

PRO500-f: Determining When to Use the Shoreline Exemption Law

See also: [Environmental Manual – Chapter 500](#)

Effective April 2018

Start procedure: Environmental Coordinator determines that proposed project or an activity (proposed work) is within 200 feet of shoreline jurisdiction.

End procedure: Either the Environmental Office decides to use the existing local jurisdiction’s shoreline process or (if using the new shoreline exemption process) the Environmental Coordinators prints and sends the notification letters prior to the project’s ad date to comply with [RCW 90.58.356\(3\)](#) .

Actor:	Action:
<p>Environmental Coordinator who consults with supervisor/manager</p>	<ol style="list-style-type: none"> 1. Determines that proposed work is within 200 feet of shoreline jurisdiction. 2. Reviews RCW 90.58.356 to determine if the proposed work meets the maintenance, repair, replacement or safety definitions and conditions. <ul style="list-style-type: none"> • If yes, go to step 3. • If no, use the existing local jurisdiction’s shoreline review process. <p>Note: If you are uncertain that the proposed work meets the criteria, please consult with the ESO Permitting Compliance Program.</p> 3. Determines if the construction cost of the proposed work is < 1 million or > 1 million. Note: The cost includes the total cost of the project, not just the work within shoreline jurisdiction. It also includes all segments of a project, such as countywide or region wide preservation work. <ul style="list-style-type: none"> • If < 1 million, the work is eligible under the new exemption and no notification letters or local shoreline reviews are required under RCW 90.58.356(3). • If > 1 million, go to step 4.
<p>Region/Mode Environmental</p>	<ol style="list-style-type: none"> 4. Determines which process is more efficient to use. The existing or the new shoreline process project as defined in RCW 90.58.355 and 90.58.356.

<p>Manager or Supervisor</p>	<p>Criteria to consider:</p> <ul style="list-style-type: none"> ○ Which process uses fewer resources (staff time and fees)? ○ How many property owners are within or 200 feet from the shoreline jurisdiction? ○ What type of shoreline approval is needed and what is the local agencies permit application process? ○ Will using the existing process delay the project’s AD date? <ul style="list-style-type: none"> ● If the existing process is selected, stop here and follow the local jurisdiction’s typical shoreline review process. ● If the new process is selected, go to step 5.
<p>Environmental Coordinator</p>	<p>5. Determines who must receive notice to meet requirements of RCW 90.58.356(3).</p> <ul style="list-style-type: none"> ● Agencies with jurisdiction include federal and state permitting agencies. The Ecology regional planner needs to receive a notice. ● Be sure to notify agencies with facilities or services (utility companies, PUDs, ports, transit systems, and schools) that may be impacted by the proposed work. ● We are only required to notify adjacent property owners within shoreline jurisdiction and also property owners 300 feet outside of shoreline jurisdiction. The county assessor’s office has the names and addresses of the property owners. Some counties provide this information on a GIS layer on a webpage. Be sure to follow your office’s policy for obtaining property owner information for SEPA checklists and permit applications. <p>6. Creates mailing list and generates letters. Recommended procedure is to use the Excel spreadsheet and the template notification letter that ESO created (available under SharePoint Environmental Coordinator Permitting Tools). This spreadsheet also has fields for project information to populate a template notification letter (mail merge). Instructions on how to merge information from the Excel spreadsheet into the template notification letter are available within the Excel spreadsheet.</p> <p>7. Prints and sends the notification letters prior to the project’s ad date to comply with RCW 90.58.356(3).</p>