RCW 90.58.020 Legislative findings:
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.
WAC 173-26-176(3)(c)
(3) The act’s policy of protecting ecological functions, fostering reasonable utilization and maintaining the public right of navigation and corollary uses encompasses the following general policy goals for shorelines of the state. The statement of each policy goal is followed by the statutory language from which the policy goal is derived...

c) Protection and restoration of the ecological functions of shoreline natural resources.

18.50.070 Environmental impacts.
A. The location, design, construction, and management of all shoreline uses and activities must protect the quality and quantity of surface and ground water adjacent to the site and must adhere to the policies, standards, and regulations of applicable water quality management programs and related regulatory agencies.
B. Solid waste disposal and liquid waste treatment facilities are prohibited on shorelines. Solid and liquid wastes, biosolids, and untreated effluents shall not be allowed to enter any bodies of water or to be discharged onto land.
C. The release of oil, chemicals or hazardous materials onto land or into the water contrary to state or federal law is prohibited. Equipment for the transportation, storage, handling, or application of such materials in

18.50.090 General Environmental Protection and Mitigation.
A. Land uses and developments that include vegetation removal or grading and vegetation removal on County shorelines must be designed, located, sized, constructed and maintained to achieve no net loss of shoreline ecological functions. Where projects meet or exceed the protections required by the critical area regulations in SJCC 18.50.080, mitigation will not be required. All uses, developments and ancillary activities shall be maintained in compliance with SJCC 18.50.080 or mitigation of the adverse impacts will be required.
B. Projects that cannot meet the critical area requirements for no net loss in SJCC 18.50.080 must complete a

18.50.090 General Environmental Protection and Mitigation.
A. Land uses and developments that include vegetation removal, excavation or grading on County shorelines must be designed, located, sized, constructed and maintained to achieve no net loss of shoreline ecological functions. Where projects meet or exceed the protections required by the critical area regulations in SJCC 18.50.080, and other applicable development standards, mitigation will not be required. All uses, developments and ancillary activities shall be maintained in compliance with SJCC 18.50.080 or mitigation of the adverse impacts in conformance with this section will be required.
B. Projects that cannot meet the critical
<table>
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<tr>
<th>RCW 90.58.020:</th>
<th>association with a lawful shoreline use must be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.</th>
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<tr>
<td>D. All shoreline uses and activities shall be located, designed, constructed, and managed in a manner that minimizes adverse impacts to surrounding land and water uses and must be aesthetically compatible with the affected area.</td>
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<td>E. All shoreline uses and activities must utilize effective erosion control methods during construction and operation. Proposed methods must be included in the project description submitted with any permit application.</td>
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<td>F. All shoreline uses and activities must be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to fish and wildlife resources, including spawning, nesting, rearing and habitat areas, and migratory routes.</td>
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<tr>
<td>G. All shoreline uses and activities must be located, designed, constructed, and managed to minimize interference with natural shoreline processes such as tidal movement, sediment transport, and habitat formation.</td>
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<td>RCW 90.58.100:</td>
<td>mitigation sequence analysis. Where a project may increase the intensity of unavoidable adverse impacts on shoreline ecological functions, mitigation to offset the impacts is required and must be consistent with the mitigation sequence below.</td>
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<tr>
<td>if a project is likely to increase the magnitude of unavoidable adverse impacts to shoreline ecological functions, mitigation to offset the impacts is required and must be consistent with the preferred mitigation sequence outlined below.</td>
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<tr>
<td>C. All shoreline uses and activities shall be located, designed, constructed, and managed in a manner is aesthetically compatible with the surrounding area.</td>
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<tr>
<td>D. All new shoreline structures must be located and designed to prevent the need for shoreline stabilization and flood protection measures for the life of the structure (minimum 75 years).</td>
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<td>E. Herbicides and pesticides may not be applied to or allowed to directly enter water bodies or wetlands unless approved for such use by the appropriate agencies.</td>
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<tr>
<td>F. Mitigation of adverse Impacts. This subsection outlines the provisions for area requirements for no net loss in SICC 18.50.080 must complete a mitigation sequence analysis which considers avoiding actions, minimizing scale and scope of the project and possible mitigation actions. Where a project may increase the intensity of unavoidable adverse impacts on shoreline ecological functions, mitigation to offset the impacts is required and must be consistent with the mitigation sequence below.</td>
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<td>C. All shoreline uses, structures and activities shall be located, designed, constructed, and managed in a manner is aesthetically compatible with the surrounding area.</td>
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<td>E. Herbicides and pesticides may not be applied to or allowed to directly enter water bodies or wetlands unless approved for such use by the appropriate agencies.</td>
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</table>
"(2) The master programs shall include, when appropriate, the following:

(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;

WAC 173-26-186(8)(b)
Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions.

(i) Local master programs shall include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline; local government shall design and implement such regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the

as water circulation, sand and gravel movement, erosion, and accretion.

H. Land clearing, grading, filling, and alteration of natural drainage features and landforms must be designed to prevent maintenance problems or adverse impacts to adjacent properties or shoreline features.

I. All shoreline developments must be located, constructed, and operated so as not to be a hazard to public health and safety.

J. All shoreline uses and activities must be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works, such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties, or substantial site regrades.

K. Herbicides and pesticides may not be applied to or allowed to directly enter water bodies or wetlands unless approved for such use by the appropriate agencies. (Ord. 2–1998 Exh. B § 5.4.4)

mitigating adverse impacts associated with shoreline development and land uses.

1. In order to ensure that development activities meet the no net loss requirement by avoiding, minimizing and mitigating for adverse impacts to shoreline ecological functions, a mitigation sequence analysis is required for all projects.

2. Mitigation Sequencing Analysis. To justify use of a mitigation action lower in the hierarchy the applicant must demonstrate that those higher in the hierarchy are not feasible or practicable.

Mitigation sequencing analysis must describe how the proposal is or will be consistent with the following:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation

F. Mitigation of adverse Impacts. This subsection outlines the provisions for mitigating adverse impacts associated with shoreline development and land uses that fail to meet the appropriate critical area protections or other applicable development standards.

1. In order to ensure that development activities meet the no net loss requirement by avoiding, minimizing and mitigating for adverse impacts to shoreline ecological functions, a mitigation sequence analysis is required for all projects.

2. Mitigation Sequencing Analysis. To justify use of a mitigation action lower in the hierarchy the applicant must demonstrate that those higher in the hierarchy are not feasible or practicable.
regulation of private property.

(ii) Local master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline.

WAC 173-26-201(2)(e)
(e) Environmental impact mitigation.
(i) To assure no net loss of shoreline ecological functions, master programs shall include provisions that require proposed individual uses and developments to analyze environmental impacts of the proposal and include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the master program and other applicable regulations. To the extent Washington's State Environmental Policy Act of 1971 (SEPA), chapter 43.21C RCW, is applicable, the analysis of such environmental impacts shall be conducted consistent with the rules implementing SEPA, which also address environmental impact mitigation in WAC 197-11-660 and define mitigation in WAC 197-11-768. Master programs shall indicate that, where required, mitigation measures shall be

a. Avoiding the impact altogether by not taking a certain action or parts of an action;
b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
d. Reducing or eliminating the impact over time by preservation and maintenance operations;
e. Compensating for the impact by replacing or providing substitute resources or environments; and
f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

3. Mitigation, monitoring, and adaptive management plans must be developed by a qualified professional(s).

4. Mitigation, monitoring, and adaptive management plans are reviewed and approved by the decision maker for the underlying permit or approval (director or hearing examiner, depending on type of permit/approval).
applied in the following sequence of steps listed in order of priority, with (e)(i)(A) of this subsection being top priority.

(A) Avoiding the impact altogether by not taking a certain action or parts of an action;

(B) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

(C) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(D) Reducing or eliminating the impact over time by preservation and maintenance operations;

(E) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

(F) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

(ii) In determining appropriate mitigation
measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

Consistent with WAC 173-26-186 (S) and (B), master programs shall also provide direction with regard to mitigation for the impact of the development so that:

(A) Application of the mitigation sequence achieves no net loss of ecological functions for each new development and does not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the act.

(B) When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors ecological functions and critical area functions when those modifications were made by the owner of the property that is the subject of the application.

8. Mitigation plans must be appropriate for the scale and scope of the project, and include adequate information for the decision maker to determine that the project and application are in conformance with approval criteria. Potential components of an application include the following:

a. For both the area proposed for development or vegetation removal, and the proposed mitigation site, the applicable items listed in SJCC Section 18.80.020(C) (Project Permit Applications-Forms) as well as photos of both the development and mitigation sites;

b. The field located OHWM;

c. A mitigation sequencing analysis;

d. Any related project documents such as applications to other agencies or environmental documents prepared pursuant to the State Environmental Policy Act;

e. For both the area proposed for development or vegetation removal, and the proposed mitigation site, the applicable items listed in SJCC Section 18.80.020(C) (Project Permit Applications-Forms) as well as photos of both the development and mitigation sites;
or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

Consistent with WAC 173-26-186 (5) and (8), master programs shall also provide direction with regard to mitigation for the impact of the development so that:

(A) Application of the mitigation sequence achieves no net loss of ecological functions for each new development and does not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the act.

(B) When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures

| Documents prepared pursuant to the State Environmental Policy Act; |
| e. For both the area proposed for development or vegetation removal, and the proposed mitigation site, applicable critical area reports, critical area delineations and Best Available Science documents supporting the proposal; |
| f. For both the area proposed for development or vegetation removal and the mitigation site, copies of any proposed or approved storm water and erosion control plan required by SJCC 18.60; |
| g. A narrative describing anticipated unavoidable adverse impacts to critical area functions, the mitigation proposal (including the goals of the proposal; performance standards that will be used to gauge the effectiveness of the proposal, construction methods, and the sequence and timing of actions), and explaining how the proposal meets the plan approval criteria. Assessment of adverse impacts to critical area functions and of the effectiveness of proposed... |
that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

criteria. Assessment of adverse impacts to critical area functions and of the effectiveness of proposed mitigation shall be based on the Best Available Science;

h. For offsite mitigation actions, an explanation of why on-site mitigation was not feasible, along with the site selection criteria employed, including a watershed approach for the selection of mitigation sites;

i. Grading and excavation details. If grading or excavation is proposed, pre- and post-construction contour plans are required at a scale that is suitable for the site;

j. A planting plan (if planting is proposed) identifying plant species, quantities, sizes, locations, spacing, and density, along with proposed measures to protect and maintain the plants until they are established;

k. Any other drawings necessary to illustrate the proposal;

l. Monitoring and adaptive management plans
appropriate for the scale and scope of the project. These plans must describe measurable data that will be collected to assess the effectiveness of the project, must include a monitoring schedule (monitoring is required at least once each calendar year, with a report submitted to the Department by November 1), and must explain corrective actions that will be taken to deal with any problems. The project shall be monitored for three (3) years or until the director determines that it is successful, functioning as designed, and that established performance standards have been met.

m. For mitigation of adverse impacts to wetlands, the plan, including associated wetland replacement ratios, must be consistent with the guidance provided in Wetland Mitigation in Washington State - Part 1: Agency Policies and Guidance, Ecology publication 06-06-011a; and Wetland Mitigation in Washington State - Part 2, publication 06-06-011b. As an alternative, mitigation actions may follow the procedures collected to assess the effectiveness of the project, must include a monitoring schedule (monitoring is required at least once each calendar year, with a report submitted to the Department by November 1), and must explain corrective actions that will be taken to deal with any problems. The project shall be monitored for three (3) years or until the director determines that it is successful, functioning as designed, and that established performance standards have been met.
A description of the report author's education and experience relevant to designing and implementing the proposed actions.

A cost estimate, prepared by a qualified professional, for implementing the mitigation plan and monitoring the site for a period of three (3) years or until the project is anticipated to be fully completed and functional as determined by the qualified professional and approved by the decision maker (director or hearing examiner, depending on type of underlying permit).

Financial Guarantee. Unless exempt under RCW 36.32.590, a financial guarantee and associated agreement covering
p. Financial Guarantee. Unless exempt under RCW 36.32.590, a financial guarantee and associated agreement covering 115% of the cost of implementing the mitigation and monitoring plans. This guarantee and the associated agreement must meet the requirements of SJCC 18.80, and for mitigation of adverse impacts to Wetlands and Fish and Wildlife Habitat Conservation Areas, it must initially be established to cover a time period of three (3) years or until the project is anticipated to be fully completed and functional as determined by the qualified professional and approved by the decision maker (director or hearing examiner, depending on type of underlying permit). Note: The maximum cost to the property owner is the original cost for implementing and monitoring the project, plus 115% of that cost.

q. A statement, signed by the property owner, agreeing to periodic inspections as established in the monitoring plan. The purpose of inspections is to determine
periodic inspections as established in the monitoring plan. The purpose of inspections is to determine compliance with approved plans, and inspections can be performed by either a qualified professional hired by the property owner, or a County representative. If a County representative conducts the inspection(s), they shall be by appointment or following advance written notice.

9. Mitigation Plan Approval Criteria. Approval of mitigation plans shall be based on conformance with the following criteria:
   a. The application includes the applicable items listed in subsection (SJCC 18.50.090(E)(8).
   b. Mitigation is authorized or required by the San Juan County code.
   c. The mitigation, monitoring and adaptive management plans were developed by qualified professionals. For wetlands, the plans, including associated wetland replacement ratios, shall be consistent with the guidance provided in Wetland Mitigation in Washington State - Part 1: Agency Policies and
shall be consistent with the guidance provided in *Wetland Mitigation in Washington State - Part 1: Agency Policies and Guidance*, Ecology publication 06-06-011a; and *Wetland Mitigation in Washington State - Part 2, publication 06-06-011b*. These and other wetland mitigation and monitoring guidance documents are available from the Department of Ecology. As an alternative, mitigation requirements may be determined through application, by a qualified professional, of procedures described in Ecology Publication No. 10-06-011, *Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington* or another mitigation approach or publication approved by Ecology.

d. Mitigation actions are consistent with the above mitigation sequence.

e. When feasible, adverse impacts shall be mitigated on site. If this is not possible, and offsite mitigation is proposed, the mitigation site shall be located on the same island, as
If this is not possible, and if removal of an illegal modification is proposed as mitigation, the modification shall not have been constructed by the owner of the property or located on properties that are the subject of the application.

11. Recording of Approved Plan and Notice to Title. The County shall record a copy of the approved mitigation plan, along with a Notice to Title referencing the plan, with the cost of recordation included in the application fee.

12. If the goals, objectives and performance standards of the mitigation plan are not met, the decision maker may require additional actions or additional monitoring. To allow for successful completion of the mitigation project, the monitoring period, financial guarantee and associated agreement may be extended close as possible to the development site.