935 and 1937, the Minimum Water Flows and Levels Act of 1969, and the most significant and comprehensive statewide water resources planning and policy act now in existence, the Water Resources Act of 1971.

The Water Resources Act of 1971 resulted from an intensive review of the state's water management program conducted in the late 1960s. This act was a landmark piece of legislation designed to ensure that the state's waters are protected and fully utilized for the greatest benefit of the people of the state. Under the provisions of the act, DOE was directed to develop and implement ". . .a comprehensive state water resources program."

The issuance of both surface and ground water rights permits has been one of the most active and visible regulatory programs in the history of the State of Washington. The permit process is initiated when an applicant indicates a desire to appropriate water for a beneficial use by filing with the Department of Ecology. An applicant may be a person, municipal corporation firm, irrigation district, association, corporation or even a federal agency. Upon receipt of the application, the Department requires the applicant to publish notice of the application for use in the county (or counties) where such use is to be made. Also, upon receipt of the application for a surface water permit or a ground water permit for water located close to a stream, the permit application and pertinent information are forwarded to the directors of the Departments of Fisheries and Game. All three agencies then review the permit application to see, among other things, if the appropriation of water will adversely affect the fish and wildlife of the body of water that serves as the source of the proposed appropriation. The Departments of Game and Fisheries do not have a formal veto power over the application, but they can make a recommendation to the Director of the Department of Ecology who gives their opinion substantial weight when deciding on the issuance of such permits. In many cases, a surface water permit must be accompanied by an hydraulic permit (for the device or action necessary for actual removal of the appropriated water) which would give the Departments of Fisheries and Game a formal veto authority over adverse water appropriations. (See page 90.) If no major problems are discovered and if the application meets the requirements of the surface and ground water codes, the application is generally approved for either the amount of water requested or a smaller amount as may be determined by DOE. All appeals of water right permit decisions which once went to the superior courts now first go to the administrative appellate body known as the Pollution Control Hearings Board. (See pages 83-84.)

In fiscal year 1975, DOE received 5,317 appropriation permit applications.

Another state agency which is involved in the issuance of water rights permits, although very informally, is the Department of Natural Resources (DNR). DOE has in the past provided copies of all permits to DNR in return for DNR's provision of legal description information for the application.

Two other minor permit and licensing programs operated by the Department of Ecology are the programs established by the Water Well Construction Act of 1971 and the Weather Modification Act of 1967. The Water Well Act authorizes two approval processes: the examination and licensing of well drillers in the state and enforcement relating to the actual construction of wells. Both of these operations are now handled in DOE's Office of Field Operations. (See pages 68-69.) However, a third function, the recording of reports on each well constructed in the state, directly involves the Department's Water Resources Section by providing data analysis on wells.

The purpose of the Weather Modification Act is to permit modifications designed to artificially change or control the natural development of cloud or precipitation forms. Under this act, four permits are generally issued each year, with two permits going to the fog dispersal programs at Spokane and Sea-Tac airports. Permits are also issued to increase precipitation in mountainous regions to increase hydroelectric power production, although this is not a common practice. In this instance, the modification permits, essentially handled in the Office of Air Programs, directly involve water resources.

Another major activity of the Water Resources Division is the development of the statewide water management program which was authorized by the Water Resources Act of 1971. The primary objective of the program is to provide clear policy guidance on activities internal to DOE with respect to

water resource management. Such activities include the disposition of additional appropriation or storage permits or action on changes under existing water rights. Another objective is to provide guidance on activities external to DOE with respect to the water resources of the state. External activities include the vigorous interpretation and representation of the state's interests in its water resources before agencies of the federal government and other entities.

In addition to the objectives mentioned above, there were several other provisions set forth in the Act which DOE has actively attempted to implement over the past four years. For example, RCW 90.54.030 mandates the development of a water resources "archive", which is an important directive for developing basin management programs, policies, and project/program position statements. In response, DOE established the Water Resources Information System (WRIS), which indexes, stores, and retrieves information relative to the state's water resources. WRIS publishes and maintains bibliographies referencing existing water resources data and information by basin. It publishes and maintains a listing of potential federal water resources projects for the state. And finally, it operates a reference service for handling inquiries from federal, state, and local agencies and the public.

In response to RCW 90.54.040, which requires DOE to develop and implement the state water resources program, the Department has established a basin management program. A basin management program will take the form of an administrative policy document or a regulation, which will provide major policy on future water allocation, including priorities among competing uses, quantities of water to be reserved for specified uses, flows to be maintained in streams and rivers, and streams closed to further appropriation. In order to implement this program, the state has been divided into 23 river basins plus the main stem of the Columbia River. 12 of the basins are within or directly affect the Washington coastal zone: Nooksack, Skagit, Snohomish-Island-Stillaguamish, Cedar-Green, Puyallup, Nisqually-Deschutes, West Sound, San Juan, North Olympic, Chehalis-Olympic, Willapa, and the Cowlitz-Columbia Estuary. For the purpose of study and program implementation, many of the basins have been broken down into sub-basins. For example, the Chehalis portion of the Chehalis-Olympic basin has a total program from basin bibliography to special studies and draft regulations developed. This is the most complete basin program in the state and has been identified as the number one program priority. All 12 of the basins have completed a basin bibliography, seven have completed preliminary analysis, three have initiated public involvement, two have completed special studies, and two have completed detailed analysis.

It is hoped that the development of the basin management programs will have the effect of making the decision-making process more open to public review and comment than it has been in the past. It also provides a clearer and more consistent basis for decision making, which is beneficial to agency administrators as well as to the public.

Another area of program development under the Water Resources Act of 1971 is the development of statewide water policy. Statewide policies are currently being developed for critical areas where an overall policy is desirable for the consistent management of the resource throughout the state. The statewide policies are intended to supplement the individual basin management programs. Project/program position statements are issued by DOE as appropriate. Such statements are developed within the context of and supplement the basin management programs and the statewide policies.

The major water resource cooperative planning effort is the preparation of a comprehensive joint water resources plan for the Pacific Northwest. This is the responsibility of the Pacific Northwest River Basins Commission and was authorized under the Federal Water Resources Planning Act of 1965. "Level B" studies (reconnaissance level studies of complex problems with a 15 to 25 year time frame) were initiated in 1974 by the Commission in three areas of the State of Washington. These three areas are not located in the coastal zone, although Level B studies will most likely be completed for most of the coastal area river basins or sub-basins over the next few years. The state, through DOE, is chairing the study team composed of representatives of state and federal agencies

with water and related resources management responsibilities.

Under Section 209 of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA), the federal Water Resources Council is directed to prepare a Level B plan for all basins in the country as soon as practicable but not later than by January 1, 1980. Priority in the preparation of such plans is to be given to those basins and portions thereof which are within the areas designated as areawide waste treatment management planning areas under Section 208 of the act. (See page 60 for a discussion of DOE's role with respect to Section 208.) In the State of Washington, additional Level B studies have recently been initiated in designated 208 areas, two of which (Snohomish County and Metro Seattle) are in the state's coastal zone.

Further information to be incorporated in the cooperative planning efforts includes that from Type IV studies conducted by the U. S. Department of Agriculture in cooperation with the state. Type IV studies are of more limited scope than Level B studies. One Type IV study has been completed and another is underway in Washington.

An important requirement of the Water Resources Act is that contained in RCW 90.54.080, which directs the state to represent its interests vigorously before federal agencies and interstate agencies. To satisfy the directive DOE has undertaken a three-part program which includes active representation on regional and interstate commissions, the monitoring of federal activities, and cooperative federal/state planning.

The state is an active member of the Pacific Northwest River Basins Commission, a federal/state commission consisting of representatives from the five northwest states, nine federal departments, and a chairman appointed by the President. The Commission was organized for the purpose of coordinating water and related resources planning in the Pacific Northwest. DOE is also represented on the Pacific Northwest Regional Commission's Water Resources Task Force, a joint federal/state body created to assist the overall economic development of the region through planning, research, technical assistance, and grants.

With respect to monitoring federal activities, the main state involvement is with the federal Water Resources Development Act of 1974 which directed the Corps of Engineers to submit to Congress a list of projects which should no longer be authorized. This is an attempt to reduce the increasing backlog of water resources development projects by removing those which are authorized but which are no longer viable or justified. However, prior to submitting the list to Congress, the Corps is required to obtain the views of the Governor regarding those projects located in Washington. In this state there are 32 projects eligible for deauthorization and it is the responsibility of the Department of Ecology to advise the Governor as to whether or not these deauthorizations should be encouraged.

The DOE Water Resources Division has two other major program areas which are of particular relevance to the coastal area. First, it works quite closely on both a formal and an informal basis with the Department of Social and Health Services (DSHS) relative to community water supply systems. Although it is not required by law, DOE advises DSHS of any community water supply system which is being developed and for which a water rights permit application has been filed. In the case of a water supply system having more than 1,000 services, the system must have a comprehensive plan approved by DSHS. However, the plans for such a system that are submitted to DSHS must be accompanied by a water rights application number. The final plan which is recorded must have a water rights permit number. DOE also provides DSHS with all of their well logs. DSHS, in turn, provides these well log records to their local health district people so that the most comprehensive records concerning wells in a given area can be maintained not only by the body which issued the right to drill the well (DOE) but also by the bodies which must protect the health and safety of the people using the well (DSHS and the local health districts).

The second area of water resources involvement is in the Referendum 27 bond monies issued as part of the Washington Future program (see pages 89-90). Although the referendum designated DOE as the agency responsible for both the disbursement of the $50 million municipal supply

distribution system monies and the $25 million agricultural water supply facilities program, DOE is now actively involved only with the latter. The long-range objective of this section of the referendum is to assist in the irrigation of new lands. So far only a few short-range projects providing for the upgrading and rehabilitation of existing irrigation have been funded, which only amount to a little more than $100,000 of the available $25 million.

In the Water Resources Division, there are two specific problems which have recently surfaced which directly relate to the coastal zone. The first is the problem of saltwater intrusion in wells, particularly those utilized in providing drinking water. DOE is currently trying to work out a program for solving individual problems. The second is the problem of inadequate ground water supply in Kitsap County. DOE in conjunction with the United States Geological Survey, a partner with the Water Resources Division in a number of ground water research efforts, is now completing an analysis of this situation.

Water Quality: Within the Water Quality Division of the Office of Water Programs there are five major program activities: (1) the issuance, renewal, and modification of permits; (2) compliance assurance and enforcement; (3) municipal facilities management; (4) planning and management; and (5) data acquisition (including special studies). The basic legislation to which the water quality program is oriented is the Federal Water Pollution Control Act of 1972 (PL92-500) and the State Water Pollution Control Act of 1973 (RCW Chapter 90.48) which implements the federal act at the state level and expands in certain control and management areas.

The first state water quality permit program was established in Washington in 1955, building on the Water Pollution Control Commission established in 1945. At that time a permit system was set up for state control over certain types of wastewater discharges. Although somewhat modified over the past twenty years, this program is still a part of the controls contained in the State Water Pollution Control Act (at RCW 90.48.160). The major modification of the state law occurred with the passage of the Federal Water Pollution Control Act amendments of 1972 which set forth requirements for a National Pollution Discharge Elimination System and a concomitant permit program. In 1973 the Legislature recognized the duplication in having a state permitting system which did not reflect or directly implement the NPDES system and modified the law (in RCW 90.48.260) to give the state complete authority to ". . .establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department [of ecology] to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state. . ."

A major exception to the joint DOE state/federal permit program which was subsequently established concerns waste discharge permits for energy facilities subject to the laws regulating the Energy Facility Site Evaluation Council (EFSEC). EFSEC has the sole authority for the issuance of waste discharge permits and qualifies for full participation in the NPDES system. In order to maximize coordination and avoid duplication between DOE and EFSEC, rules and procedures have been adopted by each to clarify its role.

At the time of enactment of the federal NPDES program, the state administered a state program with permits numbering approximately 1,050 commercial and industrial operations discharging into sanitary sewer systems, surface waters, and the ground. With the implementation of the NPDES program, a large percentage of the state permits were covered by the new program. There are estimated to be 852 commercial and industrial NPDES permits presently issued which cover all point sources covered under the federal law in the state. However, it should be noted that the state still maintains a permit program for those dischargers not covered under an NPDES category. Continued operation of this state system is expected for those industrial discharges of incompatible pollutants to sanitary sewer systems and for significant projects utilizing ground disposal. Approximately 60 percent of the point source NPDES permits are given for the state's twelve

coastal zone basins, including 58 percent of all state municipal permits and 61 percent of all state industrial permits.

Another major part of the state waste discharge program is the ability of DOE to transfer its authority for issuing permits for discharges to municipal sanitary sewer systems to the municipalities or appropriate authorities involved. At the present time, one transfer of authority has taken place. This transfer was to METRO (Seattle area) and approximately 100 discharges will be covered by non-NPDES permits. It should be noted that the NPDES permit authority cannot be delegated. Essentially, the transfer program amounts to a pretreatment permit for the NPDES program and is a useful supplement to what is required by the Environmental Protection Agency (EPA).

Along with the implementation of the NPDES portion of Public Law 92-500 which the State of Washington has been authorized to administer is the added responsibility for the state to ensure that dischargers of water pollutants comply with the conditions of the issued NPDES permits. Consequently, another function of the water quality section in DOE is to work with EPA in a program most commonly referred to as the "Compliance Assurance Program." In late 1974, a joint letter of agreement between DOE and EPA was signed which delineated the respective agencies' policies and responsibilities in establishing and maintaining the program directed to enforcing effluent limitations and compliance schedules for NPDES permits. It basically sets forth the manner and extent to which the program elements of inspections, tracking, enforcement, and evaluation are to be carried out.

Those inspections identified in the agreement as "Routine Compliance Evaluation (Class II)" and "Routine Compliance Inspection (Class I)" are the focal point of the compliance assurance program. The Class II inspections are conducted at least once annually on all principal dischargers (23 municipalities and 37 industries) and other dischargers (Class II) where a water quality problem is suspected, and will consist of a detailed review of the permittee's compliance with specific conditions of the NPDES permits. Class III inspections or surveys and Class IV surveys are also covered under this letter of agreement.

Under the Compliance Assurance Program, DOE has the primary enforcement responsibility and EPA Region X is the secondary enforcer to ensure that the state takes appropriate action within a reasonable period of time (defined as at least 60 days from the first date of apparent violation). Under enforcement action provisions, DOE has available to it (1) warning letters, (2) regulatory orders, (3) civil penalties, and (4) criminal or civil action in court.

Fifteen of the 23 principal municipal dischargers which come under the above agreement are located in the coastal zone area of Washington while 25 of 37 major industrial dischargers fall into the coastal area. Eighteen of the 25 are lumber, kraft, or pulp mill oriented.

Structurally, within DOE, 36 of the 37 industries which fall under the major industries Compliance Assurance Program are not administered in the Water Quality Division of the Office of Water Programs, but rather in the Industrial Section. (See pages 67-68 for discussion of the duties and purpose of the Industrial Section.) This section not only issues the new NPDES permits but also completes the full schedule of the Compliance Assurance Program, including monitoring, inspection and enforcement.

With respect to non-point source permit authorizations which must occur under the NPDES program (essentially fish hatcheries, irrigation return flows and feedlots), all fish hatchery permits have been issued as of December, 1975. Experience in the area of irrigation return flow is lacking and the program has had a slow start. At the present time, a joint irrigation return flow pilot program involving DOE and the Soil Conservation Service is underway in the Sulpher Creek drainage basin (of the Yakima River, a non-coastal zone area). It is anticipated that this study will provide considerable insight on the sources of pollution and problems of water quality in agricultural return waters of all of the state. This program has been expanded to involve other federal agencies such as the Bureau of Reclamation, various conservation districts, irrigation districts, and the users themselves. However, in order to implement the

program once it is established, DOE must rely on the SCS Cooperative—an agreement between the farmers (water users) and the SCS for those farmers eligible for assistance. DOE has helped provide funding for this program through monies from Referendum 27 of the Washington Future program (see pages 89-90).

The third major program element in the Water Quality Division is the administration and program management of municipal sewage treatment facilities. The main duty of DOE in this program is to administer a program which, in Fiscal Year 1976, involves more than 300 active grants funded by $213,176,000 in federal funds and $42,635,000 in state funds. These amounts represent 75 percent federal funding and 15 percent state funding of eligible project costs, with the remaining 10 percent being the local share. The state funding is derived from Referendum 26 of the Washington Future program which authorized bonds totaling $225 million to provide for the planning, acquisition, construction, and improvements of public waste disposal facilities. Waste water treatment facilities comprise only one category of a number of different waste disposal functions to which these funds may be applied.

DOE is involved in the priority ranking of all projects eligible to receive state and federal construction grants for treatment facilities. In addition, the Department is to minimize duplication of efforts and activities, expedite the processing of grant awards, and assure the integrity of the facilities in terms of engineering design and construction. Ongoing duties include conducting operation and maintenance inspections for those plants identified by the DOE regional staff as "problem plants." The basic program of developing a grant application, providing technical assistance, and handling operations and maintenance work is completed by the regional offices while the DOE headquarters staff in water quality coordinate DOE management policy, establish the annual projects list, and certify the grant applications to EPA. Before certification, DOE must approve all facilities planning, design and proposed methods of operation and maintenance.

Another duty undertaken by DOE in the area of management of waste water treatment facilities is the training of treatment facility operators so that they may be certified as required by state law. Essentially, the training program is carried out by the Green River Community College with coordination and technical assistance provided by the DOE Water Quality Division.

The fourth major element in the water quality program administered by DOE is planning and management. A brief delineation of the history of water quality planning in the state is necessary in order to identify the planning programs completed and the direction for future planning which has been identified by DOE. In the middle 1960s, Federal Regulation 18 CFR initiated a program of river basin water quality planning throughout the United States. Soon thereafter, the State of Washington initiated statewide water quality planning under a program called "Jobs Now" which essentially placed the preparation of these plans in the hands of the state's counties. As these early state planning efforts were nearing completion, the federal government in 1972 adopted Section 303(e) of the FWPCA which changed the criteria and requirements for water quality planning. Essentially, this section stated that the state was to have a continuous water quality planning program, including drainage basin plans. Unfortunately, the new regulations for 303(e) plans and the plans nearly completed under the previous state program were not quite the same. Under agreement between DOE and EPA, the administrator of the 303(e) program, a limited number of new 303(e) plans were developed throughout the state, utilizing previous information where possible, with the rest of the plans consisting of the original documents (and addenda) developed under the state program which met the requirements of 18 CFR. A further agreement was reached wherein it was arranged that the 303(e) plans would be completed after the state is completely covered by some type of 303(e)-level plans (i.e., a new 303(e) plan or an 18 CFR addendum plan). The first phase of water quality management planning in the state, consisting for the most part of the documentation in the 23 completed basin-wide 303(e) plans of existing water quality and the identification of point source needs and solutions, had been completed by December of 1975.

Phase two of the 303(e) planning effort began in January of 1976 and is designed to address planning needs in specific program areas and elements and to prepare the state to meet the 1983 national water quality goals. This planning includes the protection and propagation of fish, shellfish and wildlife, and enhancement of recreation in and on all waters. It also allows the state to begin to focus its attention on causes of water quality degradation such as nonpoint sources and to assist in the development of policies and regulations to guide and direct point and nonpoint pollution control programs in the future.

Another major planning effort which is required under the FWPCA, as further clarified in a recent U.S. Supreme Court decision, is Section 208 areawide waste treatment management planning. Essentially, the section states that in areas that have urban and industrial concentrations and complex water quality problems, the state must designate an agency to prepare an areawide waste management treatment plan. At the present time, there are three state-designated 208 planning areas, two of which (those in King and Snohomish counties) are in the coastal zone. In Snohomish County, the county regional planning body has been designated to carry out the planning. In King County, METRO is the officially designated planning organization. These planning programs are just beginning and no results or implementing programs have yet been developed. It is anticipated that other 208 planning areas will soon be designated in the state with the possibility of one or two more areas in the immediate future in the coastal zone.

Major accomplishments of the areawide water quality planning process should result in the coordination of statewide nonpoint planning activities carried out by DOE with those carried out by local planning agencies which have been designated the 208 planning bodies. These programs will emphasize relating specific nonpoint planning elements (case studies) to statewide needs and will give regional or statewide applicability to local results. Of the 91 river basin segments in the state identified for water quality planning purposes as having their water quality limited, 86 segments are so identified because of nonpoint sources, either natural or related to man's activities. The magnitude of the nonpoint problem makes it easy to see the importance of the nonpoint planning orientation of the 208 program. A final element of the 208 planning program and nonpoint pollution analysis will be the study and revision of water quality standards, hopefully by 1978 which is the requirement date set by PL 92-500 for the review and revision of overall standards.

The fifth and final program element found in the Water Quality Section of the Office of Water Programs includes data acquisition, analysis and reporting. One of the major parts of this program is the maintenance of a primary network of fresh and marine water monitoring stations to provide a general statewide assessment of water quality conditions. This program supports the data needs of DOE's many water pollution abatement activities and the general public for water quality trends and status information. Extensive monitoring programs are underway for both surface and ground water, the latter in cooperation with the U.S. Geological Survey.

Another data monitoring program was initiated in 1974. Known as the intensive studies program, it provides for study in great detail of one-third of the Washington State water basins each year. Under this program, ambient water monitoring for the whole state is accomplished every three years.

Finally, in the Biological and Chemical Investigation Section of the Water Quality Division, special study emphasis is placed on the investigation of oil spills, fish kills and other significant projects or problems. In response to the increasing number of oil spills in state waters (more than 1200 were reported in 1974), DOE has established programs for oil pollution prevention, assessment of resource damages resulting from spills, and levying of penalties where appropriate. Fish kills reported to DOE approximate 30 per year. Resource damage assessments are conducted for significant kills and appropriate enforcement actions are taken. Special studies underway in this section include a study for the use of Fenitrothion, a potential DDT substitute, the DDT/Tussock Moth Aerial Spray Project, an Ecological Baseline and Monitoring Study for Port Gardner, which is ongoing and designed to assess the effect of wastewater treatment programs

being initiated at the pulp and paper mills in the Everett area, and a study to identify the best forest management practices so that the adverse effects on water quality may be minimized. The forest practices study is oriented to assisting in the implementation of the new Forest Practices Act, a law administered by the Department of Natural Resources. (See pages 78-81.)

Air Quality

The program of air quality and pollution control in the State of Washington is administered at three governmental levels: (1) the state itself (through the Office of Air Programs in DOE); (2) local units of government (through Air Pollution Control Authorities (APCAs)); and (3) the federal government (through the Environmental Protection Agency). It is through DOE that many of the mandates of the Federal Clean Air Act of 1972 are implemented, that all of the state air laws are implemented, controlled or coordinated, that specific direction and coordinative authority is provided to the APCAs, and that all federal funds dealing in air quality maintenance, protection, and enhancement are channeled for both state and local use.

The basic program of statewide air pollution control began in the State of Washington in 1967 with the passage of the Washington Clean Air Act (RCW 70.94), with major amendments coming in 1969, 1970, and 1971. There had been some control prior to that time, particularly in the controls for the cities of Tacoma and Seattle. The stated policy for Washington's air quality as put forth in the act is

> . . .to secure and maintain such levels of air quality as will protect human health and safety and comply with the Federal Clean Air Act and, to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of its inhabitants, promote the economic and social development of the State and facilitate the enjoyment of the natural attractions of the State."

The Clean Air Act makes it illegal for any person to knowingly cause or permit to be caused air pollution in violation of regulations under the Act. Air pollution is defined as the presence in the outdoor atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as are, or are likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with the enjoyment of life and property. Under the Clean Air Act, air quality regulations can be adopted by the Department of Ecology or a locally established APCA. These regulations implement the Act by delineating the specific requirements which must be met with regard to the emission of air contaminants. Regulations adopted by the Department are intended for use in areas where no local APCA has adopted regulations and can be enforced either by DOE or by a local agency. In all cases, local regulations must be at least as stringent as those adopted by DOE.

At the time of the passage of the Clean Air Act, the air pollution control program was placed under the general administration statewide of the State Air Pollution Control Board and the State Department of Health. However, with the creation of DOE in 1970, all duties and functions relating to air quality control which had been under the jurisdiction of these other two agencies were transferred to DOE.

Essentially, the Washington Clean Air Act and the air pollution control program establish a cooperative effort in terms of both implementation and control between the DOE Office of Air Programs (and, in some cases the Industrial Section in the Office of Comprehensive Programs of DOE) and the local APCAs which were authorized under the 1967 Act. The DOE Office of Air Programs is organized to provide coordinative and technical advice to the local agencies as well as to help in their financing through both state and federal sources and assist them in program planning and implementation. The state office has been directed to set ambient air standards for certain contaminants on a statewide basis. The state office has also been granted the authority to set standards and assume jurisdiction for certain source categories if it is determined that these should be controlled on a uniform statewide basis. At the present time, the state has assumed jurisdiction for kraft pulp mills, aluminum reduction plants, sulfite pulp

mills, and motor vehicle sources. The program for administering, implementing, and enforcing the air regulations in the first three of these four categories is actually handled by the Industrial Section in DOE and not in the Office of Air Programs. (See the discussion on pages 67-68.)

The first of the local agencies to be established was the Puget Sound Air Pollution Control Agency, formed in 1967. By the end of 1968, six agencies had been activated and a control officer hired for each. These six agencies covered 85 percent of the population of the state and 50 percent of the state's geography. The first regulation was adopted in 1968 and by the spring of 1970 all of the six agencies activated at that time had adopted general regulations. In 1971, three new local agencies were activated, two of which were oriented to single counties while the third was a three-county area. With the addition of these, some 93 percent of the population and over 55 percent of the state's geography is now within the jurisdiction of a local Air Pollution Control Authority.

The general regulations adopted by the local agencies contain provisions requiring the registration of sources and the notification of the local agency in the case of any new construction which will have an impact on air quality. The agencies have the authority to deny construction upon finding that the new facility will result in a violation of the standards they have adopted. Other provisions include that acceptable good practices be followed for control of odor and fugitive dust, that limits be set on visible emissions, that open burning be controlled, that emission standards for the sulfur concentration of exhaust gases be set, and that particulate concentration in the exhaust gas be controlled. The staffs of the local agencies range from 3 to 54 people, with a total of 84 in all of the local agencies combined. Staffs include engineers, chemists, administrators, technicians, meteorologists, inspectors and clerical help.

Fourteen of the 15 Washington coastal counties fall entirely within the jurisdiction of three APCAs while the fifteenth county, Wahkiakum, falls within the jurisdiction of the Southwest Air Pollution Control Authority, which also includes the non-coastal counties of Clark, Cowlitz, Lewis and Skamania. The other three APCAs are the Puget Sound Air Pollution Control Agency (King, Kitsap, Pierce, and Snohomish Counties), the Northwest Air Pollution Authority (Whatcom, Skagit, San Juan and Island Counties), and the Olympic Air Pollution Control Authority (Clallam, Grays Harbor, Jefferson, Mason, Pacific and Thurston Counties). Major sources of contaminants in the coastal area which are under control programs are as follows:

Puget Sound APCA:	Steel plants, a copper smelter, flour mills, cement plants, a Ferro-silicon plant, sawmills, pulp and paper mills, grain elevators and veneer dryers.
Northwest APCA:	Oil refineries, pulp and paper mills, sawmills, a cement plant, and a sulfuric acid plant.
Olympic APCA:	Lumber mills, veneer dryers, and sand and gravel companies.

The majority of significant control activities within the local APCA programs are related to stationary sources of pollution which produce contaminants such as particulates, sulfur oxides, fluorides, and hydrocarbons. But another important local program is the control of open burning. The burning of some materials is entirely prohibited. Also, because of air quality standards actually or in danger of being exceeded, some areas have been designated as "no burn" locations where open burning is entirely prohibited. There are other areas and materials, though, where exceptions can be granted by the order of a duly authorized health officer in case burning will stop an infestation. Permits can also be granted for agricultural and commercial open burning when there are no reasonable alternatives available. And finally, in locations which are not designated as "no burn", small fires are permitted on the premises of one- and two-family dwellings for the purpose of burning natural vegetation, wood waste and papers in accordance with procedures of fire control authorities.

With respect to stationary source pollution, all new industries must meet the provisions of the Clean Air Act and its implementing regulations. Compliance schedules were required and established for sources existing at the time of regulation adoption by the state and local authorities. DOE or the local authority issued regulatory orders for incremental regulation and required progress reports to verify that intermediate goals were being met. All existing sources in the coastal areas of Washington appear either to meet the standards or to be under an acceptable compliance program at the present time. In the case of violations of the regulations, DOE or the local authority has enforcement authority encompassing written notices of violations, the assessment of civil penalties, the acceptance of an assurance of discontinuance of any act deemed to violate regulations, and the petitioning of the courts for restraining orders, injunctions, and other appropriate relief. Any decision or order of DOE or a local APCA in air quality cases can be appealed to the Pollution Control Hearings Board by an aggrieved party to the action.

The DOE Office of Air Programs centralizes all major functions of air quality control in the State. In addition to the regulatory functions of standards setting and permit issuance, which they share with the local APCAs where locals exist and which they implement directly in those areas where no local APCA exists or where the APCA is inoperative, the office is also involved in monitoring programs which include data collection and reporting, laboratory analysis, grant management, management of the statewide motor vehicle program, and general program evaluation and planning.

The monitoring program falls under two major sections of the Office of Air Programs called the Air Monitoring Section and the Mobile Source and Data Control Section. One of the most important parts of the program is the Washington State surveillance network, which is based on the establishment of primary air mass stations in major population density areas of the state. These stations monitor air quality contaminants and are complemented by other single or multiple parameter stations operated by a local control agency or operated jointly by DOE and the local agency. The siting of the stations is based on the need for the provision of long-term trend analysis and the best possible informational reference to pending or established state and federal environmental standards.

Coupling the surveillance network with meteorological data, DOE has established an air pollution episode plan. DOE has developed plans to avoid the build-up of high contaminant concentrations even under meteorological conditions such that the contaminants of the area pose a possible danger to public health and safety and with all air contaminant sources operating normally. In the DOE episode avoidance plan, five stages are delineated: forecast, alert, warning, emergency and termination.

Further, air monitoring is coordinated to provide state and local control agencies with pertinent information on the conformity of individual sources to applicable air quality standards. Included under this program is the requirement that the owners and operators of such sources, in addition to DOE and the local control agency, must monitor and keep records of their source contaminants and periodically report the information to DOE. In regard to individual sources, then, DOE's role is overseeing and testing the individual source programs to assure conformity to DOE and local APCA standards.

Another program which falls under the general heading of monitoring is the administration of the Smoke Management Plan jointly managed by DOE and the Department of Natural Resources. The purpose of this program is to regulate the burning of natural vegetation debris resulting from logging operations on lands protected by DNR. Slash burning control under this program is imperative to help protect the major coastal population centers from adverse smoke and particulate conditions. (For further information on this program, see page 81.)

The Office of Air Programs handles laboratory analysis through the operation of three regional laboratories the main function of which is to analyze air pollution samples. A source test team provides analytical services for the central DOE program as well as for local APCAs as time and need allow.

Grant management under the air program is of paramount importance. In the present fiscal year, the Environmental Protection Agency is providing approximately one million dollars to DOE for the operation of the state and local air quality control program. All of the monies are forwarded to the Office of Air Programs which allocates nearly two-thirds of it to the local APCAs to assist in the operation of their programs. The Office of Air Programs is also responsible for the funds which the state itself provides for the local APCAs.

The statewide motor vehicle program in Washington, which has remained under the direct control of DOE, is coupled to the implementation of a transportation control plan and a voluntary vehicle emission testing program. The transportation plan is being developed to help enable the state to meet the vehicle-related air quality standards on schedule. At the present time the carbon monoxide standard is being exceeded in the coastal community of downtown Seattle with occasional eight-hour violations recently noted in the City of Bellevue. A mandatory statewide vehicle emission testing program has been considered as a mechanism for plan implementation and discussions between the state and EPA are continuing.

Recent regulatory enactments by EPA have required the implementation of two new programs falling under the general heading of air quality evaluation and planning: the Air Quality Maintenance Plan (AQMP) program and the Prevention of Significant Deterioration program. Under the AQMP program, the states must not only prepare plans to clean up the air to meet federal standards, but they must also have plans to maintain those standards once they are achieved. AQMPs must be submitted for each area of the state in which a federal air quality standard may be violated within the next ten years. Within the coastal area of Washington, the Everett-Seattle-Tacoma area has been designated an Air Quality Maintenance Area (AQMA) requiring the development of an AQMP. The AQMP must ensure that growth and development within the planning area will be compatible with the maintenance of national air quality standards. The laundry list of implementation techniques to be considered in formulating the plan consists of an equal number of land use and more traditional emission control techniques. Because of the land use orientation of the program, DOE has requested regional councils of government (the Puget Sound Council of Governments in the Seattle area) to serve as coordinators of the AQMA planning program within their areas. The planning program is currently in the first phase of development, which includes data development to help interrelate land use, zoning practices, and air quality.

The most recent air planning program, Prevention of Significant Deterioration, is applicable statewide. Essentially this program places all lands of the state in three classes which will allow or disallow certain industries to develop in the state according to the land classification and the potential for adverse air quality intrusion. All lands are initially delineated as Class II, with the state, federal land managers, and Indian governing bodies given the right to reclassify those lands under their jurisdiction. At the present time, the State of Washington is not actively implementing a reclassification program.

Finally, a third EPA-required planning effort, which was recently completed, is the state Air Quality Implementation Plan, a general program for implementing state and federal air quality standards. The plan has been approved by EPA and is updated annually.

Land Programs

The Office of Land Programs in DOE was also created under a recent reorganization of the Department. Five major programs have been placed in the new office: shoreline and coastal zone planning and management, solid waste and resource recovery, flood insurance, and noise abatement. Obviously, the two most important programs in terms of their immediate impact on Washington's coastal zone are the shoreline management and coastal zone management programs.

The Shoreline Management Act of 1971 has already been examined in detail (pages 29-43). Particular attention was given to the development

of the shorelines planning process, local master program development and adoption, and the appellate process. But little attention was given to the internal operations and permit procedures within DOE. For more detailed discussion, see Chapter V, pages 124-134.

The other major program administered by the Office of Land Programs which is directly related to the Washington coastal zone is adminstration of the federal Coastal Zone Management Act (CZMA) itself. The CZMA was passed by Congress in 1972 and is oriented to facilitating the development of policies, standards, and processes for coastal resource management by the coastal states and territories of the U. S. In order to carry out the broad policy dictates of the federal law, Congress set up a funding program to help the state governments develop and implement a comprehensive management program. Under the 305 planning section of CZMA, the State of Washington has received two grants for the development of the CZM program. These monies have been utilized for the development of coastal area information bases, further development of the SMA program, coordination and analysis of federal governmental agencies and Washington coastal Indian lands and programs, staffing for CZM planning, and development of the present document.

In the developmental stages of the program, DOE staff has worked actively with other state agencies to help identify their authorities, programs, and management responsibilities in the coastal area of Washington. There is a broad interest in the federal CZM program in the state as evidenced by the replies from and meetings with the state agencies. DOE, as the officially designated CZM administering agency in Washington, is taking the lead to help assure the necessary coordination. The preparation of this document is the culmination of the 305 planning stages and will, for the first time, present the state's coastal zone management program for further development, implementation, and refinement.

A third major program found in this office is the solid waste/resource recovery program. With the passage of the Solid Waste Management Act (RCW Chapter 70.95) in 1971 Washington recognized the need to control the state's increasing solid waste flow. The law divides the responsibilities of solid waste management between the state and local governments. The purpose of the solid waste program is four-fold: (1) to assign the primary responsibility for adequate solid waste handling to local government, reserving to the state those functions necessary to assure effective programs throughout the state; (2) to provide for adequate planning for solid waste handling by local government; (3) to provide for adoption and enforcement of basic minimum performance standards for solid waste handling; and (4) to provide technical and financial assistance to local governments in the planning, development, and operation of solid waste handling programs.

DOE has approached these objectives by means of a five-part strategy. First, it was found that there was a need for the establishment of local solid waste management plans. A massive county/regional planning program was undertaken and at the present time 32 of the state's 39 counties have approved and implemented plans. 12 of the counties with approved plans are in the state's coastal zone. In conjunction with this planning effort DOE began a statewide inventory of disposal sites in 1972.

A secondary major development in the solid waste program occurred in late 1972 with the adoption of "Regulations Relating to Minimum Functional Standards for Solid Waste Handling." In these regulations DOE required that county and regional health departments adopt the state standards or standards of their own at least as stringent. The adoption of these regulations was a milestone in development of the local/state/federal solid waste management program. Before that time, the program was basically an effort in planning, education and technical assistance without effective tools for enforcement. With the adoption of the 1972 standards the basic framework for a strong program was in place in Washington. Within this regulatory program, DOE initiated a permit system under which more than 90 proposed or operational systems are certified. Enforcement is the direct responsibility, though, of the jurisdictional health departments. Other laws, such as the water

pollution control laws and the Clean Air Act, are utilized in the enforcement of this program, also.

A third problem area in solid waste management is the control of hazardous and industrial wastes. An initial survey of the extent of the hazardous and industrial waste problem has been completed in a study of hazardous waste recovery and disposal at over 50 sites, seven in considerable depth. Legislation that is still pending was introduced in 1975 to provide DOE with the administrative and regulatory authority to handle this complex and potentially dangerous problem.

The fourth program responsibility of the Office of Land Programs with respect to solid waste management is the implementation of local/ regional solid waste systems by providing support through two mechanisms: Washington Future (Referendum 26) funding, and technical assistance and training to local solid waste managers and operators. The Referendum 26 funding program has been broadened (as of March 1, 1975) to include grants for dump closures. In addition to the 50% state/local grants for capital equipment and construction of facilities previously available, monies can now also be allocated on a 50-50 match for such things as the costs of signing, gating, fencing, and covering.

The fifth major area of solid waste concern is the need for recovering materials and energy from the solid waste stream. Legislation concerning resource recovery programs was introduced in the last legislative session but was not acted upon. Substantial legislative action is anticipated in 1976 or 1977. In addition to the legislative efforts, technical and financial assistance has been made available to local governments for use in their efforts to establish recovery facilities. Funds for resource recovery projects are available through Referendum 26 and at the present time $5 million has been expended or allocated to the counties and cities of Washington, with $741,000 directly related to resource recovery projects.

Three other programs which fall under the Office of Land Management must be mentioned since they have direct impact in the coastal zone. The first relates to data studies and surveys coordinated or actually completed by this office. Those data programs having a direct impact on the coastal zone include the Baseline Study Program which was established by the Legislature in RCW 43.21A.405, which directs DOE to establish ". . .a continuing, comprehensive program of systematic baseline studies for the waters of the state. . ." that aid in the maintenance of water quality standards as well as address the specific problems associated with oil contamination of the marine ecosystem. The basic goals of the "Baseline Program" were to determine the economic value of natural resources, human structures, and human activities that would be damaged by an oil spill, to identify specific areas of marine waters of Washington which exhibit a high risk of being damaged by an oil spill or oil pollution, and to suggest criteria for the siting of oil facilities and oil transport activities. This baseline effort has been underway for one and one-half years in the northern Puget Sound area. In 1976, the study is expected to be extended into the Strait of Juan de Fuca. Other major data studies are the Grays Harbor Dredging Impact Study, being completed by the Corps of Engineers and coordinated with DOE; the Endangered Species Survey, undertaken by the Department of Game on a statewide basis but assisted by DOE to extend the study into the coastal zone; and the Wetlands Study Program begun in Washington by DOE through a contracted study and coordinated with the National Wetlands Inventory, now in the planning stages, by the U.S. Fish and Wildlife Service. More details concerning these and other data management programs coordinated or undertaken by offices in DOE and other state agencies can be found in Appendix E.

The second program includes portions of an overall flood plain management program. Those portions, which are statutory requirements, include a very minimal attention toward maintenance of flood control works pursuant to Ch. 86.26 RCW, and the administration of the State Flood Coastal Zone permit program pursuant to Ch. 86.16 RCW. Since the permit program can only be administered within the riverine flood plains of established flood control zones, it only applies to the fourteen major streams in the coastal zone. Zone permits are required within the zones for any works, structures and improvements which adversely influence the

regimen of the stream or might adversely affect the security of life, health and property against damage by flood waters. Current Department of Ecology policy is to establish new zones only at the request of local governments. The Department of Ecology has been designated by the Governor to coordinate the National Flood Insurance Program (NFIP) (PL 93-234) in Washington. Flood plain management regulations in the coastal and all riverine flood plains of the coastal zone counties are the responsibility of local governments under the National Flood Insurance Program standards and criteria as set forth in 24 CFR 1910.3. Failure to meet those requirements and purchase flood insurance might result in the loss of federal aid to communities and individuals associated with construction or acquisition of building in the special flood hazard areas.

The third and final program deserving attention is the noise abatement program in the state. In 1974 the State Legislature passed the Noise Control Act (RCW Chapter 70.107) in order to establish maximum noise levels permissible in identified environments and thereby to provide use standards relating to the reception of noise within such environments. Amended regulations were adopted for implementation of this program on September 1, 1975, and limited program experience has been reported to date. It is important to note that the environmental designations and concomitant noise level designations for sources and receptors are stringent, and the new law provides enforcement provisions through the use of civil penalties. Implementation of the law, including enforcement, is designed to be carried out by local governments, with DOE remaining in a coordinative role for planning, program analysis, regulation modification, and review and approved of local ordinances.

Comprehensive Programs

The fourth major office in DOE operations is the Office of Comprehensive Programs. Although the main emphasis of this office is fiscal control, personnel and general internal administration, two sections which have an immediate and important effect on Washington's coastal zone area are housed here. They are the Environmental Review Section and the Industrial Section.

Within the Environmental Review Section, there are two main activities which have a direct impact in the coastal zone. The first is this section's involvement with the State Environmental Policy Act. Work under SEPA involves providing assistance to other sections in the Department in the writing of environmental assessments and impact statements, development and distribution of materials concerning EISs and SEPA, and special coordinative work on impact statements relating to highway projects. In addition, a major EIS function concerns the review of both NEPA and SEPA EISs for the Department and providing to the state as a whole specific assistance on major environmental questions where EISs are involved.

This section has recently taken the lead responsibility given to DOE by the Legislature in assisting the cities and counties of the state in the implementation of SEPA guidelines and regulations presently being developed and adopted by the Council on Environmental Policy (see pages 45-46). This latter function should greatly assist the localities in Washington's coastal area in better applying the mandates of SEPA in their jurisdictions.

Finally, when DOE receives the powers and duties now assigned to the Council on Environmental Policy on July 1, 1976, the overall coordinative and rule-making role of the Environmental Review Section with respect to environmental policy in the state will be greatly expanded. SEPA may well be the cornerstone for future environmental planning and regulatory coordination and integration, and if this occurs, this section will play a key role in providing the direction and implementation which will be involved. Since SEPA crosscuts all other environmental regulatory and planning programs in the state and particularly in the coastal zone, this section's role in coastal area planning and control will be significant.

The Industrial Section, which has been mentioned in the previous discussions concerning both air quality programs and water quality programs, is unique since it crosscuts other functional areas of responsibility within the Department. It is chiefly responsible for administering, implementing, and enforcing air regulations, water quality regulations, and solid waste regulations on a statewide basis pertaining to the pulp and paper industry,

aluminum industry, and petrochemical industry (water regulations only). It is also responsible for administering and implementing the State Industrial Tax Credit Program, the Federal Tax Credit Program, and the Local Pollution Bonding Program on a statewide basis for DOE.

Thirty-six specific industries fall under the control of the Industrial Section and for each industry the section develops and issues regulatory orders and waste discharge permits, reviews engineering reports, develops monitoring schedules, inspects pollution control facilities, and instigates enforcement action where necessary. These specific industries have been taken from each of the other programmatic areas in DOE and placed in this section for overall coordination because of the industries' potentially massive and complex impact on the environment. This program has been quite successful in providing a control mechanism for these major potential environmental pollutant sources in the state and has been instrumental in particular in providing a coordinated protective mechanism for the coastal areas.

Field Operations

Although the responsibility for the whole litter control program is lodged in the Office of Field Operations, the chief duties of that office relate to the operation of four DOE field offices, located in southwestern, northwestern, central, and eastern Washington. Field operations and regional office activities are coordinated out of the central headquarters office. Within the central office, the main duties which directly affect the Washington coastal area include initial ECPA coordination and implementation, the coordination and state operation of the Army Corps of Engineers permit review, both Section 10 and Section 404 responsibilities, and a major input into the review and coordination of substantial development permits.

The main duties and chief impact of the Field Operations Office lies in the individual regional programs. Each of the regional offices is divided into two major sections, resource management and environmental quality. The resource management sections handle the daily operations dealing with water resources (e.g., water rights permits), shoreline management (e.g., local permit review), flood control coordination, and coastal zone management (in the southwestern and northwestern offices only). The environmental quality sections deal with the application of the air, water, and solid waste programs delineated in the previous subsections of this report. Most major permit issuing and review activities for DOE programs are initiated and carried through at the regional level, with the exception of the shoreline management permitting process, in which review and coordination occur in conjunction with the program staff for shorelines management located in the Office of Land Programs. Legal Counsel in the review and appeal process is provided by the State Attorney General.

The regional operations in the southwest and northwest regional offices most directly impact the Washington coastal zone areas as they encompass all of the state's 15 coastal counties. Coastal zone management positions for the state have been assigned to these offices and at the present time the coastal zone coordinative activities are being carried out by the general regional staffs within each office, which are set up to operate not according to program but rather for effective daily contact with the public and industries within the region for all DOE programs.

The Army Corps of Engineers Section 10 and FWPCA Section 404 permit activities (see page 27) are coordinated for the state in the Operations Management and Liaison Division (headquarters) of Field Operations. After an application for either a Section 10 or a Section 404 permit is received by the Army Corps office, the Corps distributes the permits for review. In order to provide a coordinated response from the State of Washington, all permits are forwarded first to DOE, which in turn coordinates the state response to the Corps. These permits are held by DOE until all problems are resolved or until a favorable statewide response can be returned to the Corps. If the Shoreline Management Act comes into play, the Department will not clear the Corps permit until 45 days after final approval of the substantial development permit.

The role of Field Operations in the implementation of the Environmental Coordination Procedures Act of 1973 is outlined in the next section.

It should be noted, however, that initial contact for ECPA implementation by an applicant usually occurs either with a county ECPA office which is in direct contact with the DOE regional office or in the regional office itself. Consequently, Field Operations plays an important initial role in the ECPA process as well as an implementation role in following through on minor ECPA master permits, as will be described.

The litter control activity of this office is basically oriented to conducting a permanent and continuous program to control and remove litter from the state. The legislation establishing this program is the Model Litter Control Act. This program involves public awareness of the litter problem and advising other governmental entities concerning techniques to improve litter prevention, collection, and disposal. Ongoing activities include clean-up programs, including special programs oriented to Washington's coastal area beaches and direct contact programs with businesses, the public, and other governmental units, particularly local governments.

Other DOE Activities

Two other program activities which crosscut various offices in DOE and which have been briefly mentioned in the context of those offices but not fully developed include DOE's ECPA role and the Department's involvement in the Washington Future program.

The Environmental Coordination Procedures Act of 1973, which became effective on January 1, 1974, has been described in detail on pages 47-50. The Department of Ecology has been designated as the state agency to coordinate the implementation of the Act, including the establishment of operating rules and regulations, the development of master permit application forms, and the coordination of ongoing activities occurring in the program, including the actual operation of the master application process.

Within DOE ECPA has surfaced in two ways. First, under the responsibility outlined above, DOE has two offices in which ECPA master permits are processed. Field Operations and the Environmental Review section of Comprehensive Programs. As mentioned previously, the master application procedure is initiated at the option of the applicant. However, the initial contact of the applicant may be one of three offices: the county's master permit office in the county where the application originated, the appropriate DOE regional office, or the DOE central headquarters office. Regardless of the original point of contact, that master application is forwarded to the Field Operations staff in central headquarters for further processing. At that point, a decision is made as to whether or not the proposed project that is the subject of the master application is likely to be environmentally significant and consequently require the preparation of an environmental impact statement under SEPA. This determination is made jointly by the Field Operations staff and Environmental Review Section. If it is decided that the project is environmentally significant, it is then considered a *major* ECPA project and is transferred to the Environmental Review Section for further processing through completion or termination. If it is not, it is considered a *minor* ECPA project and kept in the Field Operations Office and all normal ECPA processing procedures are carried out in Field Operations "master application center."

From the effective date of ECPA (January 1, 1974) to July 1 of 1975, there have been a total of 81 master applications, 68 of which were considered minor ECPA applications and 13 of which were transferred to the Environmental Review Section as major proposals. Three of the 13 major ECPA projects have been proposed in the state's coastal zone.

The second way in which ECPA surfaces in DOE is through an internal procedure recently completed and just now being implemented in the Department. It has been identified as the ECPA permit simplification process, or more succinctly, the DOE mini-ECPA. The major purpose of this program is to provide to an applicant who has two or more DOE-administered permits a single application form, a combined public notice and hearing, standardized timing and procedures, a single contact point for questions when they arise, a better knowledge of when a decision will be made, a single authorization on the application, and a guarantee that all requirements have been met. This program has just been initiated as of November, 1975, and there is no experience of its

operation to date. It has not been assigned to any existing office for implementation, although the majority of coordinative activity will occur in conjunction with the already established ECPA procedures utilizing as the basic arena for operations the DOE regional offices.

The Washington Future program (see pages 89-90) involves DOE through the Referendums 26 and 27 funds. DOE has administrative responsibility over each of these with Referendum 26 oriented to waste disposal projects and Referendum 27 to water supply.

Referendum 26 authorized bonds totaling $225 million to provide for the planning, acquisition, construction, and improvement of public waste disposal facilities. Waste water treatment, agricultural pollution, lake rehabilitation, and solid waste management projects are funded through this program. It also provides financial and technical assistance to state and local entities to help eliminate the problems of solid waste disposal.

Referendum 27 authorized $75 million in bonds to provide for the planning, acquisition, construction, and improvement of water supply facilities. Of the $75 million, $25 million is directed toward agricultural water supply projects and $50 million is earmarked for municipal and industrial supply projects. The municipal and industrial project funding is administered jointly by DOE and the Department of Social and Health Services. DOE's duty is essentially to maintain the fiscal administration.

Department of Natural Resources

The Department of Natural Resources (DNR) is the State of Washington's major proprietor and manager of marine and upland property. DNR has the management responsibility under state law for 1,300 miles of tidelands, 6,700 acres of constitutionally established harbor areas, and 2,000 square miles of marine beds of navigable waters. Of the more than 1.1 million acres of DNR-managed uplands within the coastal zone, nearly 80 percent is classified as productive timber land.

In both cases – marine and upland – the properties are managed as a public trust. In the case of uplands, there are some 10 classifications of state ownership ranging from schools to counties. Uplands are managed under a multiple use policy but with an emphasis on providing the maximum revenues possible for the trust property ownership. Revenues derived from timber sales and leases accrue to those ownerships after deduction of a 25 percent DNR management fee.

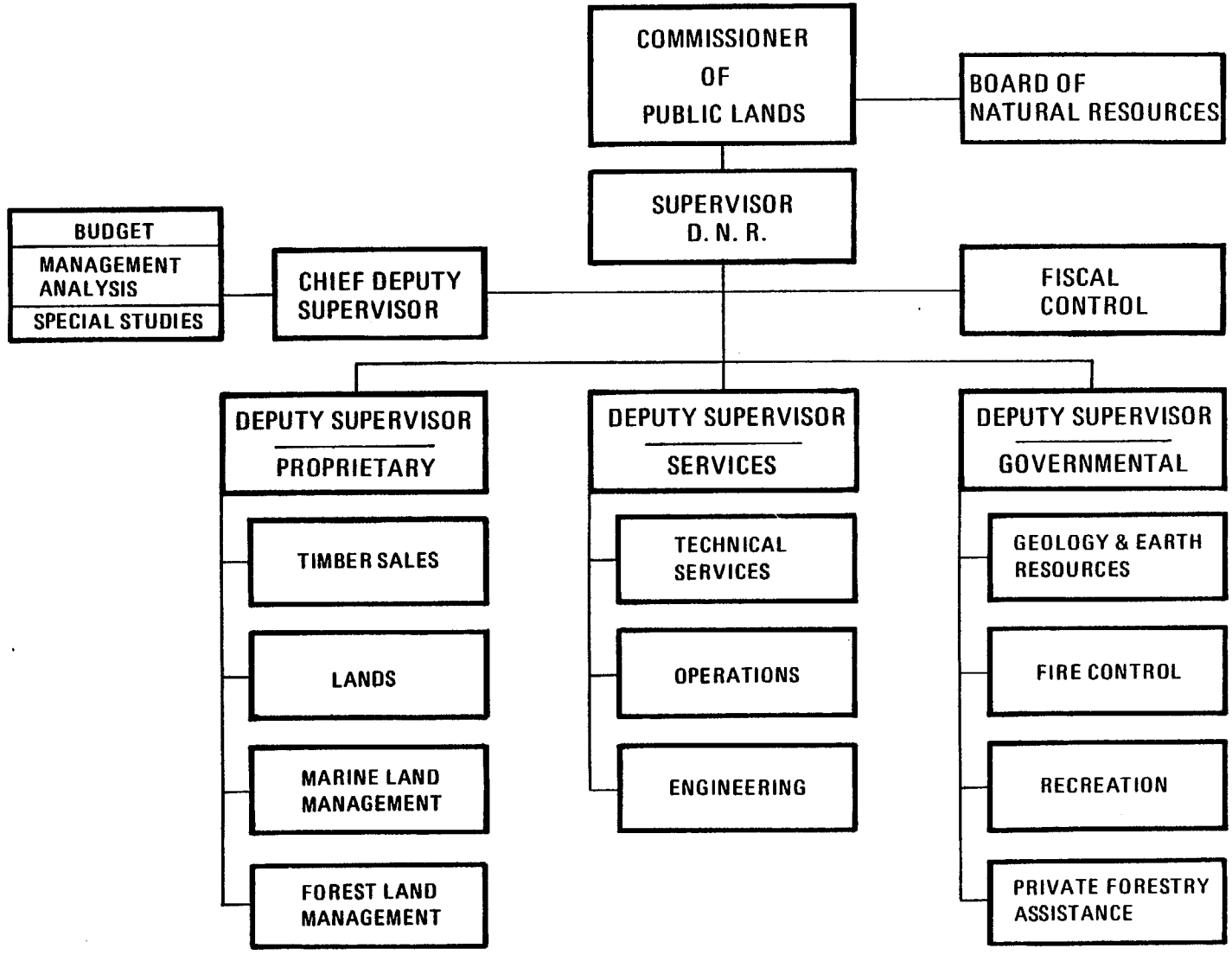
Marine lands are managed under a somewhat different concept. They are under general state ownership and are considered a public trust to be managed for the maximum public benefit. Revenue is not necessarily the prime management goal.

Besides these two proprietary functions, the Department is also involved in certain regulatory activities including administering such state laws as the Forest Practices Act, the Surface Mine Land Reclamation Act, and the Oil and Gas Conservation Act; the control, prevention and suppression of fires in forest areas; and the operation of a log collection and patrol program in coastal waters. In addition, DNR provides a number of services as support for its own internal operations, as assistance to other local, state, and federal agencies, and as information and research background for private industry and individuals. Examples of these services include resource inventories (i.e., cartographics, remote sensing maps, sustainable harvest calculations, geology and mineral data, etc.), road engineering and design, and providing seedlings for reforestation of both public and private lands. Finally, the Department operates and maintains a number of public recreational facilities including primitive campgrounds, all-terrain-vehicle trails, tideland beach sites, and natural preserves.

All of these responsibilities are carried out through an administrative structure headed by an elective official, the Commissioner of Public Lands. The Department itself was first organized in 1957 when the Legislature acted to combine nine different agencies and divisions of state government into one operating unit in an effort to bring about more efficient and cohesive management of the state's natural resources. While the Commissioner is designated as the administrator of the Department, overall policy is established by the Board of Natural Resources. This Board is made up of five members: the Governor, the Superintendent of

DEPARTMENT OF NATURAL RESOURCES

Basic Organization



Public Instruction, the Commissioner of Public Lands, the Dean of the College of Forestry of the University of Washington, and the Director of the Institute of Agricultural Sciences of Washington State University. The Board also constitutes the state Commission on Harbor Lines and the Board of Appraisers for state properties.

The legislative mandate for the Department is contained within several sections of state law the two most important of which are RCW Chapter 43.30, which creates the Department, and RCW Title 79, the Public Lands Act, which includes sections on the multiple use concept; tidelands, shorelands, and harbor areas; other specialized lands; and sales and leases of state properties.

Administratively, the Department has recently been reorganized into three broad categories of management functions, each headed by a deputy supervisor. The three are: Proprietary, Governmental, and Services. Divisions within each of these categories include:

Proprietary
- Marine Land Management
- Forest Land Management
- Lands (other than marine or forest)
- Timber Sales

Governmental
- Recreation
- Fire Control
- Geology and Earth Resources
- Private Forestry Assistance

Services
- Engineering
- Operations
- Technical Services

Policy making and administrative functions of DNR are generally located in the Department's several offices in the state capital or immediate vicinity. However, the Department also has established seven area districts (five relevant to the coastal zone) which provide much of its operational capability. Field employees and crews are considered generalists and may be called upon to fight fires, enforce laws and regulations on state lands, maintain facilities such as recreation sites, and investigate improper or illegal uses of state lands.

In assessing DNR's influence within and upon Washington State's coastal zone management network it is obvious that certain inherent conflicts and problems exist. For example, while the Department holds management responsibility for hundreds of miles of state-owned tidelands, it frequently has little authority or jurisdiction over the abutting uplands. This situation requires a great deal of formal and informal cooperation with private property owners and other governmental agencies including cities and port districts in harbor areas; federal agencies such as the Navy, Army Corps of Engineers, and Bureau of Indian Affairs; counties, particularly with respect to SMA; and numerous state departments including the Departments of Ecology, Game, Fisheries, and Social and Health Services. Another example is the DNR practice related to management of its uplands, more than a third of which are within the coastal zone. The Department must, according to its legislative mandate, manage these lands to provide the maximum amount of revenues possible for the trust owners. Yet, at the same time, the Department is pledged to practice and enforce enlightened environmental and conservation techniques.

Yet notwithstanding the complexity of these and other problems, the Department successfully carries out a wide variety of important management functions within the coastal zone, especially with respect to marine lands and forest lands.

Marine Lands

At the time of the adoption of the State Constitution in 1889 and upon entering statehood, Washington, following traditional land use precedents dating back to the founding of the country, asserted its ownership in the beds and shores of all navigable waters up to and including the line of ordinary high water. In the coastal zone this ownership included all non-federal ocean tidelands from the mouth of the Columbia River north to the Strait of Juan de Fuca and the inward tidelands encompassing Puget Sound.

Following statehood, all of the tidelands were publicly owned. However, since the new state's constitution contained no provision allowing upland property owners access rights to saltwater for shipping, fish and shellfish propagation or other

water-oriented industry, the Legislature as a remedy for the situation authorized the sale of public tidelands to private individuals. In the ensuing years, approximately 60 percent of all state-owned beaches were sold to private owners. That practice was restricted in 1968 by policy and discontinued in 1971 by law. DNR continues to lease some tidelands for purposes of aquaculture and for various marine-related uses but has designated nearly 75 percent of its remaining beaches for public use.

Today approximately 1,160 miles of saltwater beach remain in state ownership. Some 400 miles of these tidelands, including all state-owned Pacific coastal beaches, are managed by the Parks and Recreation Commission or the Departments of Game and Fisheries. The remainder are managed by DNR.

The principal characteristic of the DNR management policy is to emphasize multiple use. Every effort is made to avoid permanent single purpose uses on lands that have a multiple use potential. In most cases, the policy requires identification of the land's primary use and, in addition, compatible secondary uses.

Marine Land Management. The Department has published a statement of policies and guidelines which constitutes a land management plan for marine lands. The plan applies to all DNR-managed tidelands, harbor areas and beds of navigable waters. It does not, however, apply to other government agencies managing or administering programs on marine lands. The plan is broken down into six multiple use categories. (1) Navigation and Commerce; (2) Public Use; (3) Food, Mineral and Chemical Production; (4) Protection of the Natural Marine Environment; (5) Uses by Abutting Upland Owners; and (6) Revenue Production.

Leasing. As mentioned previously, the state had authority to sell tidelands and shorelands to private individuals and firms prior to 1971. However, in the 1971 legislative session that authority was rescinded and the state now is prohibited from selling aquatic lands except to public agencies. However, tidelands and shorelands may be leased for general purpose for terms of up to 55 years. DNR currently has more than 1,400 leases on state-owned harbor areas, beds of navigable waters, tidelands and shorelands. These leases amounted to nearly $1 million in revenues to the state in 1974.

Guidelines have been established for several categories of leases including those for first class tide and shorelands (generally the beds and shores of navigable waters lying within or in front of cities), and second class tide and shorelands and beds of navigable waters (outside of and more than two miles from the corporate limits of any city or town). DNR administers harbor leases which provide for the leasing of the right to build and maintain wharves, docks, and other structures on harbor areas for the convenience of navigation and commerce. (Harbor boundaries are defined by the State Harbor Line Commission.) Lease terms are limited to not more than 30 years and rental rates are based on a percentage of the full and true value of the harbor area. If the harbor area is within a port district, the application for lease must be referred to the port commissioner for review.

Tidelands Marking. DNR also has embarked on an extensive program of marking of state-owned public beaches. In many cases this program has met with resistance from abutting upland private property owners. Upland access constitutes a continuing problem hindering full public utilization of saltwater beaches available for public use. Of DNR's 425 marine beaches allocated for recreational purposes, nearly all are accessible only by boat. The Department is marking many of those areas so that they can at least be recognized from the seaward side and also to discourage trespassing on neighboring private property. The average cost of marking a beach is $300.

Recreation. The DNR Recreation Division has authority to acquire public access routes to managed tidelands. According to the division's recreation plan priority will be given to acquiring access from mainland tideland sites to public road systems. Where tideland recreation sites exist on islands without a central or public road system, no upland access will be attempted. The plan calls for the following uses either alone or in combination as desirable for public beach recreation: (1) beach walking and beach-combing; (2) camping

and picnicking; (3) boat launching; (4) boat destination; and (5) interpretive areas.

DNR works on a cooperative basis with the State Parks and Recreation Commission in the development of upland parks adjacent to tideland areas. In addition to the ocean beaches which are 100 percent withdrawals in favor of the Commission, there are five state parks on Puget Sound. In each case the tidelands management has been turned over to the Parks and Recreation Commission by DNR. If revenues are derived from the park operation then an appropriate lease agreement is worked out.

Aquaculture. In keeping with a key marine land use objective, increasing the production of food, minerals and chemicals, DNR carries on active programs supporting various aquaculture activities. Beds of navigable waters below the extreme low tide and along second class tidelands may be leased for purposes of planting and cultivating oysters, clams or other edible shellfish. These leases are not to exceed ten years. Where such lands are used for cultivation of oysters, the leased parcels may not be larger than forty acres. All lease applications are reviewed by the Department of Fisheries to ensure protection and adequate seeding of existing oyster beds.

Several research and study projects are also being undertaken by the Department in the field of aquaculture. An economic analysis and field and laboratory research aimed at the eventual commercial harvest of seaweed has been underway in Puget Sound for several years. The Department also is currently investigating methods for increasing the amount of space available for growing shellfish, both by rehabilitating existing beach areas and by growing shellfish on structures suspended in deeper waters.

Other Marine Land Responsibilities. There are several other DNR responsibilities and activities related to marine lands.

DNR is responsible for the leasing of bed lands for small boat moorage buoys adjacent to tidelands residential property. This program has run into difficulty primarily because of the complexity of the permit system for owners of small boats. DNR presently is attempting to bring together the regulatory agencies involved – Army Corps of Engineers (Section 10 permits) and U.S. Coast Guard (buoy lighting and placement) – and the interested user groups – for example, the Tugboat Association and community clubs – in an effort to develop a set of acceptable standards for installation of moorages. Once standards are agreed upon, DNR will obtain master permits for sections of state-owned shoreland involving several upland property owners.

Dredging permits must be obtained from DNR for the removal of rock, gravel, sand and silt from state-owned beds of navigable waters, tidelands and shorelands. A royalty fee is charged in all cases except those involving public agencies or where the project involves a public contract for channel or harbor improvements.

Easements for rights of way for electric power transmission lines, telephone lines, pipelines, etc., upon, over and across state-owned aquatic lands are granted upon application to and approval by DNR.

A review of all state-owned tideland and harbor area occupancy has been undertaken by the Department. Unauthorized uses such as docks, houseboats, or other private structures are being brought under lease or discontinued.

Two natural area preserves are currently managed by DNR and several more are under study. One is located on the Sand and Goose Islands of Grays Harbor, a major nesting area for a colony of caspian terns. The other was the result of a cooperative effort on the part of nine public and private agencies to have portions of Protection Island in the Strait of Juan de Fuca declared a natural preserve. This island is the principal Pacific Northwest nesting site for the rhinoceros auklet, a small sea bird. The Natural Areas Advisory Committee acts as an advisor to DNR in the selection and management of natural preserves. The program is administered by the Department's Recreation Division. A major problem to date has been the lack of earmarked funds for either acquisition or management of such conservation areas.

DNR administers the Log Control Act and licenses a number of log patrolmen (private contractors) who patrol coastal waters collecting

stray logs. Most logs are traced through brands and are recovered and returned to owners if possible. Otherwise, stray logs, both branded and non-branded, are sold at auction by the Department. The Legislature also recently authorized the collection of non-merchandisable logs and wood debris as an aid to navigation and for aesthetic purposes.

The Department, through its Division of Geology and Earth Resources, is cooperating with a number of coastal zone counties in preparation of maps and data relating to potential geologic hazards such as landslides along bluffs overlooking beaches, slope stability, solid waste disposal site suitability, settling of lands and location of construction materials.

The Department publishes a number of public documents relating to marine lands and maintains a resource inventory utilizing maps, aerial photography and remote sensing data. Key documents produced by the Marine Lands Management Division include the Washington Marine Atlas, brochures on public beaches including maps and rules and regulations, and various plans such as the land use allocation plan for marine lands and the river management policy plan.

A Marine Resource Advisory Committee, composed of representatives from a number of agencies, has been established to advise the Commissioner of Public Lands and the Department on matters of particular complexity involving management of marine lands. Subjects addressed by the committee have included the marine resource allocation plan, deep water disposal sites, oil tanker lay-up moorage in Budd Inlet, Columbia River maintenance dredge disposal plan, sewer outfalls in Totten and Eld Inlets, and general problems of buoys and floats. Membership on the committee includes the Departments of Ecology, Fisheries, and Game, the Washington Public Ports Association, the Washington State Association of Counties, the Office of Program Planning and Fiscal Management, the Office of Community Development, the Oceanographic Commission of Washington, the Parks and Recreation Commission, the University of Washington, the Army Corps of Engineers, the Pacific Northwest River Basins Commission, and the U.S. Coast Guard.

DNR is working with the Legislature in reviewing the 225 state laws pertaining to aquatic land use and management. The Legislature is considering updating and redrafting the laws to bring them more in line with present policies and practices.

The Commissioner of Public Lands or his designated representative sits on a number of public agency committees and advisory groups. Two of the most important in their relationship to the coastal zone are the Interagency Committee for Outdoor Recreation and the Thermal Power Plant Site Evaluation Council. In addition, while DNR has little operational involvement with the Shoreline Management Act (aside from holding more substantial development permits than any other state agency), the Commissioner or his representative does sit on the Shorelines Hearings Board and participates in all appeal decisions.

Marine Land Exceptions. Besides the state-owned tidelands which were sold outright or withdrawn for other public uses, certain other tidelands and shorelands within the coastal zone are exempt from DNR management. These are primarily marine lands owned by the federal government or lands associated with Indian reservations.

Lands used for defense purposes such as naval bases, missile sites, army installations, military hospitals and similar facilities preempt state management of abutting tidelands. However, the exact limits of where state ownership ends and federal ownership begins is unclear in some cases. The use of state waters by U.S. naval vessels was mandated at statehood under the right of "navigational servitude" and is not questioned by state authorities. However, the definition of what is a "defense" use of federal lands has been questioned. For example, is a military housing installation considered a defense use thus closing adjacent tidelands to public access? In this regard, DNR has been discussing possible land exchanges with the Navy. These land swaps would involve, for example, trades of federal marine lands with good public or multiple use potential for state lands adjacent to naval installations.

Ownership of marine lands adjacent to Indian reservations depends to a great extent upon interpretation of individual treaties between the U.S. and respective tribes. Both federal and Indian authorities apparently agree that state ownership of marine lands does, in fact, exist at some point off Indian reservations. But, again, the exact ownership boundaries are unclear or in dispute. As a matter of actual practice DNR tends to work cooperatively on an informal basis with federal and Indian representatives and up to this point has not pushed the question.

Forest Lands

There are some 11 million acres of state and private forest land in the State of Washington which annually generate more than $1 billion in total income and provide through harvesting and processing of wood products some 65,000 man-years of direct employment. DNR has a direct involvement in a number of regulatory activities related to all forest lands as well as management authority for three million acres of uplands. More than one third (1.1 million acres) of these lands are contained within the coastal zone. Most of these acreages (more than 80 percent) are highly productive forest lands situated within the Olympic Peninsula or along the western slope of the Cascade mountain range. Forest land management is a very important part of the state's coastal zone management program, not only because of its economic and general environmental implications, but also because the pollution potential of forest management practices with respect to Washington's marine water and coastline is staggering. Extreme care is an absolute necessity and the matter will be treated in some detail here.

The Department's management functions for state forest lands include development of logging plans (which cover roads, stream protection, fire prevention methods, etc.) sale of timber, replanting following logging operations, and maintenance (thinning, fertilization, etc.) during timber growth periods. Other DNR activities which involve all forest lands within the coastal zone (with the exception of those federally owned) include administration of the state's new Forest Practices Act (RCW Chapter 76.09); administration of forest protection relating to fire control and insect and disease control (RCW Chapters 76.06 and 76.04, respectively); acquisition of property for reforestation purposes (RCW Chapter 76.12); providing resource inventory data and marketing analysis including sustained yield projections for both state and other public and private forest land owners; providing special forestry assistance to the 46,000 small (less than 500 acres) private woodlot owners; providing design and engineering for roads within state-owned forest lands; and operating recreation facilities including primitive campgrounds and trails.

Timber Sales. The sale of timber from state lands constitutes the Department's largest income-producing activity. DNR itself owns little of the forest uplands but, instead, manages these properties in trust for a number of other owners, which include state common schools, counties, the University of Washington, Washington State University, the State Capitol Committee, and the normal school trust. Revenues go to the owners with DNR retaining 25 percent for management.

Timber sales are planned on the basis of providing a statewide sustained yield harvest of approximately 774 million board feet per year. These calculations are worked out by the Department's Timber Sales, Forest Land Management, and Technical Services Division. Factors which go into the calculations include the age of the timber growth (older growths usually are cut first), characteristics of soil and topographic conditions, accessibility, and market conditions.

The timber sales process follows the following pattern:

1. General area logging plans are prepared and kept on file.
2. Specific action plans are prepared for all sales scheduled within a given fiscal year.
3. Action plans are reviewed by several agencies.
4. Final approval of plans is given.
5. Sales are held at public auctions.
6. Timber purchase contracts are let.

7. Logging is completed under DNR supervision.

8. DNR reenters land to proceed with reforestation.

While it is the goal of the Department to develop logging plans for all state forest lands, in actual practice this has not been accomplished. However, no timber is sold from any state tract unless a logging plan has been completed for that tract. Foresters working in area offices develop general logging plans in cooperation with the Department's Engineering Division for state tracts. Taken into consideration are the need and routing of roads, soils conditions, the presence of streams or lakes, slope and other characteristics of the ground which lead to a determination of the type of logging system to be used. Some areas may be logged with crawler tractors, some with articulated rubber tire or track skidders, and others by skyline, balloon or helicopter techniques.

Typical of the problems encountered in the planning operation are accessibility to the logging site (often either DNR or the logging contractor or both must acquire access by easement or permit through adjacent private property in order to get to the site); soil types (vulnerability to erosion, slides, etc.); steepness of slopes (logging trucks cannot operate on grades of more than 15 to 18 percent); and number of stream or creek crossings.

Road engineering and design specifications are done in Olympia by the Engineering Department. Again, utilizing the multiple-use concept, road design standards are based on several priorities including timber haul, fire control, future recreation use and eventual access for reforestation. Timber purchase contractors may sometimes do the actual design following specifications prepared by the Engineering Division. In virtually all cases, actual road construction is done by the contractor.

Once area foresters have determined the amount of sales necessary within their districts to satisfy sustained yield projections for a given fiscal year, they then prepare an action plan for each sale. Included in the plan is determination of sale boundaries, any necessary engineering, a check timber cruise, calculation of the cruise, and appraisal of value. The plans are usually reviewed by DNR in Olympia in March with sales to begin in July of each fiscal year. Copies of all action plans are also reviewed by the Departments of Fisheries, Game, and Ecology and by the involved counties. All timber sales are duly advertised prior to public auction. The Department publishes a monthly pamphlet listing all auction sales for that month.

In terms of its effect on the coastal zone management network, the methods by which DNR regulates logging activities on its managed lands and ensures sound environmental and conservation practices are of critical importance. These methods, which apply to all contract logging operations, include the granting of permits and other approvals, environmental impact assessments, and meeting the requirements of DNR's Resource Management Operating Specifications.

The timber purchaser is required to apply for all necessary permits with the exception in some cases of hydraulic permits. In the case of forest practice permits (see below), DNR works with the purchaser in filling out required forms but permits are obtained in the purchaser's name. Permanent easements and other approvals which would have an effect on the property after logging operations have been completed are taken out in the name of DNR as the trust manager. Logging is not considered a substantial development under SMA. However, road construction of more than 500 feet in length does fall under the provisions of SMA and permits are required and obtained in the name of DNR. The Department has entered into a formal interagency agreement with the Departments of Fisheries and Game which spells out operating procedures related to hydraulic permits. After jointly reviewing proposed logging action plans for the ensuing fiscal year, the Fisheries and Game departments indicate to DNR which projects (usually those involving major work in stream beds) will require individual permits. Otherwise, logging activity is carried out according to specifications which are part of the interagency agreement and project-by-project permits are not necessary.

Area foresters prepare an environmental matrix for every sale. If a significant impact appears to be

a strong possibility, then an environmental study team is sent out from Olympia to prepare a report for review by the DNR Supervisor. A full environmental impact statement under SEPA has not yet been prepared for any timber sale. However, on several occasions departmental "environmental analysis" reports have been made which follow the same format as an EIS and are public documents, but no public hearings are required.

The Department has published specifications for contractors and others operating on all state lands. Among the most important policies enunciated are: (1) "DNR is dedicated to a total effort to manage natural resources under its jurisdiction for maximum economic returns obtainable, consistent with protection of soils, air, fisheries, wildlife, and public use of water"; and (2) "[i] t is the policy of the department to reasonably protect all surface resources subject to disruption through authorized operations on state land and to rehabilitate or re-establish on a continuing basis the vegetative cover, soil suitability, and water condition appropriate to intended subsequent use of the area." The standards outline acceptable practices related to soils (chemical disposal, sloping, revegetation, etc.), water (compliance with state water quality regulations, construction affecting streams and stream quality, culvert installation in anadromous fish-use waters, the falling of trees into or across streams, protection of domestic watersheds, etc.), air (compliance with the DNR smoke management plan, fire permits, etc.), and aesthetics (screening of roads, posting of signs and billboards, control of litter, cables, worn-out equipment, etc.).

Forest Management. Two important activities – immediate reforestation and intensive forest stand management – have made it possible for DNR to maintain its rate of sustained yield harvest. Area crews under the direction of the Forest Land Management Division move in as soon as possible after logging operations have been completed to begin the replanting process. Usually the logging contractor's final responsibility is to dispose of slash. Often a key part of site preparation is the application of herbicides and pesticides. (Annual timber losses from disease and insects are much greater than from fire.) These applications are coordinated with the State Department of Agriculture, which (under the Pesticide Control Act) approves the products to be applied, with the Departments of Fisheries and Game, which monitor potential detriments to fish and wildlife, and with DOE if streams or bodies of water are involved.

The Forest Land Management Division works closely on an informal basis with many other forest land owners. It supplies trees and occasionally advice and research to Indian tribes for reservation timber activities, works closely with the U.S. Forest Service on research projects and on a number of cooperative forest practice advisory groups, and often serves in an advisory capacity with private groups.

Of growing concern to forest owners within the coastal zone is the possibility of a spruce bud worm infestation which some authorities feel could be as devasting as the recent inland tussock moth epidemic. If an epidemic is declared then pesticides (again under approval of the State Pesticide Control Board) could be applied to all forest lands.

Research plays an important role in forest management with DNR cooperating in several current projects. The Clearwater research project is a joint undertaking between DNR and the University of Washington to determine the effect of various forest management practices on stream sedimentation and the resulting impact on the fisheries resource. The study was begun in 1971 and is expected to be completed in 1977. Another study was undertaken jointly by DNR and DOE focusing on the impact forest fertilization, particularly through the use of ammonium nitrate, has on stream water quality. Preliminary results indicate that nitrate levels resulting from fertilization were minimal and of short duration in stream waters. A key result of the study may be to show that ammonium nitrate can be substituted for urea, the standard forest fertilizer.

Forest Practices Act. While environmental and conservation practices have been followed for some time by DNR in the management of state-owned forest lands, there has been a growing concern that such considerations were not adequately addressed for other forest lands in the state. As an effort to remedy this situation the Legislature in 1974

passed the Forest Practices Act (FPA) (RCW Chapter 76.09), which it amended substantially in 1975. The Act, which designates DNR as its primary administrator, declares that it is in the public interest for public and private commercial forest lands to be managed consistent with sound policies of natural resource protection and that coincident with the maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty.

The Act created the Forest Practices Board to adopt rules and regulations governing the details of forest practices management consistent with the provisions of the Act. The Board currently includes six citizen members appointed by the Governor, one of whom must be an owner of not more than 500 acres of forest land and one of whom must be an independent logging contractor; the Commissioner of Public Lands; the directors of the Departments of Ecology, Agriculture, and Commerce and Economic Development; and an elected member of a county legislature appointed by the Governor.

The promulgation of rules and regulations has proved a formidable task. In anticipation of both complexity and controversiality in the adoption of permanent rules, the Legislature created the Forest Practices Advisory Committee to assist the Forest Practices Board in its work and directed DNR to adopt emergency rules and regulations in the event the Board was unable to complete its task by January 1, 1975. The Advisory Committee is made up of representatives from the College of Forestry at the University of Washington, the Department of Forestry and Range Management at Washington State University, the Departments of Game and Fisheries, two timber company officials, two environmentalists, the Association of Conservation Districts, and a small timber company owner. The chairman of the Advisory Committee in turn appointed two regional advisory committees to recommend region-specific rules and regulations. Several working committees have also been necessary to iron out technical details. For example, one of the big problems faced by the Board was the mapping of water bodies by type. The typing has now been completed and mapping will be finished in a few weeks – the results of extensive efforts by a committee composed of representatives of the Departments of Game, Fisheries, Ecology, and Natural Resources, the University of Washington, the Washington Steelheaders Association, and Washington industries. As a result of such complexities, the Board has produced many drafts of proposed rules and regulations (the eighth most recently). The target date for final rules adoption is now mid-winter of 1976. Legislative foresight in empowering DNR to adopt emergency rules and regulations at the beginning of 1975 made it possible to operate the program without the final rules, and the experience gained in operating the program over the last eleven months should contribute significantly to the adequacy of the rules and regulations once they are adopted by the Board.

The Forest Practices Act establishes a permit process governing forest practices on forest lands in the state, both private and public except for federal lands. Forest lands include all private and non-federal public land capable of supporting merchantable timber and not being actively used for a purpose incompatible with timber growing. The Act defines "forest practices" as

> any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: (a) Road and trail construction; (b) Harvesting, final and intermediate; (c) Precommerical thinning; (d) Reforestation; (e) Fertilization; (f) Prevention and suppression of diseases and insects; (g) Salvage of trees; and (h) Brush control.

The rules and regulations to be adopted by the Forest Practices Board are to be designed to cover four classes of forest practices:

Class I: minimal or specific forest practices that have "no direct potential for damaging a public resource." Practices under this class may be conducted without submitting an application or notification.

Class II: practices which have a less than ordinary potential for damaging a public resource, but excluding forest practices on lands (a) platted after January 1, 1960 or being converted to another use, (b) which require

approvals under the provisions of the Hydraulics Act (RCW Chapter 75.20), (c) within the shorelines of the state as defined in the Shoreline Management Act (at RCW 90.58.030), or (d) excluded from Class II by the Board. Practices under this class may be conducted without submitting an application and may begin five calendar days or such lesser time as DNR may determine after written notification from the practice proposer.

Class III: practices other than those contained in Class I, II, or IV. Such practices must be approved or disapproved by DNR within fourteen calendar days from the receipt of an application from the practice proposer.

Class IV: practices other than those contained in Class I or II: (a) on lands platted after January 1, 1960, (b) on lands being converted to another use, (c) on lands which are not to be reforested because of the likelihood of future conversion to urban development, and/or (d) which have a potential for a substantial impact on the environment and therefore require an evaluation by DNR as to whether or not an EIS must be prepared under SEPA. Such practices must be approved or disapproved by DNR within thirty days of the receipt of an application from the practice proposer unless DNR determines that an EIS is required, in which case the application must be processed within sixty days unless the Commissioner of Public Lands by formal order declares that the process cannot be completed within such period.

Since January 1, 1975, the Department of Natural Resources has handled some 9,000 applications for forest practices on private lands. It is hoped that the 1975 amendment to FPA, which introduced the notification system for Class II forest practices, will substantially reduce the number of permit applications to be handled for relatively minor forest practices.

The Forest Practices Act gave counties in which forest practices are proposed a significant role in the process. DNR is not permitted to approve portions of applications concerning conversion to another use to which counties object, though the Department may appeal the county's objection to the Forest Practices Appeals Board which was created by FPA to hear such disputes (see below). Thus far seven counties in the coastal zone have waived their right to review forest practices not involving conversion to another use under the Forest Practices Act in an effort to streamline the process: Pacific, Clallam, Mason, Jefferson, King, Wahkiakum, and Grays Harbor. DNR does send copies of all applications to the appropriate county regardless of the county's exercise of the waiver option. Copies of all applications are also sent as a matter of course to the Departments of Ecology, Game, and Fisheries, and to the DNR local area office.

In terms of coastal zone management, one of the most interesting aspects of the Forest Practices Act as amended in 1975 is that in some cases it actually supersedes the Shoreline Management Act. FPA specifies that in relation to "shorelines" as defined in RCW 90.58.030 the forest practice regulations to be adopted by the Forest Practices Board ". . . shall be the sole rules applicable to the performance of forest practices, and enforcement thereof shall be solely as provided. . ." in the Forest Practices Act. It is further stipulated that no substantial development permit ". . .shall be required under chapter 90.58 RCW for the construction of up to five hundred feet of one and only one road or segment of a road provided such road does not enter the shoreline more than once," and except under unusual conditions. And finally, FPA provides that "[a]ny powers granted by chapter 90.58 RCW pertaining to forest practices. . . are expressly limited to lands located within 'shorelines of the state' as defined in RCW 90.58.030."

Reforestation ensuring continued long-term forest supply is also a chief concern of the Forest Practices Act. After a logging operation, satisfactory reforestation must be completed within three years, though five years will be allowed when approved by DNR. DNR and DOE are empowered to make an inspection after any forest practice — DOE for water quality. With respect to reforestation, the regulations of the Forest Practices Board may identify areas of forest land that have the likelihood of future conversion to urban development within a ten-year period. Reforestation

requirements may be modified or eliminated on such lands provided that such conversions to urban development are consistent with local and regional land use planning.

To provide for ready access and quick disposition of contested cases the Forest Practices Appeals Board was created by FPA. The Appeals Board is a three-member group appointed by the Governor to hear appeals from any person aggrieved by the approval or disapproval of an application to conduct forest practices. Though the Appeals Board has been operating for eleven months, only three appeals have been filed to date, two of which have been settled without a formal hearing. The third is currently pending the outcome of a court case relating to an ownership conflict.

Water quality protection from forest practices is handled jointly by DOE and DNR. If DOE determines that any person has failed to comply with forest practices regulations relating to water quality protection, it must notify DNR. If DNR does not issue a stop-work order or a notice to comply or fails to take authorized enforcement action within 24 hours of notice by DOE, then the Department of Ecology may petition the Appeals Board, which must act within 48 hours either to deny the petition or to direct DNR to take remedial action.

DNR may issue a stop-work order if there is a deviation from any prescribed forest practices procedures or if a critical problem arises. Remedies for a violation of FPA include a fine of $500 a day as long as the violation continues or an injunction or declaratory or other action for enforcement of the Act. Action can be brought against any party including the state.

Fire Prevention and Control. One of the prime responsibilities of DNR is the protection of forest lands, both state and private, from fire. Crews in all DNR areas are trained to fight forest fires and are generally responsible for fire suppression on all forest lands. In some cases contracts for fire protection have been entered into with local fire districts.

The Washington Clean Air Act (RCW Chapter 70.94) designates DNR as the responsible agency for issuing and regulating burning permits for abating forest fire hazards, prevention of fire hazards, instruction in methods of forest fire fighting and for any silvicultural operation (such as slash burning) to improve the forest lands of the state. For the effective exercise of this authority the Department has developed a cooperative smoke management program with DOE, the U.S. Forest Service, the Bureau of Indian Affairs, and the Washington Forest Protection Association representing private forest industry. The program prescribes daily fire reporting procedures and requires that burning permits comply with DOE air quality standards. It also establishes smoke dispersal objectives designed to minimize air pollution.

The DNR air quality coordinator within the Fire Control Division works on a day-to-day basis during the fire season with DOE and Weather Bureau meteorologists and meets regularly with local air pollution control authorities. Daily reports of slash burning are received at DNR from the Forest Service, DNR area offices, and the Bureau of Indian Affairs. Slash disposal methods are being tested and evaluated to find alternatives to open burning while still maintaining forest land productivity and environmental quality. A cooperative project with the University of Washington is studying the effects of buried slash on water quality.

Recreation. DNR's Recreational Division operates a number of recreation sites and all-terrain-vehicle trails in Department-managed coastal zone forest uplands. Under its legislative mandate, DNR is authorized to establish "primitive" campgrounds, picnic grounds and trails. Usually campgrounds are designed to accommodate not more than 15 camp sites and provide limited facilities such as potable water and rest rooms. The Department has a master agreement with the Department of Social and Health Services which establishes minimum health standards acceptable in recreation areas. These standards are developed on a state-wide basis and override local health agency regulations. Such standards also apply to recreation facilities operated by the State

Parks and Recreation Commission and the Department of Game. Funding of DNR recreation projects comes primarily from the State Interagency Committee for Outdoor Recreation and all-terrain-vehicle tax revenues. The capital funding budget for the current biennium amounts to approximately $1 million.

A typical example of how the Recreation Division operates under the Department's multiple use concept is shown in the Capitol Forest, a DNR-managed upland property of some 72,000 acres near Olympia. Seven camp and picnic sites are maintained within the forest as well as miles of trails, a self-guided auto tour route on logging roads which makes use of an interpretive signing program, access for sportsmen, and an overlook from the forest's highest point, 2,667-foot Capitol Peak. At the same time the property is being logged and reforested under the Department's forest management program.

Other Lands Management

Besides the miles of tidelands and acres of forest land, DNR also has responsibility for managing non-forest lands. Nearly one-third of the Department's three million acres of uplands are leased for grazing and agricultural purposes, though most of these lands are inland and outside of the coastal zone. Where leases are made on state land in the coastal areas they are primarily for the growing of cranberries and truck garden crops and for pasture-land.

The greatest impact on the coastal zone from the non-forest land program comes from leases granted for oil, gas and mineral exploration. The Lands Management Division has responsibility for all such leases whether on uplands or on beds of state-owned navigable waters. While actual oil and gas exploratory drilling is quite modest in the state (not more than 15 wells a year), some 100,000 acres have been leased for mineral exploration.

The possibility of a major mineral deposit on state-owned land in the upper Sultan Basin east of Everett may have strong implications for both the environment and the state's economy. The Bren-Mac mine feasibility study was conducted for the Department by a private consulting firm. It confirmed the presence of a minimum of 40 million tons of high-grade ore containing copper, molybdenum, tungsten, and minor amounts of silver and gold. The property is managed by DNR for the common school strust. Two environmental impact statements are being prepared – one by DNR and a second by the U.S. Forest Service – for minable property adjacent to state-owned lands.

Technical Services

The DNR Technical Services Division is responsible for maintaining resource inventories, conducting operations research studies, developing the private forest land grading program, and providing internal data processing services.

Resource Inventory. DNR has the responsibility for keeping a current inventory of the state-owned uplands and tidelands. These inventories take the form of maps and aerial photography. All of the coastal zone is photographed once every two years. DNR also has a legislative mandate to develop statewide base maps but as yet no funds have been appropriated for that purpose.

Orthophotography, a process for making distortion-free maps from aerial photographs, was introduced in 1974 to expand the Department's 15-year-old aerial photography program. At a scale of 1" to 2,000', an orthophoto map encompasses an entire township, showing standard map information as well as such physical features as contours and roads. Because there is virtually no image displacement common to other high altitude land photography, orthophotos permit greater accuracy in measuring direction and distances and in delineating and measuring areas directly from photos. Costs of the program are being shared by a number of agencies – the Departments of Ecology, Highways, Agriculture, and Game, counties and private industries. As the maps are produced they will be made available to the public at nominal cost. In the coastal zone, orthophoto mapping has been completed for the Olympic Peninsula and the Puget Sound Basin.

Another interesting activity within the resource inventory category is a demonstration project

being conducted in remote sensing in DNR in cooperation with the Office of Community Development and the National Aeronautics and Space Administration. Through NASA's LANDSAT program, DNR is assessing satellite data by computer and creating resource inventory maps for all of Western Washington. Of particular interest in the project is the ability to spot trends in growth of urban areas and slowly changing geological features.

Operations Research. This function of the Technical Services Division prepares calculations in support of DNR's sustained yield program, conducts mill surveys every two years to assess where wood products are marketed, and publishes quarterly timber product market analyses and market projections for agriculture and aquaculture activities. The Washington forest resource evaluation study currently underway is an effort to determine the extent of the state's timber supply over the next 70 years. Cooperating with DNR on this project are virtually all forest land owners in the state. Another study relates to wood fiber consumption trends. Funded by the U.S. Forest Service, the project will evaluate the present and potential quantities of usable logging residue and will promote methods for its removal and use by the pulp industry. Utilization of more non-grade material for pulp would increase regional wood supplies, reduce the amount of slash left after logging, and reduce reforestation costs.

Private Forest Land Grading Program. Authorized by the 1974 Legislature, the purpose of this program is to classify all private forest land in the state as to its productivity potential. DNR, in consultation with the Department of Revenue, the Soil Conservation Service, and other governmental and private forest land owners, is responsible for identifying which private lands are forest lands and for grading them on the basis of their timber producing potential. Another purpose of the study is to provide more accurate information for county assessors in the preparation of tax rolls. The study is expected to be completed by 1980.

Geothermal Energy. As a potential alternative to current energy sources, DNR's geologists are accelerating the mapping of geologic features or phenomena that might indicate the presence of geothermal energy in Washington State. The 1974 Geothermal Resources Act (RCW 79.76) requires permits from DNR for drilling geothermal wells in the state.

Surface Mine Reclamation. The Geology and Earth Resources Division has the responsibility for administering and enforcing provisions of the Surface Mining Reclamation Act (RCW 78.44 and WAC 322-18). The Act requires that the land be reclaimed following any surface mining operation (including sand and gravel pits) of more than two acres in area or from which more than 10,000 tons of material have been removed within a 12-month period. Operators of surface mining operations, both public and private, must submit and have approved a reclamation plan prior to issuance of a surface mining permit.

Shorelines Hearings Board

The Shorelines Hearings Board plays a key role in the Washington State coastal zone management program as the final administrative arbiter relative to decisions made under the state's primary coastal zone control mechanism, the Shoreline Management Act of 1971. The Board was created by SMA and consists of the three members of the Pollution Control Hearings Board, the Commissioner of Public Lands, a representative of the Association of Washington Cities, and a representative of the Washington State Association of Counties. The Shorelines Hearings Board is treated in considerable detail on pages 41-42.

Pollution Control Hearings Board

In 1970, the year of the creation of the Department of Ecology, the Legislature created another agency of state government called the Pollution Control Hearings Board (PCHB). The PCHB consists of three members appointed by the Governor and was created primarily to hear appeals from regulatory decisions of the Department of Ecology and local air pollution control boards. The Board's authority is, however, fairly broad and includes the hearing of appeals relating to smoke, particulate, and odor emission penalties, oil spill penalties, water rights permits, flood

plain construction permits, pollution control equipment tax credit disputes, noise abatement questions, ECPA master permit decisions, and, most recently, waste discharge permits under the National Pollutant Discharge Elimination System.

The Pollution Control Hearings Board has been operating on a full-time basis only since January of 1973, though by October 31, 1975, 934 appeals had already been filed. The Board is a quasi-judicial, administrative appellate body designed to provide ready access to parties aggrieved by decisions relating to pollution control without necessitating the long delay and costly procedure frequently encountered in court appeal. To provide easy access the Board has made it a fairly simple matter for an aggrieved party to file an appeal and for this reason undoubtedly receives more appeals than would go directly to the courts if the Board did not exist. It is equally obvious, however, that the administrative appeal system operated by the Board has in fact reduced the number of appeals that do get taken to court. The Board's credibility is impressive. As of October 31, 1975, only 25 of the 746 orders issued by the PCHB have been appealed in court.

Appeals filed with the Board are frequently not decided in an official hearing. The PCHB has been very successful in resolving many of the appeals by means of an informal conference process. In fact, by 1974, 44 percent of all PCHB appeals were settled without going to hearing, 13 percent were dismissed, and only 43 percent went to a full hearing.

The contribution of the Pollution Control Hearings Board to the Washington coastal zone management program is significant. Many of the most important management tools available for control in the coastal zone are environmental regulatory activities, such as granting or refusing to grant air contaminant and water discharge permits. The Board, by providing an administrative adjudication of such environmental issues, becomes the final administrative decision maker in all appealed cases. Due to the broad range of appeals that the Board hears, its members are well qualified to render final judgment by bringing to each case a broad environmental expertise invaluable for resolving conflict relating to environmental matters throughout the state. The Board members' expertise is augmented by their activities as members of the Shorelines Hearings Board (see page 83) and the Council on Environmental Policy (see below).

Council on Environmental Policy

The Council on Environmental Policy was created by the 1974 amendment to the State Environmental Policy Act and consists of the three members of the Pollution Control Hearings Board. The Council was established with the single purpose of adopting and amending thereafter rules of interpretation implementing SEPA. After lengthy drafting and hearing processes the Council has now adopted final rules and regulations pursuant to the legislative directive. It will be abolished on June 30, 1976, and amendment of the regulations after that time is entrusted to the Department of Ecology. The Council's contribution to coastal zone management is discussed in some detail on pages 45-47.

Interagency Committee for Outdoor Recreation

The Interagency Committee for Outdoor Recreation (IAC) was created in 1964 with the passage by the voters of the state of Initiative 215, the Marine Recreation Land Act (RCW Chapter 43.99). Initially the Committee's responsibilities consisted of administering a grant-in-aid program for state and local governmental agencies through distribution of funds from the state Outdoor Recreation (OR) account. Its authority was later expanded to include preparation and maintenance of a comprehensive plan for development of the outdoor recreation resources of the state. This plan is called the Washington Statewide Comprehensive Outdoor Recreation and Open Space Plan, or SCORP for short.

The IAC consists of twelve members including five citizens appointed by the Governor and representatives from the seven state agencies most directly concerned with outdoor recreation: the Parks and Recreation Commission and the Departments of Ecology, Natural Resources, Commerce and Economic Development, Game, Fisheries, and Highways. The Committee has a full-time staff of eighteen including twelve professionals.

Funds which are credited to the OR account come from both state and federal sources. State monies include proceeds from three outdoor recreation bond issues – Referendums 11, 18, and 28 – and Initiative 215. The money from both Referendum 11 ($10 million) and Referendum 18 ($40 million) has already been committed for specific projects. Referendum 28 ($40 million) was part of a statewide capital investment program known as the Washington Future program (see pages 89-90). $12 million of the Referendum 28 monies was earmarked specifically for use by the State Parks and Recreation Commission for improvement and development of existing state parks. The remainder is administered by IAC through the OR account. Initiative 215 provides for unclaimed pleasure boat marine fuel taxes to be placed in the OR account. Approximately $1.5 million is made available from this source each biennium for IAC distribution. Federal funds come from the state's share of the Land and Water Conservation Fund established in PL 88-578. The state has annually received some $3 million from this source.

Agencies eligible to receive grants-in-aid include most units of local government—counties, cities, port districts, and other municipal corporations authorized to provide outdoor recreation services—and all Indian tribes within the state recognized by the federal government for participation in the land and water conservation program. Four state agencies currently receive funds: the Departments of Game, Fisheries and Natural Resources and the State Parks and Recreation Commission. In order to qualify for funding, eligible local agencies must first adopt an IAC-approved park and recreation plan or include a park and recreation element in their comprehensive plan. They must also file an action plan, which includes a six-year capital improvement plan, with the IAC. State agencies must submit to the IAC a capital improvement program and a long-range statement of outdoor recreation acquisition and development goals. Agencies may request funds for property acquisition and the development of outdoor recreation facilities. Among other things, each application must include an environmental impact assessment, which must follow the criteria established for full environmental impact statements under SEPA.

The IAC has established a policy of distributing funds from the OR account on the basis of a 50/50 split between local and state agencies. The local agency funding pattern requires 25 percent of the cost of each individual project as a local share, and 50 percent from various federal funds where applicable. The OR account generally supplies 25 percent of the local project cost but the IAC may direct that as much as 75 percent come from that account, depending on the availability of federal funds. In the case of state agencies, 100 percent of project costs may come from the OR account.

Among the general priorities established by the IAC for local agency funding are several that directly affect the coastal zone, including the acquisition and development of fresh and saltwater shorelands to provide facilities for multiple-use water-related activities. Special emphasis is placed on the acquisition of shorelands in urbanized areas where the resource is in danger of being lost or converted to other uses and on the development of swimming facilities, water-related upland uses, boating access, destination areas, and upland parking.

State agency priorities include the acquisition of critical, scenic, and unique lands with special recreation or conservation values; the development of outdoor recreation facilities for such activities as boating, camping, fishing, and picnicking; and providing public access to existing state-owned or -controlled uplands, tidelands, and beaches. The IAC has given an extremely high priority to the acquisition of saltwater shoreland, particularly emphasizing access to public beaches.

The annual updating of SCORP and the accretion beach inventory recently completed by the IAC are significant contributions to the state's management of its coastal resources. SCORP includes extensive data on recreational demand, need and inventory. The accretion beach inventory identifies significant undeveloped Class I accretion beaches in the San Juan Islands and the Strait of Juan de Fuca, Hood Canal, and Puget Sound areas. Class I beaches are beaches recognized as having great recreational potential but which are threatened as a resource.

Other relevant activities undertaken by the IAC include the preparation of a state trails plan pursuant to the directives of the State Recreation

Trails System Act (RCW Chapter 67.32), administration of funds generated by the All-Terrain Vehicle Act (RCW Chapter 46.09), and developing the methodology and guidelines for the identification and classification of the state's wild, scenic, and recreational rivers. In fact, the Department of Ecology used a rivers classification program developed by the IAC as the pattern to be followed by local governments in preparing their master programs under the Shoreline Management Act.

Parks and Recreation Commission

The primary purpose of the State Parks and Recreation Commission is to acquire, develop, operate, and maintain recreation areas throughout the state for the enjoyment of the general public. The Commission consists of seven citizen members appointed by the Governor and confirmed by the Senate and usually meets on the third Monday of each month. Commission programs are administered by a permanent staff of over 325 persons headed by a director appointed by the Commission. Though staff recommendations are usually followed, the Commission takes an active role in managing the state park system. The term "State Parks" will be used here to refer to the agency constituted by the Commission and its full staff.

By virtue of a recent effort to clarify the language of management in the state, it may now be said that State Parks manages all and only state parks. The simplicity of the statement is misleading, however. The Commission has defined and set policies for seven different kinds of state parks: (a) state park (pure and simple); (b) state park/conservation area; (c) state park/heritage area; (d) state park/launch area; (e) state park/natural area; (f) state park/recreation area; and (g) state park/ocean beach access area.

The management of state parks is a complex combination of ownership and micro-management patterns. Until recently, it was a fairly common practice for State Parks to lease land to be developed into a park from the Department of Natural Resources. Because of DNR's legal responsibility to manage timber lands for maximum public profit, such leasing required the payment from State Parks to DNR of a substantial sum for removing from public sale whatever timber was on the leased land.

As a matter of Commission policy, land is no longer leased from DNR in this way. The practice now is for the Commission to buy property outright for development into a state park, using money earmarked for that purpose in the state General Fund, but there are many other ownership/management combinations. For example, there are state parks in the coastal zone on land leased by State Parks from the federal Bureau of Land Management, the Army Corps of Engineers, the Coast Guard, and the Navy. In many instances there are county-owned roads running through state parks. The timber on land now being bought by State Parks which was previously leased fron DNR is still owned by DNR. Complete joint ownership of a park is a much rarer phenomenon, but two cases are currently emerging. State Parks will soon build and begin managing a park to be owned jointly with Thurston County, and the City of Bellevue and State Parks will soon jointly build and begin managing a park.

There is one other ownership/management pattern which provides a particularly interesting example of agency coordination for effective management of the state's coastal resources. As mentioned previously (see page 73), DNR is no longer able to sell the shore, tide, and marine lands which it owns, but it can withdraw such lands in favor of the upland owner if in DNR's judgment such withdrawal will be to the benefit of the general public. When the upland owner is the Parks and Recreation Commission, DNR almost always withdraws the abutting shorelands, tidelands, or underwater beds (usually out to about one-quarter mile) in favor of the Commission in order to provide for single-agency planning and development of contiguous state-owned lands as a unified parcel.

The main planning function in State Parks (aside from site planning) is the determination of which lands should be acquired. The agency has prepared a statewide plan for parks development, much of which has appeared as part of the Statewide Comprehensive Outdoor Recreation and Open Space Plan (SCORP) prepared and

annually updated by the Interagency Committee for Outdoor Recreation (IAC) (see pages 84-86). SCORP provides a rather powerful inter-agency check on the acquisition and development of parks since almost all of the funding for State Parks for land acquisition and/or new park development or major expansion is allocated by the IAC and any significant deviation from SCORP must be explained to the satisfaction of the IAC before funds will be made available. In fact, an application for funding for each specific park project is presented to the IAC, which approves or denies the application as a whole.

Funding applications to the IAC constitute only one of many kinds of approvals required during the process of park acquisition and development. Like any private developer, State Parks must satisfy the regulatory requirements of all branches of government in order to build and operate, including obtaining a substantial development permit when a project triggers SMA regulation. The agency's most serious general problem is obtaining all of the right approvals with the right conditions at the right time within a biennium.

In previous years, the Commission occasionally acquired or was given real property that could not be developed into a state park for any number of reasons. Disposal of such property by sale or, what is more common, by trade for private inholdings within existing parks or for property with greater potential for park development is one of the most controversial things the Commission does. Land disposal is unique in the respect that it takes a unanimous vote of all seven commissioners.

There are 65 state parks of one sort or another in Washington's coastal zone, ranging in size from .50 acres to 4,934 acres and together totaling 24,000 acres. Among the most interesting of the state park parcels in terms of coastal zone management are the Seashore Conservation Area established in RCW 43.51.655 and "the accreted nontrust lands in which the state has an interest along the ocean" and which are transferred from DNR to the Parks and Recreation Commission in RCW 43.51.685.

The Seashore Conservation Area includes the tidelands between Cape Disappointment and Leadbetter Point, between Toke Point and the South jetty on Point Chehalis, and between Damon Point and the Makah Indian Reservation. Clear guidelines on the use of this extensive area are given by the Legislature itself.

> Where feasible, the area shall be preserved in its present state; everywhere it shall be maintained in the best possible condition for public use. All forms of public outdoor recreation shall be permitted and encouraged in the area, unless specifically excluded or limited by the [state parks and recreation] commission. While the primary purpose in the establishment of the area is to preserve the coastal beaches for public reaction, other uses shall be allowed as provided in RCW 43.51.650 through 43.51.685, or when found not inconsistent with public recreational use by the Washington state parks and recreation commission. [RCW 43.51.665].

Management authority over the nontrust accretion beaches and Seashore Conservation Area lands in which the state has an interest provides State Parks with some specific regulatory tools: the sale of accreted sand to cranberry growers; mining leases for "black sands"; permits for the removal of sand for construction purposes; and permits to cut firewood. DNR is empowered in the same legislation granting these regulatory powers to State Parks (RCW 43.51.685) to lease accreted lands along the ocean for the exploration and production of oil and gas, provided that oil drilling rigs and equipment are not permitted to be placed on the Seashore Conservation Area or accreted lands. As it happens, all four of these minor approval processes have been temporarily suspended because of complications arising from the state's recently instituted environmental protection programs. The only other permit-like activity engaged in by State Parks is the small-scale leasing for grazing or agricultural purposes of undeveloped land or buffer land not being used as parks.

State Parks also has the authority to review plans for all recreational developments of port districts; to make provisions for public access along Park-owned shores; and to manage with the Department of Highways the state's Scenic and Recreational Highway system.

One of the most controversial managerial functions performed by State Parks is controlling traffic on the state's ocean beach highways. RCW 43.51.680 directs that ". . .the Washington state parks and recreation commission, after agreement with the Washington state highway commission, shall establish reasonable regulations for the use and control of vehicular traffic on and along the ocean beach highway. . ." as designated elsewhere in law. There are three stretches of designated ocean beach highways: (1) the tidelands, with minor exceptions, from the mouth of the Queets River north to Cape Flattery; (2) the tidelands from the southerly point of Damon Point on the north side of the entrance to Grays Harbor to the mouth of the Queets River; and (3) the tidelands from the Columbia River or Cape Disappointment on the south to a point 300 feet southerly from the south line of the government jetty on Peterson's Point. The law goes on to stipulate that ". . .automobile driving shall be permitted on the beaches subject to the authority of the department of fisheries to prohibit driving over clam beds." In response to this legislative directive, the Parks and Recreation Commission has established a program for traffic control which includes the posting of traffic control signs and enforcement. By virtue of formal arrangements among the several interested parties, the responsibility for enforcement now rests jointly with State Parks and the sheriffs of the counties containing ocean beach highways, with the State Patrol assisting as the need arises. The pattern of controlled traffic flow varies seasonally and is coordinated with the Department of Fisheries to ensure that trafffic does not damage the clam beds referred to in law. The necessary interdepartmental coordination is not difficult to achieve and the whole matter can usually be handled with a phone call to the Department of Fisheries whenever the Parks and Recreation Commission contemplates a change in posted controls. As a long-term goal, the Commission would like to further regulate automobile traffic on the state's ocean beach highways for safety purposes, but the achievement of this objective depends on the development of adequate upland access to the state's ocean beaches. However, upland access is still relatively incomplete.

One interesting feature of the organizational structure of State Parks is that the agency houses the State Conservator and the state's Historic Preservation unit, though its functions seldom relate to park properties. The Historic Preservation unit has essentially three functions. (1) It reviews all EISs, Army Corps permit applications, and federally funded projects. If any proposed project is expected to impact significantly an archaeological or historic site, the Historic Preservation people have an active part as established by 36 CFR 800. Their role is both advisory and regulatory. Their comments on projects involving the federal government are required by federal law. (2) It advises groups on the merits of historic and archaeological properties. And (3) it maintains the federal historic preservation program as established by PL 89-665. The Historic Preservation unit fits well with the responsibility of the State Parks and Recreation Commission to interpret the state's heritage. The agency's program for interpretation includes the development of individual interpretive park brochures, the development of interpretive markers within state parks, the accession, cataloging, and maintenance of artifacts and historic items, and the recommendation and servicing of a program for park historic structures and properties. A great many historic and archaeological sites are located in close proximity to marine waters.

Two other State Parks programs contribute to coastal zone management in the State of Washington. First, the state boating safety program was given to the Parks and Recreation Commission to administer by Governor's Order in the late 1960s. In December of 1971 State Parks became the administering agency for all federal funds relating to recreational boating. And second, the Commission is authorized to establish landing and other facilities for small pleasure boats at places on Puget Sound where such facilities will be of greatest advantage.

Office of Program Planning and Fiscal Management

In 1969 the Legislature created a new division of the office of the Governor in order that the short-range planning represented by the biennial budget could be made consistent with the longer-range plans and goals of the state. The Office of Program

Planning and Fiscal Management (OPP&FM) functions as advisory and coordinative staff to the Governor with respect to a wide variety of gubernatorial functions. Though OPP&FM clearly has a significant impact on management of the coastal zone, it does not itself manage coastal resources.

OPP&FM's primary source of influence in the coastal zone is its central role in the state's planning and budgeting process. The State of Washington operates under a decentralized process in which each state agency is expected to prepare its own plans and budget internally. The Governor, under the Budget Accounting Act of 1959 (RCW Chapter 43.88), is responsible for submitting a balanced budget to the Legislature and for keeping the budget balanced once it is passed. This does include the control of allotment and the authority to cut agency appropriations if revenues fall short. All requests for funds, including requests from the Legislature itself, go through OPP&FM.

The other primary function of OPP&FM with respect to coastal zone management is statewide planning, including both advanced planning and more immediate policy planning. In early 1974 the office initiated the Alternatives for Washington program, a comprehensive effort to involve citizens in public decision making. Goals and policy options for the future were developed by citizen task forces and presented for public consideration through community meetings and a major communications effort involving printed media, radio, and television. OPP&FM is now in the process of analyzing the results of the Alternatives for Washington program for the purpose of constructing for the Governor's consideration a set of policy alternatives. The goal is the establishment of policy guidelines which will guide the budget process. The key issues that have surfaced for analysis to date are education, energy, transportation, growth management, employment, and the decentralization of social services.

In addition to its primary responsibilities relating to planning and fiscal management, OPP&FM has a variety of program review and coordination functions which contribute indirectly to the state's management of its coastal resources. The role of OPP&FM with respect to the NEPA process and A-95 review has been explained previously (see pages 26-27). The office also analyzes all proposed state legislation for policy implications and coordinates the Governor's comments on proposed federal legislation. Another checkpoint ensuring some measure of management coordination is OPP&FM's review of federal grants to units of Washington government as the state's designated A-98 central reception agency. (Federal Office of Management and Budget Circular A-98 requires that a single state agency be designated to receive information on all federal grants in the state.)

One other program responsibility of the Office of Program Planning and Fiscal Management should be mentioned here in passing. In the fall of 1972 the voters of the state were presented with a package of six bonding referendums which were loosely tied together for purposes of promotion as the Washington Future program. The passage of five of the six proposals instituted a massive funding process for extensive capital improvements including facilities for waste disposal, water supply, recreation, social services, and community colleges. About $125,000,000 of the $415,000,000 worth of bonds to be sold by 1980 have already been committed. The specific capital improvements programs covered under the Washington Future umbrella are administered by the Department of Ecology, the Department of Social and Health Services, the Interagency Committee for Outdoor Recreation, the Parks and Recreation Commission, and the Community College Board. Administration of the Washington Future program, insofar as the multifarious capital improvements programs that were generated by the five approved referendums constitute a macro-program, is the responsibility of OPP&FM. As the Washington Future program has evolved, the role of OPP&FM has come to be a fairly straightforward matter of fiscal management—that is, fiscal review and allotment. No master plan has been prepared tying individual programs together for the simple reason that there appears to be no need for such a plan. OPP&FM does review agency approval requests and works with requesting agencies to modify requests as review suggests the need. In two cases approval was denied. The office also has the authority to refuse to allot money in the case of a bad project, but the power has not been exercised except as a lever to encourage the improvement of project proposals. The

Washington Future program began as a loose collection of large-scale capital improvements programs. It is affecting and will continue to affect the coastal zone in very significant ways even though it remains for the most part a collection of largely independent line-agency programs.

Department of Fisheries

The Department of Fisheries has the statutory responsibility for management of the state's food and shellfish resources. This mandate is carried out via enforcement of the Fisheries Code, adoption and enforcement of regulations related to types of gear, fishing location and the timing of sport and commercial fishing activities, fish habitat management and enhancement, maintenance of hatcheries and fishways, and approval of applications for marine construction and hydraulic projects.

The food fish and shellfish industry is of large-scale importance to the State of Washington. Commercial landings of marine and other fin fish (exclusive of salmon) in state coastal zone waters have ranged from 60 to 100 million pounds annually during the last twenty years. The commercial salmon harvest amounts to 55 million pounds annually. Commercial shellfish harvests have averaged 21 million pounds annually with an additional recreational harvest estimated at 51 million pounds. The regulation of commercial fishing is generally accomplished through development of plans and regulations which are modified on a day-to-day basis by emergency regulations issued as required by the Department's Director – the Director, however, is not empowered to allocate fish resources. The regulations are enforced by the Department's 36-officer Fisheries Patrol unit, which made 1,293 arrests for various fisheries violations in fiscal year 1973.

A 1974 federal court case commonly called the Boldt Decision drastically affected the Department's regulation of food fish, particularly salmon and herring, in the state's waters. The Boldt Decision resulted in clarifying the status of the Steelhead trout, a very popular game fish under the jurisdiction of the Department of Game. The species can now be taken as a commercial fish by Indians. The decision has caused confusion and problems for both sport fishing and commercial fishing interests. In effect, it also guaranteed the Indian people up to 50 per cent of the catch of anadromous and salt water fish in off-reservation state waters and authorized the tribes to manage their own fisheries. The Departments of Fisheries and Game have spent considerable time working with all affected parties including Indian officials in efforts to carry out properly the mandate of the court. But the Department of Fisheries feels that the Boldt Decision has created a new complexity in the Department's management responsibility to maintain a full harvest and full utilization of spawning grounds and the Department of Game has stated that management of the same resource by two autonomous authorities (the state and Indian tribes) for different purposes is nearly impossible.

The relationship between the Department of Fisheries and the Department of Game is particularly close as it relates to environmental matters. The division of responsibility between the two is specifically spelled out in state statutes. According to law the Department of Fisheries is responsible for food fish and shellfish and the Department of Game is responsible (among other things) for sport fish. This somewhat artificial distinction requires close interdepartmental cooperation as an operating necessity.

Interdepartmental cooperation is nowhere better exhibited than in the administration of the state law (RCW 75.20.100) requiring approval by both departments of hydraulic projects which divert the natural flow or utilize the waters of any stream of the state. By means of an informal operating procedure, hydraulic project approvals are reviewed jointly by the two departments. The signature of both departments is formally required on all applications. Hydraulic permit applications have increased ten-fold in recent years. Some 4,000 were processed in fiscal year 1973.

The Department undertakes environmental review under the Forest Practices Act, SEPA, NEPA, ECPA, A-95, NPDES, SMA, and Army

Corps of Engineers permits and is frequently funded for special studies and tests. With an eye to the protection of fishery resources and as a corollary to its environmental review activities, the Department has recently issued a set of criteria governing the design of bulkheads, landfills, and marinas in the state's coastal zone. In cooperation with the U.S. Geological Survey it has been conducting salmon hydrology studies to determine a formula for predicting desirable minimum stream flows to assure adequate fish habitat. These studies will in turn assist the Department in its review of DOE water rights applications. Another important activity involving state and federal interaction is an ongoing effort to resolve conflict in the management of coastal crab stocks between Washington and Oregon. The federal government through the National Marine Fisheries Service is funding the program. One other kind of research should be mentioned in passing as well. The Director of the Department is authorized under the Fisheries Code to conduct test fishing operations for the purpose of evaluating management effectiveness of food fish programs, particularly those relating to salmon. Catches taken in such testing may be and usually are sold to offset costs of the program.

The Department of Fisheries owns some modest landholdings in the state and holds several leases on other land including some tidelands. Nearly all the land under its direct control is used for facilities (hatcheries, oyster reserves, rearing ponds, etc.) and other fish propagation installations.

The Fisheries Director or his representative sits on several key international and inter-state fish regulatory and advisory agencies, including the International Pacific Salmon Fisheries Commission, which regulates the management of sockeye and pink salmon between the U.S. and Canada; the Pacific Marine Fisheries Commission, an advisory group which includes membership from Washington, Oregon and California; and technical committees of the Northwest River Basins Commission.

Department of Game

Management of game fish and wildlife within the coastal zone rests primarily within the jurisdiction of the Department of Game. Management activities fall into the broad categories of hydraulic approval; habitat evaluation and development; population enumeration and the evaluation of production; harvest and survival of numerous species; the regulation of hunting and fishing seasons; enforcement or assistance in enforcement of the Game Code, the Fisheries Code, Game Commission regulations, and such federal laws as the Migratory Bird Act and the Endangered Species Act of 1966; land acquisition and operation; environmental review; public education; and operation of fish rearing facilities and game farms. As previously mentioned, the Department maintains close working ties with the Department of Fisheries, particularly with respect to its responsibility for approval of hydraulic permits and, more recently, in carrying out joint responsibilities stemming from the Boldt Decision. (See page 90.)

Environmental review is pursued more vigorously by the Department of Game than by most other state agencies primarily for the reason that, while the Department has extensive regulatory authority over wildlife and human aspects of game and non-game resources, it has little direct control over the preservation and maintenance of fish or wildlife habitat except on lands which it owns. For example, survival of fish produced at thirty-two of the Department's many hatcheries and rearing ponds is dependent upon the conditions found in coastal waters, but the Department has no direct control over those conditions. Another reason why the Department of Game actively pursues environmental review is its concern about pollution, development and construction on tideland marshes and other factors which affect the survival of fish and wildlife. Reviews are made under appropriate provisions of such federal and state acts as NEPA, the Fish and Wildlife Coordination Act, the River and Harbor Act (Army Corps permits), the Forest Practices Act, SMA, and SEPA.

The Department conducts educational programs and other studies on fish, wildlife, and their habitat for students, teachers, and public service organizations. For example, a cooperative agreement has been reached with Evergreen

State College for an Environmental Studies Interpretive Center at its Luhr Beach access on the Nisqually Delta. The Department has actively participated in the Puget Sound and Adjacent Waters Study and the Southwest Washington River Basin Study. It has also supported and assisted studies, for example, on the distribution, habitat, life history and food habits of rhinoceros auklet, tufted puffin, and black oyster catcher on Destruction and Protection Islands.

The Department of Game owns more than 20,000 acres of natural habitat and public access areas within the coastal zone. There are four major Wildlife Recreation Areas in the zone: the Oyhut, Johns River, Skagit, and Nisqually. In addition, the Department operates five waterfowl and six saltwater access areas and holds the title to several thousand acres of second class tidelands in Skagit Bay. A major departmental concern is maintaining habitat preservation in the face of continuing development. When funds are available, the most desirable pieces of habitat frequently are not.

The State Department of Game also acts as a partner with the federal government, through cooperative agreements and contracts, in the management of marine mammals such as killer whales, sea otters, and an estimated 1,800 harbor seals in the Puget Sound area. The Department has a contract with the National Marine Fisheries Service to enforce provisions of the Marine Mammals Act of 1973 which superseded what was formerly primarily state jurisdiction.

The Department has just embarked on an active program of non-game animal management as well, funded by the state's recently authorized personalized license plate program.

State Energy Office

The increasing importance of energy related matters was recognized by the 44th legislature in Substitute Senate Bill 3172. That bill, which went into effect in March, 1976, declared it the policy of the state "to foster wise and efficient energy use and to promote energy self-sufficiency through the use of indigenous and renewable energy sources, consistent with the promotion of reliable energy sources, the general welfare, and the protection of environmental quality."

To coordinate energy related activities, that bill established the State Energy Office.

The State Energy Office is charged with collecting and maintaining data on energy resources; preparing analyses of data as well as analyses of projections and/or forecasts of energy supply and demand; developing and disseminating guidelines for energy conservation plans for use by the governor, industries and private individuals; preparing contingency plans for emergencies; and representing the state's interest on energy matters.

Significantly, the legislature also gave the Office the power to obtain certain otherwise privileged information from energy producers, suppliers or consumers.

The State Energy Office is headed by a director appointed by the governor with the consent of the legislature. The director also serves as the nonvoting chairman of the Energy Facility Site Evaluation Council.

In April, 1981, the State Energy Office will automatically dissolve unless the legislature acts to continue its existence.

Energy Facility Site Evaluation Council

The same legislation which created the State Energy Office also addressed energy facility siting.

Formerly, the only state energy facility siting group was the Thermal Power Plant Site Evaluation Council (TPPSEC). TPPSEC was established in 1970 in an effort to maximize environmental protection in the siting and construction of thermal electrical power generating facilities while at the same time establishing a "one-stop" review and evaluation process for utilities.

In Substitute Senate Bill 3172, the legislature changed the name of the Council to Energy Facility Site Evaluation Council to illustrate the broadening of its powers to all forms of energy facilities.

It also added the Department of Highways to the existing membership: Parks and Recreation Commission, the Utilities and Transportation Commission, the Office of Program Planning and Fiscal Management, the Office of Community Development, the Interagency Committee for Outdoor Recreation, the Departments of Ecology, Fisheries, Game, Social and Health Services, Commerce and Economic Development, Agriculture, Emergency Services, and Natural Resources.

Also, the legislature added a port district representative should a port be involved in a proposal.

The Council must evaluate applications for the following types of energy plants and their associated facilities: stationary thermal power plant with a generating capacity of 250,000 kilowatts or more; floating thermal power plants of 50,000 kilowatts or more; facilities which will receive liquid natural gas in the equivalent of more than 100 million standard cubic feet of natural gas per day, which has been transported over marine waters; facilities which will result in receipt of more than an average of 50,000 barrels per day of crude or refined petroleum which has been or will be transported over marine waters; any underground reservoir for receipt and storage of natural gas capable of delivering an average of more than 100 million standard cubic feet of natural gas per day; and facilities which will result in the processing of more than 25,000 barrels per day of petroleum into refined products.

Transmission facilities—such as pipelines for crude or refined petroleum or for various types of gas—also come under the jurisdiction of the Council.

The chairman of the Council is the director of the State Energy Office or his designee, and is a non-voting member.

The Council must within 12 months of receiving an application submit its recommendation to the Governor. The Governor has 60 days in which to accept or reject that recommendation. Once approved, the application specifies in contractural form all the environmental regulations and safeguards by which the applicant must abide in constructing and operating the proposed energy facility.

The primary goals of the Council are to: (1) assure citizens of the state that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and are technically sufficient for the citizens' safety and welfare; (2) preserve and protect the quality of the environment and enhance the public opportunity to enjoy the esthetic and recreational benefits of water and land resources; (3) promote clean air; (4) pursue beneficial changes in the environment; and (5) provide abundant low-cost energy.

In its activities, the Council is to integrate its site evaluation activities with federal agencies to avoid duplication. It also will represent the state to other states, regional organizations or the federal government regarding any energy facility which may affect the environment, health or safety of Washington citizens.

There are two important aspects of the legislation which related to TPPSEC and now relate to the EFSEC. First, after the Council has received a site application, the attorney general is required to appoint a lawyer to act, in effect, as a "people's advocate" in terms of ensuring that the public interest as it relates to environmental protection is represented. The counsel is to serve in this capacity through the term of the certification procedure. Second, the certification issued is in lieu of any permit or similar document required by any arm of the state. (The original legislation was interpreted to refer only to those agencies represented on the Council. However, in SB 3172, this point was clarified to refer to all agencies, departments, etc., whether or not they are represented on the Council.)

TPPSEC has already played an important role in proposals for two thermal power projects in coastal counties—one by the Puget Sound Power and Light Company for a nuclear plant in Skagit County, and the other for a nuclear plant in Grays Harbor County by Washington Public Power

Supply Systems. As EFSEC, the Council may play an important role in current proposals relating to a major petroleum receiving and transfer facility for the state.

Office of Community Development

In 1967 the Legislature created the Planning and Community Affairs Agency (PCAA) as an Office of the Governor to ". . .aid in providing financial and technical assistance to the communities of the state and to otherwise assist in such community planning and development in order to promote health and living standards and conditions that the welfare of the people of the state require." (RCW 43.63A.010) Six years later in an administrative restructuring the Governor issued an executive order merging PCAA with the State Office of Economic Opportunity and the State Employment Development Planning Unit. All the functions previously performed by these three bodies are now under the jurisdiction of PCAA operating since the restructuring as the Governor's Office of Community Development (OCD).

Like its counterpart OPP&FM, the general function of OCD is integration and coordination. In addition to numerous categorical planning responsibilities, OCD has two major tasks. The first addresses community interest in state planning and budgetary development by giving local government a stronger voice in the development of state programs. And the second is to provide funds, technical assistance, and planning resources to local governments, including cities, counties, city/county units, and regional councils, in a timely and responsive manner.

In order to carry out its responsibilities, three operating divisions have been established in OCD: the Administrative and Support Services Division (for intra-agency support); the Community Planning Program Division (for local assistance), and the Human Resources Planning Program Division. The Human Resources Planning Program is an attempt to bring together the numerous social and health planning programs found in the state into a coordinated state program. It includes such program activities as comprehensive health planning, drug abuse prevention, employment development planning, law and justice planning, and voluntary action.

The Community Planning Program, often referred to as the Local Assistance Program, provides the agency's most direct involvement in coastal zone management, especially in terms of planning coordination and assistance. One major section of the Community Planning Program Division is Field Services. Field Services contains twelve people who not only have specific program responsibilities (such as the coordination of the state's A-95 review of local and regional comprehensive plans) but are also assigned to local areas to assist cities and counties with both technical and financial aid in carrying out their individual community planning and development programs. Six of the twelve local assistance planners work directly in the coastal counties and cities. Since the planning enabling laws of Washington are oriented to planning and planning implementation at the local level (see page 103), OCD's local planning assistance program provides a needed mechanism to tie potentially disparate local planning efforts to state policies while at the same time developing individual local expertise in comprehensive planning, zoning, and subdivision control, which are important aspects of the protection and coordinated development of Washington's coastal zone.

In addition to Field Services, there are a number of specific planning program areas which are being developed in OCD which may have a future impact in the coastal zone, including energy research, transportation, tax study, economic development, land use and environment, and housing. One of the most significant research projects being developed in the state is being coordinated by OCD's land use and environment program. The "Land Resource Inventory Demonstration Project" has been funded by the Pacific Northwest Regional Commission and includes not only the State of Washington but the States of Idaho and Oregon as well. The National Aeronautics and Space Administration and the U.S. Department of the Interior are also participants in this cooperative program. Briefly, the program

aims at providing users from a variety of resource planning and management agencies within the three states with experience in extracting and using information derived primarily from LANDSAT multispectral data and, to a lesser extent, from other remote sensing data sources such as high-altitude aircraft. When fully developed, the program should provide invaluable land and water use information on a continuing updated basis for the coastal area of Washington.

In the past a major function of OCD has been the coordination and placement of HUD 701 comprehensive planning monies in agencies throughout the state. However, 701 monies are being phased out by HUD, and the planning assistance for coastal area communities that is available through this program is minimal. Another program which should be mentioned in passing is the agency's (non-statutory) role in the Washington Future Program (see pages 89-90). Before OPP&FM signs off on project funding for a specific project being applied for by a unit of local government under one of the Washington Future programs, OCD signs off that the jurisdiction in which the monies are to be used has or is beginning to develop a comprehensive planning process.

The Office of Community Development has two other roles in the coastal zone including handling of A-95 review for local Coastal Zone Management grants as discussed earlier. Also, the Office of Community Development administers HUD 701 grants, some of which may be used for Coastal Zone Management-related endeavors. As a part of this activity, the Office of Community Development maintains a library of local comprehensive plans and zoning regulations, and assists locals in such planning endeavors.

Department of Social and Health Services

The Department of Social and Health Services (DSHS) has been given broad authority, both regulatory and non-regulatory, in four major areas of state government responsibility: adult corrections, community services, vocational rehabilitation, and health services. It is the Department's Health Services Division which has the most direct relevance to coastal zone resource management and the Office of Environmental Programs within that division which carries out most of the Department's managerial responsibilities that are of interest here. The primary DSHS coastal zone management activities fall into six categories: protecting public water supplies, controlling solid and liquid waste disposal, monitoring radiation, ensuring protection from pesticide poisoning, preventing public health hazards related to recreational facilities, and providing sanitary control of shellfish taken for human consumption.

Water supply protection is based primarily upon regulations established by the State Board of Health under the general legislative mandate for DSHS which is contained in RCW 43.20. The Department conducts field surveys of water system facilities, reviews proposals for construction or improvements, coordinates training programs for waterworks operators, provides technical assistance relating to utilities, reviews the results of bacteriological and chemical analyses, offers consultation and assistance for local health department water supply programs, and conducts regional water system coordination programs for area-wide efficiency. At present, the water program is essentially state and locally oriented although the federal government is considering some state surveillance and program grants pursuant to the federal Safe Drinking Water Act of 1974. The water program is closely related to the Department's administration of the state's Referendum 27 grant and loan program for public water utility improvements which is a part of the Washington Future program. (See pages 89-90.)

In many cases water supply protection in the state is the joint responsibility of DSHS and DOE. All public water supplies having more than 1,000 services are required to have a comprehensive plan approved by DSHS prior to the issuance by DOE of a water appropriation permit. (See page 56.) The comprehensive plan must be consistent with regional water supply plans for those geographical areas where such plans have been reviewed and approved by DSHS.

Concern for public health considerations is further exhibited in DSHS management of the state's waste disposal program. The Department

conducts continuous studies assessing operating waste programs, including both the Department's own programs and those that are the direct administrative responsibility of other agencies such as DOE or the U.S. Environmental Protection Agency. Significant interagency cooperation is required for the disinfection of treated sewage effluent, the identification of sewage overflows, and responding to failures of treatment facilities, especially where they affect water supply sources.

DSHS joins with DOE and local health agencies in regulating the design, construction and maintenance of on-site sewage disposal systems. This program is one of the Department's most controversial activities in that it raises the issue of septic tanks versus package systems. The controversy is particularly intense in the coastal zone because of the environmental fragility of the state's shoreline areas.

The Department is also responsible for licensing the uses of radioactive materials, registering the use of radioactive devices, and conducting limited environmental monitoring for radioactivity pursuant to RCW Chapter 70.98. Of particular importance here is the prospect of the construction of several nuclear power plants in the coastal zone. The Department's director is a member of the Energy Facility Site Evaluation Council. (See pages 92-93.)

Pesticide control is an important DSHS activity involving coordination with the State Departments of Agriculture, Natural Resources, and Ecology, the U.S. Forest Service, and the Bureau of Reclamation. While these other agencies generally regulate either the materials (Department of Agriculture) or their applications (DNR and the U.S. Forest Service), DSHS investigates all pesticide poisonings and incidents such as spills and fires, monitors the levels of pesticide storage in humans, and analyzes the major routes of potential pesticide exposure (air, water, and food). An emergency response system has been put together which gives the Department the capability of reacting quickly in the event of a pesticide accident.

Major recreation-oriented activities conducted by the Department include site appraisal, review of plans, and inspections. Local health agencies in many cases are delegated the regulatory responsibility. Coordination with local, state, and federal agencies operating recreational facilities is a frequent necessity. Major problems in the coastal zone include inadequate sanitation facilities for marinas and pleasure boats; overcrowding of camping areas with the resulting use by recreational vehicles of areas with no sanitation facilities; sanitation facilities in group youth camps; and lack of consideration of environmental health requirements in planning for new facilities. Of critical concern are deaths and illness caused by chemical and physical hazards such as carbon monoxide poisonings in boats and recreational vehicles.

Shellfish present public health authorities with a difficult problem. Shellfish feed by filtering large volumes of water, which results in concentrating poisons and disease transmitting organisms. As shellfish are often eaten raw or only partially cooked, there is a high potential for disease. DSHS is required by law to administer a health control program over commerical mollusk shellfish. The Department certifies commercial shellfish growing areas and packing plants; monitors the potential pollution of growing areas stemming from domestic, municipal, industrial and recreational sources; identifies areas that are approved for harvest or subject to closure; monitors for the presence of paralytic shellfish poisons and closes areas where they are found; and inspects and enforces sanitary standards in the seventy shellfish processing plants in the coastal zone.

The Department coordinates activities in the shellfish program with the federal Food and Drug Administration since a considerable quantity of shellfish from Washington is shipped to other states. In addition, because many shellfish are harvested independently by recreationists and sportsmen from areas not adequately monitored or controlled, the Department has entered into an agreement with DNR to provide for health approval of sport shellfish taken from lands under DNR control and has initiated surveillance over public sport shellfish areas designated by the Parks and Recreation Commission.

DSHS pursues an active program of review and analysis of a variety of activities of other agencies having possible health implications, including for 1974 the review of more than 650 Corps of Engineers permit applications, 300 EISs, 250 A-95 pre-project notifications, and 100 land development registration applications. The review of land development registration applications is one of the Department's most effective control techniques. Perhaps, as many as one out of every three applications reviewed are found to be inadequate with respect to satisfaction of the requirements of DSHS rules and regulations, most frequently because of inadequate on-site sewage systems. Through the active cooperation of the Real Estate Division of the Department of Motor Vehicles, DSHS has been able to effect the necessary improvements in all cases prior to the required registration of land sales. (See Pages 100-101.)

Department of Highways

The Department of Highways has little or no regulatory or direct policy influence in managing coastal resources, but as one of the state's major public developers the Department is in a position to affect the coastal zone in very significant ways. The Department of Highways not only constructs and maintains land highways in the state but is responsible for the Lake Washington and Hood Canal floating bridges, the Tacoma Narrows suspension bridge, and the state's elaborate ferry system as well.

The Department has produced about 125 EISs since 1971 under the requirements of NEPA and SEPA. In addition to the environmental disclosure provided by such documents generally, highway EISs typically single out coastal zone issues directly. The Department of Highways prepares its environmental documents under guidelines established by the Federal Highway Program Manual which, among other things, requires consideration of "wetlands and coastal zone impacts" and any inconsistencies of the proposed project with existing or planned wetland or coastal zone management programs. Through its response to the impact statement requirements of NEPA and SEPA the Department of Highways makes its plans and programs accessible to all interested federal, state, and local agencies as well as the interested general public and public interest groups.

The Department has also filed some 200 substantial development permit applications, none of which has been rejected to date. Though some half dozen have been appealed to the Shorelines Hearings Board, the Board has upheld the Department in every case. The Department of Highways has developed an informal procedure with the Department of Ecology to provide DOE with early information on proposed highway projects in order to avoid undue procedural delays and unnecessary appeals when substantial development permits are actually filed. This procedure has resulted in a number of highway projects proceeding more or less on schedule (particularly with respect to bidding) which would otherwise have been set back.

North America's largest waterway transportation system is also operated by the Department of Highways. The Washington State ferry system is considered an integral part of the state's total transportation network. The system's 18 ferries daily ply the waters of Puget Sound over nine routes carrying passengers, vehicles, and cargo. That it contributes significantly in support of state coastal zone commerce and tourism can be seen from the system's annual operating statistics: 13 million passengers and five million vehicles carried, 700,000 miles logged, and 180,000 dockings. The smallest vessel in the fleet is the 40-car Hiyu and the largest are the 206-car, 2,000-passenger super-ferries called the Spokane and the Walla Walla. Grants from the federal government under the Urban Mass Transportation Act have been used to help offset the costs of constructing new ferries. Additional federal involvement is supplied by the Coast Guard's certification of the system's vessels and crews. Because of increased operating costs brought on by inflation and the energy emergency, the Department of Highways is currently studying the possibility of supplementing the ferry system by adding all-passenger 45-knot hydrofoils and, for existing ferries, detachable auto barges.

Department of Commerce and Economic Development

The Department of Commerce and Economic Development (DCED) was established by the Legislature in 1957 to foster the most desirable growth and diversification of industry and commerce possible. After early emphasis on tourism and attracting new industry, priorities in recent years have shifted toward contributing to the development of a state economic policy, improving the lines of communication between the business community and governmental agencies, and decentralizing the delivery of departmental services. Though DCED is not a regulatory agency, several of its activities contribute to effective management of the coastal zone.

The Department acts as a liaison between state and local regulatory agencies and businesses wishing to locate or expand in the coastal zone. Typically DCED provides assistance through briefings on permit requirements, providing personal contacts with the agencies involved, and generally attempting to create a climate of good faith. The ECPA procedures described on pages 47-50 above have proved a valuable aid to the Department in making the regulatory requirements clear and the Department has walked business applicants through the entire ECPA process. DCED's liaison role in coastal zone management is well exemplified by its coordinative work with business concerns engaging in aquaculture, mineral exploration and mining on the ocean floor, and the development of deep water port facilities. The Department's liaison work has been effective but not highly visible to date. Department officials estimate that 90% to 95% of the businesses in Washington State are unaware of the coordinative services available to them.

A second aspect of DCED's role in managing the coastal zone is its distribution of State Economic Assistance Act (EAA) funds for the development of facilities (e.g., sewer mains, water lines, and streets) that are needed to encourage industrial development. Limited to public agencies in areas of high unemployment, EAA beneficiaries include local governments and Indian reservations in the coastal zone. The 11-member Economic Assistance Authority, which is made up of representatives of local governments, state agencies, and the private sector and which determines the allocation of funds, is chaired by the Director of DCED and is supported by Department staff.

An important part of the Department's responsibilities for promoting commercial activity and economic growth is the promotion of nuclear energy development and the attraction of related industries. Though DCED's Nuclear Energy Development Division currently plays no significant role in managing the Washington coastal zone, its activities are of immediate interest in a developing coastal zone management program insofar as decisions relating to the siting of nuclear energy facilities in the coastal zone are in the process of being made. (See page 92.)

Department of Emergency Services

The Department of Emergency Services (DES) was created by the Legislature in 1972 in a reorganization designed to give a precise delineation of activities and responsibilities that came to be undertaken by DES's predecessor, the Department of Civil Defense. The agency's role is primarily coordinative, requiring close work with other state agencies and local governments to ensure the provision of comprehensive disaster and emergency services. The potentially broad range of Department activities is well illustrated by the fact that DES currently houses the state's Fuel Allocation Office and the Energy Information and Conservation Center which were created in response to the energy emergency of 1973-74.

Specific DES activities which contribute to the state's management of its coastal zone are: (1) the provision of disaster relief services needed as a result of flooding, earthquakes, severe storms, and other emergencies; (2) the coordination of search and rescue missions in the waterways and mountrains of the coastal zone; and (3) diaster preparedness planning.

Disaster preparedness planning and ensuring that operational capabilities are adequate for effective response to an emergency are important aspects of sound coastal zone management. The Disaster Preparedness Section of DES is currently preparing a statewide disaster plan due to be completed

in mid-1977 and is already working with local governments on plan implementation. The planning program includes hazard prevention, emergency operations, and recovery and is designed to prepare the state to respond to catastrophic events by: (a) identifying hazard agents; (b) outlining the nature, location, and occurrence interval for each hazard agent; (c) analyzing and synthesizing existing hazard data in the form, for example, of mitigation reports, maps, publications, and legislation; (d) defining the respective roles including the degree, level, and scope of involvement of state and federal agencies in preparedness plans and programs; (e) developing an organizational structure that will manage all state hazard mitigation programs and plans; (f) developing preparedness plans and programs at the state level; and (g) developing an organizational training program for state and local governmental staff personnel.

Uniform implementation of the state's disaster planning efforts in the coastal zone is not anticipated to be a serious problem. All fifteen coastal counties (and several of the larger cities) have designated emergency services departments. Local programs receive their funding from the U.S. Department of Defense Civil Preparedness Agency (CPA) and DES allocates 50% of the CPA funds upon CPA concurrence with the allocation plan.

Department of Agriculture

The State Department of Agriculture plays only a limited role in the state's coastal zone management network. The primary reason for this is that while agriculture is rapidly approaching the $2 billion mark in annual value in the state, most of the major producing areas are outside the coastal zone. Much of the significant work the Department does do in the coastal zone consists of routine inspections and control of food products, plants, and animals.

The Department's Division of Agricultural Development plays an indirect role in land use and water resource planning in rural areas of the coastal zone. This activity is generally limited to the compilation and publication of agricultural statistics through such mechanisms as joint federal/state crop and livestock reporting services. A much more direct management involvement of the division is its responsibility for administration of the state's Noxious Weed Control Act. The Department provides information, organizational assistance and some funding to various county weed control boards. In the last biennium the Department of Agriculture distributed more than $94,000 in state funds to a number of counties, including six in the coastal zone, to help in the eradication of Tansy Ragwort, Western Washington's most troublesome noxious weed.

Responsibility for controlling herbicides and pesticides within the coastal zone rests primarily with the Department's Grain and Chemicals Division. This division is authorized to enforce provisions of the state's far-reaching Pesticide Control Act (RCW Chapter 15.58), including the registration of pesticides and the licensing of their use, distribution, and sale. Because the state's act is very comprehensive, the Environmental Protection Agency in 1974 contracted with the Department of Agriculture to be the enforcing agency in the state for the new federal Pesticide Act. The Grain and Chemicals Division also has regulatory responsibilities in relation to the feed, fertilizer, and seed industries.

Besides the activities already mentioned, the Department of Agriculture plays an active, though usually informal, role in attempting to ensure the preservation and protection of prime farm land in the state. Within the coastal zone this land is primarily lowland truck farms and pasture for dairy and beef cattle. The Department testifies before legislative and congressional committees on the impact on agriculture of proposed legislation, assists in the development of agricultural legislation, reviews environmental impact statements under SEPA, and occasionally directly intervenes through attendance at hearings or the preparation of studies when it appears that development such as highways or power lines might have a major effect on agricultural production. For example, the Department recently presented the results of a study to the Bonneville Power Administration on the agricultural implications of power line siting. The Director of the Department of Agriculture is a member of the Energy Facility Site Evaluation Council.

Oceanographic Commission of Washington

The Oceanographic Commission of Washington (OCW) is a non-regulatory agency which was created in 1967 to study, advise, and inform relative to matters of marine science. The Commission and its non-profit research and educational corporation, the Oceanographic Institute of Washington (OIW), perform marine research in response to legislative and agency needs and serve as a source of public information on oceanographic affairs. The Commission itself consists of 11 part-time commissioners supported by a staff of four. OIW is a non-profit research corporation which is entirely self-supporting through grants and contracts. Most of its 14-member staff are scientists or engineers.

Virtually all the activities of OCW/OIW relate in some way to the state's coastal zone. Functions of particular relevance include: (a) researching proposed legislation affecting marine waters for the Legislature; (b) managing the Northwest Regional Calibration Center for oceanographic data collecting instruments under contract with the National Oceanic and Atmospheric Administration; and (c) maintaining a news bureau and publishing a quarterly magazine, *Pacific Northwest Sea.*

Though OCW is non-regulatory, its studies frequently play a significant role in the development of regulatory legislation. Much recent research has been devoted to problems stemming from petroleum transportation, particularly as it relates to preventing oil spills in the fragile environment of Puget Sound. Specific recent studies worthy of note include a feasibility analysis of offshore petroleum transfer systems, an examination of the performance of bridge personnel on maritime vessels, a risk analysis of the oil transportation system, and a study of alternative sites for liquified natural gas facilities in the Cook Inlet/Kenai Peninsula area of Alaska. OIW's recently published compendium entitled "Current Environmental Studies of Puget Sound and Northwest Estuarine Waters" is expected to be an invaluable source of information for agencies with more direct managerial responsibility in the state's coastal zone.

Department of Motor Vehicles

The Department of Motor Vehicles (DMV) is responsible for a variety of licensing and regulatory functions related to motor vehicles and aircraft, administration of the State Securities Act, and consumer protection. Administration of the Land Development Registration Act (RCW Chapter 58.19) is a significant part of the Department's consumer protection services and plays an important role in land use regulation within the coastal zone. The primary purpose of the Act is to ensure that truthful information about the lots promoted in a development is made available to prospective purchasers before sale or to actual purchasers at the time of sale. Upon receiving a property report prepared by the developer and registered by DMV, a purchaser has 48 hours under the Act to withdraw from a sale. The registration process, administered by DMV's Real Estate Division, provides for considerable informal review of applications by the Departments of Highways, Ecology, and Social and Health Services. Under the SEPA rules and regulations recently adopted by the Council on Environmental Policy, land developers may also have to prepare EISs in connection with the registration procedure.

Though the Land Development Registration Act is, strictly speaking, a disclosure statute for consumer protection, it results in fact in coordinating regulatory controls. If a development ought to be registered under the Act and no approved property report is made available, the purchaser has an indefinite time in which to rescind the sale. It is "presumed" by DMV that an adequate property report will show, among other things, that:

> (a) [t]here is or will be an adequate government approved potable water supply available[;] (b) [e]ach lot can be approved for installation of septic tanks or that each lot can have access to an approved sewage disposal system[; and] (c) [t]he individual homesites or building lots are accessible by automobile over an existing right-of-way without additional expense to the purchaser. [WAC 308-126-340]

With minor exceptions, a land development in the State of Washington must be registered if ten

or more lots are offered for sale in a 12-month period. The Act also requires registration of lot developments outside the state if the land is offered to Washington residents by advertisement within the state or if any part of the agreement is made in the state. Sales exempted from the registration requirement of the Act include those with respect to which all the lots are sold in a single sale to a single purchaser; all the lots are larger than five acres; there is a building on each lot or a contract to build a building within two years of sale; and the development lies entirely inside city limits. A waiver requiring only a short-form registration is available for developers offering 25 lots or less when there appears to be little problem for purchasers. Developers required to register with the federal Office of Interstate Land Sales Registration must also register with the state through the short-form process.

Regional Councils of Government

Thirteen of the fifteen counties and most of the cities and towns in the coastal zone belong to regional councils of government. The functions of these regional planning agencies in the State of Washington are to provide planning coordination among local units of government, to develop regional plans, to provide specific planning assistance to member governments, and to meet the objectives of various federal laws and regulations relating to interlocal planning and coordination.

A statewide policy revising the organization of areawide planning districts and district clearinghouses was promulgated by executive order of the Governor in April of 1975. That policy contemplates a statewide system which will: (a) aid in building strong planning capabilities at the local level of government; (b) facilitate effective cooperation among local, state, and federal governmental agencies; (c) recognize the geographic area of the county as the basic building block for areawide planning; and (d) encourage multi-county areawide planning where appropriate. The new policy is designed to meet the objectives of Section 204 of the Demonstration Cities and Metropolitan Development Act; Section 201 and Title IV of the Intergovernmental Cooperation Act; and the A-95 review procedures implementing the Intergovernmental Cooperation Act. Several federal/state planning relationships were affected by the executive order.

Besides participating actively in the A-95 review process (see pages 26-27), regional councils also provide the framework for the development of comprehensive regional plans as well as areawide plans for such things as water and waste management, parks and recreation, and transportation.

The regional councils of government in the coastal zone and their membership are as follows:

Clallam County Governmental Conference: Clallam County; the cities of Port Angeles, Sequim, and Forks; the Clallam County Public Utility District (PUD); the Port of Port Angeles; and the Clallam-Jefferson County Action Council.

Jefferson-Port Townsend Regional Council: Jefferson County; and the City of Port Townsend.

Grays Harbor Regional Planning Commission: Grays Harbor County; the cities of Aberdeen, Cosmopolis, Elma, Hoquiam, Ocean Shores, McCleary, Oakville, Westport, and Montesano; the Grays Harbor PUD; the Grays Harbor Chamber of Commerce; the Port of Grays Harbor; the Grays Harbor-Pacific Health District, and the Quinault Indian Reservation.

Pacific County Regional Planning Council: Pacific County; the cities of Long Beach, South Bend, Ilwaco, and Raymond; the ports of Ilwaco, Chinook, Wallapa Harbor, and Peninsula; the Pacific County PUD; and the Grays Harbor-Pacific Health District.

Whatcom County Council of Governments: Whatcom County; the cities of Bellingham, Lynden, Blaine, Ferndale, Sumas, Everson, and Nooksack; the Port of Bellingham; the Lummi and Nooksack Tribal Councils; the Whatcom County Soil and Water Conservation District; and the Whatcom County Board of School Directors.

Skagit Regional Planning Council: Skagit County; the cities of Anacortes, Burlington, LaConner, Mount Vernon, and Sedro Woolley; the Skagit County PUD; and the ports of Skagit and Anacortes.

Mason Regional Planning Council: Mason County; the City of Shelton; the Port of Allyn; the Fire Commissioners Association; and the Shelton School District.

Thurston Regional Planning Council: Thurston County; the cities of Olympia, Lacey, Tumwater, Yelm, Tenino, Bucoda, and Rainier; the Port of Olympia; School Districts 111, 3 and 2; the Capitol Committee; and The Evergreen State College.

Cowlitz-Wahkiakum Governmental Conference: Wahkiakum County; the City of Cathlamet; and the Wahkiakum County PUD. (Only members within the coastal zone are listed.)

Puget Sound Council of Governments: King County; Pierce County; Snohomish County; Kitsap County; the cities of Bremerton, Bothell, Kent, Seattle, Clyde Hill, Milton, Auburn, Bellevue, Mountlake Terrace, Kirkland, Bonney Lake, Snohomish, North Bend, Mercer Island, Winslow, Everett, Des Moines, Medina, Renton, Hunts Point, Sumner, Fife, Edmonds, Tacoma, Puyallup, Stanwood, Tukwila, Port Orchard, and Poulsbo; the Muckleshoot Indian Tribe; and the Tulalip Tribes of Washington.

The planning departments of Island and San Juan counties serve as the regional district planning clearinghouses for those two counties.

Air Pollution Control Authorities

Air pollution control in the State of Washington is implemented through regulations and operations at two levels of government. State direction is provided by the Department of Ecology's Office of Air Programs and Industrial Section and local administration is handled by Air Pollution Control Authorities (APCAs) created by the Washington State Clean Air Act of 1967 (RCW Chapter 70.94). APCAs are governed by boards of directors which consist of a combination of city and county representatives and private citizens. The exact composition depends on the number of counties constituting the APCA jurisdiction. Nine APCAs have been established statewide to date covering twenty-one counties. Four are single-county jurisdictions and five are multi-county jurisdictions. Air Pollution Control Authorities are treated in some detail on pages 61-64.

Cities and Counties

As political subdivisions of the State of Washington, the 100 cities and towns and the 15 counties within the coastal zone are empowered to act only under broad authorities granted by the Legislature. All incorporated coastal zone cities have adopted home-rule municipal charters, but only one county—King—has adopted a charter. Counties without charters lack home-rule authority and, generally speaking, may perform only those functions which have been given to them by specific legislative action.

Both counties and cities are general-purpose units of government and carry out the duties usually associated with such public corporations, including activities related to public safety, public transportation, utilities (water, sewer, solid waste control, and in some cases electricity), parks and recreation, public works (roads, streets, and bridges), enforcement of building regulations, and planning. In addition, counties operate jails, house the state's district and superior courts systems, administer the property tax system, conduct elections, and serve as a principal depository for a wide variety of records.

The Legislature has given local units of government a fairly broad range of powers having profound impact on the management of the coastal zone. The responsibilities and authorities of cities and counties under the Shoreline Management Act, the State Environmental Policy Act, the Environmental Coordination Procedures Act, and the Forest Practices Act have been discussed previously. (See pages 29-43, 44-47, 47-50, and 78-81 respectively.) There are several other local responsibilities, however, relating to land use planning and regulation, building code enforcement, and health regulations which merit further discussion here.

The state's Planning Enabling Act (RCW Chapter 36.70) grants counties broad powers for jurisdictional planning with a goal, among other things, of "assuring the highest standards of environment for living." The Act provides for the appointment of county planning commissions and boards of adjustment and sets forth requirements and grant authority for long-range planning and environmental controls. Planning commissions, once created, are required to prepare a comprehensive plan consisting of at least a land use element and a circulation element, with appropriate supporting documents, which is to be submitted to the county legislative body, the board of county commissioners, for approval. All actions of planning commissions are strictly advisory to the legislative body by law, though in most counties commission recommendations are accepted in about 90 percent of the cases. The Planning Enabling Act also authorizes counties to establish certain land use controls, the most important of which are zoning ordinances. 11 of the 15 coastal counties have adopted zoning ordinances to date.

Cities are empowered to undertake planning activities including the establishment of zoning regulations through their general police powers under the state constitution, RCW Chapter 35.63 relating to municipal planning commissions, and provisions within individual city charters. Cities are also allowed to join regional planning organizations and may establish boards of adjustment.

Under the plats and subdivision authority granted to counties and cities in RCW Chapter 58.17, local governments are required to adopt regulations and procedures governing preliminary and final plats and subdivisions and, under a recent amendment, short plats and subdivisions as well. The provisions of the law do not apply to cemeteries, divisions of land into lots or tracts five acres or larger (unless the local government has adopted an ordinance to the contrary), divisions made through wills or the law of descent, and divisions made for the purpose of lease when no permanent structures are allowed other than mobile homes and the local government has approved a building site plan for use of the land. City and county legislative bodies are required to inquire into the public interest to be served by the proposed subdivisions. Provisions are to be made for but are not limited to open spaces, drainage ways, streets, and other public ways, water supplies, sanitary wastes, parks, sites for schools, and dedication of land to any public body. Any such provision may become a condition of approval. The subdivision may be denied by the local government if the provisions of state law and local regulations are not satisfied.

The State Building Code Act (RCW Chapter 70.92) provides for a uniform state building code and charges the cities, towns, and counties of the state with its administration and enforcement. Local governments are authorized to modify the state building code to fit local conditions as long as the modifications do not provide for weaker control than the minimum standards and objectives called for in the Act. Some matters relating to buildings are left entirely in the hands of cities and counties, including local land use and zoning requirements, building setbacks, side and rear yard requirements, site development, property line requirements, subdivision requirements, and local fire zoning.

In many instances the public health functions of state government are administered through county health districts or regional districts made up of cities and counties. All of the major urban areas within the coastal zone have established area health units in one form or another to carry out public health responsibilities given them directly by state law or delegated to them by the Department of Social and Health Services. Included among the many health services provided by local governments are water and sewage approval for preliminary plats (usually required before building permits are authorized); control of Class II water districts (those with fewer than 100 water services); and permitting and licensing relating to mobile home parks, recreational vehicle parks, sewage disposal facility installers, designers, and pumpers, solid waste management, food handling establishments, and the production and distribution of milk.

The state's 39 counties are officially represented by the Washington State Association of Counties (WSAC). Financed by county funds and recognized by state law, WSAC provides a wide variety of services to county government including research on legislation affecting counties, providing a forum through district and statewide workshops and meetings for discussion of problems of mutual interest to counties, and representing the counties' interests in hearings and meetings with state agencies and other organizations. Planning assistance to counties relating to such things as SMA and Solid Waste Management Act administration and coastal zone management is an important part of the services provided by the Association. WSAC has adopted a number of model forms and procedures for use by counties statewide.

The Association of Washington Cities (AWC) is the official organization of cities and towns in the state. AWC is recognized in RCW Chapter 83.44, which also establishes the Municipal Research Council (formerly the Bureau of Governmental Research). The role of AWC is to provide information and technical assistance to cities on many things including environmental management in the coastal zone. The Association conducts management workshops and conferences through its field service acitivities. It has also established a position on its nine-member staff to conduct ongoing field studies monitoring problems cities are having in meeting their responsibilities under such laws as SMA, SEPA, and the Coastal Zone Management Act of 1972.

The state-financed Municipal Research Council, which is composed of nine city officials, four state senators, four state representatives, and one appointee of the Governor, provides a wide variety of services for cities and towns through a private, non-profit corporation, the Municipal Research Center. The Center responds to inquiries from city governments and publishes a variety of documents on topics of interest to cities.

Public Port Districts

Public port districts were originally authorized by the Washington State Legislature in 1911 in an effort to further the flow of maritime commerce in support of the economies of the regions served. The Public Port District Act (RCW Chapter 53.08) was directed at the establishment of seaports—Grays Harbor and Seattle were the first such districts in the state—but as the years passed responsibilities have been increased to include activities ranging from industrial development to marinas for recreational boating to airports. There are currently 79 active port districts in the state and more than half of them are located in the coastal zone.

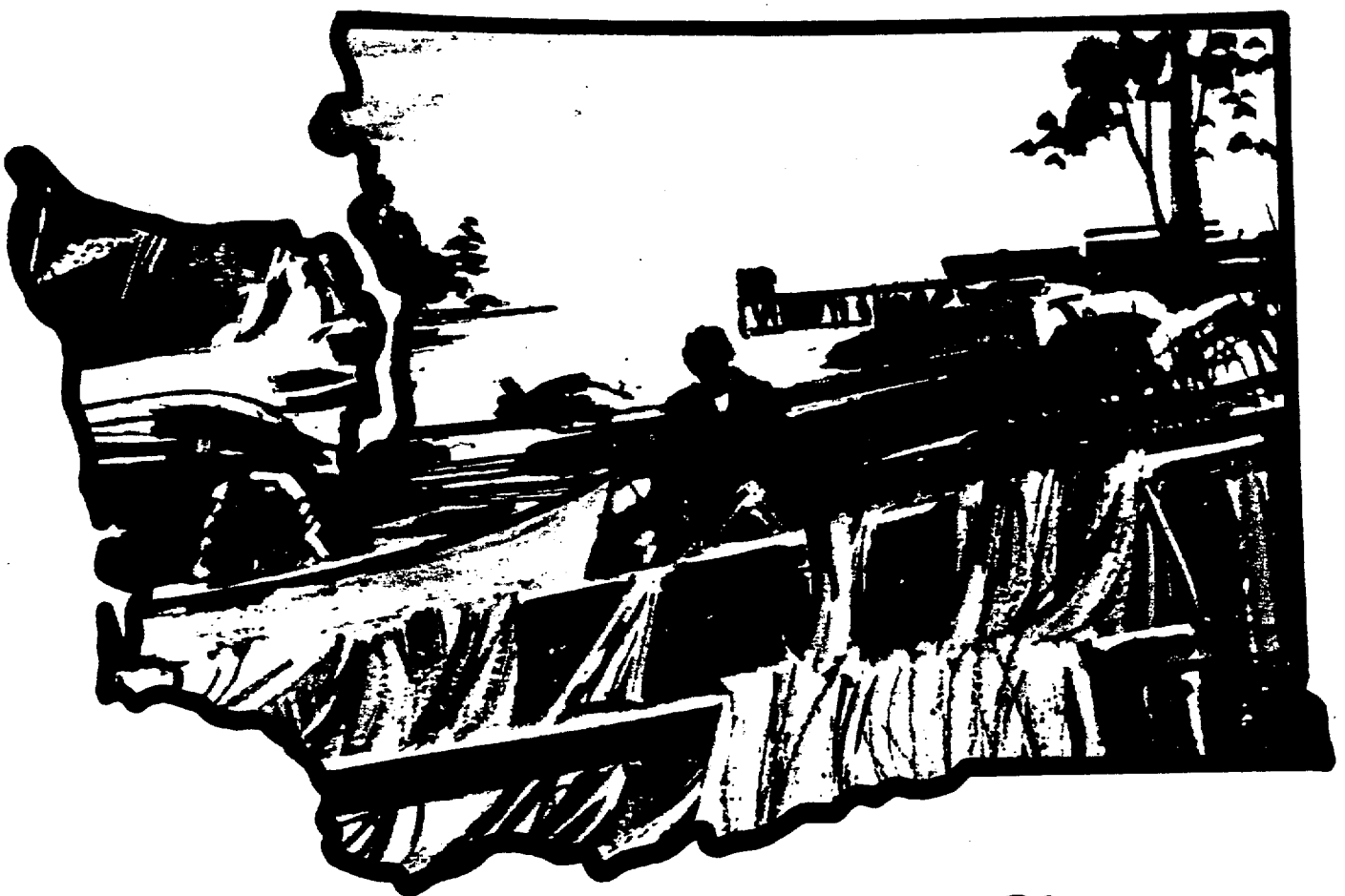
A port district is an autonomous unit of local government (defined as a municipal corporation by statute) governed by a board of commissioners usually numbering three who are elected by the people of the district to six-year terms. One port district, the Port of Seattle, has a five-member commission. The commission is the policy-making body for the district and is empowered to hire a staff to administer the policies it establishes. Port districts are created by a vote of the people in the area to be served.

The operation of public ports is big business in the coastal zone. For example, the annual budget of the Port of Seattle for 1975 was in excess of $100 million. Other budgets ranged from $7 million for the Port of Bellingham to $135,000 for the small Port of Willapa Harbor. Funds to support activities are derived from operating revenues (leases, tariff fees, landing fees, docking charges, etc.), property taxes (up to .45 mills), and general obligation and revenue bonds.

The interaction among port districts, other units of local government, and federal and state agencies is a key part of the state's coastal zone management network. Ports must obtain permits and other approvals for all construction activity within harbor areas or along shorelines from such agencies as the Army Corps of Engineers, the Coast Guard, the Department of Natural Resources, the Department of Ecology, the Department of Social and Health Services, and individual counties and cities under SMA. Ports or their lessees are also required to file EISs under SEPA and NEPA as appropriate. Port districts generally abide by county and city zoning ordinances and building code regulations, although the legal status of whether they are actually required to do so is

currently unclear. No activity can be undertaken by a port district unless it has a comprehensive plant. Port districts may own property but in many coastal zone harbors the tidelands and marine beds are leased from the Department of Natural Resources and in turn sublet to individual tenants by the port.

In recent years port districts in the state have come under some fire for a lack of regional coordination of proposed projects. Under a 1972 amendment to the Port District Act the boundaries of any new districts must be at least county-wide. The port districts themselves, through the Washington Public Ports Association, are currently considering a program which would establish a Cooperative Port Development Committee to review all major port district projects.



Chapter IV
Synopsis of Federal Agency and Indian Involvement in Washington's Coastal Zone

CHAPTER IV. SYNOPSIS OF FEDERAL AGENCY AND INDIAN INVOLVEMENT IN WASHINGTON'S COASTAL ZONE

INTRODUCTION

One of the most exciting aspects of the Coastal Zone Management Act of 1972 is the creation of the realistic possibility of molding the activities of all the major contributors to the management of coastal resources into a comprehensive management program exhibiting internal consistency. Coordinating the multifarious programs affecting the coastal zone that are under the immediate control of the State of Washington is a sufficiently complex task in itself, as should be clear from the previous chapter. The complexity increases significantly, however, when the management program encompasses not only agencies of the state but agencies of the federal government and Indian tribes as well. A prerequisite of the establishment of a comprehensive coastal zone management program is the identification of the roles played by federal and Indian agencies in the state's coastal zone. The state must also provide the opportunity for agencies to participate, acknowledge their views and consider the national interest, and provide a means for continuing coordination and consultation.

FEDERAL INVOLVEMENT IN THE COASTAL ZONE

Forty-seven federal agencies have been identified which contribute to the management of coastal resources in Washington State. While state/federal cooperation has been an ongoing concern throughout the history of the state, the Coastal Zone Management Act created new incentives for management coordination. The results of the state and federal efforts responding to the requirements of the Act are dealt with in detail in Chapter V (pages 130-133) and projections for the immediate future of the new coordination process are set forth in Chapter VI (pages 139-140). What follows here is a brief introduction of the federal agencies involved and an initial glance at the nature of the contribution of each to coastal zone management.

Agencies of the Executive Branch

There are four agencies representing the executive branch of the federal government which contribute significantly to the management of the state's coastal zone.

The Office of Management and Budget (OMB). The OMB has increased in stature in recent administrations through the development of efficiency coordinating mechanisms to implement the will of the President. One of the primary tools used is OMB Circular A-95, which provides for a review and comment process among agencies affected by federal proposals. The A-95 process in the State of Washington has been discussed previously. See page 26.

The Council on Environmental Quality (CEQ). The CEQ was created by the National Environmental Policy Act of 1969 to formulate and recommend national policies to promote the improvement of the quality of the environment. The Council consists of three members appointed by the President with the advice and consent of the Senate. One of the appointees is designated by the President as chairman. The Office of Environmental Quality, which provides staff for the Council, was created by Title II of the Environmental Quality Improvement Act of 1970 (84 Stat. 114; 42 U.S.C. 4372). In addition to its duties as custodian of NEPA, the CEQ develops and recommends to the President national policies which promote environmental quality, performs ongoing analysis of changes or trends in the national environment, and assists the President in the preparation of the annual environmental quality report to the Congress. (For discussion of the handling of NEPA in the State of Washington, see page 27.)

The Federal Property Council. The Federal Property Council was created by Executive Order 11724 of June 25, 1973, to foster the develop-

ment of more effective national policies with respect to the use of federal properties. The Council is specifically charged with reviewing all federal real property policies with respect to their consistency with the overall objectives of the federal government and recommending to the President necessary reforms, modifications, or initiatives. The Council is also charged with the responsibility for resolving conflicting federal claims for use of certain federal properties. Excluded from this responsibility are conflicts over use of the public domain; lands withdrawn or reserved from the public domain which are used by federal agencies for national forests, national parks, or wildlife reserves; and all other lands reserved or dedicated for national forest or national park purposes. In addition, the Council oversees the Legacy of Parks program.

Departments of the Federal Government

Seven of the eleven departments of the federal government have important responsibilities for the management of coastal areas in the State of Washington. Some control fairly extensive land holdings such as the Department of the Interior and the Department of Defense. Others assist the private sector in performing land use functions, such as the Departments of Agriculture and Housing and Urban Development. The Departments of Commerce, HEW (Health, Education and Welfare) and Transportation have a host of sub-agencies contributing in a wide variety of ways to management of coastal resources. Only the Departments of Justice, Labor, State and the Treasury have no direct involvement in coastal zone management in Washington State at the present time.

Department of Agriculture. All of the functions statutorily assigned to the Department of Agriculture (research, education, conservation, marketing, regulatory work, agricultural adjustment, surplus disposal, and rural development) affect the Washington State coastal zone, but five of the program areas have special significance.

The Farmers Home Administration. (FHA) administers 13 kinds of loans that encourage development in the coastal zone: (1) operating, (2) youth projects, (3) emergency, (4) ownership, (5) conservation, (6) recreation, (7) Indian, (8) associations, (9) housing, (10) watershed, (11) resource development, (12) facilities, and (13) industrialization.

The Rural Electrification Administration. (REA) finances loans for electrical and telephone service, preferentially, to non-profit, cooperative or public bodies that may desire to service rural areas in the coastal zone.

The Agricultural Stabilization and Conservation Service. (ASCS) through its resource conservation programs affects how land use change may occur in the coastal area by cropland adjustments (emphasizing recreation and wildlife habitat) and "Water Bank" payments for preventing serious loss of wetlands and preserving, restoring, and improving designated water areas.

The Forest Service. (FS) has objectives to assure the fiber self-sufficiency of the nation. Its practices have both beneficial and adverse effects upon the coastal lands of the State of Washington in terms of management on its own lands and encouraging private production elsewhere.

The Soil Conservation Service. (SCS) has five major programs for cooperation with the private sector all of which affect the state's coastal zone: (1) conservation operations, (2) basin surveys, (3) watershed and flood prevention, (4) resource development, and (5) planning.

Department of Commerce: This Department has as a mission to foster, serve, and promote the economic development and technological advancement of the nation. Its heterogenous functions have a pronounced effect upon the Washington coastline.

The Pacific Northwest Regional Commission fosters long-range, comprehensive economic development. It is co-chaired by a federal designee of the Secretary of Commerce and one of the governors of the three northwest states, who fill the position by rotation. The Commission's research and training programs can have a profound effect on coastal zone resource utilization and its long-range development plan contains indicators of administrative policy on the utilization of, among other things, the coastal resources.

The Economic Development Administration. (EDA) aids in the development of public facilities and private enterprises that create jobs in coastal areas having severe unemployment and low income problems. The grants, loans, guarantees and technical assistance may either enhance or conflict with coastal management.

The Maritime Administration. (MA) administers programs that aid in the development, promotion, and operation of the merchant marine. Subsidies to shipping, the construction industries and ports may have substantial impact upon coastal zone conditions. MA also has responsibility for pollution abatement aimed primarily at protecting water quality to control vessel-generated pollution. In addition to vessel design modification, MA has also studied the feasibility of shoreside port reception facilities for the collection, treatment, and disposal of oily wastes from vessels.

The National Oceanic and Atmospheric Administration. (NOAA) has a mission to inventory coastal conditions with a view toward the beneficial management, use, and conservation of coastal resources. Its National Marine Fisheries Service, National Ocean Survey, Sea Grant, and OCZM functions have a profound impact upon actors in the coastal zone.

National Marine Fisheries Service. (NMFS) is the NOAA agency charged with protecting and managing renewable living coastal resources for wise and sustained use.

Department of Defense. The Department of Defense impacts Washington's coastal zone in a number of important ways. Its permitting activities provide a significant check on water-related development and its bases, construction activities, and military maneuvers generally exclude direct state control.

The U.S. Army Corps of Engineers. Activities undertaken by the Corps of Engineers can be broadly classified as (a) engineering responsibilities like construction, operation, maintenance of levees, harbors, and waterways, and the removal of sunken vessels and floating debris endangering navigation; (b) regulatory functions; and (c) research and planning activities such as conducting flood plain information studies, predicting flood occurrences, and planning for regional water resources management. The Corps serves as the federal government's primary regulatory agency in the use and development of the navigable waters of the United States. It issues permits to private parties and public agencies to fill, dredge, or build in, on, over, or beneath navigable waters. Corps approval is also required for the transport of dredged material for the purpose of dumping into ocean waters. The Corps is a focal point of long standing for significant coastal zone regulatory control. (See page 27 for further discussion on Army Corps permitting activity.)

The U.S. Navy. The primary mission of the U.S. Navy is national defense, which gives it high priority in competing for the land and water resources of the state's coastal zone. The Navy has widespread developments in the coastal zone, especially operating areas and test ranges, and is a significant user of coastal property and offshore public lands due to the fact that most of its activities require a shoreline location. Navy programs with significance to coastal zone management include activities related to oil spills, navigation and communication, shipping, residential development, solid waste disposal, and research related to water resources, ocean movement dynamics, air resources, marine research, weather, and climate.

The U.S. Army. The Department of the Army is charged with the responsibility for providing support for national and international policy and the security of the United States by planning, directing, and reviewing both military and civil operations, including the organization, training, and equipping of land forces to ensure the capability for prompt and sustained combat operations on land in accordance with plans for national security. Bases like Fort Lewis have training programs operating in the Puget Sound area which may have an effect on state coastal zone management.

The U.S. Air Force. The Department of the Air Force is responsible for providing an Air Force that is capable, in conjunction with the other armed forces, of preserving the peace and security of the United States. Location of Air Force facilities (including appurtenant navigational and radar devices) may have some impact on the coastal areas of the State of Washington.

Department of Health, Education, and Welfare (HEW). The mission of HEW includes providing incentives to establish facilities and development projects of health or educational benefit, in addition to the agency's social services programs. Functions with immediate coastal zone implications include assistance to Indian tribes along the Washington coastline and transfers of property for local public health and educational purposes. HEW activities may also result in construction on the coastal plain.

Department of Housing and Urban Development (HUD). HUD is the steward of a safe, sanitary, and decent housing stock for the nation. HUD's impact on the coastal zone is profound in terms of planning, grants, loans, regulation, and insurance practices.

The Federal Insurance Administration (FIA). Responsibility for administering the National Flood Insurance Program rests with the Federal Insurance Administration. The Flood Disaster Protection Act of 1973 (PL 93-234) is designed to call a halt to the all too prevalent practice in many of the flood prone communities of building indiscriminately in flood hazard areas. Local governments must adopt, administer and enforce land use control measures in their building codes, zoning ordinances, subdivision regulations, health regulations and construction specifications in order to meet this objective. This program and the Act will also improve the federal post-disaster assistance program by substituting the insurance indemnification for the current system of disaster loans. Of the 114 flood prone communities within the coastal zone counties, 96 are currently participating in the emergency program and meeting the program requirements. Flood insurance studies are currently under contract by HUD-FIA and underway for the nine counties in the coastal zone which are the most subject to flood damages. These will provide base flood elevations and delineation of the flood hazard and coastal high hazard areas for local communities to meet their flood plain management regulation requirements. The Department of Ecology will encourage and assist all communities toward conjunctive administration of the building, shoreline, and flood plain management efforts into a single permit system in the interests of economy and efficiency.

Department of the Interior (DOI). The mission of the Department of the Interior is basically stewardship of the public domain of the nation. Some contribution to the management of coastal resources is provided by at least ten of the Department's sub-agencies under (a) the Assistant Secretary for Fish, Wildlife and Parks, (b) the Assistant Secretary for Energy and Minerals, (c) the Assistant Secretary for Land and Water Resources, and (d) the Commissioner of Indian Affairs.

The Bureau of Indian Affairs (BIA). A key mission of BIA is to help manage tribal lands for the benefit of Indians within their treaty rights. Good conservation practices are encouraged within the regulations that cover coastal zone practices.

The Bonneville Power Administration (BPA). The mission of BPA is to market energy produced by the Federal Columbia River Power System for the economic betterment of the region. Precedent for good conservation practices appears in the interagency agreements (e.g., Forest Service and Bureau of Land Management) and the annual environmental impact statement which subscribe to standards and practices important for sound management.

The Bureau of Land Management (BLM). The mission of the BLM is to manage the public resources of the nation under its charge to provide maximum benefit to the people consistent with a high-quality environment through application of the concepts of multiple use and sustained yield. The Bureau administers the mineral resources connected with acquired lands and the submerged lands of the outer continental shelf and is responsible for the management

of 450 million acres of national resource lands most of which is located in the Far West. The Bureau is also responsible for subsurface resource management of an additional 310 million acres where mineral rights have been reserved for the federal government.

The Bureau of Outdoor Recreation (BOR). The mission of the BOR is to assure coordinated action at all levels in serving the recreational needs of the nation. Under the Land and Water Conservation Act of 1965, the Bureau administers a program of financial assistance grants to states and their political subdivisions for comprehensive planning, land acquisition, and facility development. The fund also helps finance the acquisition of federal lands and water areas for recreational purposes. The Bureau participates directly in the planning, coordination, and establishment of uniform policies relating to recreation and fish and wildlife benefits and the costs of federal multipurpose water resource projects. The BOR has responsibility for formulating and implementing a comprehensive Nationwide Outdoor Recreation Plan that covers the needs and demands of the public for outdoor recreation, the current and foreseeable availability of outdoor recreation resources to meet those needs, critical outdoor recreation problems, and recommended actions to be taken at each level of government.

The Fish and Wildlife Service (FWS). The objective of the United States Fish and Wildlife Service, which is responsible for wild birds, mammals (except certain marine mammals), inland sport fisheries, and specific fishery research activities, is to maximize the opportunity of the people of the nation to benefit from fish and wildlife resources in their natural environment. The FWS guides the conservation, development, and management of the nation's fish and wildlife resources and administers a national program which provides opportunities to the American public to understand, appreciate, and wisely use these resources. Extensive coastal zone involvement is required of the FWS in order to manage wildlife refuges in the coastal zone and process Corps of Engineers and related permits.

The Bureau of Reclamation. The basic objectives of the federal reclamation program are to assist the states, local governments, and other federal agencies to stabilize and stimulate local and regional economies, enhance and protect the environment, and improve the quality of life through development of water and related land resources. Reclamation projects, through a multiple-purpose concept, provide for some or all of the following purposes: municipal and industrial water supply, hydroelectric power generation and transmission, irrigation water service, water quality improvement, fish and wildlife enhancement, outdoor recreation, flood control, navigation, river regulation and control, and related uses. Through contractual agreements with project beneficiaries, the Bureau arranges for repayment to the government of reimbursable project construction, operation, and maintenance costs.

The National Park Service (NPS). The National Park Service administers an extensive system of national parks, monuments, historic sites, and recreation areas. The objectives of NPS are to administer the properties under its jurisdiction for the enjoyment and education of the American people, to protect the natural environment of the park areas, and to assist states, local governments, and citizen groups in the development of park areas, the protection of the natural environment, and the preservation of historic properties. Olympic National Park and parts of the San Juan Islands are under the jurisdiction of the National Park Service.

The Bureau of Mines. Coastal shelf mineral utilization comes under the purview of the Bureau of Mines. The Bureau is primarily a research and factfinding agency. Its goal is to stimulate private industry to produce a substantial share of the nation's mineral needs in ways that best protect the public interest. Research is conducted by the Bureau to develop the technology for the extraction, processing, use and recycling of the nation's mineral resources.

The U.S. Geological Survey (USGS). Coastal responsibilities of the U.S. Geological Survey are significant in the State of Washington. The

broad objectives of the Survey are to perform surveys and conduct research covering topography, geology, and the mineral and water resources of the United States; classify land with respect to mineral character and water and power resources; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, development contracts, and gas storage contracts; and publish and disseminate data relative to the foregoing activities.

Department of Transportation (DOT). The mission to assure a coordinated, effective administration of transportation programs of the federal government is entrusted to DOT. Competing modes on shore, on the water, and in the air have a profound impact on coastal resource management in the State of Washington. DOT forges policies and programs conducive to the provision of fast, safe, efficient, economic, and convenient systems serving the Northwest region. Seven sub-agencies have impact on the coastal zone insofar as the means of access trigger development.

The U.S. Coast Guard (CG). The Coast Guard is part of the Department of Transportation but is also a branch of the Armed Forces and operates as a part of the Navy in time of war or when the President directs. The Coast Guard enforces or assists in the enforcement of all federal laws upon the high seas and waters subject to U.S. jurisdiction; promulgates and enforces regulations for the promotion of water safety; licenses and regulates deep-water ports; assists in the enforcement of water pollution and oil spill regulations; develops, maintains and operates aids to maritime navigation, ice-breaking facilities, and rescue facilities; and maintains a readiness to function as a specialized service in the Navy in time of war. Virtually all the activities and developments of the Coast Guard are in the coastal zone or have as an objective public benefits relating directly to the coastal zone.
Much of the Coast Guard's activity is directed by, and authorized by, the Navigational Servitude Act and the Commerce clause of the U.S. Constitution, which, among other things, require provisions for the safety of vessel traffic. In the pursuit of these duties, the Coast Guard has acquired some form of control over hundreds of small parcels of land and bedland in the state for navigational aids and has a constant program of maintenance and alteration of these aids to account for the changing needs of vessel traffic safety.

The Federal Aviation Administration (FAA). The purpose of FAA is to foster air commerce, safety, and a national system of airports, including controls and navigation aids. In the State of Washington many existing facilities are located, reconstructed, or expanded upon estuarine plains.

The Federal Highway Administration (FHWA). Generally speaking, the mission of FHWA is the programming of financial incentives to the states for highway construction. The national interest in terms of access for defense purposes includes special standards and criteria for the sensitive placement of routes and facilities in the coastal area.

The Federal Railroad Administration (FRA). The purpose of FRA is to consolidate government support of rail transportation activities, safety, and the financing of new facilities. Some rail routes use the shoreline of Puget Sound and other saltwater reaches where the rebuilding of facilities must be sensitively accomplished to serve coastal zone management mandates.

The National Highway Traffic Safety Administration (NHTSA). The NHTSA carries out programs related to highway traffic safety programs.

Materials Transportation Bureau. One of the Bureau's responsibilities is to establish and enforce standards necessary to ensure safe construction and operation of offshore pipelines used to transport hazardous materials such as natural gas, petroleum, and petroleum products to shore facilities. The coastal zone implications are clear. This Bureau took over the functions of the Office of Pipeline Safety Operations in March 1976.

The Urban Mass Transportation Administration (UMTA). The mission of UMTA is to assist in the provision of adequate mass transportation in

urban areas, including planning, operating, facilities, equipment, techniques and methods. The Puget Sound Council of Governments, the Municipality of Metropolitan Seattle and the Washington State Ferry System are the main recipients of UMTA financial support located within the coastal zone. In approving support to the programs and projects of these and other area grantees, UMTA must be sensitive to the coastal zone management program's goals and objectives.

Independent Federal Agencies

In addition to the sub-agencies of the seven major departments of the federal government discussed above, there are another 12 independent agencies which have coastal functions affecting the State of Washington. These agencies vary from special, single-function institutions like regulatory commissions to governmental units administering executive level authority.

Energy Research and Development Administration (ERDA). The purpose of ERDA is to develop national self-sufficiency in energy while ensuring adequate safety and environmental protection. ERDA's Assistant Administrator with environmental and safety expertise is charged with the chief responsibility for anticipating significant adverse impacts in the coastal zone.

Environmental Protection Agency (EPA). EPA has a broad mandate to preserve and protect the physical environment through the imposition of standards, criteria, procedures, incentives and research to minimize harmful environmental effects. The pervasiveness of the NEPA review system and coordination with CEQ at the national and regional level help to guarantee the systematic control of all types of pollution.

Federal Energy Administration (FEA). The general purpose of FEA is to administer emergency programs for energy conservation, production and distribution. How and where the siting of facilities may occur along the saltwater coast of the State of Washington is of immense concern. The Energy Supply and Environmental Coordination Act (1974) provides for federal collaboration in environmental requirements to satisfy emergency concerns.

Federal Maritime Commission (FMC). The mission of FMC is to protect the public interest through regulation of shipping relating to off-shore commerce, both domestic and foreign. FMC regulatory control over services and shipping practices may interface with significant environmental concerns in the coastal zone. At the present time, coordination of regulatory practice is a one-way process subject to FMC veto in favor of shipping interests, except for public health, consular, and Coast Guard missions.

Federal Power Commission (FPC). The purpose of the FPC is to achieve and assure an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources. The coastal zone implications of, for example, the siting of thermo-nuclear plants highlight the need for mechanisms to reconcile the competing national interests for the best utilization of coastal areas.

General Services Administration (GSA). GSA has authority over the transfer and disposal of surplus federal lands to other governmental entities and sales to the private sector. Of most significance for coastal zone management are the provisions for Department of the Interior (through the BOR) aid to park and recreation interests in obtaining coastal lands through disposal processes.

Nuclear Regulatory Commission (NRC). This Commission has assumed the regulatory role of the former Atomic Energy Commission including control of the location and operation of power plants such as that proposed for Satsop. Thermal plants have a profound effect upon water quality and temperature and the biota dependent thereon.

Small Business Administration (SBA). This agency has been empowered among other things to make loans to small business concerns for facilities such as food processing plants that are characteristically located on the coastal flood plains to handle oysters, fish, and related production. Development loans should be sensitive to the fragile nature of the estuarial lowlands or saltwater frontage.

Advisory Council on Historic Preservation. The Council is charged with advising the President and Congress with respect to matters of historic preservation and commenting on federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in the National Register of Historic Places. Coordination between the Council and the State of Washington is important because of the many historic sites and areas of cultural significance that are found along the Washington coast. The State Parks and Recreation Commission has been designated as the regional contact for the Council.

Pacific Marine Fisheries Commission. The Commission develops and recommends policies to promote the management, development, and utilization of marine and anadromous fisheries which are of mutual concern to the member states – Washington, Oregon, Idaho, California, and Alaska.

Federal Regional Council (FRC). The coordination of several federal agencies active in the coastal zone that is achieved by the FRC is a significant step in the direction of making the actions of governmental agencies consistent with each other. The Council has functioned particularly successfully with respect to urban and human resource problems. The FRC relies on the authority of the Joint Funding Simplification Act of 1975 and the A-95 grant review process to attain coordination among the numerous programs in which the constituent agencies are involved.

Pacific Northwest River Basins Commission (PNWRBC). The PNWRBC was established by the Water Resources Council, an independent federal agency with broad responsibilities for water resources development. Since 1967, the state's resource agencies have relied on this vehicle of coordination. PNWRBC institutionalizes planning at all technical levels among principal state and federal agencies. Planning once focused on the upstream area, but is now adaptable to the offshore coastal area.

THE MANAGEMENT OF COASTAL ZONE INDIAN LANDS

Introduction

In recognition of the immense complexity of the management of Indian lands in Washington State's coastal zone, the Department of Ecology authorized a detailed study to provide an overview of the current status of Indian management of coastal resources, an identification of the central problems hindering efficient management, and recommendations for change. The study was completed in June of 1975. Entitled "Coastal Zone Management Study of Indian Trust Lands in Western Washington," the complete report is available from DOE. The essential findings of the report provide the foundation for the analysis that follows here.

The history of Indian lands in Washington State is extremely complicated. Based on treaties signed in the 1850s, there are now fourteen reservations and one recognized Indian community in the state's coastal zone. By treaty area they are as follows:

Treaty Area	Reservation or Community
Neah Bay:	Makah-Ozette
Quinault River:	Quinault
	Quileute
	Hoh
Point-No-Point:	Lower Elwah
	Skokomish
	Port Gamble
	Jamestown Community
Medicine Creek:	Puyallup
	Squaxin Island
Point Elliot:	Lummi
	Swinomish
	Tulalip
	Port Madison (Suquamish)
Shoalwater:	Shoalwater

The map on the following page shows the general location of the above-named reservations and communities.

There are seven other tribes that were signatories to the treaties and have been guaranteed fishing rights under a recent federal court decision: The Muckleshoot, Yakima, Nisqually, Suak-Suiattle, Upper Skagit, Stillaguamish, and Nooksack. All seven tribes are landless or located on reservations that do not fall within the coastal zone.

Within the boundaries of Indian lands in the coastal zone can be found every type of natural system and shoreline that occurs elsewhere in Western Washington. Several major rivers enter the salt water through reservations: the Hoh, Quinault, Quillyute, Skokomish, Nooksack and Puyallup. There are sand and rock beaches, dunes, spits, bars, estuaries, marshes, creeks, flood plains, and cliffs. The full range of land and water use activities, from wilderness to intensive residential and industrial development, is also found in tribal coast lands.

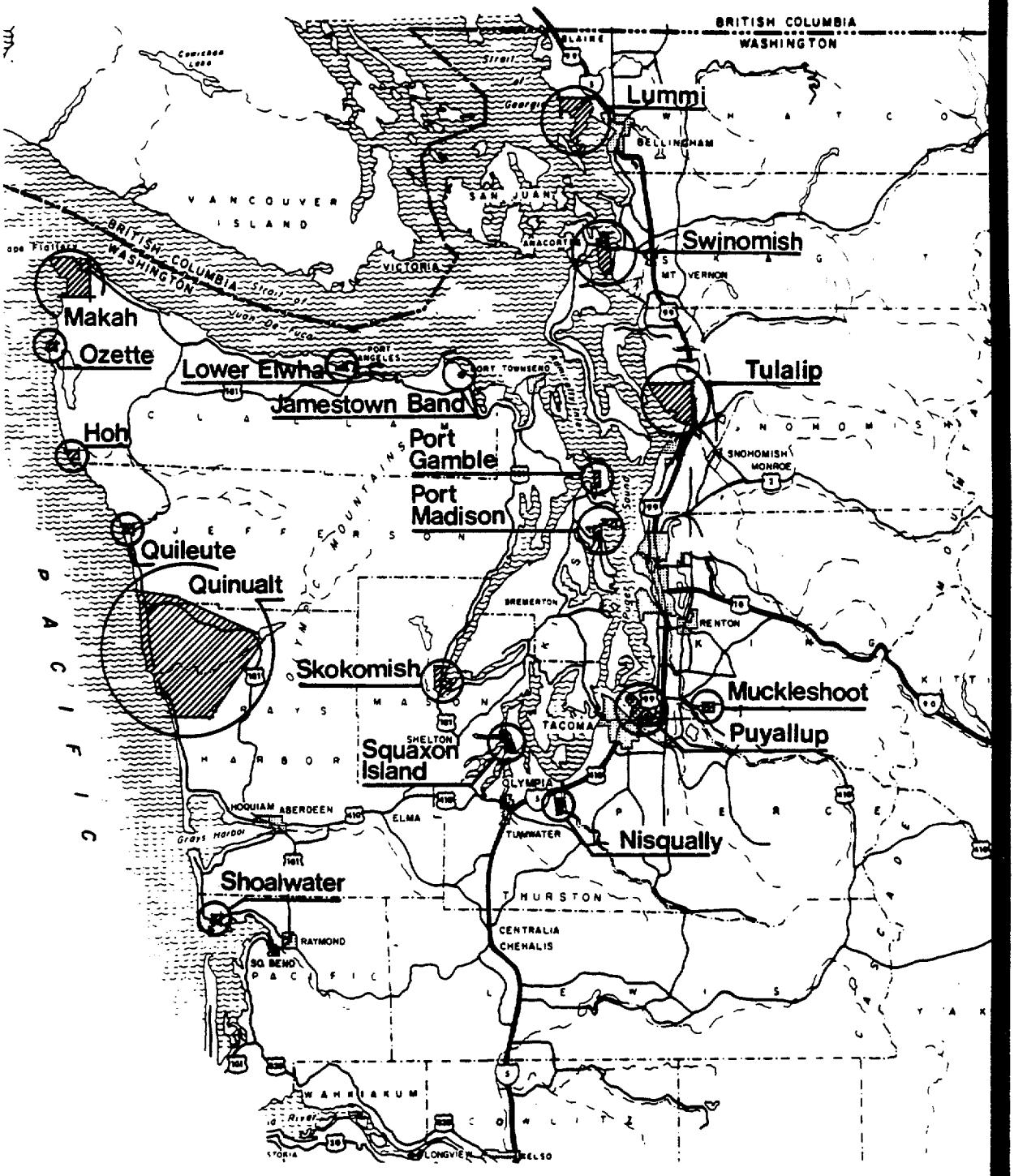
Not all of the land on reservations is in a federal trust status. Typically, the land ownership within each reservation is made up of a myriad of ownership types in a checkerboard pattern. Ownership types fall into three general classes:

Trust Lands: Tribal trust lands are the lands which are owned in the name of the tribe, over which the federal government has trust responsibility, and the title for which is held by the Secretary of the Interior.

Allotted Lands: Allotted lands are those properties that were allotted to Indian families and individuals and over which the federal government has trust responsibility. The title to these lands is also held by the Secretary of Interior.

Alienated Lands: Alienated lands include fee or fee patent lands and partial fee lands. Fee or fee patent lands are lands within the boundaries of a reservation that have been removed from trust status and for which a patent has been issued to the owner. Partial fee lands are properties which are in trust but have several beneficiaries, some of whom are not Indians and for whom the federal government has no trust responsibility. The status of these lands is unclear.

It should be noted that the amount of actual trust land on the various reservations varies greatly, from almost the entire reservation at Makah to almost none on the Puyallup Reservation. With the notable exceptions of the Skokomish and Puyallup Reservations, the tidelands associated with coastal reservations are held by the tribes.



Reservation Vicinity

Washington State

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Indian Management of Coastal Zone Resources

The allocation of authority for the management of Indian lands in the coastal zone is a complicated legal issue. Each Indian tribe has full internal governmental powers over its members except where those powers have been specifically abrogated or limited by an act of Congress, which maintains plenary authority through legislation. This authority is exclusive and prohibits state jurisdiction except as specifically and expressly allowed and delegated to the state. General powers of self-government provide the intratribal basis for tribal management of coastal zone areas.

Tribal governmental structure has been formalized by written constitutions and charters most of which were approved by the Secretary of the Interior pursuant to authority vested in his office under the Indian Reorganization Act of 1934 and the rest of which were modeled on those approved. Though there remain some differences among the governments thus formally set forth, it is safe to say that today, regardless of the form of basic organic law a tribe operates under, all tribes are in fact given about the same degree of autonomy through the operating administrative policy of the United States. All are bodies politic with express proprietary and governmental power and function under written constitutions having inherent and implied powers in addition to the powers expressed.

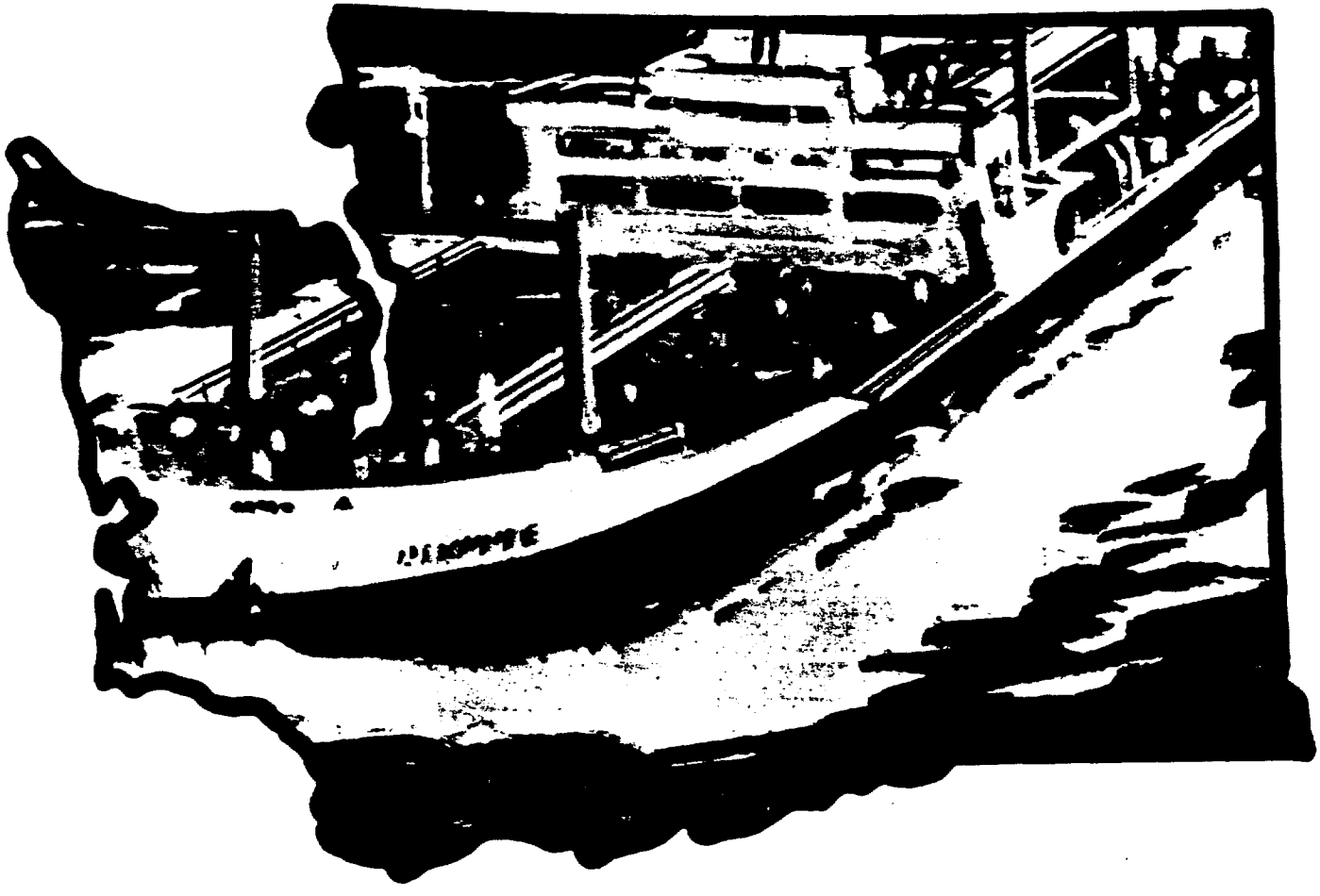
Management rights and responsibilities would be much clearer than they are were it not for a lack of legal clarity with respect to alienated lands. It is clear that external regulation of tribal lands held in trust by anyone but the tribe would be inconsistent with the Treaty of Point Elliott, which in effect allowed the tribe to reserve the exclusive use, occupancy and possession of the reservation lands to itself. It also appears reasonably clear that a parallel conclusion can be supported in the case of allotted lands within the coastal zone which remain unalienated and in Indian ownership, since they are lands subject to a restriction against alienation imposed by the United States. But with respect to alienated lands within the coastal zone owned in fee within the exterior boundaries of a reservation there is serious doubt and state jurisdiction may apply. The State of Washington is currently asserting jurisdictional rights over alienated lands and the matter will eventually be settled in court.

It is nonetheless obvious that a cohesive overall program of management of Indian lands in the coastal zone depends primarily on the Indian tribes themselves. Only intergovernmental agreements coordinated by the tribes and openly arrived at by the tribes on the one hand and federal, state, and local officials on the other can effectively tie together the multifarious programs currently found on coastal reservations.

The tribes have been able to persuade other units of government to undertake a number of programs and projects that relate to the management of coastal resources. At other times they have persuaded other units of government to cease activities and abandon projects which they believed to be detrimental to effective management. In some instances the tribes have persuaded other levels of government to intercede and regulate on their behalf, though this course of action is undertaken reluctantly and only as a last resort.

The Indian tribes have also contributed substantially to coastal zone resource conservation and protection programs. Construction of sewer systems and pollution control measures, erosion control activities, re-forestation and fire-fighting are good examples of reservation conservation programs, which are frequently very costly. The tribes have also engaged in direct regulation of the coastal zone and its resources. For many years most tribes have regulated their own on-reservation fisheries and shellfish harvesting. The recent beach closures on some reservations are a manifestation of the tribes' determination to conserve the natural resources of their lands.

Most tribes with planning capabilities have undertaken some planning for the long-range use and development of coastal zone resources on the reservations. Through the HUD 701 program a number of comprehensive plans have been prepared, zoning ordinances drafted and special studies undertaken to aid the tribes in the management of their reservations. Since it has only been in the last few years that this process has been in operation, there is considerable work yet to be done to develop the programs and procedures necessary to implement the plans that have been made.



Chapter V

Washington Coastal Zone Management and the Coastal Zone Management Act

CHAPTER V. WASHINGTON COASTAL ZONE MANAGEMENT AND THE COASTAL ZONE MANAGEMENT ACT

INTRODUCTION

The first four chapters have described the state's coastal resources and its programs for managing land and water uses. Most of the state's authorities and programs, including its primary legislative mandate for coastal management, the 1971 Shoreline Management Act, existed prior to enactment of the federal Coastal Zone Management Act. However, the mere existence of these programs, in and of themselves, do not provide the broadly-based coordinated efforts that Congress envisioned in the federal Act. The purpose of the present chapter is to relate the state program to the specific requirements of the Coastal Zone Management Act, amplifying the previous discussions as necessary. The chapter is structured to emphasize the relations of the state program to the key policies and requirements of Section 306 of the Act and CFR 923.11-923.44 of January 9, 1975 relating to coastal zone uses, boundaries, areas of particular concern, areas for preservation and restoration, state/federal relations, public participation and intergovernmental involvement, the state's managerial network, and some miscellaneous provisions of the statute.

GENERAL POLICY

The overriding philosophy of the State of Washington is that the coastal zone is among the most valuable of resources and that a comprehensive and coordinated program of management is essential to prevent damages resulting from uncoordinated and piecemeal development. This philosophy presumes that the coastal resource is viewed as an interrelated unit, irrespective of ownership, jurisdiction, or current individual agency goals and policies.

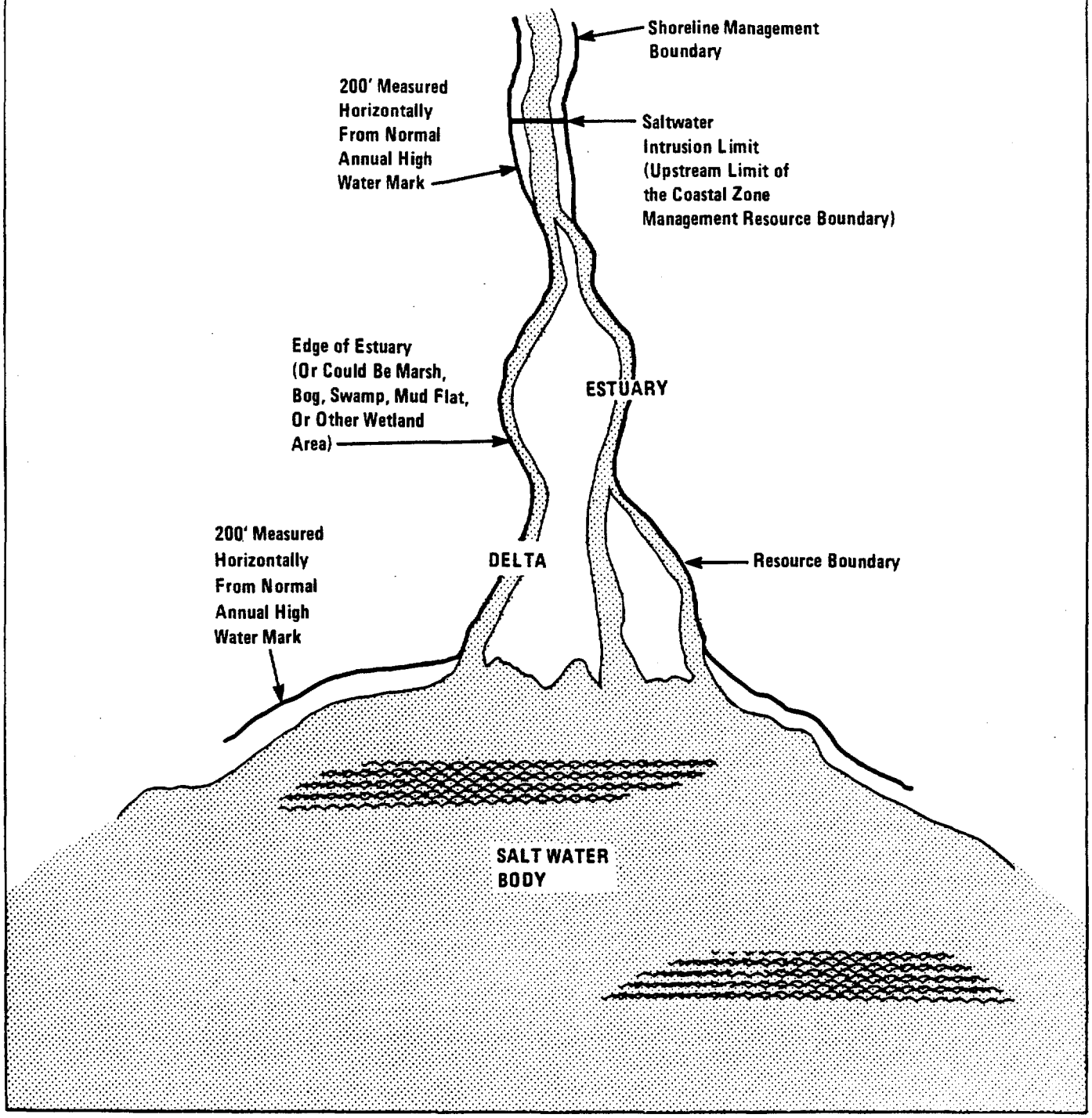
The approach to be used by the state in pursuing coastal zone objectives is that both federal and state interests must be recognized and that there is a local, state, and national interest in the use and conservation of the coastal resources. Additionally, it is a policy of the state (RCW 90.58.260) that where plans, activities, or procedures conflict with state policies, all reasonable steps available shall be taken by the state to preserve the integrity of its policies. This policy is consistent with and reinforces the policy contained in the Coastal Zone Management Act to encourage and assist the states to exercise effectively their full responsibilities in the coastal zone.

THE COASTAL ZONE BOUNDARY

The Washington State coastal zone management area embodies a two-tier concept. The first or primary tier, bounded by the "resource boundary," is that area legislatively defined by the Shoreline Management Act of 1971; that is, all of the state's marine waters and their associated wetlands, including at a minimum all upland-area 200 feet landward from the ordinary high water mark. The second tier, bounded by the "planning and administrative boundary," is composed of the area within the fifteen coastal counties which front on saltwater.

The first tier, an area of permit authority under the Shoreline Management Act that is bounded by the *resource* boundary, can be defined through selective application of definitions in RCW Chapter 90.58 to consist of all marine water areas of the state and their associated "wetlands" together with the lands underlying them out to the western boundary of the state in the Pacific Ocean, where "wetlands" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark and river deltas and tidal waters which are subject to the provisions of the Shoreline Management Act.

WASHINGTON STATE
COASTAL ZONE RESOURCE BOUNDARIES



"Ordinary high water mark" for all lakes, streams, and tidal water is defined in RCW 90.58.030(2)(b) to be

> that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exist[ed] on June 1, 1971 or as it may naturally change thereafter; Provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

The state enacted regulations specifying criteria for the designation of wetlands and associated wetlands and mapped those designations for the shoreline of the state under Chapter 173-22 WAC. The pertinent provisions are summarized here:

(1) "Associated wetlands" means those wetlands which are strongly influenced by and in close proximity to any tidal water.

(2) The wetlands shall be measured on a horizontal plane two hundred feet in all directions from the line of vegetation. If there is no vegetative cover, the measurement will be, whenever possible, from a line connecting the lines of vegetation on either side of an area; otherwise, the measurement will be from the mean higher tide on salt water and the mean high water on fresh water.

(3) On river deltas and flood plains where dikes have been placed by governmental agencies for public benefit and reasonably protect against floods, the wetlands will be designated as follows:

(a) Where the dike is located within two hundred feet of the ordinary high water mark, the wetlands shall be that area within two hundred feet of the ordinary high water mark.

(b) Where the dike is located more than two hundred feet beyond the ordinary high water mark, the wetlands shall be that area lying between the apex of the dike and the ordinary high water mark.

The *planning and administrative* or second tier boundary is the eastern boundary of the fifteen coastal counties which front on marine waters. The basis for the inclusion of Wahkiakum County on the Columbia River estuary is the presence of measurable quantities of salt water up the Columbia River to Pillar Rock. The second tier is intended to be the maximum extent of the coastal zone and as such is the context within which coordinated coastal policy planning will be accomplished through the framework of this program.

The use of the two tiers provides the state a basis to differentiate in terms of both the need for control and the intensity of control. The most immediate and direct control is exercised in the tier adjacent to the water's edge and on water bodies through processes established by the Shoreline Management Act. Should a proposal in the second tier have the potential to have direct and significant impact on coastal waters or directly affect the coastal zone, the other state programs described in Chapter III can be invoked. The state network and its applicability to the two-tier system is described later in this chapter, as is the applicability of the boundary system to federal lands.

EXCLUDED FEDERAL LANDS

The technical definition of the coastal zone under Section 304(a) of the federal Coastal Zone Management Act of 1972 states that lands the use of which is by law subject solely to the discretion of or which is held in trust by the federal government, its officers, or agents are excluded from the coastal zone. The Washington coastal zone includes many acres of land and many miles of marine shoreline which fall within the perimeter of lands managed and owned by various federal agencies.

Those federal lands fall within several categories of jurisdictional status. Technically, all lands under the exclusive legislative jurisdiction of the U.S. Government are excluded from Washington's coastal zone since the State of Washington does not exercise any discretion over the uses which take place on these lands. Those lands held by the federal government under a concurrent, partial, or proprietorial jurisdictional status may be included in the state's coastal zone since the state retains varying degrees of discretion as to the uses which take place on those lands.

The state will emphasize the requirement that the closest possible coordination and cooperation between the state and federal agencies be maintained during the administration of the state's coastal zone program. In this spirit, the state will work with federal land managers, regardless of the jurisdictional status of the lands in question to develop mechanisms whereby the federal land managers agree to manage their lands in a manner consistent with the substance and merits of the state's coastal zone management program to the maximum extent practicable. The state will work with federal agencies to arrive at a definitive policy and identification of excluded lands. The state will make every effort to enter into memoranda of understanding with all federal agency land managers as to the applicability of the state program to the various parcels of federal land or private holdings within federal lands within the state's coastal zone.

In the process of developing this program, several federal agencies have taken the position that the "excluded lands" language contained in Section 304(a) is intended to exclude from a state's coastal zone all federal lands, irrespective of jurisdictional status. Since clarification of this issue is pending before the U. S. Attorney General, Department of Justice, it is the interim policy of the State to exclude all federal lands, irrespective of jurisdictional status, from the previously defined coastal zone until such time as the U. S. Attorney General or his designee renders an opinion as to the exact meaning of the "excluded lands" clause.

The interim position of the State to exclude all federal lands pending the resolution of the above issue shall not in any way diminish or negate the force and operation of the federal "consistency provisions" contained in this amended program and defined under Section 307 of the Coastal Zone Management Act. It is the intent of the State of Washington to abide by and adhere to the opinion of the Department of Justice and any subsequent legal determinations, and to amend this program accordingly.

For those federal lands excluded from the state's coastal zone, it should be made clear that the state has not relinquished any of its existing authority over those federal lands by not including them within the boundaries of its coastal zone management program.

USES IN THE COASTAL ZONE

Sections 305(b)(2) and (5) of CZMA require that a management program define permissible land and water uses within the coastal zone and develop broad guidelines on priority of uses in particular areas. Prior to CZMA and the subsequent Section 306 regulations, Washington had already established through SMA a process, policies, and guidelines which enable it to meet the intentions of these two requirements.

This section describes the process as it meets the requirements of the 306 regulations and how permissibility and priority of uses work in actuality. It is believed that these management principles, as reflected by the overall coastal zone program, are not only adequate to meet the particular needs of the State of Washington, but indeed were used in developing the CZMA requirements. Since SMA is already in the implementation stage, the adequacy of the process can be verified in practice. The following sections of SMA and the state guidelines are of particular relevance to determining uses in the coastal zone:

(1) RCW 90.58.020. State Policy Enunciated–Use Preference.

(2) RCW 90.58.100 Programs as Constituting Use Regulations

(3) RCW 90.58.150. Selective Commercial Timber Cutting

(4) RCW 90.58.160. Prohibition Against Surface Drilling For Oil or Gas

(5) RCW 90.58.270. Nonapplication to Certain Structures, Docks, Developments, Etc.

(6) RCW 90.58.340. Use Policies For Land Adjacent to Shorelines

(7) WAC 173-16-040(3). Master Program Elements

(8) WAC 173-16-040(4). Environments

(9) WAC 173-16-060(1)-(21). The Use Activities

(10) WAC 173-16-070. Variances And Conditional Uses

The Legislature set forth principles and policies to guide actions that would or could occur within the state's shorelines. Briefly stated, all "reasonable and appropriate uses" would be permitted under specified conditions which would protect against "adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life." This laid the groundwork for a performance-standards approach to land and water use decision making. Two notable exceptions were included by the Legislature, namely: (1) that within the resource zone, only selective commercial timber cutting would be allowed, and (2) that surface drilling for oil and gas within a specified geographic area would not be permitted. Far from being arbitrary, these policies were based on previous experience and scientific studies which showed the potential and real adverse impacts such uncontrolled uses may have on resources SMA was designed to manage.

Master programs are to use a systematic interdisciplinary approach to ensure a comprehensive integration of uses. Seven use elements which include all different shoreline uses are included in master programs as appropriate: economic, public access, recreation, circulation, use, conservation, historic/cultural/scientific, and education.

WAC guidelines required local governments to inventory their coastline and designate environments (natural, conservancy, rural, and urban) based upon the existing development pattern, the biophysical capabilities and limitations, and the goals and aspirations of the citizenry. The system was designed to encourage uses in each environment which enhance the character of that environment and to utilize performance standards which regulate use activities in accordance with state goals and objectives.

Based upon studies and analyses, the guidelines established 21 shoreline use activities which were to be included within the local master programs. (WAC 173-16-060). Using the CZMA terminology, it was determined that these uses have a "direct and significant" impact not only on the coastal waters but on the environment in general and on the users of the coastal resources. In addition, the process requires that shoreline use activities not specifically identified and for which policies and regulations had not been developed would be evaluated on a case-by-case basis and would be required to satisfy the goals and general development policies of SMA.

To summarize, a permissible use is basically a use of the coastal land or waters that is consistent with the policies and guidelines governing the Washington State coastal zone management program. Any use occurring completely or partially within the resource boundary is operationally considered to have a direct and significant impact on the coastal waters. Most developments in the first tier require a substantial development permit. Other uses falling under the definition of development are managed on a case-by-case basis but must be consistent with the policies of SMA. Further, uses of the lands adjacent to the resource boundary are to be consistent with the policy of SMA as well, in accordance with RCW 90.58.340. A summary of the regulations for the 21 defined use activities relating to the environment classifications and a general environment map are included in Appendix A to this document.

Permissibility and priority of uses are closely integrated in the management system. SMA established broad guidelines on priority of uses in particular areas. Certain shorelines were designated in SMA as shorelines of statewide significance because of their importance to the entire state. Local master programs were required to give preference to uses in accordance with the principles stated in WAC 173-16-040(5).

Preference was further given to those uses which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shorelines. When alteration of the natural condition of the shoreline is authorized,

> priority is given to single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other developments that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. (RCW 90.58.020)

To assist in an overview of uses of highest and lowest priority, fifteen county shoreline use matrices were assembled and have been placed in Appendix A

along with the environment map to provide a summary of the types of uses considered to be permissible in the various shoreline "environments." Caution should be exercised in using the matrices for an actual determination of an allowable use. They are intended only to be a general definition of the more specific regulations that are part of each master program.

The process of determining permissibility and priority of uses has been used by the state during the interim period while local governments were developing their master programs. Each approved master program has designated environments and uses which are consistent with those environments and has set priorities of uses within those environments, particularly for shorelines of statewide significance. There are a number of court cases which have sustained the state's stand on permissibility and priority of uses as they meet the objectives of SMA and related state policies.

THE STATE'S MANAGERIAL NETWORK

Chapter III discusses in detail the means and authorities available to the state and the Department of Ecology to administer and manage a comprehensive coastal zone program. The management network consists of a variety of formal and informal complex interrelationships among agencies, DOE offices, and individuals. The following discussion describes how the interrelationships occur, with particular emphasis on DOE's managerial role. In describing this network it is obviously impossible to indicate every formal and informal aspect of the system and still retain cohesiveness and understandability. Thus, while this network description is accurate it is not designed to cover all details of the network system.

The management network system can best be described as consisting of the following elements:

(1) Studies and Information Base
(2) Policy Development for Coastal Zone Management
(3) Plan Review/Approval/Consistency
(4) Project Review
(5) Permit Processes

The general flow of how these elements relate is shown below:

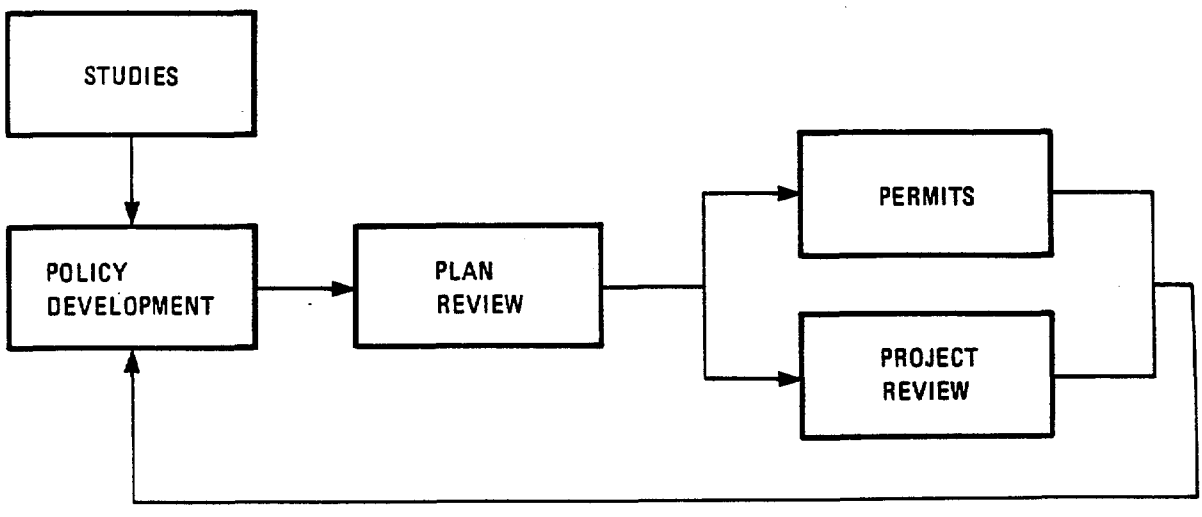
The broadest description without identifying the actors would be as follows:

STEP 1: Studies and information are analyzed and the knowledge thus gained is a primary input into the development of policy.

STEP 2: Policy is developed and is utilized by local, state, and federal agencies in the development of plans and programs.

STEP 3: Such plans and programs are reviewed by the state for determination of adherence to policy. Approvals, certifications, conditions, or other types of coordination are made as appropriate.

STEPS 4 & 5: Projects for review or specific permits when required are handled by the state and appropriate action is taken.



STEP 6: The results of permit actions (including judicial or quasi-judicial decisions) and project review are used in the refinement of policy.

Before entering into a more detailed discussion of each of the above network elements it should be noted that the Department of Ecology has the primary authorities for coastal zone management and intends through its Shorelands Division to remain the primary focal point for the program.

The Shoreline Management Act of 1971 clearly placed the Department of Ecology in the lead role for the implementation of SMA and for Coastal Zone Management. The 1971 Act is the basic authority. Unusual among state statutes, the Act provides regulatory and permit authority and planning and coordinative functions. This explicit authority providing the Department lead role is expressed in 98.58.300:

> The department of ecology is designated the state agency responsible for the program of regulation of the shorelines of the state, including coastal shorelines and the shorelines of the inner tidal waters of the state, and is authorized to cooperate with the federal government and sister states and to receive benefits of any statutes of the United States whenever enacted which relate to the programs of this chapter.

The pervasiveness of the Act is further defined in 90.58.280:

> The provisions of this chapter shall be applicable to all agencies of state government, counties, and public and municipal corporations and to all shorelines of the state owned or administered by them. (1971 ex.s. c 286 § 28.)

The Act also provides that the adjoining uplands are to be managed consistently with the coastal resource itself, i.e., that the state and its local governments avoid having parallel management programs which are not coordinated. This concern applies to all agencies and local government as set forth in 90.58.340:

> All state agencies, counties, and public and municipal corporations shall review administrative and management policies, regulations, plans and ordinances relative to lands under their respective jurisdiction adjacent to the shorelines of the state so as the (to) achieve a use policy on said land consistent with the policy of this chapter, the guidelines, and the master programs for the shorelines of the state. The department may develop recommendations for land use control for such lands. Local governments shall, in developing use regulations for such areas, take into consideration any recommendations developed by the department as well as any other state agencies or units of local government.

By these two provisions then the tools for meeting the need for coordination are provided, along with the other provisions of SMA. The responsibility for implementation of the process is vested jointly in the Department of Ecology and local government. The roles and relationships are spelled out in 90.58.050:

> This chapter establishes a cooperative program of shoreline management between local government and the state. Local government shall have the primary responsibility for initiating and administering the regulatory program of this chapter. The department shall act primarily in a supportive and review capacity with primary emphasis on insuring compliance with the policy and provisions of this chapter.

In addition to defining the relationship between local government and the Department of Ecology, the Act also provided that the Department was to represent its interest and preserve the integrity of the policies before federal interests. The Act, 98.38.260 provides the following:

> The state, through the department of ecology and the attorney general, shall represent its interest before water resource regulation management, development, and use agencies of the United States, including among others, the federal power commission, environmental protection agency, corps of engineers, department of the interior, department of agriculture and the atomic energy commission, before interstate agencies and the courts with regard to activities or use of shorelines of the state and the program of this chapter. Where federal or interstate agency plans, activities, or procedures conflict with state policies, all reasonable steps available shall be taken by the state to preserve the integrity of its policies.

Studies and Information Base

In a variety of ways the Shorelands Division as a routine matter becomes knowledgable of reports, plans, and studies that might have a significant relationship to the coastal zone. These documents may be initiated by federal, state, local, or private entities within or outside of Washington State. The Division serves as a focal review center for this material and thus becomes both the coordinator for coastal zone matters and the primary formulator and integrator of policy for review and subsequent adoption by the state.

While obviously there are an almost endless variety of means to acquire material, some specific examples of the type and flow of such material to the Division are provided below.

(1) The Office of External Affairs serves as the Department's office representative on a variety of boards, commissions, and councils. The Assistant Director in charge of this office is, for instance, the Department's representative on the Energy Facility Site Evaluation Council (EFSEC). Studies resulting from or related to EFSEC activities would be available to this office. Those which would have significance to the coastal zone program would be forwarded to the Office of Land Programs, Shorelands Division. The same flow would result from other boards, commissions, or councils represented by the Office of External Affairs, as well as from other offices within the Department.

(2) The state library, DOE branch, as a matter of standard operating procedure routes to all divisions in the Department lists of reports and studies that are available. Upon request these are ordered and routed to program staff. Generally, after review they are maintained in the state library facilities located at DOE headquarters.

Policy Development

As indicated above, the initial formulator of coastal zone management policy (aside from direct policy legislative action and action under direct legislative policy guidance) is the Shorelands Division. The second step in the policy development network is taken by the Office of Land Programs, where recommendations are reviewed and refined. The Assistant Director for Land Programs is a member of the Department's Executive Policy Committee, which consists of the several Assistant Directors, the Deputy Director, and the Director. A major agency policy or proposed state policy is brought to the weekly meeting of the Executive Policy Committee with a recommendation for action. If such policy has a broad impact on other offices of the Department the Assistant Director may request an independent review by the Office of Comprehensive Programs. This Office would then review that policy and its potential and probable impacts on other programs. The report prepared through such a review would come under Executive Policy Committee scrutiny. The coastal zone management program under this approach benefits in two ways. First, the policy impacts of the coastal zone program on other programs can be determined, and second, other offices' policies are reviewed and considered by the Office of Land Programs for coastal zone implications.

Some policy statements derived through the above-described network are considered by the Department to be beyond the scope of a single agency. In those cases the policy determination is escalated to the Natural Resources Cabinet of the Governor's Office. The Natural Resources Cabinet consists of Directors of the natural resources agencies (the Departments of Game, Fisheries, Natural Resources, Ecology, and Commerce and Economic Development and Parks and Recreation Commission) and the Governor, so that all agencies would bring to bear their interests, resources, and expertise in terms of overall state policy. It is quite conceivable that another state agency may bring an issue to the Cabinet meeting with significance to the coastal zone management program.

Plan Review and Approval

This aspect of the coastal zone management network rests primarily in the Department's Shorelands Division, Office of Land Programs. Local master programs and federal plans and programs are and will continue to be reviewed within the Division for consistency with the policies of the management programs. The Department intends to develop more formalized arrangements with the

Office of Field Operations to assure more direct input from the regional offices on plan review.

Recommendations for plan approvals, denials, or modifications are made by the Division after extensive staff review. These are forwarded to the Assistant Director, Office of Land Programs, for final review and approval. If problems are anticipated, the Office will coordinate with other offices and the Deputy Director or the Director.

Permits

The shoreline management permit program is implemented by two offices in DOE: Land Programs, and Field Operations. Within the Office of Field Operations (described below in greater detail) are four regional DOE offices which have the following responsibilities in the shoreline management permit program:

(1) They have full responsibility for DOE review and screening of substantial development permits.

(2) They consult with the Office of the Attorney General on permit reviews, negotiations, DOE appeals, and certification of citizen appeals.

(3) In cases where local actions appear to be inconsistent with either the intent of SMA or adopted master programs, they make every effort to negotiate agreement with local government prior to initiating an appeal.

(4) If they deem that an appeal action is appropriate, the regional staff and the program staff (in Land Programs, Shorelands Division) jointly review the permit. If both staffs agree that an appeal is appropriate, the appeal action is initiated by the regional office. If agreement cannot be reached, the Assistant Directors in charge of Field Operations and Land Programs make the final decision.

Conditional uses and variances coming under SMA authority are handled by the regional offices in the same manner as appeals.

The following responsibilities are assigned to the Shorelands Division of Land Programs:

(1) There is a direct assignment of a program staff person to be the contact individual and work directly with the regional offices.

(2) Program staff are responsible for providing necessary information to regional offices pertaining to program philosophy, guidelines, operating policies, and information contained in the master plans.

(3) Program staff will develop policies to assure the uniformity of actions statewide.

In summary, the day-to-day contact under the shorelines program with the local agencies which issue substantial development permits is maintained by the regional offices. But appeals arising from agencies, citizens, or applicants may be joined by DOE and become an integrated Department function.

Other functions in which the Department is involved with SMA operations and implementation include assistance to local communities in the continuous updating of inventories and local master plans, the approval of master programs which have been developed but not yet adopted, and providing a continuous forum for public information and involvement through presentations, workshops, and public hearings for master programs and the adoption of use regulations.

In addition to SMA permits, other permits are also used to assure the implementation of a sound management program. Assurance that the network takes significant actions into account is guaranteed in three ways. The first is the EIS review process, which covers all major projects with significant effects. Secondly, most major projects will require one or more permits from DOE. And thirdly, the personnel in the regional offices not only work on shoreline/coastal zone matters, but the same individual may be working on water quality and other environmental matters as well. If there is to be a significant impact on the coastal zone, which may not be directly covered under SMA, such impact will be considered in terms of SMA as a matter of Department practice.

Project Review

While in many cases a project review also involves the permit network, it is worthy of separate treatment here because the network is substantially different. The fact that there is an overlap in terms of process offers an advantage in that it serves as a fail-safe system for projects having significant impact among DOE and related agencies.

Basically, projects for review enter the network in one of two ways. They are part of the SEPA/NEPA system or they are part of the A-95 system. They come to the attention of DOE in the Environmental Review Section housed in the Office of Comprehensive Programs. This section handles all environmental impact statements in terms of review and comment for the state. Any major project or any project having a significant effect on the environment goes through this process. They are reviewed internally by the Environmental Review Section and distributed throughout the Department to the sections, divisions, and offices that have or might have an interest in and input into the environmental review process. Consequently, the Office of Land Programs receives information on any project or any development that would have a significant impact on the coastal zone. The Environmental Review Section has been directed to keep in mind in all reviews that any direct or significant impacts on the coastal zone are to be reported for review to the Office of Land Programs, Shorelands Division. The environmental review process, of course, covers not only projects and developments but also plans and programs, local rezones, and other legislative and administrative actions.

Integrative Network

While the focal point for the coastal zone management program is the Office of Land Programs, Shorelands Division, the major integrative mechanisms for facilitating the coordination of intradepartmental concerns are contained within the Office of Comprehensive Programs. This is done in several sections within the Office of Comprehensive Programs, but primarily through the Environmental Review Section and the Major Authorizations Section. The Major Authorizations Section is a key element in this process. If there is a project or an issue that is beyond the scope of one particular office, say of the Office of Land Programs, the Assistant Director for that office will request from the Office of Comprehensive Programs an analysis of the issue in terms of how it fits with other programs, what impacts other programs will have on a decision, and what impacts that decision will have on other programs and processes within the Department. An objective analysis is then made and a recommendation, along with the Assistant Director's recommendation of the particular office requesting review, go to the Executive Committee which is comprised of the top departmental management. The issue is examined by the Executive Committee and a final decision is made. If concurrence is not obtained it goes to the Director or the Deputy Director for an ultimate decision. This procedure enables the Department to assure that, for example, a facility being built within a coastal county but not within a shoreline boundary jurisdiction will not have an adverse direct and significant impact upon the coastal zone.

There are means to assure that projects will be subject to this process. Essentially such assurance is based upon two things: (1) the integrative approach recognized throughout the agency; and (2) the authority contained within the Office of Land Programs itself. Most, if not all, projects that will have a direct and significant impact on the coastal zone will require some analysis or action by the Office of Land Programs or through the field operations and the shoreline management controls at that level. Since shoreline management involves not only the coastal waters, but rather almost all the lakes and streams in the state, most, if not all, projects that would have a significant effect on the coastal zone would be within the jurisdictional boundaries of the Shoreline Management Act for which the Office of Land Programs has direct responsibility.

In terms of very large-scale proposals such as deep water ports, energy facility siting, and monobuoy systems, the issue would not only be addressed by the Department of Ecology, through the shoreline/coastal zone and other programs, but would also go through the Natural Resources Cabinet and the Governor's Office.

Chapter III details several other forums for interactions among agencies which are integral parts of the overall management network. Not only do they provide coordinative and discussion vehicles for specific topical issues and policies, they also serve for broader formal and informal interaction among agencies. Though the Cabinet system is the broadest and most significant vehicle for policy development and issue resolution the following forums play a somewhat similar and very significant role in this area: (1) TPPSEC (see pages 92-93); (2) the Marine Resource Advisory Committee (see page 75); (3) IAC (see pages 84-86); and (4) ECPA (see pages 47-50).

The state's management network can probably best be seen in operation, however, as it reponds to specific proposals. Roughly speaking, the response of the management system varies according to two parameters: the type of proposal made and the location of the proposed action. For explanatory purposes here it will be useful to take a brief look at several different types of proposals in a variety of environmental settings relevant to the coastal zone. Examples of the responsiveness of the management network can be generated endlessly, of course, but the present discussion will be limited to the presentation of the following five:

(1) an industrial project in an aquatic environment (the development of a petroleum transfer station);

(2) a commercial project on tidelands (the development of a saltwater marina);

(3) a recreational project on saltwater shoreline (the development of a public recreation area);

(4) a residential development on upland shoreline (a residential subdivision); and

(5) a forest practice on the uplands (a logging operation).

The discussion that follows is intended to show the managerial network in operation, and the comprehensive influence and direction provided by the Shoreline Management Program in the operation of the network. The policies and programs of SMA provide the uniformity and coordination that is essential in the CZM network. The Environmental Procedures Coordination Act provides uniformity and coordination, but on a more general level. The coastal zone, and all shorelines are the subject of special effort by the state, and thus SMA provides a particularly coordinative as well as regulatory function.

Two other comments are appropriate here with respect to the discussion that follows. First, no attempt has been made to provide a complete account of the processes that would be triggered or the authorities invoked in each case. The point is to provide a broad look at the sort of thing that happens in the State of Washington when a proposal with the potential to impact the coastline is made. And second, all of the agency programs referred to in the examples are discussed in greater detail in Chapter III. In order to facilitate readability, page references have been omitted.

Example 1

Development of an Offshore Petroleum Transfer Station

A not so typical but certainly important example of how the state's coastal zone management network comes into play for an industrial aquatic use is the development of offshore petroleum transfer stations. Faced with the dilemma of meeting ever-growing energy demands while at the same time answering a compelling citizen ultimatum to protect fragile marine environments, state officials turn to a management network which appears to work rather well.

The first phase of network responsiveness relates to policy determinations and citizen input. The Legislature would be the Final decision-making authority, would draw conclusions from research and studies developed by such agencies as the Oceanographic Commission of Washington and the Governor's Energy Policy Council. Citizen participation would come in the form of programs such as the Alternatives for Washington recommendations and public statements from industry groups, environmentalist organizations, and maritime associations, as well as from citizens at large.

As policy development continues – ever changing and adjusting to new problems and needs – the existing framework of state laws and regulations would be applied. Certainly the very size, location, and public awareness of an offshore petroleum transfer facility would require preparation of an environmental impact statement under the State Environmental Policy Act. Because the facility would require construction in navigable waters, Army Corps of Engineer permits would also be necessary. In both cases a broad review of the project by a number of state agencies would be triggered.

The Department of Ecology would be called upon to implement regulations under such state laws as the Water Resources Act, the Water Pollution Control Act, the Washington Clean Air Act, and of course, the Shoreline Management Act.

In addition, the proposer of the transfer station could elect to use the procedures made available by the Environmental Coordination Procedures Act administered by DOE. Since in most cases an offshore transfer system would require leases of underwater bedlands for both the installation of the station itself and the pipeline to the shore, the Department of Natural Resources as manager of state-owned bedlands and tidelands would fulfill its responsibilities under the Public Lands Act and statutes relating to tidelands, shorelands, and harbor areas. The Department of Natural Resources' lease will be based on the Department of Natural Resources' leasing policies which are in turn, cognizant and reflective of the policies, regulations and processes of shoreline management.

This is an instance where the Legislature might have to enact new statutes because the Department of Natural Resources' authority to lease bedlands from outer harbor lines seaward is presently unclear. Provisions of the Seashore Conservation Act would be implemented by the Parks and Recreation Commission. Hydraulic permits would have to be obtained from the Departments of Fisheries and Game.

Several interactions with local agencies would occur in land-based development associated with offshore facilities. Permits would have to be obtained from the appropriate county or city under the Shoreline Management Act and appropriate zoning ordinances and building codes would have to be satisfied. If ownership of the proposed offshore transfer station were to be public instead of private several alternatives would have to be considered. The state could operate the facility through either an existing or a new agency but such an arrangement would require legislation. Or the system could be operated by a public port district or a combination of districts. Port districts in Washington have broad capabilities although in this instance as well new legislation probably would be required.

Example 2

Development of a Saltwater Marina

Washington State with its 2,337 miles of saltwater shorelines is considered to be a boater's paradise. There are more than 180,000 recreational boats operating in state waters now and the number is expected to increase to more than half a million by the year 2000. With this boating popularity has come a concurrent demand for additional moorage facilities and for development of new private and public marinas. But at the same time there is growing public concern about protecting and preserving open shorelines. Marinas, because they often by necessity must be located in fragile estuaries, are considered by some to be an unwanted intrusion on tidelands and adjacent uplands. The state's coastal zone management program must respond to both the need and the concerns for protection. Tideland commercial activities such as marinas are a test for the state's management network.

Policy considerations are tackled at the state level through activities of the Legislature as well as at the local governmental level in the development of land use measures such as comprehensive and shoreline management plans. As previously mentioned, marinas could be proposed for environmentally sensitive estuarine areas, and they also may be sought in the harbors of both large and

small communities. In any case, nearby residents, boat owners, and marine industry spokesmen generally make their feelings known during the proposal and development stages.

The state has provided a network through which this public interest can be addressed. Under SEPA, an EIS may be required for a marina development. The project definitely would require an SMA substantial development permit from a county or city. Unless the tidelands are privately owned (none have been sold by the state since 1969) the owner would have to lease the tidelands and any bedlands either from DNR or from a public port district. By statute DNR cannot sign the lease until the applicant has received appropriate Army Corps permits.

The Department of Ecology handles the state review of the Corps of Engineers' permits, and will not clear such permits until requirements of the SMA are satisfied. As mentioned before, the Department of Natural Resources will lease on the basis of its lease policies which were developed in recognition of the SMA.

The Departments of Fisheries and Game generally look closely at marina proposals to see if natural fish runs are affected (particularly in the mouths of streams and rivers) or if activities such as dredging, bulkheading, or landfills are harmful to fish or bird or waterfowl habitat. Both agencies would have to approve a hydraulic permit.

In addition to coordinating the necessary Army Corps permits and reviewing the appropriate substantial development permit, DOE could be called upon to issue a state water quality permit if a package sewage disposal system were utilized with effluent discharge directly to the adjacent waters. Also, a water rights permit would be issued if a domestic water supply system hook-up were not available. Noise regulations, established by DOE and enforced by local governments, would be applicable to the boating activities.

The Department of Social and Health Services has established a set of guidelines relating to marina construction and has delegated authority to local health agencies to enforce them. The guidelines stipulate provisions for public water supplies and sewage systems, sewage pumpout stations for boats, potable water supply for boats, and other sanitary facilities and procedures.

It is quite possible that the proper zoning would not be existent for development of the marina, and consequently the proposed development would likely be required to obtain a rezone from the appropriate city or county jurisdiction. Also, if the development were in a flood control zone, as identified by either DOE or the local government, the appropriate flood control permit would have to be obtained if the development were to be allowed to occur at all.

In this example, as with the prior one, the major coordinative devices (SMA, SEPA, ECPA, if it is used, and Corps Section 10) are administered by or through the Department of Ecology. Four major agencies of the state (Department of Natural Resources, Department of Social and Health Services, Department of Fisheries and Department of Game) have the authority and responsibility of controlling certain important aspects of the marina, and these agencies have the necessary expertise to assure that these aspects are properly developed. The Department of Ecology also administers specific programs (water quality, noise, floods, water supply) which are selectively brought to bear on the project. However, the Department of Ecology also provides overall evaluation and judgment of the project from the SMA perspective, in addition to assuring that the special interests are alerted to the proposal, and that the concerns of these interests are made part of the state's reaction to the proposal.

Example 3

Development of a Public Recreation Area on a Saltwater Shoreline

As the state's population grows and more leisure time becomes available, the need for recreational facilities also increases. The State of Washington has some of the most beautiful and rugged marine shoreline in the world. The development of public recreation areas — parks, campgrounds, open space — on or near the state's ocean and inland beaches and adjacent uplands is a task which challenges the state's coastal zone management system.

The initial policy considerations have been undertaken by the people in their approval by statewide vote of several funding measures to support the acquisition and development of recreational facilities. The Legislature has also moved in the policy area by giving the State Interagency Committee for Outdoor Recreation (IAC) expanded authority in park and recreation planning. The IAC administers both state and federal funds for park site acquisition and funding and prepares and updates the Washington Statewide Comprehensive Outdoor Recreation and Open Space Plan (SCORP). This plan gives saltwater recreational development a high priority and in any case proposals for new public facilities would have to fit in with SCORP if they are to be funded through the IAC.

The most likely agency to develop major public recreation areas along saltwater shorelines would be the State Parks and Recreation Commission, although some other agencies also have authority to do so: DNR, particularly in tideland areas; port districts in harbors; and cities and counties within their respective boundaries.

The State Parks and Recreation Commission is authorized to acquire recreation sites by outright purchase or through leases from public agencies or private individuals. The tidelands and shorelands owned by DNR provide an interesting example. The present procedure is for State Parks to purchase the site from DNR, which almost always withdraws the abutting tidelands and the bedlands out to one-quarter mile in favor of the Parks and Recreation Commission for development and management with the shoreline park.

If the IAC is involved, the filing of a specific park acquisition or development plan is required prior to site acquisition. Once the plan has been acquired, the State Parks and Recreation Commission would begin the development work. If the site falls within the SMA 200-foot boundary, a substantial development permit must be obtained from either a city or a county, whichever is appropriate. If any work is to be done in the waters offshore from the park site – boating docks, breakwaters, dredging of areas for swimming – then an Army Corps permit would also be obtained. In either case the development would be subject to formal review by many state agencies.

Prior to acquiring the site for construction, or before funding, the proposing agency would have to make a determination of environmental significance and prepare an EIS if the development were determined to be significant. DOE would be involved in the review of the SMA substantial development permit application and the SEPA EIS if one is prepared and would also function as the coordinator for the Army Corps permit review. In addition, if a local, municipal, or private water supply system were not available and the park necessitated the drilling of a new well for its operation, appropriate water rights permits would have to be obtained from DOE.

The site plan is also subject to review by the Department of Social and Health Services (DSHS) relating to such things as numbers of sanitary facilities in relation to the park's capacity, the layout of camp sites to prevent overcrowding, waste disposal procedures, recreational vehicle disposal pump-out stations, and on-site sewage disposal systems. Regulations of DSHS, which may be enforced through local health units, are contained in the Chapter 248-72 WAC.

The review and coordination functions and the various agency roles are as described in the earlier examples.

Example 4

A Residential Subdivision in a Shoreline Area

Of all the competing land uses within the coastal zone, the one which poses the most critical challenge in terms of siting factors is probably residential development. The building of housing has significant impact on numerous nearby uses like shopping facilities, factories, schools, and parks. When the residential site is adjacent to a shoreline, another element of complexity is added. How the state is meeting this challenge will in many respects give a clue to the effectiveness of the coastal zone management system.

Although the State of Washington has not yet established a comprehensive statewide land use program, it has addressed the subject through a number of individual statutes such as the Planning and Enabling Act, the Shoreline Management Act,

and the Platting and Subdivision Act, all of which grant rather broad land use authority to local governments. In addition, the state and local regulatory network serves to monitor residential development with respect to public health, air, and water quality, building codes, solid waste management, noise regulation, and utility installations.

A subdivider must first ensure that the proposed development is compatible with the appropriate local government's comprehensive plan and, where applicable, the SMA master program. The next step would be to see that the proposed location is properly zoned if a zoning ordinance exists for the locality. The city or county may also require by ordinance that the subdivider provide public open space, individual front and rear yard setbacks, drainage ways, street paving, parks, and other public improvements.

A residential use in a shoreline area would also be reviewed by state and local agencies with respect to its influence upon public access to beaches and tidelands. The state's comprehensive park and recreation plan places high priority on acquiring saltwater shorelines for public use. While construction of a single family dwelling by the owner is generally excluded from the permit system under SMA and from the requirement to file an EIS under SEPA, it is possible that a major subdivision which is planned for an environmentally sensitive area and which has not already been affected by the provisions of a local comprehensive plan or zoning might be subject to the preparation of an EIS. And the subdivision would most certainly require an SMA substantial development permit.

If lots are to be sold without improvements, then the subdivider must register the development with the Real Estate Division of the Department of Motor Vehicles under the Land Development Registration Act.

DSHS, through the local health authority, reviews the subdivision plans for compliance with statutes relating to water supply and sewage disposal. If no public sewage system exists, the subdivider might be required to install a package sewer system in lieu of septic tanks. It would in all likelihood depend upon soil conditions, surrounding uses, and planning policies of the local government. If a local water supply system were not available to provide the domestic water and consequently wells or surface water appropriations were necessary, a water rights (ground or surface) permit would have to be obtained. Further, if a new water supply system serving more than 1,000 users was planned, DOE would notify DSHS which in turn would require a comprehensive plan for the proposed development approved by DSHS. If a new water supply system were built by a local municipality or water district to serve the subdivision, Washington Future Referendum 27 monies would be available to assist in developing the system.

Most of the above reviews are triggered when the subdivider files a preliminary plat with the county or city government. In most cases the coordination of the review process is by the locality's planning department. The developer, if confronted by two or more state permits, could elect to use the ECPA procedures, which would be initially implemented by the affected county at the time of preliminary plat filing.

The review and coordination functions and the various agency roles are as described in the earlier examples.

Example 5

A Logging Operation on Upland Property

Within the coastal zone uplands are some of the most productive forest lands in the world. How these lands are controlled is extremely important in the state's coastal zone management system. The environmental impact from industrial uses of these lands – primarily logging – has significant implications for the coastal area. Non-point sources of water pollution, disruption of streams used for anadromous fish runs, air pollution from slash burning or timber processing activities, and the conservation techniques used in the actual logging operation all are cause for concern.

The people of the state and the State Legislature have addressed these concerns in several ways. The most far-reaching action was the passage of the Forest Practices Act (RCW Chapter 76.09), which

spells out acceptable procedures for virtually all types of logging activity on both public and private forest lands. Implemented through the Department of Natural Resources, this statute not only calls for enlightened management of forest practices but also brings into play considerable coordination of the appropriate regulatory functions of a number of state agencies and county governments. But other regulatory mechanisms are triggered too – the water quality requirements of DOE, health and sanitary guidelines from DSHS, the responsibilities of the Army Corps of Engineers, and meticulous review by the Departments of Fisheries and Game.

In addition to the various state regulations, the local shoreline program may have additional regulations to which the logging operator must adhere.

In this example, let us assume that the logging operation is to take place on state-owned lands managed by DNR. Under the latter's management program the forest has been assessed for its market potential and subjected to a variety of silvicultural practices including pre-commercial thinning, fertilization, and application of herbicides and pesticides. A specific logging plan is prepared. The timber cutting project may be scrutinized by a departmental team for its environmental impact although in most cases a formal EIS is not prepared. Then the timber is sold at public auction and a contract prepared. The contractor is required to obtain a number of permits and approvals – from the Army Corps if the logging operation affects a navigable stream or river, from the county under SMA if the project involves a stream or river or the construction of a road of more than 500 feet in length, from DOE for compliance with water quality requirements, from DOE or the local Air Pollution Control Authority for any burning, and from DSHS for sanitary facilities.

DNR has a master agreement with the Departments of Fisheries and Game regarding hydraulic permits. However, in cases where logging might affect a sensitive fish habitat, one or both of the departments may require that a specific hydraulic permit be obtained. By general guidelines, loggers must follow special instructions in construction of culverts in anadromous fish use waters, must keep debris out of the streams, and are not allowed to "yard" through or fall trees into streams. Timber contractors also must comply with safety regulations as promulgated in RCW Chapter 70.74 and if helicopters or other aircraft are used must meet safety requirements of the State Aeronautics Commission as well. When logging is completed and burning of slash is begun, the logging operator must receive approval from DNR for the burning of waste on the day it is to be burned. DNR in turn coordinates its approval with the DOE Office of Air Programs in order to minimize smoke impact.

GEOGRAPHIC AREAS OF PARTICULAR CONCERN AND AREAS FOR PRESERVATION AND RESTORATION

Chapter II identifies the state's areas of particular concern according to stated selection criteria. In addition, management programs are required by CZMA to show evidence that the state has developed and applied standards and criteria for the designation of areas of conservation, recreational, ecological or esthetic values for the purpose of preserving or restoring them. The state has made provisions for the identification of such areas primarily through the shoreline management process.

The state guidelines for local program preparation specify that local programs include the following plan elements which pertain to restoration and preservation:

(1) Public access element for assessing the need for providing public access to shoreline areas.

(2) Recreational element for the preservation and expansion of recreational opportunities through programs of development and acquisition including less-than-fee acquisition. Master programs were also to recognize existing state parks, wildlife recreation areas, national parks, national wildlife refuges, and other areas identified for preservation.

(3) Conservation element for the preservation of the natural shoreline resources, considering such characteristics as scenic vistas,

parkways, estuarine areas for fish and wildlife protection, beaches, and other valuable natural or esthetic features.

(4) Historical/cultural elements for protection and restoration of buildings, sites, and areas having historic, cultural, educational, or scientific values.

(5) Restoration element for the restoration of blighted areas and abandoned or dilapidated structures to a natural or useful condition.

The guidelines also called for local programs to classify the shorelines into four environment categories (urban, rural, conservancy, and natural), each with its own range of permissible uses.

Two classifications, the natural and the conservancy, and particularly relevant for the identification of areas to be preserved or restored. The natural environment classification is intended to preserve and restore those natural resource systems existing relatively free of human influence, permitting an activity only if it contributes to the preservation of the existing character. The primary determinant for designating an area as a natural environment is the actual presence of some unique natural or cultural feature considered valuable in its natural or original condition which is relatively intolerant of intensive human use. The objective in designating a conservancy environment is to protect, conserve, and manage existing natural resources and valuable historic and cultural areas in order to ensure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization. The environment classification system is explained in Chapter III and the maps in Appendix A provide the location of approximately 140 miles of marine shoreline designated natural.

The State of Washington does not identify all areas of preservation and restoration as areas of particular concern. Areas of particular concern are designated by state and federal legislation to give prominence to certain large resource areas threatened by alternative or competitive uses. By contrast, an area for preservation or restoration is usually a specific site. It may or may not be within an area of particular concern.

With the final adoption of all local master programs, the Department will coordinate the designation of these identified areas along with other state programs to provide a consolidated list of candidate areas. In this regard, the Department has restrained its preservation and restoration activities, recognizing that numerous other state and federal programs address the problem. While the state programs are discussed in detail in Chapter III, some of the more significant programs of preservation and restoration are summarized here.

Under the authority of RCW 79.70.630, the Department of Natural Resources is authorized to acquire and maintain natural areas or areas of scientific or educational value. Sand Island and Goose Island in Grays Harbor have been designated under this Act. The Department of Game has established a natural area for rhinocerous auklets on Protection Island in the Strait of Juan de Fuca and on upland natural areas adjacent to Padilla Bay in Skagit County.

In 1972 the Legislature passed the Natural Area Preserves Act to "...establish a state system of natural area preserves and a means whereby the preservation of these aquatic and land areas can be accomplished" and provide for the acquisition of unique and natural lands for inclusion in a state-wide preserve system. The Act also created a natural area preserves advisory committee within the Department of Natural Resources to assist the Department in carrying out the intent of the Act.

The State of Washington historic preservation program legislation is patterned after the National Historic Preservation Act of 1966. The state law created an advisory council similar to the National Advisory Council. The state legislation also establishes a State Register of Historic Places. The State Register will include all nominations to the National Register and other nominations deemed sufficiently significant by the state advisory council. Of the 159 properties in Washington State that have been placed on the National Register of Historic Places since June 18, 1975, 97 sites are located in the 15 coastal zone counties.

A POLICY STATEMENT BY GOVERNOR DANIEL J. EVANS, ON THE SITING OF SINGLE, MAJOR CRUDE PETROLEUM TRANSFER SITE AT PORT ANGELES. SUPPLEMENTING AND AMENDING THE JANUARY 1976 WASHINGTON STATE COASTAL ZONE MANAGEMENT PROGRAM.

Background

Faced with impending actions in both the private and public sectors on the issue of oil transfer in Northern Puget Sound and the Strait of Juan de Fuca, there is an urgent need to clarify and make known the State's position regarding an oil terminal at or west of Port Angeles. Supportive policy expressions have already been issued by the Oceanographic Commission, the Legislature, private groups and the Office of the Governor. The need to reassert the state position results from the fact that the State of Washington has submitted its coastal zone management program, the nation's first, to the U. S. Department of Commerce for review. With federal approval, state and federal agencies will be expected to conduct their activities consistent with the State program. Washington's coastal zone management program, while based primarily on the 1971 Shoreline Management Act, also includes the body of state legislation and programs which affect and manage land and water uses in the coastal zone. The inclusion of these additional programs brought about concern as to whether or not the major terminal was supported by and a part of the state coastal zone management program.

Coastal Zone Management Policy on an Oil Terminal at or West of Port Angeles

The State of Washington, as a matter of overriding policy, positively supports the concept of a single, major crude petroleum receiving and transfer facility at or west of Port Angeles. This policy shall be the fundamental, underlying principle for state actions on the North Puget Sound and Straits oil transportation issue and is specifically incorporated within the Washington State coastal zone management program. State programs, and specifically state actions in pursuit of the intent of federal consistency, shall be directed to the accomplishment of this objective. Further, it is the policy of the Washington coastal zone management program to minimize adverse effects in the area, and to seek mitigation of unavoidable adverse impacts.

Policy on the Expansion of Existing Oil Terminal Facilities

The use of a single offloading site at Port Angeles has the dual purpose of lessening vessel traffic in the inland marine waters and the number of transfer points with their associated spill problems. The objectives of this major proposal are to reduce the risk factor of a major oil spill by reducing the number of transfer sites, the amount of vessel traffic in constricted channels, and the amount of environmentally sensitive marine waters to be exposed to the risk.

The offloading facility and transportation system at Port Angeles shall be designed to include provisions to supply existing refineries in Whatcom and Skagit Counties. Unless specific plans and firm commitments to connect to the Port Angeles facility are included, individual expansions to existing offloading facilities or proposals to deepen channels to accommodate deeper draft vessels are considered inconsistent with the single terminal concept as incorporated in the state coastal zone management program.

STATE/FEDERAL RELATIONS

While the state's shoreline and related programs have traditionally involved inter-action with a variety of federal agencies, participation in the national coastal zone management program heightened the importance and broadened the scope of this interaction. The Coastal Zone Management Act stresses the pivotal role of the states in coastal management and imposes reciprocal coordination duties upon the states and federal agencies. States must provide for federal agency participation, adequate consideration of their views (including "national interests"), incorporation of water pollution and air pollution control requirements, and an effective mechanism for continuing state/federal

consultation and coordination. This chapter and Appendices B, D, and F set forth the Washington State coastal zone management program activities, approaches, and results associated with these objectives and requirements.

History of Federal Participation in the Washington Program

Federal participation in Washington's program began modestly during the development of guidelines for the Shoreline Management Act. Federal agencies were invited to contribute views, and the final guidelines reflected those federal contributions.

Federal agencies were also asked to participate in a state-federal task force to review local master programs. Since 1973, this task force has grown to include more than 20 federal agencies.

With the passage of the Coastal Zone Management Act in 1972, state and federal interest in Washington's coastal zone increased.

In 1974, the state began to develop its coastal zone management program and a major effort to increase federal involvement began. Efforts were hampered somewhat because many agencies were not informed about the Act, and were unprepared to work with it. Also, the Department of Commerce had not yet finalized the 306 program guidelines, and many legal questions relating to the provisions of the Act were unanswered. Many agencies were uncertain if, or how, the Act would affect their programs.

Some two dozen federal agencies were identified as being "principally affected" by the State's program. Specific contact people were selected by the agencies, and correspondence was directed to the contacts.

Early in 1975, a meeting was held at the Federal Regional Council offices to discuss the State's program and to identify areas which would be of particular concern to a group of federal agencies with common concerns.

In February of 1975, the State sent a questionnaire to the identified federal agencies, and a number responded with details about their coastal zone management concerns, activities, programs, problems and expectations.

In late March of 1975, the State distributed the preliminary program document, displaying in black and white positions and policies of the State which had not been fully understood by federal agencies. The document stimulated extensive federal comment, which in turn clarified the policies and positions of federal agencies which had not been perceived by the State.

Many of the federal views identified legitimate deficiencies or desirable modifications to the program. Others were based on a misunderstanding of the State's program or a different interpretation of the Coastal Zone Management Act. A few were based on unrealistic expectations of the State's capability—or legal obligation—to provide detailed analyses or projections or initiate programs.

Generally, the objections addressed the following: lack of involvement in the development of the program; the need for a concise description of the overall program; the definition of coastal zone boundaries; lack of information on specific kinds of "permissible uses," "priorities of use," and "areas of particular concern"; inadequate expression of regional and national interests; and administrative or operational mechanisms for coordination and consistency. (See Appendix F.)

In May of 1975, the State was given preliminary approval. Full approval was withheld, in part because of the many federal objections.

The State began revamping its program, paying special attention to the deficiencies and misunderstandings which had been brought out through the federal review.

In June of 1975, the State met with federal agencies in the offices of the Federal Regional Council. At this meeting, several topics were discussed: procedures for ensuring consistency of

federal actions with an approved Washington program; the ways in which federal views had been considered; and the opportunity of federal agencies for "full participation." No conclusive agreements were reached on any of these topics. The concept of several subcommittees of federal and state agencies with common interests was explored and later rejected; it became apparent that common interests were difficult to identify, that such an approach would be unwieldy, and that there was more need for individual consultation.

During the ensuing months, the State began a massive information-gathering effort, described in the next section. State-federal communication throughout the fall and early winter focussed on development and refinement of these "informational packets."

In mid-December of 1975, the State published its substantially revised coastal zone management program. The distribution was officially handled by the Office of Coastal Zone Management in Washington, D. C. Federal reaction swiftly followed distribution of the document. Very soon it became apparent to the State that concern centered on two issues: the State's position on "excluded federal lands"; and procedures for ensuring consistency.

Discussions with a number of agencies over the next few months failed to bring resolution. As a result, in March of 1976, the State substantially revised its excluded lands policy pending the opinion of the U. S. Attorney General which had been sought by NOAA.

During the same month, the State published and distributed its "Operational Guidelines for Federal Consistency."

Other objections and comments were addressed in further revisions to the program document and also in an addition to Appendix F.

Development of a State/Federal Coordination System

The Washington coastal zone management program has attempted to consider adequately the views of relevant federal agencies through a number of the participatory devices discussed above: involvement in key guidelines preparation; review of local master programs; questionnaire instruments; bilateral discussions; formal review of the initial program document; responses to agency comments; and acknowledgement of agency and national interests. This experience, however, made it clear that a more structured and continuing mechanism for state/federal interaction is needed to implement effectively the state's program. The essentials of this system are set forth below.

State coastal zone management policy concerning federal views and interests has been adopted in light of the positive spirit embodied in the Coastal Zone Management Act, that is, "to cooperate and participate in furthering the purposes of this title." Washington finds, as did the Congress, that there is a direct national interest in the effective management of the coastal zone and that its carefully planned development, protection, and public use is of concern to all of the citizens of the United States. Nationwide public interest is manifested in many ways: through the use of the coastal zone for international commerce, national defense and security, and active and passive recreational pursuits; and in recognition of the need for managing the natural systems and the uses of man-modified segments of the coastal zone.

Many of the federal agency missions, responsibilities, and activities directly share in this reflection of national concern and interest. National defense and security, for example, are among the highest priority of uses of Washington's coastal zone. Similarly, the needs and concerns of a broad spectrum of federal agencies such as the National Park Service, the Environmental Protection Agency, the Federal Energy Administration, the Army Corps of Engineers, the Fish and Wildlife Service, and the Coast Guard must be recognized and reflected in the program.

It is the intent and desire of the state to minimize any form of adversary confrontation when the legislated responsibilities, duties, or procedures of a federal agency conflict with those of the state coastal zone program. Every effort will be exhausted through communication and informal channels before resorting to formal procedures for conflict resolution.

The state has committed itself to a continuing effort to understand and actively consider federal interests in the further refinement and implementation of its coastal zone management program. A major tool to achieve mutual understanding, develop consistency of activities, and resolve differences is the coordinative packet system adopted by the Department of Ecology. The packet system has been designed specifically to assure that a single documented basis for considering individual agency views and concerns is established and maintained in the future. It is also designed to be a dynamic record and focal point for at least the following ten elements of policy and programmatic relevance:

(1) The policy of the state regarding the major state/federal interfaces caused by, or part of, CZM.

(2) Organization charts of the agency and the state, showing the components of both that are particularly concerned with CZM.

(3) A statement about the mission of the agency and the CZM implications of that mission.

(4) A discussion of the plans, policies, and programs of the agency relative to CZM and a proposed methodology designed specifically to the agency whereby coordination and consultation may occur.

(5) A listing and discussion of the facilities which the agency does not control but which affect its mission. The facilities may be either in the coastal zone or near enough to it to impact it.

(6) A discussion of the types of activities the agency undertakes having CZM significance and a proposed methodology for determining the consistency of those activities with the state program.

(7) A discussion of the CZM-related developments of the agency which are in the coastal zone and a proposed methodology for determining consistency with the state program.

(8) A discussion of the permits and licenses issued by the agency which have CZM relevance and a proposal for determining the consistency of those permits and licenses with the state program.

(9) A discussion of any grant programs of CZM significance offered by the agency and a proposal for determining consistency.

(10) A map or series of maps which show those lands and water areas within the Washington coastal zone which the agency owns, leases, rents, holds in trust, manages, regulates, operates in, or otherwise directly influences.

Design and development of this system was fully underway by September of 1975 drawing upon a substantial amount of prior experience documented earlier. Twenty-nine agencies were identified by OCZM as having potential interests in coastal zone management; by late November this number had increased to forty-seven as a result of state initiatives. The packets are available in the Department of Ecology central offices in Olympia and range in length from 20 to 100 pages. The packets are summarized briefly in Appendix B.

Although the development of the packet system involved a substantial and concentrated expenditure of resources, it is considered an essential in-progress beginning of an ongoing state/federal process. The process will be maintained and enhanced by the assignment of specific staff resources in the future.

The packets are parts of the Washington Coastal Zone Management process, and thus part of the CZM effort now underway. The packets are not, however, considered to be part of this program document. While all of the State's policy, especially regarding excluded lands and consistency, is in the program document, the packets contain information that will be useful in the future. The packets can become the basis by which minor arrangements for specific problems can be made. From an operational and an informational standpoint, the packets are very much a part of the CZM program effort.

Consideration of the National Interest in Facility Siting

The Coastal Zone Management Act at Section 306 (c) (8) and its approval regulations (Section 923.15) require the state to consider adequately the national interest in the siting of facilities necessary to meet requirements which are of greater than

local concern. The Washington coastal zone management program and its related state network of policies and authorities establish a reasoned means to consider the siting of facilities of local as well as national import. Similarly, SMA and the other components of the coastal zone management network are adequate to deal with uses of regional benefit.

A fundamental criterion to be met is that the state program neither arbitrarily exclude nor unreasonably restrict the siting of facilities or uses of regional benefit. This performance test is met primarily through the open planning process establishing the shoreline program, the appeals process available through the Shorelines Hearings Board (one basis of appeal being failure to consider greater-than-local interests), recognition of the statewide over local interests with respect to shorelines of statewide significance, and the checks, balances, and procedures associated with the Forest Practices Act, EFSEC, water and air quality standards, and related programs.

In addition, DOE has been refining and will continue to refine its research and policy development concerning the development of outer continental shelf resources and the potential effects of Alaskan oil on the state's coastal zone.

While the state's coastal zone management program is not a physical siting program, tangible evidence of the state's coastal zone accommodation of national and regional interests and uses is found in the identification of substantial federal facilities and lands mapped in Appendix C. The range of permissible uses accommodated and designated in the coastal zone is also readily apparent from an examination of the aggregate of shoreline environments described and mapped in Appendix A.

Perhaps the most essential ingredient in meeting national or regional needs is the commitment to a coastal zone management program acknowledging national values and needs in Washington's coastal zone; establishing a responsive system of consultation and coordination; and committing the state to a continuing process of interaction with these interests. The state/federal coordination system is explicitly designed to deal with this dimension of coastal zone management.

The state believes that the full accommodation of all perceived national interests is an evolving though perhaps ultimately impossible task. The range of interests expressed by various federal agencies (see Appendix F) ranged from foreseeable needs to meet national security emergencies, through siting of energy facilities in undeveloped areas, to stringent requirements to enhance living marine resources and protect natural habitats. Some of these national interests are incompatible in the finite reaches of the coastal zone. Nevertheless, the state has established a process and has acknowledged in its identification of areas of particular concern that it is the primary objective of coastal zone management to deal openly with these needs and conflicts—including those stemming from national perspectives—in the implementation of its program.

Incorporation of Water Pollution and Air Pollution Requirements

Section 307(f) of CZMA and Section 923.44 of the approval regulations call for the "incorporation" of the requirements of the Federal Water Pollution Control Act as amended and the Clean Air Act as amended into coastal zone management programs. The Department of Ecology as the lead state agency for all three programs is the single institutional locus for integrating the standards, regulations, and guidelines necessary to achieve the related goals of these programs. The internal network of DOE policies and management practices assures that this important relationship has been established.

The Governor has certified that the state coastal zone management program incorporates both federal water quality and federal air quality standards. Furthermore, any action or proposal which would violate air or water quality standards or regulations is considered to be inconsistent with the Washington State coastal zone program.

Program development has been coordinated with both authorities and the state CZM program is developed in compliance with the Federal Water

Pollution Control Act and the Clean Air Act. The policies and actions undertaken in conformance with the Washington State CZM program are intended to further the objectives of the federal air and water quality program.

While state air and water quality programs are adequate to control direct discharges and emissions which could directly and significantly impact the coastal water, the control of non-point sources of pollution to coastal waters is considerably more complicated. These authorities mostly fall within the Department of Ecology and require a comprehensive approach which must be incorporated into the total management scheme. For this purpose, the state program has been cognizant of, and has coordinated its program with, local, and area wide interstate plans applicable to areas within the coastal zone. In fact, local governments' primary management tool in the coastal zone, the local master program, was mandated by the SMA to be consistent with other state and local programs. Other specific programs that are directed to non-point pollution include the Section 208 of the Federal Water Pollution Control Act area wide waste treatment management planning. At present, two 208 areas are located in the Coastal Zone. As these planning programs get underway, the Department will assure coordination between the local effort and the state CZM program. Most specific to the state's water quality planning program is the considerable effort of the Department in basic planning under Section 303(e) of the Federal Water Pollution Control Act which enters into an advanced phase in the coming year to address non-point problems to meet the 1983 national water quality objectives. Success in meeting national water quality goals is dependent on a coordinated effort among the several state programs. Additional state programs for the protection of the upland watershed include the State Forest Practices Act and Hydraulics Permits issued by the Departments of Fisheries and Game.

The State Position on the Consistency Provisions of CZMA

Sections 307(c) and (d) of CZMA set forth the duties and general processes for federal agency consistency with the state's program. The state intends to develop further understanding of these requirements in consultation with the affected agencies during the initial period of program implementation. Developing such understanding will involve such matters as: which activities should be subject to consistency and under what circumstances; workable organizational arrangements; the appropriate and reasonable procedures to be employed by the various parties involved; and methods to resolve disputes in a reasonable fashion.

A record of these interactions will become part of the federal/state coordinative packet system. In the interim, before joint understandings have been reached, it is the state's position that federal agencies should begin to examine their activities in light of the Shoreline Management Act and its guidelines, as well as the Congressional findings and policies in Sections 302 and 303 of CZMA. Uses in or activities affecting the "resource boundary" are generally considered by the state to be within the purview of the consistency provisions.

For coastal zone management purposes, determination of consistency and any determination relating to the process of permit and license certification shall be undertaken by the State of Washington (Department of Ecology) with the federal agency involved, either jointly or by methods proposed in the packets or established at a later date. The state will be responsible for assuring that local desires and concerns are considered by the state in determining the consistency and conformity of federal developments, grants, activities, and the certification of licenses and permits. The policy of the state is that any applicant for a federal license or permit to conduct an activity affecting land and water uses in the coastal zone shall provide the Department of Ecology with a copy of the certification that the proposed activity complies with the state program. Methods for determining which activities are subject to the certification process and how certification procedures will be developed will be addressed on a high priority basis with the affected agencies. The state will make every effort to notify the concerned federal agency that the state concurs with or objects to the applicant's certification in a timely fashion.

State and local government requests for federal assistance will be made consistent with the state

program. Local and state government agencies will furnish their views to the federal agency as to the relationship of such federally funded activities to the approved state program. The primary mechanism for notification to the state will be the use of and consistency with the procedures of Title IV of the Intergovernmental Cooperation Act of 1968 (the A-95 process).

CITIZEN AND GOVERNMENTAL INVOLVEMENT IN PROGRAM DEVELOPMENT

Involvement in the Shoreline Management Process

The various state programs which make up the state coastal zone program have been developed under specific requirements relating to citizen involvement. The state's shoreline management program is probably a national model for maximizing involvement at all stages of development. Not only did the Act itself require and foster citizen involvement, but the controversial nature of the program made it newsworthy, which kept citizens aware of the program as it was being implemented.

The Act originated from the involvement of concerned citizens. As a direct result of the Washington Environmental Council's Initiative 43, the State Legislature passed the Shoreline Management Act of 1971, Alternative Measure 43B, and enacted it as an emergency law on June 1, 1971. On November 7, 1972, the voters went to the polls and affirmed the present law. Prior to the election and in order to inform the electorate of the issues involved in the two management proposals, an informational program was established throughout the state:

Information pamphlets were distributed widely throughout the state.

A state voters pamphlet was published which provided concise explanations of the opposing issues.

Workshops were sponsored by county extension offices to inform citizens about the Act and an article comparing the proposals was written and distributed in mass throughout the state; a slide show was developed by the county extension service and used extensively to educate the public on the issue of and need for shoreline management.

In addition, workshops were held with county assessors, legal representatives, county and city officials, and federal agency representatives who would be directly affected by the Shoreline Management Act, and newsletters, newspapers, and professional magazines were all provided with articles comparing the two shoreline management alternatives.

The effort resulted in a Shoreline Management Act which stressed the necessity for citizen input to shoreline programs with administration at the local level and review and advisory authority at the state level.

The Shoreline Management Act at 90.58.130 RCW provides that in order

> "[t] o insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall . . . [m] ake reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter..."

Participation in Establishment of the Final Guidelines

With the passage of the Shoreline Management Act of 1971, the Department of Ecology staff had 90 days to draft a set of guidelines for local governments and citizen advisory committees to utilize in the formulation of their shoreline programs.

The first draft was mailed out and all interested persons, groups, and agencies had 90 days to submit their comments and criticisms. The Department of Ecology staff then had another 90 days to modify the original draft and mail the modified draft out again for further comment. After receiving the second set of comments, the draft was amended for the second time and public meetings

were held at various locations within the state. Federal and state agency participation in guideline preparation was considerable.

With the conclusion of the public meetings further modifications were made to the draft. Prior to the public hearings, a mailing list was put together consisting of all individuals who had attended the public meetings or had responded in some other way to the drafts that had previously been distributed. A copy of the final draft was then sent to each individual for one final review and two public hearings were held, one in Olympia and one in Spokane. Final adoption of the guidelines was made at a hearing held in Olympia.

Participation in Local Master Programs

Citizen involvement is stressed as a required integral part of local shoreline master programs. In fact, the final guidelines stipulate that failure of local governments to encourage and utilize citizen involvement without proper justification will be considered as a failure to comply with the Act. The guidelines for citizen involvement were quite explicit and have been adhered to by local governments throughout the state.

To insure that the needs and desires of the people were reflected in local master programs, local governments were required to appoint broadly based citizen advisory committees, representing both commercial interests and environmentalists, to define goals and to draft policy statements for the master programs. Selection procedures and the size and number of committees have varied among the participating jurisdictions, reflecting the unique needs and resources of each. Each local committee was to conduct a series of public meetings and encourage the participation of governmental agencies and private groups. Local committees were encouraged to issue newsletters to describe the results of the meetings and to give information about policy statements and program development.

During the process, which included the drafting of goals, policies, and regulations, the committee took the draft of the master program to public meetings for discussion. The committee then revised the draft and submitted it to local planning commissions and legislative bodies for action. Local government then sent the master programs and a report of public involvement to the Department of Ecology for approval.

The response by local government to the challenge presented by the public participation requirements of the Act has been impressive. Of 224 cities and counties directly affected by the Act, only four declined to take on the task of preparing a master program. Program development has often extended over an 18-month period and required anywhere from five to 40 citizen advisory committee public meetings. In the lengthy process over 2,000 citizens have been directly involved in developing the shoreline program in the State of Washington.

While the state has been careful to assure that local interests have had an opportunity to participate in the formulation of shoreline policy, the need for balance and assurance that "greater than local interest" has been recognized has been provided through state and federal review. To assist the Department of Ecology in review of local shoreline master programs, review task forces were formed, representing various state and federal agencies. These task forces provided the opportunity for all interested agencies to comment on the master programs.

The state was divided into four review areas, thus reducing the number of programs any one task force would be required to review and to ensure that field personnel most familiar with the area could be involved in the review. The technical expertise of the task force members and their knowledge of the geographical areas have greatly aided the Department of Ecology staff in arriving at their decisions to approve or deny the shoreline master programs.

Involvement in the Permit Process

The regulatory portion of the program involves a permit system which cities and counties have the responsibility for administering. It is the responsibility of local government to instruct the applicant for a substantial development permit and to

publish notices in a local newspaper within the county of the proposed development. The notices must be published at least once a week for two consecutive weeks. An affidavit of publication must be transmitted to the local government by the applicant. The affidavit is then attached to the application.

All persons interested in the proposed project have 30 days from the final publication of the notice within which they may submit, in writing, all comments, views, and criticisms to the appropriate local agency. Local governments may establish a mandatory or optional public hearing procedure to precede the issuance or denial of permits in order to allow citizens the opportunity to present their views.

As applications for permits increased, the state, local governments, and local committees recognized a need for professional expertise in the area of technical assistance in reviewing permits and in developing master programs. This resulted in the formation of the Interdisciplinary Advisory Committee (IDAC) in December of 1972. The IDAC provided counseling to local governments and local committees on a volunteer basis and provided an opportunity for the academic community in addition to the general public to become involved in the permit system.

Public Hearings

Major state programs which comprise the Washington State coastal zone management program have met state hearing and public involvement requirements. Hearings were held for the Shoreline Management Act itself, as well as for all the regulations and local master programs as required by the Administrative Procedures Act of Washington (RCW Chapter 34.04). In the implementation of SMA, several state regulations have been adopted in the Washington Administrative Code. Hearing procedures under the Code require notice of the hearing in advance of the date and availability of materials prior to the hearing. There is a period for written comments to be received and considered before the decision is made. These written comments match or exceed oral comments in utility to the decision maker and are often more voluminous than the content of oral presentations at hearings. Attendance figures for these hearings should not be taken as a lack of interest since most of the comments received were written. The following table shows the hearing dates for relevant chapters of the Washington Administrative Code:

Chapter 173-14 Permits for Substantial Development on Shorelines of the State

Hearing date: December, 1971

Location: Olympia, Washington

Attendance: 80

Chapter 173-16 Shoreline Management Act Guidelines for Development of Master Program

Preliminary hearing #1 date: March 21, 1972

Location: Spokane, Washington

Attendance: 80

Preliminary hearing #2 date: March 23, 1972

Location: Olympia, Washington

Attendance: 150

Final hearing date: June 20, 1972

Location: Olympia, Washington

Attendance: 50

Chapter 173-19 State Master Program

Hearing #1 date: October 15, 1974

Location: Spokane, Washington

Attendance: 40

Hearing #2 date: October 23, 1974

Location: Olympia, Washington

Attendance: 30

Chapter 173-18 Shoreline Management Act—Streams and Rivers Constituting Shorelines of the State

Chapter 173-20 Shoreline Management Act—Lakes Constituting Shorelines of the State

Chapter 173-22 Adoption of Designations of Wetlands Associated with Shorelines of the State

173-18,-20 and -22 were all heard together. Hearing date: June 28, 1972. Location: Olympia, Washington. Attendance: 10

Additionally, a joint NOAA/DOE hearing on the entire proposed program was held on April 22, 1975, following press notification and individual invitations. A draft environmental impact statement was distributed at the hearings, in public libraries, and by mail to a number of citizen groups, federal agencies, and individuals. Sentiment at the hearing generally fell into two classes: recommending approval and recommending against approval, the latter stemming generally from concern over a lack of environmental protection in the program.

Washington's chief interstate involvement has been with the State of Oregon, which shares the Columbia River estuary. DOE and other state and local people have participated in CREST (Columbia River Estuary Study Team), a special organization created to examine and plan for the Columbia River estuary. Involvement with other states has been through correspondence and occasional meetings hosted by OCZM. In addition, Washington has had contact with Alaska at meetings hosted by the Federal Regional Council and DOE and through telephone and written communications.

DESIGNATED AGENCY AND AUTHORITY FOR PROPERTY ACQUISITON

Section 306 of the Coastal Zone Management Act requires that a single agency be designated to manage the coastal zone program. That agency must have the power to administer land and water uses, to control development, and to resolve conflicts among competing uses. The Governor's letter submitted with this document designates the Department of Ecology as the single agency and certifies that the Department has the necessary authorities. This designation is particularly appropriate in view of the fact that the key to Washington's coastal management, the Shoreline Management Act, declares in relevant part that

> [t]he department of ecology is designated the state agency responsible for the program of regulation of the shorelines of the state, including coastal shorelines and the shorelines of the inner tidal waters of the state, and is authorized to cooperate with the federal government and sister states and to receive benefits of any statutes of the United States whenever enacted which relate to the programs of this chapter. [RCW 90.58.300]

The Act further identifies the Department's responsibilities in the relationship to the federal government in 90.58.260:

> The state, through the department of ecology and the attorney general, shall represent its interest before water resource regulations management, development, and use agencies of the United States, including among others, the federal power commission, environmental protection agency, corps of engineers, department of the interior, department of agriculture and the atomic energy commission, before interstate agencies and the courts with regard to activities or uses of shorelines of the state and the program of this chapter.

The Coastal Zone Management Act also states that where necessary for program implementation, the state must acquire "fee simple and less than fee simple interests in. . .property. . . ."

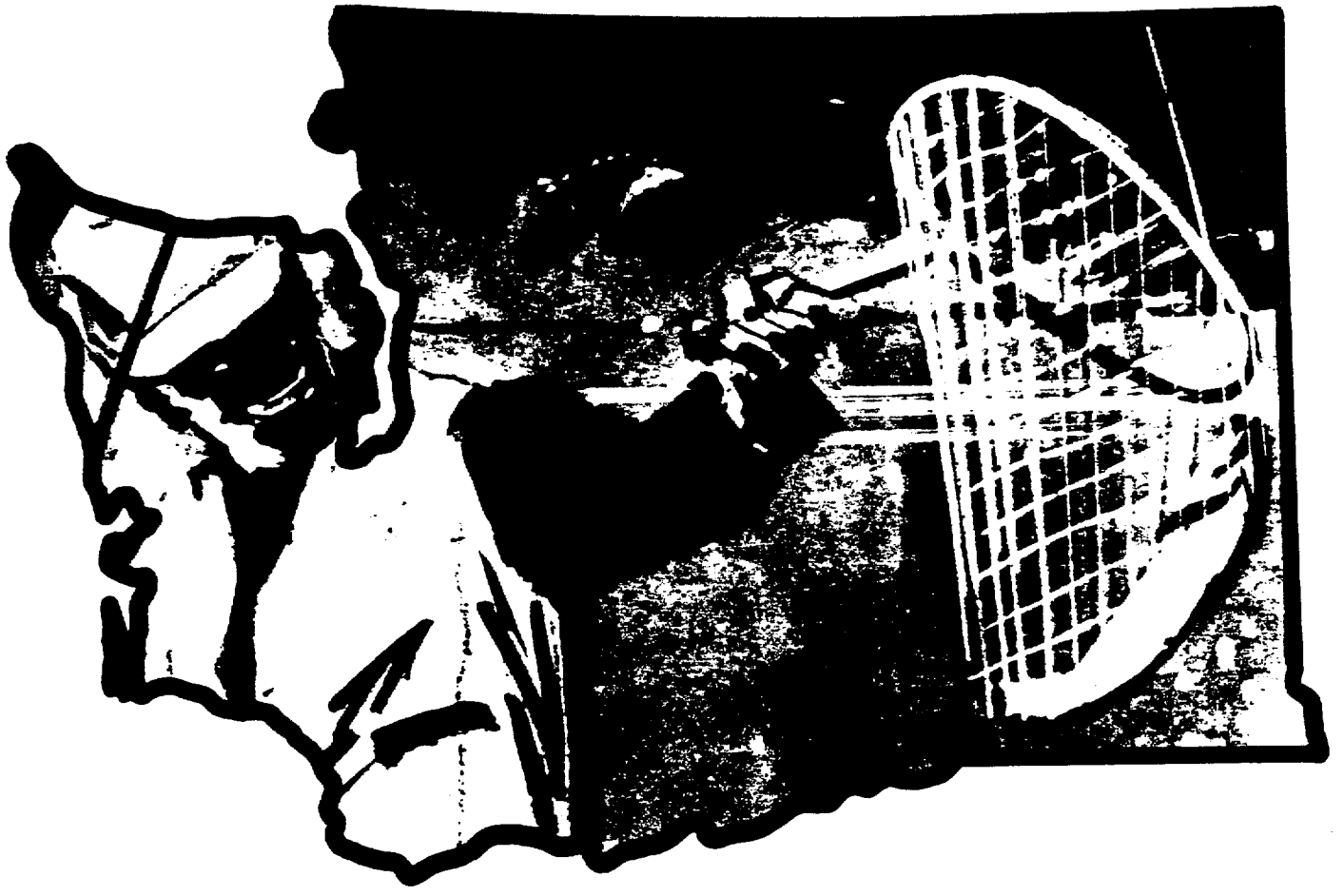
The Department of Ecology is empowered in RCW 90.58.240 to

> "[a]cquire lands and easements within shorelines of the state by purchase, lease, or gift, either alone or in concert with other governmental entities, when necessary to achieve implementation of master programs adopted hereunder. . . ."

In addition, state agencies and local governments have certain limited powers of eminent domain as follows:

Department of Ecology:	authority to acquire shorelines and related wetlands. (RCW 90.58.240)
Department of Natural Resources:	authority to acquire natural areas, natural area preserves or areas of scientific or educational value. (RCW 79.70.630)
Department of Game:	authority to acquire for sanctuary and other purposes. (RCW 77.12.200)
Parks and Recreation Commission:	authority to acquire for parks and parkways. (RCW 43.51.040)

The state does not currently consider it necessary to have outright power of condemnation to implement the coastal zone management program. The authorities cited above, in conjunction with the overall program, prevent inappropriate uses of the coastal zone.



Chapter VI
Continuing Development of the Management Program

CHAPTER VI. CONTINUING DEVELOPMENT OF THE MANAGEMENT PROGRAM

INTRODUCTION

The previous chapters have described the state's existing coastal zone management program in detail, including interrelationships, problems, and management mechanisms. From the foregoing it can readily be seen that the state has the necessary legislative, administrative, and informal tools to implement a state coastal zone management program.

However, coastal zone management is a process and as such it is apparent that the refinement of the management system does not cease with approval by the Department of Commerce. A program document, however well designed, is still merely the expression of a process at a given point in time. A process must continually undergo evaluation, review, and refinement and be responsive to new issues.

This chapter, then, sets out the policy of the coastal zone program to assure that it will be a flexible and meaningful process for the immediate future as well as for long-range considerations. The "continuing process" aspect of the program is addressed at two levels, recognizing that while there are immediate issues to be addressed in program administration, it is not possible to foresee all issues and concerns. For that reason, it is important to emphasize program evaluation and the coordination mechanisms among the various governmental units and the public.

OVERALL PROGRAM OBJECTIVES

A program approved under section 306 of the Coastal Zone Management Act will provide the State of Washington opportunities to more fully implement existing state programs for coastal zone management. Approval provides two added dimensions to the program that will enable the state to administer a more sound and comprehensive program for the management of the coastal resources. First, administrative funding will enable state and local agencies to increase their capabilities to carry out program objectives. The second dimension, the consistency provisions for federal activities in the Act, will allow the coastal resource to be viewed as a complete functional unit. This will remove the historical constraints which inhibited states from planning for and recognizing federal actions as they may relate to the coastal zone.

Through the processes established, the state will become more aware of federal programs and policies and, in turn, the federal agencies will be more cognizant of the state program. Better knowledge and communications and the requirements for consistency of federal actions will achieve a more rational and comprehensive management of the coastal resource.

The administration and implementation of the approved program will be undertaken in three general areas: program coordination, program administration, and program enhancement.

PROGRAM COORDINATION OBJECTIVES

It is the objective of the Department to continue to refine the processes and procedures for dealing with federal consistency and federal relationships generally to improve intra-state agency and program coordination, and to maintain a strong state/local interrelationship.

Federal Coordination.

There is a clear need for greater state/federal cooperation and understanding. There are four specific actions intended to be under taken following program approval to meet this objective:

1. The preliminary packets sent to 43 federal agencies will be finalized in terms of informational content and agreement as to the methods and procedures suggested in them.

2. Where seen as necessary, agreements between individual federal agencies and the state will be developed to deal with matters not now addressed in the packets. Such agreements, specifically tailored to particular agencies and directed at specific issues, will ultimately be included as a part of the packets.

3. Additional effort will be undertaken to better coordinate agency policies from a coastal zone management perspective. Also, specific questions remain unanswered with some agencies in the area of consistency generally. An important activity to be undertaken is to clarify and formalize these issues in a manner acceptable to both the state and the affected agency.

4. The state will also build and enhance a special relationship with certain existing bodies which are ideally constituted to enhance coordination for coastal zone management needs. These are:

   (a) The Federal Regional Council, which can be helpful in coastal management as a federal "one-voice" on problems and issues that require a consensus for consistency purposes;

   (b) The Pacific Northwest River Basins Commission, which can he helpful from the standpoint of a joint federal/state focus on technical applications of standards and principles of multi-purpose character stemming from Water Resource Council mandates; and,

   (c) The Pacific Northwest Regional Commission, which can be helpful as its preliminary plan evolves, to aid both state and federal "line operations" with coastal policy including criteria and constraints for both growth and energy questions.

Packets are prepared for these three bodies, which can be developed into mechanisms for all forms of coordination serving federal agencies and the state in many instances, especially those involving concerns shared by a number of federal departments.

5. There may arise a conflict between the state and a federal agency during administration of the program, and resolving such conflicts is certainly an objective of this program. The method employed by the state will first be bilateral discussions with the federal agency to solve the problem. Should that fail, the state will either drop the matter or use one of the following possible solutions. The last, resolution in federal court, is seen to be the least desirable method.

   1. Appeal to a higher federal authority, such as the parent department of the agency.

   2. Bring the matter to a panel of CZM representatives of various state, local, and federal entities, called together for the purpose of airing such conflicts.

   3. Bring the matter before a mediation service to be provided by the Department of Commerce.

   4. Bring the matter to federal court.

State Coordination

Aside from the important coordination measures needed for federal participation in coastal zone management, the state will take further action to coordinate coastal zone activity among state agencies. The objective in this case is the coordinated application of all relevent state efforts in the coastal zone. These actions will be as follows:

1. There is a continuing need for restudy of the parent legislation for the components of the managerial network. Occasional gaps and overlaps in authorities have been identified and will be examined in detail with recommendations for corrective legislation.
2. In light of coastal zone management, it is necessary to reevaluate arrangements between and among state agencies (through interagency agreements or other formal mechanisms) to make the roles and responsibilities of respective agencies more explicit and effective.

3. Agency study committees and ad hoc advisory committees will be assembled as the need arises to deal with multi-agency concerns.

4. State agencies currently involved in local shoreline master program review will continue to participate in the review of new programs as well as major amendments of approved programs.

5. The use of state programs such as SEPA and ECPA (see Chapter III) will be emphasized in coordinating agency reviews of projects and proposals.

6. The Governor's Natural Resources Cabinet and other high level policy groups will be asked to deliberate major policy considerations.

7. Other existing multi-agency entities such as the IAC and EFSEC can provide coastal zone management coordination for specialized facilities in the coastal zone such as recreation facilities and power plants, respectively, for the two groups cited.

Local Coordination

It is the role of the Department of Ecology to serve as an intermediary between federal and local entities within the context of the state's program. To insure that both federal and local interests are fully considered by each party and that all attempts will be made to achieve an equitable arrangement that is mutually satisfactory.

Actions to be taken to achieve local coordination with state, federal, and other local entities are as follows:

1. Meetings of local citizen advisory and technical committees, which are composed of representatives for a broad spectrum of interests who meet to discuss issues in refining local shoreline programs, will continue.

2. The integration of other local planning efforts into the shoreline programs will be undertaken by a substantial number of local jurisdictions.

3. Emphasis will be placed on multi-jurisdictional approaches to program implementation so that coastal resources shared by more than one local government can be dealt with by all concerned entities.

4. The roles of the Washington State Association of Counties and the Association of Washington Cities, which are now staffed and charged with providing CZM/SMA assistance and coordination for all of their members, will be continued.

5. Periodic workshops and seminars, sponsored by DOE and/or the associations, will provide for the discussion of coastal zone management issues.

6. Revisions and corrections of local master programs will continue to be made so that the program components for adjoining jurisdictions are made compatible, emerging issues are addressed, and administration is improved generally.

Program Administration Objectives.

Activities proposed to be undertaken in this area are intended to eliminate duplication of effort wherever possible, to expedite and improve the quality of decision making, to more expediously inform all affected interests of pending proposals, and to improve the quality and timeliness of the entire administrative system.

Actions to meet these objectives for federal concerns are as follows:

1. Consistency procedures are of concern to federal agencies and critical to the efficient administration of the program. For this reason the state will assist federal agencies in making these determinations to the extent that the agencies seek such assistance. DOE will make special efforts to assure that information flows smoothly and that consistency matters receive the state's prompt attention. DOE will assist federal agencies to augment existing procedures where necessary.

2. There is a need to fully develop existing mechanisms and to create additional methods where necessary, by which state and local actions which may affect federal agency responsibilities can be made known to federal agencies.

3. The Department will continue to utilize existing tools such as NEPA, A-95 review, and the Federal Register, as well as other mechanisms already established by federal agencies or the state, and investigate new or alternative notification mechanisms.

4. In carrying out its functions as lead coastal zone management agency, DOE will attempt to be fully cognizant of federal programs and responsibilities. The Department will develop and maintain an information system on federal plans, activities, and developments.

5. Depending on the desires and needs of individual federal agencies, the Department could provide existing publications and information to federal agencies on state and local actions which might affect federal missions and responsibilities. This could be provided in the form of environmental impact statements under review, public hearing notices, appeal and enforcement actions, proposed regulations, etc.

6. The Department will develop the capability to provide technical assistance to applicants for federal permits or licenses to aid them in meeting certification requirements.

Additional administrative functions to be carried out by the state include the following:

1. DOE will expedite permit reviews among the state agencies.

2. Coastal zone management will be coordinated with other permit systems.

3. The state/federal program review task force will continue to operate.

4. Where notice and hearings are required for coastal zone management actions and are provided by other means, DOE will document those activities to assure compliance with CZMA. Where notice and hearing has not been available via other means, DOE will see that these requirements are met.

5. DOE's coastal zone management staff will review and if necessary respond to A-95 notices to assure consistency of the proposal to the coastal zone program.

6. DOE will administer a major grant program to local government and other Section 306 funded contracts and programs.

7. DOE will maintain an implementation program which involves court action, project negotiation, site visitation, consultation, correspondence, and other activities required to assure proper attention to land and water uses in the coastal zones.

8. DOE will promulgate administrative regulations for the continuing implementation of the program.

PROGRAM ENHANCEMENT OBJECTIVES

1. While control of land and water uses in the coastal zone is considered adequate, there is a need to augment state and local administration with better articulated policy, a better data base, and more thorough reviews through the managerial network.

2. At a policy level, there is a continuing need for an analysis of the parent legislation which makes up the components of the managerial network. Legislative deficiencies and the overlapping of authorities should be remedied through corrective legislation.

3. The program should assure adequate investigation into certain coastal zone management issues such as outer continental shelf development, energy generally, utility corridors, and water surface usage. Wherever possible, the comprehensive umbrella of the coastal zone management program should be brought into play to relate these investigations to the entire coastal zone.

4. At the interstate and international level, policy interests in the Columbia River, the outer continental shelf, the Strait of Juan de Fuca, the northern San Juan Islands, the fisheries resource, maritime commerce, and other

resources. Again, the coastal zone management umbrella should be used in all appropriate discussions to relate the consideration to the coastal zone as a whole.

5. The state's coastal zone program includes a number of processes for the identification of areas of particular concern and areas for preservation. There is a need to consolidate and coordinate these ongoing efforts and to further incorporate them into the coastal zone program.

6. If acqusition of some areas should be seen as desirable, the coastal zone program should reinforce and be consistent with state recreation acquisition programs, energy and economic development programs.

7. The state will attempt to establish an estuarine sanctuary through Section 312 of CZMA. Similarly, the state will continue to examine all of those coastal esturaine areas which have a particular biological significance for their possibilities as a sanctuary.

8. The Department will continue to assess the use capabilities of wetlands and identify areas of high biological productivity. To do this and concurrently assure their conservation will require detailed knowledge and adequate management criteria.

9. The state will continually monitor and evaluate the effectiveness of the program and carry out specific in-depth evaluations of key portions of the program. The state intends to conduct such specific evaluations in conjunction with other state, federal, and local agencies and the general public. Only in this way can the Department know with any certainty that the program is indeed carrying out the broad policy and intent of the program. To this end it may be necessary and desirable to establish review evaluation committees.

10. The coastal zone program is at the present time the primary vehicle in the state for assuring that the state's interest is considered in oil exploration, transport, and facility siting. While future legislative action may establish other mechanims for dealing with those issues, it is the policy of the program to more fully develop data, analysis capabilities, and specific policies that will assure that this interest is recognized.

11. Coastal zone management is a series of decisions, in terms of both program development and implementation. It is desirable that all decisions be founded on as strong a scientific basis as possible. Decisions should be made with as much knowledge as possible of the policies and opinions of others. Scientific knowledge and policy knowledge are data and must be organized such that they can be interpreted and used by everyone with a concern in the coastal zone. Much data has been collected and used thus far in the state's coastal zone management efforts and more will be collected as the program continues, but there is general agreement that the systems now used in collection, handling, and delivery should be improved.

12. Local government is also faced with a multitude of decisions that would be better made with more detailed and reliable information. A large effort will be made to determine how local decisions could be assisted with scientific information and to determine the type and display of such information that will be most useful to local government. This effort will be coupled with the overall data management program which integrates state and federal informational needs and systems.

13. Several of the activities listed herein will result in special reports which, if appropriate, would become additions or amendments to the program. Other special reports can become the basis of agreements or guidelines to the parties in order to solve a coastal zone concern.

14. As a training and informational device, periodic workshops will be held to bring together large groups to deal with specific coastal zone management affairs.

15. Recognizing that the purpose and thrust of the state's coastal zone program is to assure for future generations an environmentally and economically desirable place to live it is the policy of the state, through the coastal zone program, to keep its citizens aware of the need to protect and plan for its coastal resources.

    With regard to public awareness it should be noted that policy is not directed at the processes and tools which have been developed and are being implemented, but at the education and information phases as to why it is necessary to manage the coastal zone.

16. The Outer Continental Shelf, and its future, are of great concern to the state from environmental, economic, jurisdictional, and management standpoints. The state will undertake whatever investigations and actions are needed and proper to ensure good management of this area and to clarify the State's role in that management.

17. Several federal agencies are responsible for programs that are directly parallel to many programs in DOE and other state agencies. Examples are air quality, water quality, fisheries resources, timber management, wildlife, energy, and transportation. Whenever programs of such a dual nature affect the coastal zone, the Department will work, using the packets, multi-lateral discussions, memoranda of agreement, and other appropriate means, to promote and arrange compatibility of policy, objectives, methods, and practices. By this means, the CZM program can ensure consistent treatment of the coastal resource through such dual programs, and possibly assist such programs toward more rapid attainment of mutually sought goals and standards.

18. The state legislature has recently expanded the scope of the Thermal Power Plant Site Evaluation Council to embrace the siting of all types of energy facilities, and this new energy act also addresses other energy problems and issues. Insofar as energy facilities and other concerns may affect the coastal resource, the Department will work with the state's new energy program and the federal energy agencies to ensure compatible state/federal energy efforts as they affect the coastal zone, especially insofar as facilities siting is concerned.

19. Washington State will soon be faced with greater amounts of incoming crude oil shipped by tanker. The possibility of a single oil tanker receiving terminal located in the Port Angeles vicinity has become a serious proposal. The Department will devote special effort to assist, via CZM, the feasibility determination of this proposal. If the proposal is found feasible, the Department will work toward the best siting, design, and management of this terminal using the CZM program as the focal point of this effort.

20. Flooding and other natural hazards and their consequent damage are matters of great concern in Washington State, and with the establishment of an operational CZM program, a new relationship of local, state and federal partners is evolving. The subject of this relationship should be pursuit of compatible flood plain and hazard area management plans, policies, objectives, and regulations. Shoreline management has a very comprehensive approach to the management of uses on the floodplains, and when combined with other local endeavors and the federal flood damage reduction program in a compatible manner, can achieve the aims of all concerned.

21. Emphasis in the program development stage has been on the development of regulations and standards, enforcement, and on the development of broad management local and regional plans. While these elements of the program are essential, there is now the need to examine the needs of some specific land and water uses with requirements for sitings within the coastal zone from a broader, coastal zone-wide perspective. The need would include studies and positive policy for the location and siting of such uses as boating and energy facilities, and other use of greater than local interest.

22. Emphasis in the development of local shoreline master programs has been on the onshore, upland land use aspects of the program. This element is most critical to, and has historically been, the prerogative of local government. However, the resultant local programs often neglect or inadequately address complicated issues involving the management of the beds and surfaces of marine waters. Water areas have historically and continue to be managed by a multiplicity of state and federal agencies. There is now a need to examine local programs in light of state and national policies and to bring some degree of consistency between and among the programs at all levels of government.

CONCLUSION

As the CZM program continues, there will arise a need to formalize the refinements through the program amendment process.

When a possible amendment will affect various entities, then the Department will endeavor to develop such amendments in concert and consultation with those entities, as well as providing the opportunity for review.

When this happens, the proposed amendments will be sent to the Department of Commerce with a request for review and approval.

The state will publish annual supplements to the program every year to update the coastal zone management program, to account for new policy, and to report on the resolution of problems. The first supplement will be published in June of 1977.

Washington's coastal zone management program will be the first established in the nation pursuant to the Coastal Zone Management Act and represents an achievement for the nation as well as the state. Aside from the managerial aspects, this program represents a pioneering effort at multi-level governmental attention to the problems of a fragile, complex, and extremely valuable resource.

It is hoped that this attainment will grow and prosper throughout the coastal zone of the whole nation and that similar efforts can be directed at other resources and problems that are of concern to all levels of government.