Determination of Nonsignificance (DNS)
For Nonproject Legislative Actions Pursuant to the Growth Management Act or Shoreline Management Act

Environmental Application Number: 973001 Project ID Number: 587736
Family Application Number(s): N/A
Parcel Number(s): N/A
Action: Locally initiated amendments to PCC Title 18S – Shoreline Master Program

Description: The lead agency proposes amendments to Pierce County Code (PCC) Title 18S:

1. The identification of 39 miles of marine shoreline areas in which prohibitions of piers and docks should be established.
2. New regulatory language that distinguishes between commercial aquaculture and aquaculture proposed as restoration.
3. Limited fencing allowances within shoreline buffers.
4. The incorporation of approved amendments to Pierce County Code Title 18E – Development Regulations – Critical Areas.
5. Clarifying that fill associated with pathways to the shoreline is not allowed in a floodplain.

Location: All unincorporated areas within the jurisdiction of the Pierce County Shoreline Master Program

Proponent(s): Pierce County Planning and Public Works

Pierce County, the lead agency for this proposal, has determined that it will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) will not be required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Pierce County has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under Chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Pierce County will not require any additional mitigation measures under SEPA.
There is no comment period for this DNS. Pierce County Code does not provide for an administrative appeal of non-land use legislative actions taken by the County Council. See WAC 197-11-680 for procedures regarding SEPA judicial appeals.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from issue date. Comments must be submitted within 14 days of the issue date. Appeals must be filed within 60 days following publication in the County paper of record for the approved ordinance.

Responsible Official: Melanie D. Halsan
Position/Title: Assistant Director, Planning and Public Works
Address: 2401 South 35th Street, Suite 2, Tacoma, WA 98409

Staff Contact: Dave Risvold, Biologist 3 – Shoreline Planning Supervisor
dave.risvold@piercecountywa.gov | (253) 798-7036

Issue Date: October 14, 2021

Appeal:
The Responsible Official has issued this Determination of Nonsignificance for a nonproject action, which may be appealed under the State Environmental Policy Act (SEPA). RCW 43.21C.075. In some cases, the SEPA appeal must be combined with any appeal of the underlying governmental action pursuant to RCW 43.21C.075(2)(a). SEPA appeals associated with legislative actions taken by the Pierce County Council pursuant to the requirements of the Growth Management Act or Shoreline Management Act must be appealed to the Growth Management Hearings Board. PCC 1.22.080.B.1.k and RCW 36.70A.280(1)(a). The appeal must be filed with the Growth Management Hearings Board within 60 days following publication in the County paper of record for the underlying governmental action pursuant to RCW 36.70.290(2) and WAC 242-03-200. Review Practicing Before the Growth Management Hearings Board Handbook for additional information on the appeal process.

Note: The issuance of this Determination of Nonsignificance does not constitute approval. The applicant must comply with all other applicable requirements of Pierce County, federal, and state agencies.

Pierce County Online Permit Information:
https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentStatus?applPermitId=973001
October 14, 2021

RE: Locally initiated amendments to PCC Title 18S – Shoreline Master Program
Environmental Application Number: 973001

To Whom It May Concern:

Enclosed/attached you will find a Determination of Nonsignificance (DNS) issued by Pierce County on the above referenced proposal.

The DNS is being sent to interested persons/groups, agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, in accordance with WAC 197-11-340.

This proposal will be reviewed by the Pierce County Planning Commission at the upcoming November 4, 2021 Planning Commission meeting. The agenda and meeting materials can be found on the Planning Commission Website within one week of the meeting: https://www.piercecountywa.gov/5944/Planning-Commission. Please note, this meeting will be held via Zoom.

Sincerely,

Dave Risvold
Biologist 3 – Shoreline Planning Supervisor

DR:sw
10 Title 18S SMP DNS-DR.docx

Enclosure/Attachment
c: Pierce County Parks / Kimberly Freeman, Resource Stewardship Supt
   Pierce County PPW Surface Water Management / Anne-Marie Marshall-Dody, Planning Manager
   Pierce County PPW Sewer / Cassandra Moore, Planning and Program Manager
   Pierce County PPW Transportation Planning / Jesse Hamashima, Planning Manager
   Pierce County PPW Sustainable Resources / Ryan Dicks, Sustainable Resources Administrator
   Tacoma-Pierce County Health Department / Leigh McIntire
   Muckleshoot Indian Tribe / Krongthip Sangkapreecha, Planning Director
   Nisqually Indian Tribe / Joe Cushman, Planning and Economic Development Director
Puyallup Indian Tribe / Andrew Strobel, Tribal Land Use Director
Snoqualmie Tribe / Cindy Spiry, Environmental and Natural Resources Director
Squaxin Island Indian Tribe / Penni Restivo, Director of Planning and Community Development
Washington Department of Transportation / SEPA Review
Washington Department of Ecology / SEPA Register
PIERCE COUNTY
NOTICE OF DETERMINATION OF NONSIGNIFICANCE

Locally initiated amendments to PCC Title 18S – Shoreline Master Program
Pierce County Planning and Public Works
Application: 973001

Notice is hereby provided in accordance with WAC 197-11 that Pierce County has issued a Determination of Nonsignificance (DNS) on the following proposal:

The lead agency proposes amendments to Pierce County Code (PCC) Title 18S: the identification of 39 miles of marine shoreline areas in which prohibitions of piers and docks should be established, new regulatory language that distinguishes between commercial aquaculture and aquaculture proposed as restoration, limited fencing allowances within shoreline buffers, the incorporation of approved amendments to Pierce County Code Title 18E – Development Regulations – Critical Areas, and clarifying that fill associated with pathways to the shoreline is not allowed in a floodplain.

Pierce County, acting as lead agency, has determined that the proposal will not result in significant adverse impacts on the environment. An Environmental Impact Statement (EIS) will not be required. This decision was made after the review of a completed environmental checklist and other information on file. This information is available to the public on request.

This DNS is issued under WAC 197-11-340(2). Pierce County may not act on this proposal prior to October 29, 2021. Comments must be submitted by close of business on October 28, 2021.

This proposal will be reviewed by the Pierce County Planning Commission at the upcoming November 4, 2021 Planning Commission meeting. The agenda and meeting materials can be found on the Planning Commission Website within one week of the meeting: https://www.piercecountywa.gov/5944/Planning-Commission. Please note, this meeting will be held via Zoom.

The Responsible Official has issued this Determination of Nonsignificance for a nonproject action, which may be appealed under the State Environmental Policy Act (SEPA). RCW 43.21C.075. In some cases, the SEPA appeal must be combined with any appeal of the underlying governmental action pursuant to RCW 43.21C.075(2)(a). SEPA appeals associated with legislative actions taken by the Pierce County Council pursuant to the requirements of the Growth Management Act or Shoreline Management Act must be appealed to the Growth Management Hearings Board. PCC 1.22.080.B.1.k and RCW 36.70A.280(1)(a). The appeal must be filed with the Growth Management Hearings Board within 60 days following publication in the County paper of record for the underlying governmental action pursuant to RCW 36.70.290(2) and WAC 242-03-200. Review Practicing Before the Growth Management Hearings Board Handbook for additional information on the appeal process.
Dear Reviewer,

Attached is a Determination of Nonsignificance for the following proposal:

The lead agency proposes amendments to Pierce County Code (PCC) Title 18S: the identification of 39 miles of marine shoreline areas in which prohibitions of piers and docks should be established, new regulatory language that distinguishes between commercial aquaculture and aquaculture proposed as restoration, limited fencing allowances within shoreline buffers, the incorporation of approved amendments to Pierce County Code Title 18E – Development Regulations – Critical Areas, and clarifying that fill associated with pathways to the shoreline is not allowed in a floodplain.

You may contact Dave Risvold, Shoreline Planning Supervisor, at (253) 798-7036 or dave.risvold@piercecountywa.gov, with any questions.

Thank you,

Stacy Weaver
OAIL
Planning & Public Works | Land Use Environmental Review
(253) 798-3292 | stacy.manthou@piercecountywa.gov
SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:
Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:
This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:
Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:
For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements – that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable:
   Locally initiated amendments to PCC Title 18S – Shoreline Master Program

2. Name of applicant: Pierce County Planning and Public Works - Land Use and Environmental Review Division
3. Address and phone number of applicant and contact person:
Dave Risvold, Biologist 3 - Shoreline Planning Supervisor.
Dave.risvold@piercecountywa.gov  (253) 798-7036

4. Date checklist prepared: October 13, 2021

5. Agency requesting checklist: Pierce County Planning and Public Works

6. Proposed timing or schedule (including phasing, if applicable). Describe the planning process schedule/timeline.
Planning Commission Hearing – November 4, 2021
Community Development Hearing – ______ -2021 (exact date is TBD)
County Council Adoption – _____ 2021 (exact date is TBD)
WA State Dept. of Ecology Hearing - _____2022 (exact date is TBD)

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
The next comprehensive update to the shoreline master program is scheduled for 2027. Periodic updates, such as this, may happen in the interim.
There is currently a separate update being pursued by the County Surface Water Management section, related to requirements imposed by the Federal Emergency Management Agency

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
None.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
There is currently a separate update being pursued by the County Surface Water section, related to requirements imposed by the Federal Emergency Management Agency. That update affects the County critical areas regulations, which have been adopted by reference into PCC18S.

10. List any government approvals or permits that will be needed for your proposal, if known.
Pierce County Council approval of the proposed changes.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
The proposed action amends PCC18S: Development Regulations – Shorelines through:
1. Prohibiting additional pier and dock construction along key reaches of the marine shoreline areas. These prohibitions would occur where two or more of these three primary attributes are mapped within the Residential and Conservancy shoreline environments: 1) feeder bluffs and erosive high bank
shorelines, 2) shallow beach slope, and 3) higher energy offshore tidal currents. This impacts approximately 39 miles of marine shoreline in unincorporated Pierce County.

2. Easing the permitting requirements for non-commercial aquaculture that is intended to restore native fish and shellfish stocks. The current applications requirements do not distinguish between Commercial aquaculture and those focused on restoration or species recovery. The proposed amendment acknowledges the differences between these two types of aquaculture projects and reduces the permitting requirements for restoration and enhancement projects.

3. Provides fencing allowances within shoreline buffer and setback area. The current SMP does not include bulk standards related to fencing. The proposal restricts the height of new fences to 4 feet tall, identifies that it must be landward of ordinary high water or in the case of Lake Tapps a specific elevation level, where a fence may be placed, causes no loss of trees and confirms to specific disturbance allowances.

4. Incorporating previously approved amendments to Pierce County Code Title 18E – Development Regulations – Critical Areas. The Pierce County Critical Area regulations are incorporated into the Shoreline Master Program (SMP) through reference. For amendments to the the Critical Area regulations to be implemented within the Shoreline jurisdiction, these amendments are required to be noticed as SMP amendments and approved by the Department of Ecology. This proposal implements amendments to the Critical Area regulations adopted by the County through Pierce County Ordinances 2018-68s, 2019-59, and 2020-49. These amendments 1) clarify that, for wetland buffers for wetlands that score moderate or high for habitat, the width of the buffer around the wetland can be reduced if specific conditions are met 2) specifies that no unauthorized vehicles, construction materials, fuel, or other materials shall be allowed in the tree protection area related to Priority Oregon White Oak Woodlands, 3) clarify the modification to buffer width requirements for lakes by specifying screening and/or vegetation will be provided to the extent necessary to ensure aesthetic quality using approved native and drought tolerant vegetation, 4) clarifies that regulated activities related to Forage Fish Spawning and Herring Holding Areas waterward of the ordinary high-water mark, in areas of confirmed spawning habitat, are not prohibited, but instead, temporarily suspended during spawning periods, 5) acknowledges that invasive and native eelgrass exist within the Pierce County marine waters, and clarifies that only native eelgrass is protected, and 6) the required undisturbed area widths for Shellfish Aquaculture is reduced down to 16 feet.

5. Making one change to PCC 18S 30.030, necessary to stay in compliance with the National Flood Insurance Program. PCC 18S.30.030 E4 would be amended to clarify that fill is not allowed in a floodplain.

12. Location of the proposal. Describe the jurisdiction or area where the proposal is applicable. (Attach a map(s) if appropriate). Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

All items are limited to areas subject to the County Shoreline Master Program, within unincorporated Pierce County.

13. OPTIONAL: What is the legal authority for the proposal?
The Shoreline Management Act – RCW 90.58

14. OPTIONAL: Identify any other future nonproject actions believed necessary to achieve the objectives of this action.
None.

B. Environmental Elements [HELP]

Questions in part B that do not meaningfully contribute to analysis of the nonproject action have been omitted.

1. Earth [help]
General description of the site:
The proposed amendments apply within shoreline jurisdiction, which includes fresh and marine waters, and terrain of all types.

3. Water [help]
a. Surface Water: [help]
   1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The proposed amendments would apply within shoreline jurisdiction, which is that area generally within 200 feet of the ordinary high water of Puget Sound, lakes over 20 acres, and rivers and streams with 20 cfs mean annual flow.

5. Animals [help]
b. List any threatened and endangered species known to be on or near the site.

The shoreline environment is critical habitat for many threatened, endangered, and sensitive species

8. Land and Shoreline Use [help]
a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The ability of a private landowner to propose a pier and dock along approximately 39 miles of marine shoreline will be removed. This will increase the use pressure on public boat launches. The other amendments are not expected to affect adjacent properties
12. **Recreation**  [help]
b. Would the proposed project displace any existing recreational uses? If so, describe.

The restriction on new residential piers and docks along approximately 39 miles of marine shoreline would limit moorage of private vessels. The restriction would also maintain unimpeded access for recreational boating and water-based recreation. The other amendments are not expected to displace other existing recreational uses.

13. **Historic and cultural preservation**  [help]
d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

The area subject to the shoreline master program is rich with cultural resources. The restriction on new residential piers and docks would minimize impacts to these resources.

C. **Signature**  [HELP]
The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  
Name of signee  
Position and Agency/Organization  
Date Submitted:  

D. **Supplemental sheet for nonproject actions**  [HELP]

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The changes would result in no such impacts, and in no new activities not previously considered as part of the County’s comprehensive shoreline master program update approved by The
Department of Ecology (Ordinance 2013-45s4). The changes would reduce the likelihood of impacts to the marine environment through greater restrictions on overwater structures.

Proposed measures to avoid or reduce such increases are:
None proposed, no negative impacts identified.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The impacts of overwater structures upon shoreline function are well documented. Greater restrictions on these features provides greater protection to the shoreline. The proposed changes in regards to aquaculture are intended solely to facilitate aquaculture as restoration and, as such, are not expected to adversely affect habitat or wildlife. The incorporation of standards for fences has no bearing on the potential for adverse impacts from fences – which are addressed through the existing mitigation sequencing requirements of PCC18S.

Amendments 1-3, related to Title 18E, are not expected to affect plants or animals. Amendments 4-6, related to Title 18E, were made at the direction of the Growth Management Hearings Board, Case No.18-3-0013c

Proposed measures to protect or conserve plants, animals, fish, or marine life are:
None proposed.

3. How would the proposal be likely to deplete energy or natural resources?
They would not be likely to do so.

Proposed measures to protect or conserve energy and natural resources are:
None proposed, no negative impacts identified.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?
The proposed changes are expected to have either no effect (positive or negative) or a beneficial effect.

Proposed measures to protect such resources or to avoid or reduce impacts are:
None proposed.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?
The proposed changes would not allow for uses incompatible with existing plans. The restrictions on piers and docks does affects land use in the sense that it affects the ability of shoreline property
owners to have overwater structures. This does not represent an incompatibility with existing plans, however.

Proposed measures to avoid or reduce shoreline and land use impacts are:
None proposed.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?
Greater restrictions on piers and docks would necessitate the use of public access sites for purposes of launching boats. This could result in greater use pressure on those sites.

Proposed measures to reduce or respond to such demand(s) are:
None proposed.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.
No conflicts are identified.