

**From:** [McConnell, Michelle \(ECY\)](#)  
**To:** [BrownScott, Jennifer](#)  
**Cc:** [Mraz, Richard A. \(ECY\)](#)  
**Subject:** shoreline master program/shoreline permit link  
**Date:** Monday, March 26, 2018 11:32:58 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
**Importance:** High

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Hi Jennifer,

Yes, SMP jurisdiction includes both the in-water (incl. intertidal) and upland areas as you describe. To learn more you may want to review our [SMP Handbook Ch. 5 Jurisdiction](#).

For specific info on the tribal aquaculture project on Dungeness Bay I'll let Rick assist you, as needed. I hope this helps clarify!

**From:** BrownScott, Jennifer [mailto:jennifer\_brownsco@fws.gov]

**Sent:** Thursday, March 22, 2018 3:02 PM

**To:** McConnell, Michelle (ECY) <micm461@ECY.WA.GOV>; Mraz, Richard A. (ECY) <rmra461@ECY.WA.GOV>

**Subject:** Re: shoreline master program/shoreline permit link

Michelle,

Just hoping to clarify something in your email. Is it accurate to say that Shoreline Master Program regulations cover all in-water uses and also, at a minimum, uses landward within 200' of ordinary high water? In other words, the Clallam County SMP designations would cover the tidelands within Dungeness Bay below (seaward of) ordinary high water and the area at least 200' landward from ordinary high water....is that correct?

After I read your description a couple of times, it started to feel like it might be able to be read two different ways, and I wanted to make sure I was interpreting it correctly. I really appreciate your time helping me get a full understanding of the process.

Thanks,  
Jennifer

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Jennifer Brown-Scott  
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715 Holgerson Rd  
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office: (360) 457-8451 ext.22  
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~~Dungeness NWR~Protection Island NWR~San Juan Islands NWR~~

~~Copalis NWR~Flattery Rocks NWR~Quillayute Needles NWR~~

On Tue, Mar 13, 2018 at 2:18 PM, McConnell, Michelle (ECY) <[micm461@ecy.wa.gov](mailto:micm461@ecy.wa.gov)> wrote:

Happy to help! Since your immediate interest is project-specific, I want to let you know that Rick Mraz here in our SW Region office is the lead Shoreline staff for our agency's role in permitting this local project (other staff from our agency's Water Quality team is also likely involved). He's very knowledgeable and familiar with the issues. You can contact him at [rmra461@ecy.wa.gov](mailto:rmra461@ecy.wa.gov) or

360/407-6221.

You may also find more useful information on our [Aquaculture webpage](#) and our [SMP Handbook Ch. 16 – Aquaculture](#).

Related but different, I'm working with the County on their [SMP Update](#) effort. The Board of Commissioners is nearing a decision on local approval, then will submit their proposed SMP to ECY for final state approval. Our state-review process includes a public comment period, so stay tuned if you anticipate wanting to comment on the proposed revisions. If you're already on or join the County's mailing or email list, we should get that list as part of their SMP submittal package.



~Michelle

[ECY](#) | [SWRO](#) | [SEA](#)

360.407.6349



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NOTE: This communication is public record and may be subject to disclosure as per the Washington State Public Records Act, RCW 42.56.

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**From:** BrownScott, Jennifer [mailto:[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)]

**Sent:** Tuesday, March 13, 2018 1:13 PM

**To:** McConnell, Michelle (ECY) <[micm461@ECY.WA.GOV](mailto:micm461@ECY.WA.GOV)>

**Subject:** Re: shoreline master program/shoreline permit link

This information is very helpful. I am trying to wrap my mind around the Jamestown S'Klallam Shoreline Substantial Development and Shoreline Conditional Use permit application for commercial aquaculture on the tidelands within the boundary of Dungeness NWR. I have not yet seen the County's staff report, but the application and determination letter say very little about how this use fits or potentially impacts the qualities and uses enumerated within the designation of a Natural Shoreline. Because of this, it appeared that the permit process was completely disconnected from the SMP designations and that the SMP had no bearing on the determination. I just wanted to make sure that the SMP and the Shoreline Permit process were indeed linked and that the SMP should be taken into consideration during the permit process.

Thanks for your help as we increase our understanding of the process and provide input to the County.

-jennifer

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On Tue, Mar 13, 2018 at 12:16 PM, McConnell, Michelle (ECY) <[micm461@ecy.wa.gov](mailto:micm461@ecy.wa.gov)> wrote:

| Hello Jennifer,

Yes, local Shoreline Master Programs (city or county ‘SMPs’) are *one part* of the permitting ‘equation’ for land use & development activities located within the state’s shoreline jurisdictional area. That area includes the in-water portions and, at minimum, 200’ landward from the ordinary high water mark of qualifying water bodies (marine, lake, and streams/rivers); but can extend landward as far as the full 100-year floodplain, and/or include the buffers needed to protect critical areas (we call this ‘optional extent’ and it’s determined at the program level, not project by project).

### **Other Permits**

As you’re likely familiar with the world of overlapping authorities, other local, state, and/or federal regulations may also apply as part of this use & development *equation* separate from the SMP (e.g. zoning codes, WDFW’s Hydraulic Project Approval, Clean Water Act 401 or 404 certifications, Army Corps Section 10 authorizations, etc.). Generally speaking, all use or activity in shoreline jurisdiction must comply with the standards of the applicable SMP, whether or not a shoreline permit is required.

### **Local SMPs**

For the areas where the gems of your WA Maritime Complex are located, the following SMPs would apply (see exceptions below\*):

- Dungeness and Flattery Rocks NWRs – Clallam County SMP
- Protection Island and Quillayute Needles NWRs – Jefferson County SMP
- San Juan NWR – San Juan County SMP
- Copalis Rock NWR – Grays Harbor County SMP

\*However, a significant exception is that SMPs do not apply to federal use & development activities conducted on federal lands; but this does not include 3<sup>rd</sup> party activities (i.e. lessors/concessionaires) or private in-holder parcels w/in federal boundaries. Also applicable is the Coastal Zone Management requirement that federal activities satisfy the standard of ‘federal consistency’, which means (in short) projects need to comply with all the policies and regulatory requirements of the applicable SMP but do not need an actual permit.

### **Shoreline Permits**

As for shoreline permits, there are just a few options:

- **SDP:** Shoreline Substantial Development Permit – generally the ‘basic’ permit for most shoreline development;
  - SDP Exemptions – There is a group of development activities specified by law as not needing an SDP (e.g. low-cost projects, repair & maintenance of existing structure, single family home, ADA retrofits, etc.) but again, they need to meet all the standards, and updated SMPs require an actual ‘letter of exemption’. So there is some documentation and these letters may specify what standards need to be met... so some would say it’s basically a permit but technically it’s not (semantics don’tcha know).

• **CUP:** Shoreline Conditional Use Permit (CUP) – a ‘higher scrutiny’ permit for projects that are less common, higher risk, more sensitive locations, and/or special considerations must be made before approval;

• **VAR:** Shoreline Variance – When a project faces unusual circumstances where complying w/ the SMP’s bulk & dimensional standards (height, length, distance) would result in hardship/elimination of all reasonable use of the parcel, then a variance may be approved; this is the highest level of scrutiny, typically the most expensive, and not always allowed.

### So Much More

As you might guess, this is just the tip of the iceberg about SMPs and shoreline permitting and I don’t mean to overload you! There are many links and resources I could recommend... starting with our [SMPs webpage](#). Your query seems like you may have some specific examples/concerns so please let me know what else I can help explain. Also, while our office is here in the Olympia area, I actually live up on the Olympic Peninsula and could come visit you at your office for a chat if that would be helpful.

Best regards & thanks for reaching out,



## Michelle McConnell

Regional Shoreline Planner

[WA Department of Ecology](#) | Southwest & Olympic Region | Shorelands & Environmental Assistance ([SEA](#)) Program

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**From:** Bouta, Cedar (ECY)

**Sent:** Monday, March 12, 2018 9:05 PM

**To:** BrownScott, Jennifer <[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)>

**Cc:** McConnell, Michelle (ECY) <[micm461@ECY.WA.GOV](mailto:micm461@ECY.WA.GOV)>

**Subject:** RE: shoreline master program/shoreline permit link

Hi Jennifer -

Thank you for your inquiry.

Our regional planner assigned to Sequim, Michelle McConnell, is the best person to answer your question.

I've copied her on this email so she can reply.

You can also reach her by calling: 360.407.6349.

Best regards,

Cedar Bouta

Environmental Planner

SEA Program, HQ

**From:** BrownScott, Jennifer [[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)]  
**Sent:** Monday, March 12, 2018 4:12 PM  
**To:** Bouta, Cedar (ECY)  
**Subject:** shoreline master program/shoreline permit link

We are hoping that you can help us understand the link between the Shoreline Master Program of a particular county and the Shoreline Permitting process. Is the approved Shoreline Master Program suppose to be used to determine appropriateness of an application for a shoreline permit?

Thank You,  
Jennifer

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