

Ocean Management Checklist

Review Considerations for Evaluating Ocean Use Policies, Regulations, and Procedures within Shoreline Jurisdiction

This document is intended to be filled out by local jurisdictions for use by Ecology shoreline planners reviewing local Shoreline Master Programs (SMPs) within Clallam, Jefferson, Grays Harbor, and Pacific Counties. The SMA guidelines (WAC 173-26-360) require that coastal county SMPs include ocean uses policies, regulations, and approval criteria consistent with the Ocean Resource Management Act (ORMA). The marine planning law (RCW 43.372.050(2)) requires that Ecology also review coastal county SMPs for consistency with the state's Marine Spatial Plan (MSP).

These checklists are intended to ensure that the SMP:

1. Implements the ORMA consistent with the specific provisions of [WAC 173-26-360](#).
2. Incorporates information, analyses, recommendations, and policies from the [Washington State Marine Spatial Plan](#).

Local SMPs on Washington's Pacific Coast are responsible for incorporating the Ocean Management Guidelines (WAC 173-26-360), which implement the ORMA (RCW 43.143) into their SMPs. The MSP provides information, analyses, recommendations, and policies that must be incorporated in local plans, regulations, and permit processes, particularly through local SMPs under the Shoreline Management Act. Given the purpose, authority, and intent of the marine planning law, all state and local agencies are required to implement and adhere to the adopted Marine Spatial Plan (MSP) through existing regulatory and decision-making processes at the state and local level. To make decisions consistent with the MSP, local governments on Washington's Pacific Coast will need to:

1. Review and, if necessary, update their local programs and incorporate information, analyses, recommendations, and policies from the MSP.
2. Once incorporated, issue shoreline permits for new ocean uses involving development (as defined in RCW 90.58.030(3)(a)) that are consistent with the updated SMP and, therefore, the MSP.



CHECKLIST 1 ORMA Requirements of WAC 173-26-360

This submittal checklist is designed to help in preparation and review of local Shoreline Master Programs (SMPs). It contains a list of required SMP components and provides a format for demonstrating how the SMP complies with the SMP Guidelines. This checklist will accompany the local government’s Comprehensive Update Checklist or Periodic Review checklist, as applicable per RCW 90.58.080.

This checklist is for use by local governments to satisfy the requirements of WAC 173-26-201(3)(a), relating to submittal of Shoreline Master Programs (SMPs) for review by the Department of Ecology (Ecology) under Chapter 173-26 WAC. The checklist does not create new or additional requirements beyond the provisions of that chapter.

How to use this checklist

This checklist summarizes key Ocean Management issues. See the associated *Guidance for Checklist 1 – ORMA* for a description of each item, relevant links, review considerations, and example language. Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist.

Prepared By	Jurisdiction		Date
John Kliem for City of Long Beach	City of Long Beach		December 6, 2021
Item #	Summary of Ocean Management Requirements: <i>Ocean Resource Management Act - ORMA</i>	<i>Review – Does the SMP contain this requirement. If yes, include reference to SMP section where this requirement is met.</i>	<i>Is the SMP, as proposed, Compliant? If not, describe action needed for compliance.</i>
	Geographical Area – consider including a map illustrating these areas for ease of implementation		
1	Clear identification of the geographical area where the Ocean Management provisions apply within the local jurisdiction. See WAC 173-26-360(2).	Section 2.2 and Section 5.2.2 identify shoreline jurisdiction and where the Aquatic SED applies, Section 2.5.3 establishes that ORMA and WAC 173-26-360 also apply to shorelines, Section 4.8 establishes Ocean Resources goals and strategies, Table 5-1 indicates allowed Ocean uses/modifications by SED, Section 5.2.3 cites to WAC 173-26-360 for prohibited/permitted uses in	Not clearly and entirely. Added Section 2.5.3 to clarify the geographic area. In addition, Section 5.3.2 designated that Ocean Uses apply to both the Conservancy and Aquatic SEDs.

Item #	Summary of Ocean Management Requirements: <i>Ocean Resource Management Act - ORMA</i>	Review – Does the SMP contain this requirement. <i>If yes, include reference to SMP section where this requirement is met.</i>	Is the SMP, as proposed, Compliant? <i>If not, describe action needed for compliance.</i>
		Aquatic SED, and Appendix A and Appendix B maps depict shoreline jurisdiction and SEDs.	
Definitions – consider including within the definition section of the SMP or integrating into a separate ocean management section.			
2	SMP includes definitions for the following terms consistent with the definitions in WAC 173-26-360: Ocean Use. WAC 173-26-360(3) Oil and gas uses and activities. WAC 173-26-360(8) Ocean mining. WAC 173-26-360(9) Energy production. WAC 173-26-360(10) Ocean disposal. WAC 173-26-360(11) Transportation. WAC 173-26-360(12) Ocean research. WAC 173-26-360(13) Ocean salvage. WAC 173-26-360(14)	The 2017 SMP does not include these definitions in its Glossary/Definitions section.	Added each of these definitions to Section 8.5, Glossary/ Definitions
Shoreline Environment Designation – Review the SED designation criteria, management policies, and use matrix to ensure internal consistency with WAC 173-26-360			
3	Appropriate shoreline environment designations (SEDs) are proposed for the ocean management geographical area of WAC 173-26-360.	Sections 5.2.1 and 5.2.2 identify the Pacific Ocean as the intended area of, and criteria for the Aquatic SED	No amendment necessary.
Administration and Decision Making – consider including within the permit administration and/or a general ocean management section.			
4	Additional approval criteria of RCW 43.143.030(2) for newly proposed ocean uses and developments. WAC 173-26-360(6)	Section 4.8, Ocean Management, establishes Goals O1 – 6, with 15 related Strategies (note: the format of the 2017 SMP uses the term “strategy” instead of policies	
Ocean Management Policies – consider including these with Comprehensive Plan policies and/or a general ocean management section.			
5	General ocean management policies consistent with WAC 173-26-360(7).	Table 5-1 Footnote 4 cites to the RCW 43.143.010(2) prohibitions of these uses, but the Ocean Use/Modification	

Item #	Summary of Ocean Management Requirements: <i>Ocean Resource Management Act - ORMA</i>	Review – Does the SMP contain this requirement. If yes, include reference to SMP section where this requirement is met.	Is the SMP, as proposed, Compliant? If not, describe action needed for compliance.
		section of Table 5-1 only has notation for Footnote 3 in the Aquatic SED. in both SEDs	
Ocean Management Regulations – consider including within the Use section or integrating into a separate ocean management section.			
6	SMP includes the following specific use regulations:		
	a. Oil and gas uses and activities. WAC 173-26-360(8)	Table 5-1 Footnote 4 cites to the RCW 43.143.010(2) prohibition of these uses, but the Ocean Use/Modification section of Table 5-1 only has notation for Footnote 3 in the Aquatic SED	Amended Table 5-1 to add a separate row for Oil & Gas that shows the use prohibited in both SEDs, removed footnote, and added prohibition to Section 5.3.3a, Ocean Management Regulations.
	b. Ocean Mining. WAC 173-26-360(9)	Table 5-1 addresses Ocean Uses/Modifications based on fixed structures and significant impacts, and includes Footnote #4 about oil & gas prohibition; Section 5.2.4.31.a-h establish Ocean Use Development Regulations for the Aquatic SED. Section 5.2.4.26; also	Amendment to Section 5.3.3.1 to replace text with new Ocean Use Development Regulations 24 – 29, specific to: a. oil & gas (a); b. ocean mining (d); c. ocean energy (c); d. ocean disposal (b); e. ocean transportation (g); f. ocean research (e); and g. ocean salvage (f); as renumbered; And amendment to Table 5-1 to delete & replace with new rows that better reflect the proposed text
	c. Energy production. WAC 173-26-360(10)		
	d. Ocean disposal. WAC 173-26-360(11)		
	e. Transportation. WAC 173-26-360(12)		
	f. Ocean Research. WAC 173-26-360(13)		
	g. Ocean Salvage. WAC 173-26-360(14)		

CHECKLIST 2 Marine Spatial Plan (MSP) Requirements

This submittal checklist is designed to help in preparation and review of local Shoreline Master Programs (SMPs). It contains a list of required SMP components and provides a format for demonstrating how the SMP complies with the requirements of the Marine Waters Planning and Management Act found in RCW 43.372. This checklist will accompany the local government’s Comprehensive Update Checklist or Periodic Review checklist, as applicable per RCW 90.58.080.

This checklist is for use by local governments to satisfy the requirements of WAC 173-26-201(3)(a), relating to submittal of Shoreline Master Programs (SMPs) for review by the Department of Ecology (Ecology) under Chapter 173-26 WAC. The checklist does not create new or additional requirements beyond the provisions of that chapter.

How to use this checklist

This checklist summarizes key Ocean Management issues. See the associated *Guidance for Checklist 2 – MSP* for a description of each item, relevant links, review considerations, and example language. Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist.

Prepared By	Jurisdiction		Date
John Kliem for City of Long Beach	City of Long Beach		December 6, 2021
Item #	Summary of Marine Spatial Plan for Washington’s Pacific Coast (MSP) Requirements	Review – Does the SMP contain this requirement. If yes, include reference to SMP section where this requirement is met.	Is the SMP, as proposed, Compliant? If not, describe action needed for compliance.
Geographical Area and Applicability – consider including a map illustrating these areas for ease of implementation			
1	The SMP includes the following:		
	a. MSP Applicability Area. Clear identification of the geographical area where the Marine Spatial Plan information, analysis, policies, and regulations apply within the local jurisdiction. Include an applicability statement identifying when and where the MSP should be applied within the local jurisdiction.	Section 2.5.3 Ocean Resources Management Act; Ocean Management cites to ORMA and WAC 273-26-360 but does not explicitly identify the MSP area.	Amendment to add Section 2.5.3.2 to specify the MSP study area.

Item #	Summary of Marine Spatial Plan for Washington’s Pacific Coast (MSP) Requirements	Review – Does the SMP contain this requirement. If yes, include reference to SMP section where this requirement is met.	Is the SMP, as proposed, Compliant? If not, describe action needed for compliance.
	b. Important, Sensitive and Unique Area (ISU). The current MSP ISU maps from the state along with identification of this information as the best available data. Include an applicability statement referencing the state ISU mapping resource.	SMP does not address ISUs	Amended to add Section 5.3.2.2 and 3 about ISUs and the state’s mapping; and Section 5.3.2.2 Development Regulations for ISU Designation, and Mapping and Location.
Definitions - consider including within the definition section of the SMP or integrating into a separate ocean management section.			
2	SMP includes definitions for the following terms consistent with the definitions in the MSP:		
	a. Important, Sensitive and Unique Areas (ISUs)	SMP does not include definition	Added definition under Section 8.3.7.
	b. New Ocean Uses	Definition in Glossary/ Definition slightly different from guidance	Substitute new definition consistent with guidance
	c. The Marine Spatial Plan (MSP)	SMP does not include definition	Added definition under Section 8.5.2.
Administration and Decision Making – consider including within the permit administration and/or a general ocean management section.			
3	Describes how the MSP will be used to inform the evaluation of new ocean use and development proposals. The SMP should include a reference to the MSP as a resource for project review and the process for reviewing new ocean uses proposals as outlined.	SMP does not establish MSP administrative/decision making provisions.	Amended to add a new Section 6.1.6, Additional MSP procedural requirements for new ocean use proposals
Ocean Management Policies – consider including these with Comprehensive Plan policies and/or a general ocean management section.			
4	Use of the Marine Spatial Plan. The SMP should include a policy statement about how the SMP is informed by the MSP and how it will be used in permit review.	SMP does not include policies for use of the MSP	Amendment to add a new Section 4.8 Strategy O1-22.
Ocean Management Regulations – consider including within the Use section or integrating into a separate ocean management section.			
5	The SMP should contain ocean management regulations addressing the following:		

Item #	Summary of Marine Spatial Plan for Washington’s Pacific Coast (MSP) Requirements	Review – Does the SMP contain this requirement. If yes, include reference to SMP section where this requirement is met.	Is the SMP, as proposed, Compliant? If not, describe action needed for compliance.
	a. Important, Sensistive and Unique Areas (ISUs) Designation. The SMP should contain ISU designation types and critiera consistent with the MSP.	SMP does not include ISU designation.	Amended to add new Section 5.3.3.2 Important, Sensitive, and Unique Areas (ISU) Designation
	b. ISU Protection standards. The SMP must apply ISU adverse effects and protection standards to new ocean uses and developments consistent with the MSP.	SMP does not establish ISU standards.	Amended to add new Section 5.3.3.4 ISU Protection Standards.
	c. Fisheries Protection standards. The SMP must apply fisheries protection standards to new ocean uses and developments consistent with the MSP.	SMP does not establish fisheries protection standards.	Amended to add a new Section 5.3.3.6