

Chapter 4: Marine Spatial Plan Management Framework

4.1 Existing Policies and Authorities

4.1.1 Introduction to the Management Framework

The Marine Spatial Plan (MSP) for Washington’s Pacific Coast provides data, information, analyses, and recommendations to address new potential ocean uses¹ in Washington’s marine waters such as marine renewable energy, offshore aquaculture, mining for sand and gravel or methane hydrates, new dredge disposal locations, or bioextraction. The MSP does not address or alter requirements for existing marine uses such as shellfish aquaculture, commercial or recreational fishing, recreation, shipping or navigation.² The MSP Study Area covers Washington’s marine waters³ along the Pacific Ocean from Cape Flattery to Cape Disappointment, from ordinary high water out to offshore waters. The Study Area extends to a distance offshore that follows the continental shelf at a water depth of 700 fathoms. The Study Area also includes the estuaries along the coast (Appendix A: Map 1).

The MSP Management Framework provides overall guidance and recommendations for applicants, agencies and third parties on using the plan in practice. The MSP also contains new enforceable policies that state and local agencies will use in their regulatory processes, and that the Department of Ecology will use to review federal actions under the Coastal Zone Management Act and the Washington Coastal Zone Management Program. The MSP should be used throughout the development of new ocean use proposals along Washington’s Pacific coast and in all stages of decision-making to protect the resources⁴ and current uses in the Study Area from adverse impacts arising from potential new uses. The MSP does not confer any state jurisdiction in federal waters and does not change any planning or regulatory programs for federal waters (see Section 4.1.5 and Appendix E for more details).

The information and processes outlined in the Management Framework are essential to assist agencies in evaluating whether a new ocean use project satisfies compliance with the Ocean Resources Management Act and its regulations.⁵ In particular, applicants need to follow the processes for coordination and engagement in Section 4.2.1, and need to demonstrate that their project complies with the spatial designations and recommendations in Section 4.3. They also must provide all information listed in Sections 4.4, 4.5, and 4.7, and address their

¹ Ocean uses is defined by WAC 173-26-360(3). See specific definitions for example uses in Appendix B. The term “new” is intended to distinguish future ocean use proposals from those uses that are currently permitted or that are undergoing permitting prior to the adoption of the final MSP.

² See WAC 173-26-360(4), which describes exemptions for fisheries, recreation and other existing commercial uses of renewable marine or ocean resources.

³ “Marine waters” is defined in [RCW 43.372.010\(9\)](#). Scoping further refined the study area for this specific plan.

⁴ For purposes of the MSP, the term “resources” includes important biotic and abiotic features of the environment, such as species, habitats, aesthetics, and chemical, physical, and biological functions and processes (e.g. upwelling) of the marine ecosystem.

⁵ Depending on the project, other information may be required to process other permits or authorizations (see Section 4.1.4 for relationship to other state and local authorities). The Management Framework primarily focuses on the processes and specific information required for assessing compliance with the Ocean Resources Management Act and its regulations.

compliance with the applicable standards in Sections 4.6 and 4.8. Applicants who also require federal permits, licenses or leases should also note Section 4.2.1.5, which discusses the state’s review under the Coastal Zone Management Act.

The development of the Management Framework was informed by recommendations from the Washington Coastal Marine Advisory Council (WCMAC), including concerns about the effects of new ocean uses on existing uses, coastal communities, and the environment. Actions that relate to specific WCMAC recommendations are referenced throughout the management framework. For complete WCMAC concerns and recommendation language, please see Chapter 5. The Management Framework contains the following major sections:

- [Section 4.1](#) - Information on existing policies, authorities and requirements that guide implementation of the MSP.
- [Section 4.2](#) - Process for reviewing and consulting on ocean use proposals and other state implementation activities.
- [Section 4.3](#) - Spatial designations and information to understand spatial limitations, potential conflicts and interactions; to inform project siting, development and design; and to identify appropriate parties to consult regarding potential proposals.
- [Section 4.4](#) – Project- and site-specific information requirements.
- [Section 4.5](#) - Contents of a written effects evaluation.
- [Section 4.6](#) – Review standards and design considerations.
- [Section 4.7](#) – Project construction and operation plans.
- [Section 4.8](#) – Standards specific to new use type.

4.1.2 Requirements to Implement the Final MSP

Washington’s marine waters planning and management law ([RCW 43.372](#)) requires state and local agencies to make decisions consistent with the final Marine Spatial Plan.⁶ At the same time, this law limits the state and local agencies to using their existing authorities to implement the plan, does not create any new authorities, and does not affect projects existing prior to nor during the development of the plan.⁷ As discussed in Section 1.6, tribes also maintain treaties ratified by the United States.⁸ The MSP and state law does not alter tribal treaty rights.

⁶ Upon the adoption of the marine management plan under [RCW 43.372.040](#), each state agency and local government must make decisions in a manner that ensures consistency with applicable legal authorities and conformance with the applicable provisions of the marine management plan to the greatest extent possible. ([RCW 43.372.050\(1\)](#))

⁷ No authority is created under this chapter to affect in any way any project, use, or activity in the state's marine waters existing prior to or during the development and review of the marine management plan. No authority is created under this chapter to supersede the current authority of any state agency or local government. ([RCW 43.372.060](#))

⁸ See U.S. Constitution: Article VI, Section 2, which provides that the Constitution, federal laws and treaties are the supreme law of the land.

4.1.3 Existing State Ocean Policies, Permit Criteria and Regulations

The Ocean Resources Management Act (ORMA) outlines state policies and regulations that specifically apply to policy, planning and permitting of ocean uses on Washington's Pacific coast ([RCW 43.143](#)).⁹

1. General policies:

When the State of Washington and local governments develop plans for the management, conservation, use, or development of natural resources in Washington's coastal waters, the following policies shall guide the decision-making process ([RCW 43.143.030\(1\)](#)).

- a. When conflicts arise among uses and activities, priority shall be given to resource uses and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources. ([RCW 43.143.010\(3\)](#))
- b. Recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources are not required to meet the planning and review criteria set forth in RCW 43.143.030. ([RCW 43.143.010\(5\)](#))
- c. The state shall participate in federal ocean and marine resource decisions to the fullest extent possible to ensure that the decisions are consistent with the state's policy concerning the use of those resources. ([RCW 43.143.010\(6\)](#))
- d. There shall be no leasing of state tidal waters or submerged lands¹⁰ for oil or gas exploration, development or production ([RCW 43.143.010\(2\)](#)).
- e. Actively encourage the conservation of liquid fossil fuels, and to explore available methods of encouraging such conservation. ([RCW 43.143.010\(4\)](#))

2. Ocean uses planning and project review criteria

Uses or activities that require federal, state, or local government permits or other approvals and that will adversely impact renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses, may be permitted only if the criteria below are met or exceeded ([RCW 43.143.030\(2\)](#)):¹¹

- a. There is a demonstrated significant local, state, or national need for the proposed use or activity;
- b. There is no reasonable alternative to meet the public need for the proposed use or activity;

⁹ In January 2017, the Washington State Supreme Court ruled in *Quinault Indian Nation, et al v. Imperium Terminal Svcs., et al.* No. 92552-6 that ORMA's permit criteria applies to two proposed crude oil export facilities located on the shoreline of Grays Harbor.

¹⁰ Applies specifically from mean high tide seaward and from Cape Flattery south to Cape Disappointment, in Grays Harbor, in Willapa Bay, and the Columbia River downstream from the Longview bridge.

¹¹ This includes applicability of ORMA's permit criteria to pending shoreline permits for crude oil transport facilities proposed in the shoreline of Grays Harbor, as ruled by the Washington State Supreme Court in January 2017.

- c. There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;
- d. All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia River, Willapa Bay and Grays Harbor estuaries, and Olympic National Park;
- e. All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;
- f. Compensation is provided to mitigate adverse impacts to coastal resources or uses;
- g. Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and
- h. The use or activity complies with all applicable local, state, and federal laws and regulations.

Further regulations implementing the Ocean Resources Management Act are provided in [WAC 173-26-360](#), including the permit criteria listed above (WAC 173-26-360(6)), general use requirements (WAC 173-26-360(7)), and requirements for specific types of ocean uses (WAC 173-26-360(8)-(14)). Since these existing regulations apply to various phases of project review, they are integrated and referenced throughout the relevant sections of the MSP Management Framework, including: project- and site-specific information, effects evaluation, general review standards, and specific use review standards.

4.1.4 Relationship of the Marine Spatial Plan to Other Existing State and Local Authorities and Plans

Washington state law requires the MSP to be: 1) consistent with applicable state laws and programs and 2) implemented through existing state and local authorities ([RCW 43.372.040\(6\)\(b\)](#) and [RCW 43.372.040\(6\)\(d\)](#)). The law does not create new authority for state agencies nor does it affect projects or activities permitted prior to or during the development of the plan ([RCW 43.372.060](#)). The Marine Spatial Plan does not create new regulations. All state and local agencies are responsible for implementing and adhering to the plan through existing regulatory and decision-making processes (see also interagency coordination in Section 4.2.2 and project and site-specific information in Section 4.4).

The MSP does contain new enforceable policies that state and local agencies will use in their regulatory processes, and that the Department of Ecology will use to review federal actions under the Coastal Zone Management Act and the Washington Coastal Zone Management Program (See Section 4.1.5 and Appendix E for more details). Additional federal permits, licenses, leases, authorizations or consultations may also be required depending on the type and location of the ocean use activity.¹² This section does not list out nor does it pertain to federal requirements.

¹² Examples of these include: Olympic Coast National Marine Sanctuary authorizations, US Army Corps of Engineers Section 10 permits, Federal Energy Regulatory Commission licenses, and consultations required under the Endangered Species Act.

1. State permits and authorizations

Most state and local authorities apply only within state waters between 0 and 3 nautical miles (nm) offshore.¹³ The Marine Spatial Plan provides the following key benefits to existing state and local authorities:

- a. Compiles inventory of baseline conditions and trends of uses and resources of the marine environment (Chapter 2).
- b. Provides data analyses to fulfill plan requirements and support plan designations and recommendations (Chapter 3).
- c. Provides recommendations on siting; site-specific information and assessments; effects analysis and monitoring and adaptive management for new ocean uses (Chapter 4).
- d. Improves process for agency review, consultation and coordination. (Chapter 4).
- e. Clarifies and further details the information needed to support the application of existing state laws and policies to potential new ocean uses (Chapter 4).

The tables below provide more specific information on the existing state and local authorizations that may apply to projects in marine waters. The following state authorizations may be required for projects in marine environments, depending on the specific project type and location.

Table 4.1.4-1: State permits or authorizations for aquatic projects.

State action ¹⁴	Agency	Primary authority	Location	Focus area/purpose
Section 401 Certification	WA Department of Ecology (Ecology)	Federal Clean Water Act – delegated by EPA to Ecology. In some areas EPA or tribes issue permits.	State waters	Certifies that the project will comply with state water quality standards and other appropriate state laws.
CZMA Federal Consistency Decision	Ecology	Federal Coastal Zone Management Act WA’s approved Coastal Zone Management Program (CZMP)	State and federal waters	Evaluates federal actions to ensure consistency with CZM Program’s approved enforceable policies. Allows state to evaluate federal actions that will affect state’s coastal resources.

¹³ See Washington State Constitution Article XXIV, Section 1 and Title 43 US Code 1312.

¹⁴ Actions may be a permit, lease, easement, or other authorization. As a part of these various processes there are formal and informal consultations among various federal, state, local, and tribal authorities. The coordination process will vary by permit and lead agency.

Table 4.1.4-1 (continued): State permits or authorizations for aquatic projects.

State action ¹⁵	Agency	Primary authority	Location	Focus area/purpose
NPDES Construction Stormwater General Permit ¹⁶	Ecology	Federal Clean Water Act - Section 402 delegated to Ecology In some areas EPA or tribes issue permits.	State waters	Prevents or minimizes sediment, chemicals, and other pollutants from entering surface water as a result of clearing, grading, and excavation activities.
Aquatic Use Authorization	WA Dept of Natural Resources	Public Lands Act RCW 79.105	State-owned aquatic lands	Administers leases, easements, and rights-of-entry to authorize use of the seabed and Washington's marine waters.
Hydraulic Project Approval	WA Dept of Fish and Wildlife (WDFW)	Hydraulic Code RCW 77.55	State waters	Allows for hydraulic projects in state waters; applies to any project that includes construction in state waters. Evaluates adequacy of protection of fish life.
Scientific Collection Permit	WDFW	RCW 77.12.047	State waters	Allows for collection of fish, shellfish, wildlife, or birds for scientific investigation (i.e. not commercial sale or personal consumption). Specific requirements on methods and amounts may apply.
Trial Commercial Fishery Permit	WDFW	RCWs: 77.12.047 , 77.50.050 , 77.60 , and 77.70	State waters	Allows for trial harvest of newly classified species, or harvest of previously classified species in a new area or by new means, but no need to limit participation.
Experimental Fishery Permit	WDFW	RCWs: 77.12.047 , 77.50.050 , 77.60 , and 77.70	State waters	Allows for harvest in an emerging commercial fishery or expanding commercial fishery (need to limit participation).

¹⁵ Actions may be a permit, lease, easement, or other authorization. As a part of these various processes there are formal and informal consultations among various federal, state, local, and tribal authorities. The coordination process will vary by permit and lead agency.

¹⁶ This permit is triggered if more than 1 acre of upland lands is disturbed.

Table 4.1.4-1 (continued): State permits or authorizations for aquatic projects.

State action ¹⁷	Agency	Primary authority	Location	Focus area/purpose
Marine Finfish Aquaculture	WDFW	RCW 77.12.047 , 77.15.030 , 77.125	State marine waters	Allows for an aquatic farmer to possess any species, stock or race of marine finfish in net pens, cages or other rearing vessels. Must have escape prevention, reporting and recapture plan. No transgenic fish are allowed.
Shellfish Aquaculture Transfer	WDFW	RCWs: 77.12.047	State waters	Allows for transfer of shellfish, shellfish aquaculture products, aquaculture equipment or any marine organisms adversely affecting shellfish.
Right of Way Permit	WA State Parks	Seashore Conservation Area (SCA) RCW 79A.05.600 to 79A.05.695	Coastal beaches in the SCA	Protects conservation areas for public recreation, cultural, and educational experiences.

2. Local Authorizations or Plans

Washington’s local governments (cities and counties) have a variety of authorizations and permits that may apply to ocean use projects, depending on the specific project type and location (see Table 4.1.4-2). In particular, under the Shoreline Management Act, local governments (cities or counties) develop Shoreline Master Programs (SMPs) that regulate local permit decisions over shoreline development. For all counties and a few cities on the Pacific coast, this local jurisdiction also extends to 3 nm.¹⁸ Applicants will need to consult the applicable local jurisdiction(s)’ SMP for their proposed project area for applicable local shoreline designations, permitted uses, and other regulations.

The Marine Spatial Plan provides information, analyses and recommendations for local governments to consider and incorporate in these processes, particularly in updating and revising their local SMP. To be consistent with the MSP, local governments on Washington’s Pacific coast will need to update their local programs and incorporate information, analyses and recommendations from the final, adopted plan.¹⁹ Other management plans may exist that would benefit by incorporating the MSP.

¹⁷ Actions may be a permit, lease, easement, or other authorization. As a part of these various processes there are formal and informal consultations among various federal, state, local, and tribal authorities. The coordination process will vary by permit and lead agency.

¹⁸ This includes Clallam, Jefferson, Grays Harbor and Pacific counties and the cities of Westport, Ocean Shores, Long Beach and Ilwaco (Ilwaco has a small ocean facing parcel).

¹⁹ [RCW 43.372.040\(10\)](#): the plan must identify any provisions of existing management plans that are substantially inconsistent with the plan.

Table 4.1.4-2: Local permits and other authorities for aquatic projects.

Action²⁰	Agency	Primary Authority	Location	Focus Area/Purpose
Shoreline Master Program Permits ²¹	Local county or city	Shoreline Management Act RCW 90.58 and WAC 173-27 (Ocean Use Guidelines – WAC 173-26-360). Local Shoreline Master Program	State shorelines, including state marine waters	Protects shoreline natural resources and public access while encouraging water dependent uses.
Critical Areas Ordinance Permits	Local county or city	Growth Management Act RCW 36.70A	County/city lands and waters	Protects locally-designated critical areas such as wetlands, habitat conservation areas, and frequently flooded areas.
Floodplain Development Permit	Local county or city	Floodplain Management RCW 86.16	County/city floodplains	Reduces social and economic loss caused by flood events. Project may not increase potential for damage from flood waters.
SEPA	State agency or local (depends on project) ²²	State Environmental Policy Act RCW 43.21C	State (land or water) State or local review of project or plan	Requires state and local agencies to review proposals to identify environmental impacts.

²⁰ Formal and informal consultations among various federal, state, local, and tribal governments occur as part of these processes. The process varies by permit and lead agency.

²¹ Permits may include Exemptions, Shoreline Substantial Development Permits, Conditional Use Permits, or Variances.

²² Federal projects/plans may trigger NEPA regardless of location.

4.1.5 Coastal Zone Management Act, Federal Consistency, and How the MSP Builds Upon Washington’s Existing Coastal Zone Management Program

Under the federal Coastal Zone Management Act (CZMA), the “federal consistency” provision²³ gives a coastal state a strong voice that it would not otherwise have in federal agency decision-making for activities that may affect the coastal uses or resources of a state’s coastal zone. Generally, federal consistency requires that federal actions,²⁴ within and outside the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies²⁵ of a state’s federally-approved Coastal Zone Management Program (CZMP).

For activities within and outside state marine jurisdiction proposed by federal agencies or activities that require federal permits or licenses, compliance will be determined based on consistency with the enforceable policies in the NOAA-approved Washington’s CZMP and through the CZMA federal consistency review process in NOAA’s CZMA regulations (see [15 CFR Part 930](#)).

Whether a particular federal license or permit activity proposed in federal waters is subject to Washington review depends on whether the state has, pursuant to [15 CFR § 930.53](#), (1) listed the federal authorization in the Washington Coastal Zone Management Program, and (2) the proposed listed activity falls within a NOAA-approved “Geographic Location Description” (GLD). If Washington has not listed the activity and does not have a NOAA-approved GLD, the state can seek NOAA approval to review a project on a case-by-case basis as an “unlisted activity” pursuant to [15 CFR § 930.54](#). If a federal action, including the issuance of any federal authorizations, is subject to Washington CZMA review, it shall be supported by the information required in NOAA’s regulations at either 15 CFR §§ [930.39](#), [930.58](#) or [930.76](#).

For federal waters, and for projects proposed in federal waters and reviewed by the state through the CZMA federal consistency provision, the MSP cannot contain requirements, areas for protection, or preferred uses or outcomes. However, the data and maps in the MSP contain a substantial amount of environmental, ecological, geologic, and human use information for state and federal waters. This information will be useful for environmental reviews (including reviews under the National Environmental Policy Act and coastal effects analyses under the CZMA), and other planning and regulatory decisions. The state may use the data and maps for federal waters to assess coastal effects. However, Washington’s CZMA federal consistency concurrence or objection must be based on enforceable policies contained in the NOAA-approved Washington CZMP.

The Marine Spatial Plan for Washington’s Pacific Coast contains information, policies and recommendations that build upon and further refine Washington’s existing CZMP, which is administered by the Department of Ecology (See section 4.2.1.5 for information on necessary data and information, and Appendix E for a description of enforceable policies under the MSP).

²³ See Section 307 of the CZMA (16 U.S.C. Section 1456).

²⁴ This includes actions that require federal licenses or permits and federal agency activities or projects.

²⁵ Washington’s CZMP maintains a list of existing, NOAA-approved enforceable policies. Proposed new enforceable policies identified in the MSP management framework are listed in Appendix E. These are still subject to subsequent review and approval by NOAA.

The enforceable policies of Washington’s CZMP include provisions from the following state laws and their implementing regulations:

- Shoreline Management Act (SMA)²⁶
- State Environmental Policy Act (SEPA)
- State Water Pollution Control Act and Water Quality Standards
- Clean Air Washington Act
- Ocean Resource Management Act (ORMA)

In particular, ORMA requires state approvals for ocean uses to meet a number of broad policies and permit criteria including avoiding and minimizing significant adverse impacts to the environment, economy, and society. The MSP assists implementation of ORMA’s requirements by identifying and analyzing important ocean resources and uses upfront. It also assists by further detailing the data, information, analyses, and processes needed to apply the policies and standards in ORMA and its regulations to permits, licenses or leases for new ocean uses in coastal waters.²⁷

This, in turn, provides the information needed for the Department of Ecology (Ecology) to evaluate whether a federal action may have reasonably foreseeable effects on the state’s coastal uses or resources, including effects from a proposed project in federal waters. As noted above, the MSP also ensures information and analyses are provided for federal actions to help the state determine whether a federal action is consistent with the state’s enforceable policies.

4.2 State Plan Implementation

The state will undertake a number of activities to implement the Marine Spatial Plan. These activities primarily fall into two categories: 1) reviewing proposals for new ocean uses and 2) other activities that assist in monitoring, evaluation, adaptation, and revision of the plan.

[Section 4.2.1](#) provides an overview of the state process for reviewing proposed new ocean uses. Sections 4.3 - 4.8 provide spatial designations, standards, requirements, and recommendations that apply to proposed new ocean uses during different phases of the process. The following roadmap generally describes activities during these different phases of the process and sections of the Management Framework that apply to those phases.

New Ocean Uses Roadmap

Application Phase:

- Applicant consults MSP, reviews management framework, spatial designations, etc. and uses them to shape potential project ideas. (Entire MSP, Chapter 4, and Section 4.3)

²⁶ State-approved, local Shoreline Master Programs are the local expression of these enforceable policies. While local programs are not submitted as “enforceable policies”, a federal action’s conformance with the applicable local program informs Washington’s federal consistency reviews and responses.

²⁷ After adoption of the final plan, the MSP should be used as guidance for any future projects determined to trigger ORMA’s permit criteria, including such projects in shorelines directly adjacent to the MSP Study Area. The federal consistency review process described in this section only applies to state review of federal actions.

- Applicant conducts pre-application meetings with agencies and stakeholder groups. Applicant continues to receive feedback from and respond to requests of agencies and others to refine proposed project. (Section 4.2.1)
- Applicant develops and submits required project and site-specific data and information through Joint Aquatic Resources Permit Application (JARPA), SEPA checklist, and other mechanisms. (Section 4.4)
- Applicant submits additional project information, including construction/operation, mitigation, and other plans. (Section 4.7)

Review Phase:

- Lead agency assesses effects of and potential adverse impacts from project.
- Applicant submits written effects evaluation to Ecology. (Sections 4.5, 4.6 and 4.8)
- State agencies review project for consistency with existing laws and policies.

[Section 4.2.2](#) outlines the other activities the state will take to implement the Marine Spatial Plan, such as monitoring and adapting the plan.

4.2.1 Implementation: Process for Reviewing Ocean Uses

1. State agency coordination of review of renewable energy and other new ocean uses

As noted in section 4.1, state and local agencies are required to implement the MSP consistent with their authorities ([RCW 43.372.050](#)). In addition, state and local agencies are required to follow the planning and project review criteria for ocean uses ([RCW 43.143.030](#)).

State law requires the interagency team to develop a framework for coordinating state agency and local government review of proposed renewable energy developments and to provide for timely review and action upon renewable energy development proposals while ensuring protection of sensitive resources and minimizing impacts to other existing or projected uses in the area ([RCW 43.372.040\(6\)\(f\)](#)). State agencies will actively monitor the potential for and status of renewable energy project proposals in federal waters off Washington. When potential projects are considered likely, state agencies will request that the Governor seek the establishment of a taskforce with the Bureau of Energy Management (BOEM).

State and local agencies will coordinate their roles and review of new ocean use proposals, including the following:

- a. Pre-application Meetings – Agencies request that applicants hold meetings for potential project proposals with state and local agencies prior to submitting any applications for leases, licenses or permits. During the pre-application stage, state agencies will work together to:
 - i. Encourage applicants to use the Marine Spatial Plan to understand potential use and resource conflicts, including having applicants review the baseline data, maps, analyses, and management framework. This information can assist applicants in avoiding and minimizing impacts to resources and uses through project siting and design.

- ii. Ensure applicants provide required data and information about the project, and that they identify and coordinate with stakeholder groups as well as other governments, including local, tribal, and federal government entities.
 - iii. Communicate state and local policies, procedures, and requirements, including those referenced in the Marine Spatial Plan.
- b. Inventory – Review adequacy of site-specific inventory and coordinate on their requests for additional data or studies.
- c. Effects Analysis – Review adequacy of effects evaluation, proposed mitigation measures, and best management practices.
- d. Plans – Review proposed construction and operation plans, including adequacy of prevention, monitoring, and response plans.

The interagency team (State Ocean Caucus) will assess needs to further specify how best to coordinate on individual, proposed projects and to create more detailed agreements for the review process, as needed.

2. Government coordination (local governments, tribes, federal agencies)

Tribes, local governments and federal agencies also play important roles in reviewing proposed ocean uses. The State is committed to collaborating and communicating with other government entities on the review of proposed ocean uses, including:

- a. Ensuring government entities receive early notification of proposed projects and activities. State agencies will share information regarding potential projects with other government entities and assist applicants in identifying other government entities to contact.
- b. Discussing and determining how best to communicate and coordinate given a proposed project’s type, location and scale. This may include convening a government coordination and review team to streamline communication and coordination between the applicant and government entities.
- c. Understanding one another’s interests, needs, and concerns regarding proposed ocean uses.
- d. Recommending best available scientific information and other information to evaluate potential impacts of a proposed ocean use.

3. Stakeholder input

- a. Applicants should involve stakeholders and the public in all aspects of project development and review, including:
 - i. Working collaboratively with stakeholders, including but not limited to stakeholders representing fishing, aquaculture, maritime commerce, conservation, tourism, and recreation interests, and the Washington Coastal Marine Advisory Council (WCMAC).

- ii. Providing timely and effective notice, including early notification to WCMAC.²⁸ WCMAC is a forum that can facilitate information sharing about proposed projects and the status of decision-making processes among agencies and stakeholders. For state permitting purposes for any project that includes any proposed structure (temporary or permanent), a pre-application notice should be provided to WCMAC to ensure effective communication and coordination with coastal stakeholder interests.

Applicants shall provide notice to WCMAC once a federal application has been submitted. This notice shall be necessary data and information required for federal consistency reviews for the purposes of starting the CZMA six-month review period for federal license or permit activities under [15 C.F.R. Part 930](#), Subpart D, and OCS Plans under [15 C.F.R. Part 930](#), Subpart E, pursuant to 15 C.F.R. § [930.58\(a\)\(2\)](#) (see Section 4.2.1.5).

- iii. Initiating both formal and informal pre-application discussions between stakeholders and applicants (see Chapter 5: WCMAC recommendations 3.1.1 and 3.1.3).
- b. Applicants and agencies should provide stakeholders and the public with early notice and opportunity to review and comment at key stages on various studies and assessments produced for the project, including social, economic, and environmental impact assessments. Applicants or agencies should provide response to comments and third party review of economic assessments (see Chapter 5: WCMAC recommendations 1.1.1 and 1.3.2).

4. Fisheries groups

The marine spatial planning law requires that: “Any provision of the marine management plan that does not have as its primary purpose the management of commercial or recreational fishing but that has an impact on this fishing must minimize the negative impacts on the fishing. The team must accord substantial weight to recommendations from the director of the department of fish and wildlife for plan revisions to minimize the negative impacts.” ([RCW 43.372.040\(8\)](#)).

As noted in WCMAC’s recommendations (see Chapter 5, including problem statements), Washington’s Pacific coast has unique conditions related to potential conflicts and impacts to fisheries. In particular, there are concerns about interactions with fishing gear, as well as access to and reduction in fishing areas posed by new structures in the ocean. Therefore, the following process is set out for new ocean use projects to identify potential adverse impacts²⁹ to state commercial and recreational fisheries and opportunities to avoid, minimize or mitigate those impacts (Chapter 5: WCMAC 3.1.2, and [RCW 43.143.030\(2\)](#)).

- a. Applicants will notify the Washington State Department of Fish and Wildlife’s (WDFW) Intergovernmental Ocean Policy office regarding a potential project proposal, as early as possible, including likely location(s) of the project.

²⁸ Applicants may provide notice to WCMAC either via the chair or Department of Ecology staff that administer WCMAC, who will forward the notice to WCMAC members.

²⁹ As noted in Section 4.5, this includes direct, indirect, and cumulative impacts.

- b. The Washington Department of Fish and Wildlife will then provide timely notice to affected stakeholders, which may include established fishing advisory groups³⁰ and license holders, for potentially affected commercial and recreational fisheries.
- c. Applicants will coordinate with WDFW and commercial and recreational fisheries on an effective process and schedule to identify and discuss potential adverse impacts on commercial and recreational fisheries and opportunities to avoid, reduce, or minimize impacts, which may require multiple meetings. For state-permitting purposes for any project that includes any proposed structure (temporary or permanent),³¹ a pre-application meeting must be scheduled and held in a timely manner with WDFW to ensure effective communication and coordination. WDFW will include affected fishery stakeholders in the meeting (See Section 4.2.1.5).

The meeting shall be necessary data and information required for federal consistency reviews for purposes of starting the CZMA six-month review period for federal license or permit activities under 15 C.F.R. Part 930, Subpart D, and OCS Plans under 15 C.F.R. Part 930, Subpart E, pursuant to 15 C.F.R. § [930.58\(a\)\(2\)](#) and WDFW will reasonably accommodate an applicant’s request for a meeting so that the start of the CZMA review period is not delayed. Unless the applicant requests a later timeframe, WDFW will schedule the meeting to occur within 30 days of receiving the request (See Section 4.2.1.5).

- d. WDFW’s Intergovernmental Ocean Policy office will provide recommendations on ways to minimize impacts to fishing to Ecology’s Coastal Zone Management Program Manager during the project review process ([RCW 43.372.040\(8\)](#)).

5. Necessary data and information for the State’s review of federal license or permit activities under the CZMA:

In reviewing a federal license or permit activity or an outer continental shelf (OCS) plan under the CZMA § 307(c)(3)(A) and (B) and NOAA’s regulations at 15 CFR Part 930, Subpart D and Subpart E, the Washington Coastal Zone Management Program (administered by Department of Ecology) will review the consistency certification together with the required necessary data and information to ensure the project is consistent with the approved enforceable policies of the Washington Coastal Zone Management Program. The phrase “necessary data and information” has a specific meaning under 15 CFR § [930.58](#) and refers to the information needed to start a state’s six-month CZMA review period. It does not refer to all information a state may need to make its CZMA decision.

³⁰ For many different fisheries, WDFW coordinates with formally established and informal fishery advisory groups. These groups are typically fishery-specific and set up for specific target species, gear types, or areas. Fisheries with advisory groups include: coastal Dungeness crab, ocean salmon, groundfish, at-sea Pacific whiting, highly migratory species (e.g., albacore tuna), coastal pelagic species (e.g., sardine, mackerel), recreational halibut, and recreational bottomfish.

³¹ As noted above and in WCMAC’s recommendations (Chapter 5), adverse impacts could occur, if structures are placed in certain areas – regardless of the size or scale of the project.

Specifically, 15 CFR part [930.58](#) describes that applicants for federal license or permit activities must provide the Washington Coastal Zone Management Program with the consistency certification and:

- A detailed description of the proposed activity, its associated facilities and coastal effects, and comprehensive data and information to support the applicant’s consistency determination.
- Maps, diagrams, technical data, and other relevant material, when a written proposal alone will not adequately describe the proposal.
- A copy of the federal application and all supporting material provided to the federal agency.
- An evaluation that includes a set of findings related to the coastal effects of the proposal and its associated facilities to the relevant enforceable policies of the management program.

This Marine Spatial Plan Management Framework provides guidance to applicants on information that the State believes will satisfy the State’s information requirements and enable the state to complete the consistency review process for a new ocean use project. This includes: the fisheries process in Section 4.2; the spatial designations and recommendations in Section 4.3; information listed in Sections 4.4, 4.5, and 4.7; and compliance with applicable standards in Sections 4.6 and 4.8. Applicants will need to provide all of this information in a timely manner during the state’s CZMA six-month review period to enable the state to complete the consistency review process for a new ocean use project. Applicants that fail to provide this information in a timely manner impede the state’s ability to review the project and will face potential state objection to the applicant’s consistency certification.³²

Additionally, for federal permit, license or lease applicants, NOAA’s regulations allow a state to identify additional necessary data and information a state believes is needed to start the CZMA six-month review period. The Marine Spatial Plan identifies the following as Necessary Data and Information³³ for purposes of starting the CZMA 6-month review period for federal license or permit activities under [15 CFR Part 930](#), subpart D, and OCS Plans under [15 CFR Part 930](#), subpart E, pursuant to 15 CFR [930.58\(a\)\(3\)](#):

- a. A copy of the notice provided to the WCMAC³⁴ chair and membership (see Section 4.2.1.3(a)(ii)).
 - o Applicants shall provide notice to WCMAC once a federal application has been submitted. This notice shall be required information to start CZMA review.

³² Under the CZMA federal consistency provision, if a state objects to an applicant’s consistency certification under 15 CFR Part 930, Subparts D, E or F, the applicable federal agency cannot authorize the activity unless the state removes its objection or the applicant appeals the objection to the U.S. Secretary of Commerce and the Secretary overrides the state’s CZMA objection.

³³ Other existing necessary data and information is described in Washington’s approved Coastal Program document.

³⁴ The Washington Coastal Marine Advisory Council (WCMAC) was established in the office of the governor by [RCW 43.143.050](#) with duties outlined in [RCW 43.143.060](#). WCMAC has 26 gubernatorial-appointed seats, including a wide range of coastal stakeholder interests, ocean user groups, and state agencies. Ecology provides staff support for WCMAC through the state’s Coastal Zone Management Program. Applicants may provide notice to WCMAC via the chair or Ecology’s CZMP staff. The WCMAC chair or Ecology staff will forward the notice to WCMAC members.

- Applicants may provide notice to WCMAC either via the chair or Ecology staff that administer WCMAC, who will forward the notice to WCMAC members.
 - For state permitting purposes for any project that includes any proposed structure (temporary or permanent), a pre-application notice should be provided to WCMAC to ensure effective communication and coordination with coastal stakeholder interests.
- b. A copy of the sign-in and summary from a meeting with WDFW and affected fisheries stakeholders (see also Section 4.2.1.4(c)).
- Applicants will notify the WDFW Intergovernmental Ocean Policy office regarding a potential project proposal as early as possible, including likely location(s) of the project.
 - WDFW will then provide timely notice to affected stakeholders, which may include established fishing advisory groups³⁵ and license holders, for potentially affected commercial and recreational fisheries.
 - For state-permitting purposes for any project that includes any proposed structure (temporary or permanent),³⁶ a pre-application meeting must be scheduled and held in a timely manner with WDFW to ensure effective communication and coordination. WDFW will include affected fishery stakeholders in the meeting.
 - The meeting shall be required necessary data and information to start the CZMA review. WDFW will reasonably accommodate an applicant’s request for a meeting so that the start of the CZMA review period is not delayed. Unless the applicant requests a later timeframe, WDFW will schedule the meeting to occur within 30 days of receiving the request.

6. Recommendations for federal agencies and federal waters

The state will follow the processes outlined above for reviewing new proposals for ocean uses. Furthermore, the state recommends federal agencies use the data, information, processes, and recommendations in the Marine Spatial Plan to guide their planning and review of proposed ocean uses, including in federal waters adjacent to Washington’s Pacific Coast (as required by [RCW 43.372.040\(6\)\(d\)](#)). Other sections that include references to federal activities or federal waters include Sections 4.1.5, 4.2.1.5, 4.2.2, and 4.3.1.

³⁵ For many different fisheries, WDFW coordinates with formally established and informal fishery advisory groups. These groups are typically fishery-specific and set up for specific target species, gear types, or areas. Fisheries with advisory groups include: coastal Dungeness crab, ocean salmon, groundfish, at-sea Pacific whiting, highly migratory species (e.g., albacore tuna), coastal pelagic species (e.g., sardine, mackerel), recreational halibut, and recreational bottomfish.

³⁶ As noted above and in WCMAC’s recommendations, adverse impacts could occur, if structures are placed in certain areas – regardless of the size or scale of the project.

4.2.2 Implementation: Other State Activities and Recommendations

Plan implementation by state agencies depends on available resources, capacity, priorities, and opportunities to leverage outside expertise and resources. To account for these factors and variations, the interagency team will seek input on and further develop more detailed work plans that specify roles, tasks, timelines and processes for implementing these activities.

1. Finalize ecosystem indicators

Ecosystem indicators provide important context for decision-making. Ecosystem-level ecological integrity indicators provide important insights into the big picture of ecosystem health. The current list of ecological and social indicators developed for the MSP is too long to be an effective management tool or to be operationalized (Andrews, Coyle, & Harvey, 2015; Poe, Watkinson, Trosin, & Decker, 2015). While the economic indicators report provides a list of the top 5 economic indicators, the economic indicators report lists other potential economic indicators (Decker, 2015).³⁷ More work is needed to refine and select key indicators for monitoring ecosystem health for Washington's Pacific coast as required by [RCW 43.372.040\(6\)\(a\)](#).

In implementing the plan, state agencies will work with federal agencies, tribes, WCMAC, and others to refine the current list of ecosystem indicators using the steps outlined below.

The state interagency team will leverage existing expertise and seek additional resources, where necessary, to follow through on these process steps to finalize ecosystem (ecological, social, and economic) indicators:

- a. Establish management priorities:** Convene state, federal and tribal resource managers to narrow the large pool of potential ecosystem indicators to a manageable list. Identify key priority indicators using conceptual models to refine why they are meaningful to various managers/management actions. Identify baselines and targets, where able.
- b. Enlist experts to perform sensitivity assessments:** Use models to test sensitivity of key indicators to management actions and scenarios. Evaluate effectiveness of current monitoring strategies.
- c. Monitor indicators:** Create list of indicators for monitoring and pursue funding or adjustment in current monitoring efforts to address any gaps.
- d. Evaluate and adapt indicators:** Revisit indicators on regular basis and revise list of indicators as needed to target most effective set of monitoring for management needs.

³⁷ From this report, suggested top economic indicators include: Gross Regional Product; Month-to-Month Unemployment, Per Capita Income, Job Diversity, and Poverty Rate.

2. Science and research agenda

The interagency team will develop and implement a Pacific Coast Science and Research Agenda using an inclusive process with researchers, tribal, federal, state and local governments, WCMAC, and others, to improve scientific information available for managing ocean resources. The Science and Research Agenda will allow the state to:

- a. Continue to learn about Washington’s Pacific coastal resources and activities;
- b. Better understand potential effects of future developments and other human impacts; and
- c. Increase understanding of projected impacts of climate change and other changes occurring in the marine system.

Building off work begun in the marine spatial planning process, the state will bring together key scientists, ocean users, government agencies, and others to help the state identify data gaps, short- and long-term research priorities, potential partners, and potential funding sources. Along with the efforts to finalize ecosystem indicators, the Science and Research Agenda provides a process to identify additional data gaps and to work to acquire new scientific data to strengthen plans ([RCW 43.372.005\(3\)\(b\)](#)) as well to determine how best to maintain, manage, and update existing datasets, including enabling assessment of status and trends (Chapter 5: WCMAC 4.1.1).

3. List substantially inconsistent existing management plans and provide recommendations on aligning plans (if needed, as required by 43.372.040(10)).

4. Incorporate the MSP into Washington’s Coastal Zone Management Program.

As required by [RCW 43.372.040\(12\)](#), Ecology plans to submit the final MSP to NOAA to be incorporated into its federally-approved Coastal Zone Management Program (CZMP). Once NOAA approves of the incorporation of any information and enforceable policies within the MSP into Washington’s CZMP,³⁸ they are applicable to those federal actions that affect the uses or resources of Washington’s coastal zone and are subject to the federal consistency requirements of the federal Coastal Zone Management Act (CZMA). (See Section 4.1.5 for more details on CZMA authorities, federal consistency review process, and Washington’s CZMP.)

5. Sediment management planning and coastal erosion monitoring

Keeping sand in our coastal littoral systems (i.e. placing the sand on the beach or as close to the beach as possible) protects vulnerable coastal areas from the effects of coastal storms, helps maintain beaches and dunes, maintains and enhances important habitat, and supports public access to and use of shorelines.

³⁸ According to NOAA regulations and guidance, to be incorporated and approved into Washington’s CZMP, the spatial designations, recommendations, and other standards included in the MSP and applied to ocean uses should be based on coastal effects and substantive evidence. They should not discriminate against a particular use, user or activity.

- a. As state funding allows, state agencies will continue to monitor shoreline change on the Washington coast and provide technical assistance to help communities understand the implications of data. (Chapter 5: WCMAC 1.2.4)
- b. State agencies will continue to support and advance implementation of the Mouth of the Columbia River Regional Sediment Management Plan and other local plans aimed at addressing navigation safety and beneficial use of dredge materials. (Chapter 5: WCMAC 1.2.2)
- c. Through their permitting and authorizations, state agencies will work in partnership to evaluate new dredge disposal sites to ensure they are consistent with these other plans.

6. Government coordination

Washington State is committed to coordination and communication with local governments, tribes, federal agencies and other states on Washington’s Marine Spatial Plan on an ongoing basis. The interagency team will pursue mechanisms that foster recognition of and implementation of one another’s plans. Such efforts can:

- a. Continue to improve our understanding and management of ocean and human uses through ongoing data collection, maintenance, and prioritization.
- b. Foster greater collaboration and communication among government entities in an efficient and strategic manner.
- c. Assist in Marine Spatial Plan implementation and adaptation, including integration with tribal plans and federal recognition and use of Washington’s Marine Spatial Plan.

7. Adaptive management of plan and plan updates (Chapter 5: WCMAC 4.1.2)

Since conditions change over time, plans benefit from having a regular process to review and adapt the plan as needed. Recognizing this need, this section addresses adaptive management, which is also required by the MSP law.³⁹ Using the processes described in the plan implementation section:

- a. The interagency team will address minor revisions to update information and clarify plan processes on an ongoing basis, as needed.
- b. The interagency team will identify new information and update data on the website, as resources allow. The mapping application is designed to automatically receive updated data from many, but not all, data sources.

Using the Plan Performance Monitoring and Ecosystem Indicator Monitoring processes, WCMAC and others will be involved in regularly reviewing implementation of and identifying potential revisions to the Marine Spatial Plan. The interagency team recommends reviewing the entire plan at least every 8 years and that funding be provided for the plan review process. The

³⁹ In addition, the plan should incorporate existing adaptive management strategies underway by local, state, or federal entities and provide an adaptive management element to incorporate new information and consider revisions to the plan based upon research, monitoring, and evaluation. ([RCW 43.372.0040\(6\)\(a\)](#))

interagency team will evaluate if conditions warrant a more major revision to the plan prior to the suggested review period.

8. Plan monitoring and reporting measures

The agencies will monitor plan performance to assess progress on implementation (as required by [RCW 43.372.005\(3\)\(g\)](#)), including the following monitoring activities:

- a. Regularly engage WCMAC, the public, and others in discussions and reviews of implementation of the Marine Spatial Plan including:
 - o Exchanging new research findings, information and data.
 - o Discussing strategies to strengthen implementation, including identifying any existing management plans that are inconsistent with the Marine Spatial Plan⁴⁰.
 - o Identifying emerging issues and potential plan revisions.
- b. On an ongoing basis, the state agencies will assess progress of the Marine Spatial Plan including the following activities:
 - i. Establishing and monitoring ecosystem indicators.
 - ii. Other activities implementing the plan described in this section.
 - iii. Plan effectiveness and governance, including decisions, policy implementation, lessons-learned and adaptations.

This information will be conveyed on the website and formally reported to the public annually.

- c. Four years following the adoption of the Marine Spatial Plan, Ecology, in coordination with the interagency team, will report to the State Legislature (i.e. marine waters committees in the House and Senate) on provisions of existing management plans that are substantially inconsistent with the Marine Spatial Plan, and will make recommendations for eliminating the inconsistency per [RCW 43.372.050\(3\)](#) (see Section 4.1.5).

4.3 Spatial Data, Designations and Recommendations

This section provides spatial designations and recommendations regarding the use of spatial data developed in the plan. These spatial designations and recommendations are designed to provide early guidance on criteria for avoiding significant adverse impacts to important marine resources⁴¹ and uses through initial site selection ([RCW 43.143.030\(2\)](#)). While this section can assist applicants in identifying impacted resources and users and in the early elimination of potential sites and scales of projects, using the spatial designations below does not guarantee that a project will satisfy state or local permit criteria.

⁴⁰ This will assist with reporting required four years after adoption of the plan per [RCW 43.372.050\(3\)](#).

⁴¹ As noted earlier, this definition includes resources (living and non-living) and ecosystem functions and processes.

4.3.1 Federal Waters and MSP Maps

Washington State's Constitution and state and federal laws establish Washington's regulatory jurisdiction out to 3 nautical miles (nm).⁴² Therefore, state plans, enforceable policies, and Important Sensitive and Unique areas (ISUs) must only apply to areas of state jurisdiction. States do not have permitting authority in federal waters, and the Coastal Zone Management Act (CZMA) does not confer such authority.

As discussed in Section 4.2.2.4, the Washington Marine Spatial Plan will be incorporated into the NOAA-approved Washington Coastal Zone Management Program (CZMP). Under the CZMA, Washington has the opportunity to review federal activities outside of state waters that have reasonably foreseeable effects on coastal resources and uses of the state (see Section 4.1.5 and Appendix E for more details on CZMA authorities and review process). Any enforceable policies, ISUs and other designations in this MSP that are ultimately approved by NOAA would be applicable to this process (see Section 4.2.2.4).

The MSP maps (see Appendix A, data is also available on the MSP website) accompany the plan's enforceable policies to spatially represent where certain areas and resources are located in both state and federal waters. The data and maps pertaining to federal waters are not enforceable elements of the Marine Spatial Plan for Washington's Pacific Coast (see Sections 4.1.5, 4.2.1.5, 4.2.2.4 and Appendix E for more details on the connection to the state's federally-approved CZMP).

4.3.2 Marine Spatial Planning Data and Analyses

The data and analyses contained in the MSP provide important context to enable the state to review and influence projects in federal waters. They also provide important information for federal agencies to use when reviewing proposals for leases, licenses, or permits and for applicants to consider when proposing ocean uses. The plan's information provides applicants and governments with the ability to:

- View other known activities, resources, interests, designations, and authorities that may conflict with or complement a proposal.
 - Identify potential ways to avoid, minimize, and mitigate adverse impacts to marine resources or existing ocean uses prior to submitting an application, including alternative locations and configurations of projects.
 - Identify appropriate parties with which to discuss the proposal prior to submitting an application.
1. For projects in federal or state waters, applicants and agencies should use data presented in the Washington Marine Spatial Plan to understand and evaluate potential impacts to existing uses and resources, including any updated data available. These data and analyses can also inform project siting alternatives that protect existing uses and resources and avoid and minimize impacts. Additional site-specific analyses will be needed to further evaluate potential impacts from a particular proposal. Major data sources associated with the plan that should be reviewed and considered include:

⁴² See Washington State Constitution Article XXIV, Section 1 and Title 43 US Code 1312.

- a. Baseline information on Washington’s Pacific coast, including maps of existing uses and resources (see Chapter 2).
 - b. Spatial analyses that aggregate and illustrate this information in various ways and convey key findings (see Chapter 3). This includes a number of outputs that assist in understanding the predicted distribution of certain species of seabirds and marine mammals, broad patterns of Ecologically Important Areas (EIA) and sensitive resources, and aggregated information on existing uses and ecological areas compared with modeled areas of marine renewable energy resource potential. As with other maps, these outputs assist applicants in identifying and considering potential impacts and conflicts in different areas, appropriate parties to consult, and project alternatives.
 - c. Spatial designations, recommendations, and approaches that identify areas that are important for protection in state waters (Chapter 4).
 - d. The online Marine Spatial Planning [mapping application](#)⁴³ provides a reference to access and view baseline information on existing human uses and ocean resources, including any updated data available after adoption of the plan.
2. Other ocean uses: The Marine Spatial Plan provides baseline information and analyses that can assist applicants and agencies in evaluating potential impacts from other potential new ocean uses such as offshore aquaculture, mining (sand/gravel, methane hydrate), bioextraction, and new dredge disposal sites. There is limited spatial data available on the areas of interest for these potential uses and the spatial scale of some uses is too small for some of the plan’s analyses (see Chapter 3) to be helpful in guiding specific siting.

4.3.3 Important, Sensitive and Unique Areas (ISUs)

State law requires the Marine Spatial Plan to identify environmentally sensitive and unique resources that warrant protective measures ([RCW 43.372.040\(6\)\(c\)](#)). Therefore, the plan is designating Important, Sensitive and Unique Areas (ISUs) in state waters that have high conservation value, high historic value, or key infrastructure. The ISUs include standards to maintain the high values of these areas and to protect the ISUs from adverse effects of offshore development,⁴⁴ while allowing existing compatible uses such as fishing.

As part of the Marine Spatial Plan, the state is developing maps of ISUs based on available information and data. However, it is important to note that the designation of ISUs and the application of the enforceable protective standards is habitat- and resource-based, wherever these habitats or resources occur within state waters. The enforceable protective standards would apply to any designated ISU, whether mapped or not. The ISU maps are not part of the

⁴³ Available via the MSP website at www.msp.wa.gov.

⁴⁴ Development under the jurisdiction of the Shoreline Management Act is defined at RCW 90.58.030(3)(a) as “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.” For purposes of the MSP, “offshore development” means any development occurring in the plan study area that also meets the definition of a new ocean use.

enforceable standards. Rather, ISU maps are intended to assist the state, local governments and applicants by showing known locations of ISUs.

1. ISU definitions

ISUs are specific areas in state waters that meet one or more of the following criteria:

- a. Areas that are environmentally sensitive, or contain unique or sensitive species or biological communities that must be conserved and warrant protective measures ([RCW 43.372.040\(6\)\(c\)](#)).
- b. Areas with known sensitivity and where the best available science indicates the potential for offshore development to cause irreparable harm to the habitats, species, or cultural resources.
- c. Areas with features that have limited, fixed, and known occurrence.
- d. Areas with inherent risk or infrastructure incompatibilities (e.g. buoys or cables).

2. ISU designations

The following ISUs are established using current knowledge and available data developed through the MSP process.

a. Ecological ISUs

- i. Biogenic habitats: aquatic vegetation, corals, and sponges.
- ii. Rocky reefs.
- iii. Seabird colonies: islands and rocks used for foraging and nesting by seabirds.
- iv. Pinniped haul-outs.
- v. Forage fish spawning areas: intertidal areas used for spawning by herring, smelt or other forage fish.

b. Historic, cultural, and infrastructure ISUs

- i. Historic and archaeological sites: structures or sites over 45 years old that are listed or eligible for listing in local, state or national preservation registers (e.g. shipwrecks or lighthouses); or artifacts or other material evidence of tribal or historic use or occupation (e.g. burials, village sites, or middens).
- ii. Buoys and submarine cables: fixed infrastructure such as navigation or monitoring buoys, fiber optic cables, electrical transmission cables, other fixed monitoring equipment in the marine environment (e.g. hydrophones), and any associated mooring lines, anchors or other equipment.

Coastal estuaries, including Grays Harbor and Willapa Bay, are important ecological areas and are heavily used by existing uses and their associated infrastructure. They are home to critical saltwater habitats⁴⁵ and Priority Habitats and Species,⁴⁶ such as spawning and juvenile rearing areas, aquatic habitats (e.g. eelgrass, kelp, mudflats, and shellfish beds), state-listed or candidate species, vulnerable aggregations, and species of commercial, recreational, or tribal

⁴⁵ “Critical Saltwater Habitat” is defined in Shoreline Management Regulations at: WAC 173-26-221(2)(c)(iii)(C).

⁴⁶ Washington Department of Fish and Wildlife identifies and maintains information about “Priority Habitats and Species”, more information at: <http://wdfw.wa.gov/conservation/phs/>.

importance. While estuaries themselves are not designated as an ISU, many ISUs occur within estuaries. Yet, the availability and resolution of current data is inadequate to aid in detailed siting within estuaries. Therefore, a more detailed and finer-scale analysis for proposed projects will be required to “provide special protection to the marine life and resources of the estuaries and to ensure all reasonable steps are taken to avoid and minimize impacts to the habitats, species, and uses in estuaries” ([RCW 43.143.030\(2\)\(d\)](#) and [RCW 43.143.030\(2\)\(e\)](#)).

The state has developed maps of ISUs using the best available data as of the publication of the MSP (see Appendix A: Maps 59-74). These maps are intended to assist applicants in identifying where ISUs exist. However, ISU protection standards will apply to any ISU, wherever it is identified in state waters. It is the responsibility of applicants to verify whether ISUs exist in their proposed project area and to demonstrate that protection standards will be met. As finer resolution or updated data becomes available, the state may update the ISU maps, which may include adding, deleting or updating the distribution of an ISU.

Additional buffers may be appropriate to protect ISU resources from adverse effects. Prior to filing application materials with local or state agencies, project developers shall consult with WDFW on recommended buffers for ecological ISUs associated with their proposed project. Project developers shall consult with the Washington Department of Archaeological and Historical Preservation and tribal preservation officers on further identification and protection of cultural or historical artifacts.

3. ISU protection standards and enforceable policies

Once the state designates an ISU under this Marine Spatial Plan ([RCW 43.372.040\(6\)\(c\)](#)), state agencies and local governments must apply the following ISU adverse effects and protection standards in their decisions for new ocean use developments to the greatest extent possible.

a. Protection standard for ISUs

An applicant for proposed new ocean uses involving offshore development, as defined in the Shoreline Management Act ([RCW 90.58.030\(3\)\(a\)](#)), must demonstrate that the project will have no adverse effects on an ISU located at the project site or to off-site ISUs potentially affected by the project.

An applicant may overcome the ISU protection standard using site-specific surveys, scientific data, and analysis, which demonstrate either:

- i. The current ISU maps do not accurately characterize the resource or use, or the project area (mapped or not mapped) does not contain an ISU resource or use; or
- ii. The weight of scientific evidence clearly indicates that the project will cause no adverse effects to the resources of the ISU.

b. Adverse effects standards for ecological ISUs:

Adverse effects for ecological ISUs is defined as either:

- i. Degradation of ecosystem function and integrity, including, but not limited to, direct habitat damage, burial of habitat, habitat erosion, and reduction in biological diversity.

- ii. Degradation of living marine organisms, including, but not limited to, abundance, individual growth, density, species diversity, and species behavior.

c. Adverse effects standards for historic, cultural or fixed-infrastructure ISUs:

Adverse effects for historic, cultural or fixed-infrastructure ISUs is defined as any of the following:

- i. Direct impact by dredging, drilling, dumping, or filling.
- ii. Alteration, destruction, or defacement of historic, archaeological, or cultural artifacts.
- iii. Direct impacts from placement or maintenance of new, temporary or permanent structures in areas with existing infrastructure or historic, archaeological, or cultural artifacts.

4.3.4 Spatial Recommendations

1. Case-by-case analysis

Further evaluation of proposed projects in state waters should occur on a case-by-case basis. Projects still need to provide information, meet criteria and statutory requirements, and follow the process described in the MSP. When proposing any projects, applicants should seek to avoid adverse impacts to existing uses and ecological areas in state waters. A greater number of existing uses and ecologically important areas or a greater intensity of uses or ecologically important areas will likely result in a more difficult permitting process.

2. Specific to renewable energy:

Where particular uses have similar coastal effects (e.g. structures or cables), applicants should use the criteria, information, and process described for renewable energy as a starting point.

Analyses produced for the MSP illustrate the large footprint required for projects designed to produce wind energy at a scale matching potential needs for renewable energy in the regional power grid in the next 10-15 years (See Chapter 3 for details on analyses and findings). In state waters on Washington's Pacific coast, these analyses indicate that projects of this scale require large footprints that occupy a large proportion of the total area of state waters and intersect with many existing ocean uses and resources. Therefore, in state waters, industrial-scale renewable energy projects will likely have a very difficult time demonstrating that they can avoid significant adverse impacts to existing uses and resources. Community-scale renewable energy facilities proposed for state waters may find it easier to demonstrate consistency with state policies, plans, and authorities through existing permitting processes. The following definitions apply:

- a. **Industrial-scale renewable energy facilities** are those projects designed to provide energy at a scale for the regional power grid. Their size and energy generation is larger than those described as community-scale facilities and, therefore, would result in a larger footprint for development.

- b. **Community-scale Renewable Energy Facilities** are those projects designed to provide energy at scale for a local community, subset of a community, or group of communities. Community-scale energy projects have:
- i. A smaller size and energy generation levels more suited to the needs of a community than production and distribution to the regional grid and, therefore, a smaller footprint for development than an industrial-scale facility.
 - ii. Strong local participation in and support for the project, including the community(s) directly adjacent to and affected by the project. Support may be demonstrated by the elected officials of the affected local government(s) such as a letter from a city's Mayor, or from a majority of city council members or county commissioners.
 - iii. Demonstrated economic benefit for the local community.

4.4 Project and Site-specific Data and Information

Applicants shall provide information listed below to regulating agencies at the earliest stage to assist with local and state required processes, permit, and leases (see WACs [197-11-100](#), [197-11-315](#), and [197-11-960](#)). This information enables evaluation of the magnitude of a project, the likelihood of effects from a project, and the significance of resources and uses that the project may affect. Applicants for construction and development activities in state marine waters can complete a Joint Aquatic Resources Permit Application (JARPA), which consolidates the initial information needed for multiple local, state, and federal permits and provides information on the status of SEPA review.

The list of project- and site-specific data and information below is consistent with these existing application requirements ([WAC 197-11-315](#)). It provides specific details supporting agency implementation of existing state ocean policies and regulations, and of the MSP. In addition, applicants shall produce a written effects evaluation that addresses the requirements with any review standards that apply (see Sections 4.5, 4.6, and 4.8).

Table 4.4-1. Project- and site-specific data and information requirements.

Type of Information	Including, but not limited to:	Specific types of data and information
Project information	<ul style="list-style-type: none"> • Project purpose, need (i.e. local, state, or national need) and anticipated benefits • Location of alternative sites considered and why they were rejected (RCW 43.143.030(2)(b)) • Total project footprint: number and sizes of equipment, structures, and anchors • Methods, techniques and activities • Transportation and transmission systems for service and support • Onshore facilities • Utility corridors used or created • Materials to be disposed and methods • Physical and chemical properties of any hazardous materials used or produced • Proposed time schedule 	<ul style="list-style-type: none"> • Alternatives considered should be commensurate with the proposed need of project (e.g. national need requires, national alternatives) (WAC 173-26-360(7)(d)).
Physical and chemical conditions	<ul style="list-style-type: none"> • Water depth • Wave regime • Current velocities • Mixing characteristics (horizontal transport, vertical mixing and dispersal) • Meteorological conditions • Water quality - chemical and physical properties 	<ul style="list-style-type: none"> • Survivability assessment for structures based on physical and geological conditions at the site and expected in the future. (Chapter 5: WCMAC 1.2.6) • Adjacent area affected by physical changes in currents, waves, or sediment transport caused by project. (WAC 173-26-360(10)(a))
Bathymetry	<ul style="list-style-type: none"> • Bottom topography (bathymetry) • Shoreline topography 	
Geologic structure	<ul style="list-style-type: none"> • Bottom substrate type (rock, mud, sand) • Faults • Submarine landslides • Other geologic hazards • Mineral deposits • Hydrocarbon resources 	
Historical, cultural or archaeological resources	<ul style="list-style-type: none"> • Historic or culturally significant sites, including any archaeological sites or objects. (WAC 173-26-360(7)(1)) 	<ul style="list-style-type: none"> • For new uses that will impact the ocean floor, conduct a high-resolution seafloor archeological assessment. (Chapter 5: WCMAC 1.2.3)
Tribal uses ⁴⁷	<ul style="list-style-type: none"> • Usual and Accustomed Areas • Tribal fishing and other uses 	

⁴⁷ U.S. Constitution, Article VI, Section 2, which provides that treaties are the highest law of the land. See Section 1.6 of the MSP, which describes coastal tribes, treaties and references to court decisions upholding those treaties.

Table 4.4-1 (continued). Project- and site-specific data and information requirements.

Type of Information	Including, but not limited to:	Specific types of data and information
Biological features	<ul style="list-style-type: none"> • Critical and sensitive habitats: wetlands; sea stacks; estuaries, etc. • Areas used for breeding, spawning, nursery, foraging and areas of high productivity areas for marine biota: upwelling and estuaries. • Bird colonies • Marine species migration routes • Fish and shellfish stocks and other biologically important species • Endangered and threatened species or their habitats • Recreationally or commercially important finfish or shellfish • Scientific preserves, sanctuaries, parks, refuges, and other protected areas • (WAC 173-26-360(7)) and Chapter 5: WCMAC 1.3.1) 	
Economic, social and cultural uses	<ul style="list-style-type: none"> • Aquaculture operations (private and public lands), oyster reserves, shellfish growing areas • Commercial and recreational fishing • Coastal communities economy • Designated dredge disposal sites • Ports • Navigation (vessel traffic patterns and designated vessel lanes) • Recreation, including parks and designated recreation areas ((WAC 173-26-360(7)(k))) and shellfish harvest areas • Scientific research • Military uses • Tourism • Aesthetic resources • Existing aquatic land leases • Local shoreline master program environment designation (Chapter 5: WCMAC 3.1.4) • Waste water or other discharge • (WAC 173-26-360(7)(t)) 	<ul style="list-style-type: none"> • Where applicable, inventory should include information on established, traditional, and recognized times of uses. • Current information on uses, including data covering multiple years and seasons, when available (Chapter 5: WCMAC 4.1.3) • Conceptual site drawings of visual impacts (Chapter 5: WCMAC 1.2.5)
Infrastructure	<ul style="list-style-type: none"> • Existing infrastructure: navigation aids, cables, buoys or other fixed structures. • Utility or pipeline corridors and transmission lines • (WAC 173-26-360(7)(t)) 	

Regulating agencies may determine and request other information from applicants to enable the evaluation of the effects of a proposed project ([\(WAC 197-11-335\)](#)).

4.5 Effects Evaluation

To enable evaluation of compliance with the state’s ocean use policies and regulations, including the criteria of [RCW 43.143.030\(2\)](#), applicants must provide a written effects evaluation that complies with the contents of Section 4.5 and the applicable Review Standards (Sections 4.6 and 4.8).⁴⁸ The evaluation must include the reasonably foreseeable adverse effects on Washington State’s coastal resources or uses associated with the development, placement, operation, and decommissioning of a proposed new ocean use.⁴⁹ This section does not provide the full list of other state laws and policies or requirements with which an applicant will have to demonstrate compliance (see Section 4.1.4 and 4.1.5). WCMAC’s problem statements and recommendations also informed the development of the listed effects. Applicants should review these for more detailed information on stakeholder concerns about impacts (see Chapter 5).

The processes set out in Section 4.2.1 will assist applicants in identifying potentially adverse impacts to Washington’s coastal resources and uses. Both SEPA and National Environmental Policy Act (NEPA) processes may also assist in evaluating the effects listed below.⁵⁰ For purposes of the evaluation, the submittal shall base the determination of “reasonably foreseeable adverse effects”⁵¹ on best available scientific evidence (Office for Coastal Management, 2009). Applicants should use up-to-date data that is adequate to evaluate the project and its potential effects. If new data collection is required, it should be done at the applicant’s expense. When it exists, data should include multiple years and multiple seasons within those years (Chapter 5: WCMAC 4.1.3).

In addition, applicants shall provide information that addresses their compliance with the applicable review standards (Sections 4.6 and 4.8). The evaluation shall describe the potential short-term and long-term effects of the proposed new ocean use on marine resources, and on the uses of Washington’s marine waters, continental shelf, onshore areas, and coastal communities based on the required project- and site-specific data (Section 4.4) and the following considerations:

1. Ecological effects

Ecological effects include those on critical marine habitats, other habitats, and the species those habitats support. The evaluation shall determine the probability of exposure and the magnitude of exposure and response, as well as the level of confidence (or uncertainty) in those determinations. The evaluation need not discuss highly speculative consequences. However, the evaluation shall discuss catastrophic environmental effects of low probability.

⁴⁸ As noted previously, this includes any future projects determined to trigger ORMA’s permit criteria ([RCW 43.143.030\(2\)](#)), including such projects in shorelines directly adjacent to the MSP Study Area.

⁴⁹ This includes direct, indirect and cumulative effects, as described below.

⁵⁰ The applicability of these laws depends on the project type and location.

⁵¹ For purposes of federal consistency under CZMA’s regulations, reasonably foreseeable coastal effects are determined based on a number of factors, including direct and indirect effects to resources and uses. See cited publication for more detailed guidance.

Factors to consider include, but are not limited to:

- The time frames/periods over which the effects will occur;
- The maintenance of ecosystem structure, biological productivity, biological diversity, and representative species assemblages;
- Maintaining populations of threatened, endangered, or sensitive species;
- Vulnerability of the species, population, community, or the habitat to the proposed actions; and
- The probability of exposure of biological communities and habitats to adverse effects from operating procedures or accidents.

The following additional factors should be specifically evaluated and addressed:

- a. Impacts to habitats and species, including:
 - i. Impacts on migration routes and habitat areas of species listed as endangered or threatened; environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas, bird colonies, sea stacks, and wetlands; and areas of high productivity for marine biota such as upwelling and estuaries. ([WAC 173-26-360\(7\)\(j\)\(n\)](#)) and Chapter 5: WCMAC 1.3.1)
 - ii. Impacts to sensitive and important habitat of commercially, recreationally and ecologically valuable species. (Chapter 5: WCMAC 1.3.1)
 - iii. Potential for direct injury or harm to species, including Endangered Species Act (ESA)-listed and commercially valuable species (e.g. strikes, entanglement, etc.), or indirect injury related to exposure to noise, light, vibration, electromagnetic fields or other related stressors associated with the new use. (Chapter 5: WCMAC 1.3.1)
 - iv. Risk for invasive species introductions and impacts, if applicable. (Chapter 5L WCMAC 1.3.1 and 1.3.4)
- b. Effects to air and water quality ([WAC 173-26-360\(7\)\(t\)](#)), including potential degradation of water quality (e.g. chemicals, petroleum products, nutrients, oxygen, temperature, acidification). (WCMAC 1.3.1)
- c. Effects to physical and ecological processes, including, but not limited to, currents and waves, sediment processes, coastal erosion and accretion, upwelling, primary productivity, electromagnetic fields, acoustics, and wave amplification. (Chapter 5: WCMAC 1.3.1)
 - i. For marine renewable energy projects, assess effects on upwelling oceanographic, ecosystem processes, beach accretion or erosion, and wave processes. ([WAC 173-26-360\(10\)\(a\)\(b\)](#))
- d. Effects of projected coastal erosion, future sea-level rise, and other climate change impacts on the proposed project over the anticipated life of the project (Chapter 5: WCMAC 1.2.4)
- e. Unintended impacts, including, but not limited to, impacts to the food chain, changes to physical processes, introduction of disease or genetic pollution, and access to existing resources. (Chapter 5: WCMAC 1.3.1)

2. Current uses

Evaluate the effects of the project on current uses and the continuation of a current use of ocean resources such as fishing, recreation, navigation, and port activities. Factors to consider include, but are not limited to:

- a. Social and economic impacts to local and regional economies and communities, including tourism, recreation, fishing, aquaculture, navigation, transportation, public infrastructure, public services, and community culture ([WAC 173-26-360\(t\)](#)). The assessment should address:
 - i. Short- and long-term economic and social costs and benefits to the affected community, including social costs to vulnerable ocean users (e.g. new and future entrants to commercial fisheries such as those with high debt loads) and potential impacts on taxpayers. The costs and benefits to larger economy (state, regional, national). Assessment of various scenarios, including full project footprint and scenarios where the new use fails, is abandoned, or is decommissioned. (Chapter 5: WCMAC 1.1.1)
 - ii. The risk posed by proposed structures for entangling fishing gear or other debris (Chapter 5: WCMAC 1.2.7)
 - iii. Established, traditional, and recognized times of renewable ocean resource uses and site-specific impacts to current uses, including, but not limited to, fishing, aquaculture, and recreation. ([WAC 173-26-360\(7\)\(m\)](#) and Chapter 5: WCMAC 3.1.4)
- b. Recreational activities and experiences such as public access, aesthetics, and views ([WAC 173-26-360\(7\)\(s\)](#) and Chapter 5: WCMAC 1.2.5)
- c. Archeological and historical resources ([WAC 173-26-360\(7\)\(l\)](#)); and
- d. Transportation safety and navigation, including
 - i. A vessel traffic risk assessment or a risk-based modeling to evaluate navigational safety risks. (Chapter 5: WCMAC 1.2.1)

3. Natural and other hazards

Evaluate the potential risk to the new ocean use, in terms of its vulnerability to certain hazards and the probability that those hazards may cause loss, dislodging, or drifting of structures, buoys, or facilities. Consider both the severity of the hazard and the level of exposure it poses to the renewable marine resources and coastal communities. Hazards to be considered shall include:

- a. Based on the characteristics of the use and the environment, risk of and potential impact from a probable disaster, including explosions, spills, and other disasters, on the environment, adjacent uses, and communities. ([WAC 173-26-360\(7\)\(o\)](#) and Chapter 5: WCMAC 1.3.1)
- b. Risk posed to existing and future infrastructure by current and future ocean conditions and other natural hazards, including wave and storm conditions, erosion, earthquakes, tsunamis, and flooding, including sea-level rise. (Chapter 5: WCMAC 1.2.4)

4. Cumulative Effects

Evaluate the cumulative effects of a new ocean use project, including the shoreland components, in conjunction with effects of any prior phases of the project, past projects, other current projects, and probable future projects.⁵² The evaluation shall analyze the biological, ecological, physical, and socioeconomic effects⁵³ of the new ocean use project and of other projects along the Washington coast, while also taking into account the effects of existing and future human activities, environmental baseline and variability, the regional effects of global climate change, and potential to reach tipping points of harm for existing uses or ocean resources (Chapter 5: WCMAC 3.1.5).

In conducting the cumulative effects analysis, the applicant shall focus on the specific resources and uses that may be affected by the incremental effects of the proposed project and other projects in the same geographic area. The evaluation shall include but not be limited to consideration of whether:

- a. The resource and uses are especially vulnerable to incremental effects;
- b. The proposed project is one of several similar projects in the same geographic area;
- c. Other developments in the area have similar effects on the resources and uses;
- d. These effects have been historically significant for the resource and uses; and
- e. Other analyses in the area have identified a cumulative effects concern.

⁵² Under NEPA, “cumulative impact” means “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” 40 CFR. § 1508.7

⁵³ “Effects” and “impacts” include: (a) Direct effects, which are caused by the action and occur at the same time and place. (b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

“Effects” and “impacts” as used in NEPA regulations are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial. However, “Impacts” and “effects to uses or resources of the coastal zone under the CZMA” are not synonymous. An impact to a coastal use or resource may not necessarily be an effect for CZMA purposes.

4.6 Review Standards

This section provides the detailed review standards for applicants and for agencies to consider in determining possible significant adverse effects⁵⁴ from an ocean use project⁵⁵ on coastal uses and resources (see [WAC 173-26-360\(7\)](#)). An applicant’s written effects evaluation (Section 4.5) must address compliance with the standards noted in this section and any specific standards that apply to the particular type of new use (Section 4.8). The regulating agencies shall use best available maps and data and may consider new information that is sufficient and applicable. Furthermore, the processes outlined in Section 4.2.1 will further assist applicants in identifying approaches that will prevent, avoid, and minimize impacts.

4.6.1 Siting and Development Standards for the Construction, Deployment, or Maintenance of an Ocean Use Facility.

1. For marine renewable energy, be located, constructed, and operated in a manner that has no detrimental effects on beach accretion or erosion and wave processes. (WAC 173-26-360(10)(a))
2. Be located to avoid adverse impacts on proposed or existing environmental and scientific preserves and sanctuaries, parks, and designated recreation areas. (WAC 173-26-360(7)(k)).
3. In locating mining facilities or oil and gas facilities, avoid and minimize impacts on shipping lanes or routes traditionally used by commercial and recreational fishermen to reach fishing areas. (WAC 173-26-360(7)(x))
4. In regards to routing, ocean uses and their distribution, service, and supply vessels and aircraft should be:
 - a. Located, designed, and operated in a manner that minimizes adverse impacts on fishing grounds, aquatic lands, or other renewable resource ocean use areas during the established, traditional, and recognized times they are used or when the resource could be adversely impacted. (WAC 173-26-360(7)(m))
 - b. Routed to avoid environmentally critical and sensitive habitats such as sea stacks and wetlands, preserves, sanctuaries, bird colonies, and migration routes, during critical times those areas or species could be affected. (WAC 173-26-360(7)(n))
5. In locating and designing associated onshore facilities:
 - a. Special attention should be given to the environment, the characteristics of the use, and the impact of a probable disaster, in order to assure adjacent uses, habitats, and communities adequate protection from explosions, spills, and other disasters. (WAC 173-26-360(7)(o))
 - b. Minimize impacts on existing water-dependent businesses and existing land transportation routes to the maximum extent feasible. (WAC 173-26-360(7)(p))

⁵⁴ In applying ORMA’s policies, “significant adverse impacts” must be consistent with the SEPA rules and process. [WAC 173-26-360\(7\)\(e\)](#): “The determination of significant adverse impacts should be consistent with [WAC 197-11-330\(3\)](#) and [197-11-794](#). The sequence of actions described in [WAC 197-11-768](#) should be used as an order of preference in evaluating steps to avoid and minimize adverse impacts.”

⁵⁵ This section details the general ocean use standards contained in [WAC 173-26-360\(7\)](#), which specifically apply to ocean uses that require a shoreline permit. Development under the jurisdiction of the Shoreline Management Act is defined at [RCW 90.58.030\(3\)\(a\)](#).

- c. Be located in communities where there is adequate sewer, water, power, and streets. Within those communities, if space is available at existing marine terminals, the onshore facilities should be located there. (WAC 173-26-360(7)(q))
 - i. For marine renewable energy projects, locate distribution facilities and lines in existing rights of way and corridors, whenever feasible (WAC 173-26-360(10)(c))
6. Construction and operation
- a. Use methods and scheduling of construction activities that minimizes impacts on tourism, recreation, commercial fishing, local communities, and the environment (WAC 173-26-360(7)(r)).
 - b. Use methods and designs that prevent, avoid, and minimize adverse impacts such as noise, light, temperature changes, turbidity, water pollution, and contaminated sediments on the marine, estuarine, or upland environment. Such attention should be given particularly during critical migration periods and life stages of marine species and critical oceanographic processes. (WAC 173-26-360(7)(u))
 - c. For mining, marine renewable energy, or oil and gas uses, be designed, constructed, and operated in a manner that minimizes environmental impacts on the coastal waters environment, particularly the seabed communities, and minimizes impacts on recreation and existing renewable resource uses such as fishing. (WAC 173-26-360(7)(w))
7. Compensation for impacts
- a. Impacts on commercial resources such as the crab fishery, on non-commercial resources such as environmentally critical and sensitive habitats, and on coastal uses such as loss of equipment or loss of a fishing season should be considered in determining compensation to mitigate adverse environmental, social, and economic impacts to coastal resources and uses. (WAC 173-26-360(7)(f))
 - b. Allocation of compensation to mitigate adverse impacts to coastal resources or uses should be based on the magnitude and/or degree of impact on the resource, jurisdiction, and use. (WAC 173-26-360(7)(g))

4.6.2 Additional State Standards and Recommended Approaches to Protect Specific Coastal Resources and Uses of the State⁵⁶

Table 4.6.2-1 provides additional state standards and recommended approaches for new ocean uses⁵⁷ designed to protect state coastal resources and uses. Additional state standards apply to offshore aquaculture, disposal, and mining (see Section 4.8).

⁵⁶ This does not include comprehensive requirements affiliated with every state or local permit. This section does not address any requirements related to tribal or federal governments and authorities.

⁵⁷ Requirements of [WAC 173-26-360\(7\)](#) apply to ocean uses that require a shoreline permit.

Table 4.6.2-1. Goals, additional standards, and approaches to protect Washington State coastal uses and resources

Key Washington Ocean Resource Policies ⁵⁸ & MSP Objectives	Standards	Approaches include, but are not limited to:
Ecological		
<ul style="list-style-type: none"> Foster healthy and resilient marine ecosystem functions, biodiversity and habitats. (MSP Objective 3) ORMA RCW 43.143.030(2)(d). 	<ul style="list-style-type: none"> Prevent, avoid, and minimize adverse impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands, and areas of high productivity for marine biota such as upwelling and estuaries (WAC 173-26-360(7)(j)). 	<ul style="list-style-type: none"> Identify and use alternative deployment and placement of structures in proximity to the proposed project area that would have less adverse impact on identified ecological resources. Schedule construction to avoid critical migration times, vulnerable life stages of species, and important oceanographic processes. Use designs and methods that prevent, avoid and minimize disturbance to species, habitats, water quality, and ecological and physical processes.
Historic or Cultural Resources		
<ul style="list-style-type: none"> Sustain diverse traditional uses and experiences to ensure continuity of WA’s coastal identity, culture, and high quality of life. (MSP Objective 2) Provide recommendations for uses that protect and enhance the aesthetic quality of marine environment, maritime activities, marine culture and sense of place. (MSP actions) 	<ul style="list-style-type: none"> Avoid and minimize adverse impacts on historic or culturally significant sites in compliance with chapter 27.34 RCW. Permits in general should contain special provisions that require permittees to comply with chapter 27.53 RCW if any archaeological sites or archaeological objects such as artifacts and shipwrecks are discovered. (WAC 173-26-360(7)(l)) 	<ul style="list-style-type: none"> Conduct high-resolution seafloor surveys for historic or archaeological resources. Consult with state historic preservation officer and tribal preservation officers on cultural resources that may be present or impacted.

⁵⁸ This list is not exhaustive and is intended to highlight particular policies that are relevant to particular state coastal resources and uses.

Table 4.6.2-1 (continued). Goals, additional standards and approaches to protect Washington State coastal uses and resources

Key Washington Ocean Resource Policies ⁵⁹ & MSP Objectives	Standards	Approaches include, but are not limited to:
Coastal Uses: Existing uses such as aquaculture, fishing, navigation, recreation and tourism		
<ul style="list-style-type: none"> • Protect and preserve healthy existing natural resource- based economic activity on the Washington Coast. (MSP Objective 1). • ORMA RCW 43.143.030(2)(e). 	<ul style="list-style-type: none"> • Minimize impacts on existing water dependent businesses and existing land transportation routes to the maximum extent feasible. • Avoid and minimize adverse social and economic impacts, including detrimental effects to tourism, recreation, fishing, aquaculture, navigation, transportation, public infrastructure, public services, and community culture. (WAC 173-26-360(7)(p)(t)). 	<ul style="list-style-type: none"> • Identify and use alternative deployment and placement of structures in proximity to the proposed project area that would have less adverse impact on identified ocean and coastal uses, including social and economic impacts to coastal communities. • Space structures to maximize compatibility with existing uses. • Minimize project footprint. • Schedule construction activities to minimize impacts to existing users. • Mitigate possible hazards to navigation and, provide practicable opportunities for vessel transit, at the project location.

⁵⁹ This list is not exhaustive and is intended to highlight particular policies that are relevant to particular state coastal resources and uses.

4.6.3 Fisheries Use Protection Standards

The marine spatial planning law requires: “Any provision of the marine management plan that does not have as its primary purpose the management of commercial or recreational fishing but that has an impact on this fishing must minimize the negative impacts on the fishing.” ([RCW 43.372.040\(8\)](#)). To accomplish this, the MSP sets forth a requirement for consulting with WDFW and individuals participating in affected commercial and recreational fisheries to identify a proposed project’s potential adverse effects to fisheries and opportunities to avoid, reduce, or minimize impacts (see section 4.2.1.4). The MSP also establishes additional protection standards for fisheries that align with this requirement to minimize impacts on fisheries and with other existing state requirements to protect fisheries ([RCW 43.143.030\(2\)](#)). Applicants must also consult with each of the coastal tribes to understand the proposed project’s potential adverse effects to tribal uses, including fishing ([RCW 43.372.040\(2\)\(a\)](#)).

a. Protection standards for fisheries

Applicants for proposed new ocean uses involving offshore development, as defined in the Shoreline Management Act ([RCW 90.58.030\(3\)\(a\)](#)), must demonstrate that their project meets the following standards to protect fisheries located at the project site and nearby from adverse effects, including:

- i. There are no likely long-term significant adverse effects to fisheries. ([RCW 43.143.030\(2\)\(c\)](#))
- ii. All reasonable steps are taken to avoid and minimize social and economic impacts to fishing. ([RCW 43.143.030\(2\)\(e\)](#))

In addition to consulting with WDFW and individuals participating in affected commercial and recreational fisheries, the following must be considered in determining the possible adverse effects on commercial and recreational fisheries and whether all reasonable steps have been taken to avoid and minimize adverse effects to fisheries. The following considerations are applicable to all proposals for new ocean use developments, in all use areas, unless otherwise noted.

- Minimize the number of and size of anchors. Space structures for greater compatibility with existing uses and bury cables in the seafloor and through the shoreline. (Chapter 5: WCMAC 1.2.10)
- Minimize risk of entangling fishing gear from new structures installed in the seafloor or placed in the water.
- Minimize the displacement of fishers from traditional fishing areas, and the related impact on the travel distance, routing, and navigation safety in order to fish in alternative areas.
- Minimize the compression of fishing effort caused by the reduction in the areas normally accessible to fishers.
- Minimize the economic impact resulting from the reduction in area available for commercial and recreational fishing for the effected sectors and ports.

- Limit the number and size of projects located in an area to minimize the impact on a particular port, sector, or fishery.
- Consider the distribution of projects and their cumulative effects.
- Other reasonable and relevant considerations as determined by the fisheries consultation process and specifics of the proposed project.

b. Definition of adverse effect for fisheries:

Adverse effects can be direct, indirect or cumulative. Adverse effects for commercial or recreational fisheries is defined as any of the following:

- i. A significant reduction in the access of commercial or recreational fisheries to the resource used by any fishery or a fishing community(s).
- ii. A significant increase in the risk to entangle fishing gear.
- iii. A significant reduction in navigation safety for commercial and recreational fisheries.
- iv. Environmental harm that significantly reduces quality or quantity of marine resources available for harvest.

4.6.4 Recommended Additional Approaches to Avoid and Minimize Impacts to Coastal Uses

In addition to the goals, standards, and approaches noted above, the following provides a list of specific approaches for applicants to consider in project siting, design, engineering, construction, and operation. These approaches may contribute toward addressing Washington’s ocean use standards to avoid and minimize adverse impacts to particular coastal uses. Use of any or all of these recommended approaches does not guarantee issuance of state or local permits or authorizations.

1. Aquaculture

- a. Minimize impacts to existing shellfish aquaculture growing areas and operations.
- b. Minimize disruption to physical processes and water quality of estuaries.

2. Navigation

- a. Minimize disruption to traditional and heavily-used vessel transit routes, particularly those navigation lanes that are federally-designated or negotiated with other users.

3. Recreation

- a. Minimize restrictions on public access, particularly in areas with high intensity of use or with a community of historical users.
- b. Minimize impacts to areas with unique or special qualities, including the natural environment and aesthetics, associated with recreational use relative to the state or region.
- c. Include measures that ensure protection of public health and safety.

4.7 Project Construction and Operation Plan

Under existing state law, applicants for certain projects must submit a construction and operation plan as a condition of approval for a state permit, license, lease, or other authorization. The construction and operation plan must describe the procedures and methods the operator will employ to ensure facility compliance with standards and other conditions of the permit or license to address effects on the environment, safety, and coastal uses. Under the state Water Pollution Control Act, the following plan components can be required for holders of 401 permits:

- 1. Facility development plan**, which describes the detailed physical and operational components of the proposed facility and includes technical information on the installation and deployment activities and methods, structures, easements, vessels, and construction schedule.
- 2. Contingency plan**, which describes how facility operator will respond to emergencies caused by a structural or equipment failure due to human error, weather, geologic or other natural event.
- 3. Inspection plan**, which describes the routine inspection program to ensure mechanical, structural and operational integrity of facilities.

4. Monitoring plan

Applicants must provide pre-project environmental baseline inventories and assessments and monitoring of ocean uses when little is known about the effects on marine and estuarine ecosystems, renewable resource uses, and coastal communities, or when the technology involved is likely to change. ([WAC 173-26-360\(7\)\(v\)](#))

A monitoring plan provides for a standardized program to assess for potential impacts identified by the inventory and effects evaluation and the performance of measures designed to minimize impacts (Chapter 5: WCMAC 1.2.10). Impacts of particular concern to address, where applicable, include:

- An invasive species prevention, monitoring, and control plan for projects that pose a risk for invasive species introductions. (Chapter 5: WCMAC 1.3.4)
- A plan to monitor structures for fishing gear and other debris entanglement, and a plan to mitigate impacts. (Chapter 5: WCMAC 1.2.7 and WCMAC 1.2.10)
- For aquaculture facilities: prevention, monitoring, and response plans that address escapement, disease, and nutrient pollution. (Chapter 5: WCMAC 2.1.1)

Monitoring shall be sufficient to accurately document and quantify the short-term and long-term effects of the actions on the affected resources and uses. At a minimum, monitoring plans shall describe:

- a. Specific study objectives and methods, including collection of baseline data, hypotheses tested, field sampling and data analysis, and controls (such as control sites).
- b. Documentation that study design is scientifically appropriate and adequate to address objectives.

- c. Methods for reporting and delivering data and analyses to agencies and for public involvement in review of monitoring activities.

5. Adaptive management plan, which provides a mechanism for incorporating new information and findings into the operation and management of the project. The plan shall describe processes for applying adaptive measures. When monitoring results indicate standards are not being met, adaptive measures designed to bring the operation into compliance will be applied to operation of the project (Chapter 5: WCMAC 1.2.10).

6. Decommissioning plan

An applicant must demonstrate that “plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed” ([RCW 43.143.030\(2\)\(g\)](#)). The decommissioning plan⁶⁰ must include:

- a. A proposed schedule and description of removal methods.
- b. Plans for disposing of the removed facilities.
- c. The resources, conditions, and uses that could be affected by the decommissioning activities and methods for minimizing impacts to renewable ocean uses such as fishing ([WAC 173-26-360\(7\)\(y\)](#)).
- d. Mitigation to protect sensitive resources during decommissioning
- e. Use of new information and new technologies about environmental impacts to ensure state-of-the-art technology and methods are used ([WAC 173-26-360\(7\)\(h\)](#)).
- f. Methods to survey area after removal to determine any effects on marine life and habitats.
- g. Rehabilitation measures to restore seabed to original state to the maximum extent feasible ([WAC 173-26-360\(7\)\(y\)](#)).

7. Financial assurance plan

The applicant shall provide a financial assurance compliance plan that describes how the holder will comply with the state requirements for financial assurance. The plan must assure insurance, bonds or other financial securities are adequate to address:

- a. Decommissioning and rehabilitation of the site.
- b. Compensatory mitigation for adverse environmental effects of the project.
- c. “the effects of planned and unanticipated closures, completion of the activity, reasonably anticipated disasters, inflation, new technology, and new information about the environmental impacts to ensure that state of the art technology and methods are used” (Chapter 5: WCMAC 1.2.9 and [WAC 173-26-360\(7\)\(h\)](#)).

When applicable, the Washington State Department of Natural Resources (DNR) has authority to require financial security based on the cost of enforcing terms and conditions for leases of state-owned aquatic lands ([RCW 79.105.330](#) and [WAC 332-30-122](#)).

⁶⁰ Discontinuance or shutdown of oil and gas, mining or energy producing ocean uses should be done in a manner that minimizes impacts to renewable resource ocean uses such as fishing, and restores the seabed to a condition similar to its original state to the maximum extent feasible. ([WAC 173-26-360\(7\)\(y\)](#))

4.8 State Standards Specific to New Use Type⁶¹

Since different uses may generate different impacts, this section provides the additional existing state requirements, standards, and recommendations that are specific to particular types of new ocean uses⁶² based on their potential effects to specific coastal resources or uses, including offshore aquaculture, energy production, ocean mining, and ocean disposal. The list in Table 4.8-1 does not include federal authorizations or requirements for these activities.

⁶¹ This does not include comprehensive requirements affiliated with every state or local permit. This section does not address any requirements related to tribal or federal governments and authorities.

⁶² Existing ocean use regulations in WAC 173-26-360 provide standards specific to uses such as ocean research, ocean salvage, transportation and oil and gas activities. While the MSP does not examine these particular activities in detail, the Management Framework provides initial guidance to assist with evaluating the effects of any new ocean use that may trigger ORMA and its regulations. As noted earlier, this may include projects in the shorelines directly adjacent to the MSP Study Area.

Table 4.8-1: Additional state requirements specific to new use type

Ocean Use	Definition	Effects Evaluation	Use-Specific Standards	Other related recommendations or requirements
Offshore aquaculture	Any new aquaculture operation within the MSP Study Area, yet outside of the coastal estuaries. ⁶³	Assess the risk of pesticide controls (Ch.5: WCMAC 2.1.4) Assess the risk of species escapement.	Avoid and minimize impacts to pinnipeds, cetaceans, sharks and other species through facility design, siting and operation. (Chapter 5: WCMAC 2.1.2)	Deny permits for offshore aquaculture facilities with species that pose a significant risk of introducing disease, impairing fish health, or potentially introducing genetic pollution into the area, in accordance with WAC 220-370-100 . ⁶⁴ (Ch. 5: WCMAC 2.1.3)
Ocean mining	Ocean mining includes such uses as the mining of metal, mineral, sand, and gravel resources from the sea floor. (WAC 173-26-360(9))	Assess effects on beach and sediment processes.	Located and operated to: <ul style="list-style-type: none"> • Avoid detrimental effects on ground fishing or other renewable resource uses. • Avoid detrimental effects on beach erosion or accretion processes. (WAC 173-26-360(9)(a)(b)) 	Consider habitat recovery rates in reviewing permits. (WAC 173-26-360(9)(c))
Energy production	Energy production uses involve the production of energy in a usable form directly in or on the ocean, rather than extracting a raw material that is transported elsewhere to produce energy in a readily usable form. (WAC 173-26-360(10))	Assess effects on upwelling and other oceanographic and ecosystem processes. (WAC 173-26-360(10)(b))	Located, constructed, and operated in manner that: <ul style="list-style-type: none"> • Has no detrimental effects on beach accretion or erosion and wave processes • Located in existing utility rights of way and corridors whenever feasible, rather than creating new corridors (associated distribution facilities)(WAC 173-26-360(10)(c)) 	

⁶³ Such new offshore operations may involve cultivation of marine organisms such as fish, shellfish, or aquatic vegetation using platforms, nets, lines, cages, or other structures.

⁶⁴ [WAC 220-370-100](#): A permit may be denied based on the determination by the director (of Washington Department of Fish and Wildlife) of significant genetic, ecological or fish health risks of the proposed fish rearing program on naturally occurring fish and wildlife, their habitat or other existing fish rearing programs.

Ocean Use	Definition	Effects Evaluation	Use-Specific Standards	Other related recommendations or requirements
Ocean disposal	Ocean disposal uses involve the deliberate deposition or release of material at sea, such as solid wastes, industrial waste, radioactive waste, incineration, incinerator residue, dredged materials, vessels, aircraft, ordnance, platforms, or other man-made structures. (WAC 173-26-360(11))	Habitat enhancement.	Sites: <ul style="list-style-type: none"> • Located and designed to prevent, avoid, and minimize adverse impacts on environmentally critical and sensitive habitats, coastal resources and uses, or loss of opportunities for mineral resource development. • Sites for which the primary purpose is habitat enhancement may be located in a wider variety of habitats. (WAC 173-26-360(11)(c)) 	<ul style="list-style-type: none"> • Storage, loading, transporting, and disposal of materials shall be done in conformance with local, state, and federal requirements for protection of the environment. • Allowed only in sites that have been approved by Ecology, DNR, US EPA, and US Army Corps of Engineers, as appropriate. (WAC 173-26-360(11)(b)) • Sited in areas where the (dredge) disposal will provide beneficial use to the greatest extent possible. (Chapter 5: WCMAC 1.2.2)
Ocean salvage	Ocean salvage uses share characteristics of other ocean uses and involve relatively small sites occurring intermittently. Historic shipwreck salvage, which combines aspects of recreation, exploration, research, and mining, is an example of such a use. (WAC 173-26-360(14))		Non-emergency ocean salvage: <ul style="list-style-type: none"> • Conducted in a manner that minimizes adverse impacts to the coastal waters environment and renewable resource uses such as fishing. • Not be conducted in areas of cultural or historic significance unless part of a scientific effort sanctioned by appropriate governmental agencies. (WAC 173-26-360(14)(a)(b)) 	

Ocean Use	Definition	Effects Evaluation	Use-Specific Standards	Other related recommendations or requirements
Oil and gas uses and activities	Oil and gas uses and activities involve the extraction of oil and gas resources from beneath the ocean. ⁶⁵ (WAC 173-26-360(8))		<p>Sites:</p> <ul style="list-style-type: none"> • When feasible, facilities located and designed to permit joint use in order to minimize adverse impacts to coastal resources and uses and the environment. • Upland disposal of oil and gas construction and operation materials and waste products such as cuttings and drilling muds should be allowed only in sites that meet applicable requirements. <p>(WAC 173-26-360(8)(a)(f))</p> <p>Facilities including pipelines should be located, designed, constructed, and maintained in conformance with applicable requirements, but should at a minimum ensure adequate protection from geological hazards such as liquefaction, hazardous slopes, earthquakes, physical oceanographic processes, and natural disasters. (WAC 173-26-360(8)(e)).</p>	<p>Special attention to:</p> <ul style="list-style-type: none"> • The availability and adequacy of general disaster response capabilities in reviewing ocean locations for oil and gas facilities. • The response times for public safety services such as police, fire, emergency medical, and hazardous materials spill response services in providing and reviewing onshore locations for oil and gas facilities. • Adequacy of plans, equipment, staffing, procedures, and demonstrated financial and performance capabilities for preventing, responding to, and mitigating the effects of accidents and disasters such as oil spills. If a permit is issued, it should ensure that adequate prevention, response, and mitigation can be provided before the use is initiated and throughout the life of the use. (WAC 173-26-360(8)(c))

⁶⁵Note: [RCW 43.143.010\(2\)](#) prohibits leasing of Washington’s state waters for oil or gas exploration, development or production.

Ocean Use	Definition	Effects Evaluation	Use-Specific Standards	Other related recommendations or requirements
Transportation	Ocean transportation includes such uses as: shipping, transferring between vessels, and offshore storage of oil and gas; transport of other goods and commodities; and offshore ports and airports. Addresses transportation activities that originate or conclude in Washington's coastal waters or are transporting a nonrenewable resource extracted from the outer continental shelf off Washington. (WAC 173-26-360(12))	Assess impact on renewable resource activities such as fishing and on environmentally critical and sensitive habitat areas, environmental and scientific preserves and sanctuaries. (WAC 173-26-360(12)(a))	Siting: <ul style="list-style-type: none"> When feasible, hazardous materials such as oil, gas, explosives and chemicals, should not be transported through highly productive commercial, tribal, or recreational fishing areas. If no such feasible route exists, the routes used should pose the least environmental risk. Located or routed to avoid habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, migration routes of marine species and birds, marine sanctuaries and environmental or scientific preserves to the maximum extent feasible. (WAC 173-26-360(12)(b)(c))	
Ocean research	Ocean research activities involve scientific investigation for the purpose of furthering knowledge and understanding. ⁶⁶ (WAC 173-26-360(13))		<ul style="list-style-type: none"> Located and operated in a manner that minimizes intrusion into or disturbance of the coastal waters environment consistent with the purposes of the research and the intent of the general ocean use guidelines Completed or discontinued in a manner that restores the environment to its original condition to the maximum extent feasible, consistent with the purposes of the research. (WAC 173-26-360(13)(c)(d)).	<ul style="list-style-type: none"> Complies with scientific collection requirements per RCW 77.12.047, if relevant. Encourage: <ul style="list-style-type: none"> Coordination with other ocean uses occurring in the same area to minimize potential conflicts. Public dissemination of ocean research findings. (WAC 173-26-360(13)(a)(e))

⁶⁶ WAC 173-26-360 also states: “Investigation activities involving necessary and functionally related precursor activities to an ocean use or development may be considered exploration or part of the use or development. Since ocean research often involves activities and equipment, such as drilling and vessels, that also occur in exploration and ocean uses or developments, a case by case determination of the applicable regulations may be necessary.” Furthermore, RCW 43.143.010(2) prohibits leasing of state waters for oil or gas exploration, development or production.

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Floodplain Management, [RCW 86.16](#) (2017). [Source type 5]

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