

Patrick and Kathryn Townsend  
7700 Earling Street NE  
Olympia, WA 98506

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Brad Murphy, Thurston County Senior Planner  
Thurston County Planning Commission  
2000 Lakeridge Drive, WA  
Olympia, WA 98506

Dear Mr. Murphy and Planning Commissioners,

We have reviewed definitions in Chapter 19-100 of the Thurston County Shoreline Master Plan (SMP) Update and find that there is a significant discrepancy between the definition of “Shorelines of Statewide Significance” in Chapter 19-100 of the SMP Update and the relevant RCW 90.58.030 (2)(f).

19.50.740 (E) of the draft SMP Update should be corrected to comply with RCW 90.58.030 to exclude marine shorelands and tidelands from Shorelines of Statewide Significance as follows:

Under the definition **19.150.740 Shorelines of Statewide Significance**, the term:

**E. Shorelands and wetlands associated with A-D**

Should read:

**E. Shorelands and wetlands associated with A, C and D above.**

For Dept. of Ecology's explanation of the Shorelines of Statewide Significance, which confirms this correction, see: [http://198.239.150.195/programs/sea/sma/st\\_guide/jurisdiction/ssws.html](http://198.239.150.195/programs/sea/sma/st_guide/jurisdiction/ssws.html)

For a detailed explanation of this error in the draft Thurston County SMP Update, please see Notes below.

Sincerely,  
Patrick and Kathryn Townsend

Cc: Cindy Wilson, Doug Karman, Meredith Rafferty

**Notes on the definition 19.150.740 Shorelines of Statewide Significance**

The relevant term definition:

**19.150.710 Shorelands:** those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology. (*Basically the same as the RCW (2)(d)*)

**Draft wording in Thurston County SMP update:**

**19.150.740 Shorelines of Statewide Significance:** shorelines in Thurston County designated as shorelines of statewide significance are:

- A. Nisqually Delta – from DeWolf Bight to Tatsolo Point, between the ordinary high water mark and the line of extreme low tide, together with shorelands associated therewith per RCW 90.58.030(2)(f)(vi).
- B. Puget Sound – seaward from the line of extreme low tide.
- C. Lakes, whether natural or artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark.
- D. Natural rivers or segments thereof downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more.
- E. Shorelands and wetlands associated with A through D above.

**Wording in RCW (2)(f):**

**RCW Definitions and Concepts: Shorelines of Statewide Significance) (2)(f)**

(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,

(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,

(vi) Those shorelands associated with (f)(i), (ii), (iv), and (v) of this subsection (2); (*Our note: does not include (iii) Puget Sound.*)

The discrepancy is as follows:

- RCW (2)(f)(vi) **excludes** shorelands associated with Puget Sound (other than the Nisqually Delta) as Shorelines of Statewide Significance.
- Thurston County SMP update 19.150.740 **includes** Shorelands and Wetlands associated with Puget Sound as Shorelines of Statewide Significance (*This erroneously designates all shorelands along Puget Sound waters as Shorelines of Statewide Significance.*)

This discrepancy did not exist in the 1990 Thurston County SMP definition of Shorelines of Statewide Significance.

*1990 Thurston County SMP*

*SHORELINES OF STATE-WIDE SIGNIFICANCE. Areas identified by the Shoreline Management Act as having more than local interest. The following areas in Thurston County were designated as shorelines of state-wide significance:*

1. All portions of Puget Sound lying seaward from the line of extreme low tide.
2. The area on Nisqually Delta from DeWolf Bight to Pierce County that lies between the

*ordinary high-water mark and the line of extreme low tide.*

3. *Alder Lake.*

4. *The Nisqually River.*

5. *The Chehalis River.*

6. *Wetlands associated with 2, 3, 4 and 5 above. (Does not include 1 – Puget Sound)*

**For Reference see RCW 90.58.030 below:**

**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) "Hearings board" means the shorelines hearings board established by this chapter;

(d) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(e) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Floodway" means the area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(c) "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, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: 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;

(d) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

(i) Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

(ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest

practices regulated under chapter 76.09 RCW, except conversions to nonforestland use, on lands subject to the provisions of this subsection (2)(d)(ii) are not subject to additional regulations under this chapter;

(e) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(f) "Shorelines of statewide 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 shorelands associated with (f)(i), (ii), (iv), and (v) of this subsection (2);

(g) "Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state;