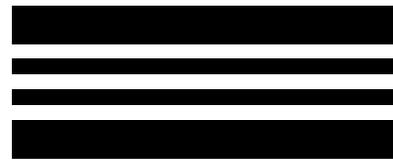


Landscape Architect Law Summary Review



24981-SUPPORTING

Use this summary to submit your review of the following laws related to landscape architecture:

- Growth Management Act
- State Environmental Policy Act
- Endangered Species Act, Shoreline Management Act
- The Law Relating to Landscape Architects

The applicable sections for each law are attached. The complete laws can be accessed at dol.wa.gov.

Check one:

- I have already paid the \$450 initial two-year license fee.

Send your completed summary review to:

Board of Licensure for Landscape Architects
Department of Licensing
PO Box 9045
Olympia, WA 98507

- I am attaching the \$450 initial two-year license fee.

Send this summary review and a check or money order for \$450, payable to the Department of Licensing, to:

Board of Licensure for Landscape Architects
Department of Licensing
PO Box 35001
Seattle, WA 98124-3401

PRINT or TYPE Name (<i>Last, First, Middle</i>)			
Street address			
City	State	ZIP code	County
(Area code) Daytime telephone number	email address		

Growth Management Act

Chapter 36.70A, 36.70B RCW

What is the purpose of the Growth Management Act? (36.70A.010)

The Growth Management Act (GMA) was passed by the State legislature to ensure that public interests are considered and protected in the course of land development for the following primary purposes:

- To prevent damage to the environment
- To ensure economic vitality
- To encourage coordination between citizens and government in the development of Comprehensive Land Use Plans

Who is governed by the GMA? (36.70A.040)

- Counties (and cities within) with populations of 50,000 or more and a population increase by more than 10% in the previous 10 years (until May 16,1995) or a population increase of more than 17% in the previous 10 years (after May 16,1995)
- Any county (and city within) with a population increase of more than 20% in the previous 10 years

How is the GMA enforced? (36.70A.060)

- Each county and city that falls within the GMA is required to adopt development regulations on or before September 1, 1991 to conserve and control impacts on agricultural, forest, and mineral resource lands.
- Regulations do not apply to legal uses existing prior to the adoption of development regulations.

How does growth management affect the environment? (36.70A.020)

GMA protects the environment through five primary planning goals:

- Establishment of urban growth boundaries—to encourage growth in urban areas with existing public facilities and services
- Reduction of sprawl—to discourage the inappropriate conversion of undeveloped lands
- Transportation—to encourage efficient multi-modal transportation systems bases on regional priorities in coordination with city and county Comprehensive Land Use plans
- Open space and recreation—to retain open space and increase access to open spaces and to conserve fish and wildlife habitat
- Environment—to protect the environment and enhance air and water quality standards

How does Growth Management relate to Landscape Architecture? (Chapter 18.96 RCW)

Persons using the title “Landscape Architect,” by State definition, “provide professional services such as consultations, investigations, reconnaissance, research, planning, design or teaching supervision in connection with the development of land areas...” with the dominant purpose being “the preservation, enhancement, or determination of proper land uses...” In order to provide those professional services, practitioners must be aware of the Growth Management Act and related planning documents that govern jurisdictions within the State of Washington.

The 13 planning goals (36.70A.020) are:

- | | |
|----------|-----------|
| 1. _____ | 7. _____ |
| 2. _____ | 8. _____ |
| 3. _____ | 9. _____ |
| 4. _____ | 10. _____ |
| 5. _____ | 11. _____ |
| 6. _____ | 12. _____ |
| | 13. _____ |

I understand Chapter 36.70A and 36.70B RCW.

Signed _____ Dated _____

State Environmental Policy Act
(Chapter 43.21C RCW)

What is the purpose of the State Environmental Policy Act? (43.21C.010)

The State Environmental Policy Act (SEPA) was passed to ensure that environmental values are considered during decision-making by state and local agencies for four primary purposes:

- To prevent damage to the environment
- To stimulate the health and welfare of mankind
- To enrich the understanding of ecological systems and natural resources
- To encourage harmony between human beings and their environment

What is required under SEPA? (43.21C.030 / 43.21C.060 / 43.21C.131 / 43.21C.110)

SEPA requires review by a government body to determine whether a proposal of legislation or other major action will significantly impact the environment. When required (based on a Determination of Significance –DS), an Environmental Impact Statement (EIS) by the government body must:

- Identify and evaluate probable impacts, alternatives, and mitigation measures
- Encourage public involvement in the process.
- Balance environmental values with cultural and economic values.
- Provide review consistently and efficiently to avoid project delays.
- Issue a formal decision as to whether a proposal will have one or more significant adverse environmental impact(s) for which mitigation cannot be easily identified.

How does SEPA protect the environment? (43.21C.031)

SEPA ensures that project proposals address environmental issues through the Environmental Impact Statement process which identifies significant environmental impacts and identifies significant alternatives including mitigation measures when appropriate. Mitigation seeks to avoid, reduce, or rectify adverse environmental impacts.

Who is governed by SEPA? (43.21C.020)

Any governmental entity that performs acts which may impact the environment, including the issuance of permits or the enactment of an ordinance or rule.

How does SEPA relate to Landscape Architecture? (Chapter 18.96 RCW)

Persons using the title “Landscape Architect,” by state definition, perform professional services in connection with the development of land areas where the dominant purpose is preservation, enhancement or determination of proper land uses. SEPA provides a legal framework within which landscape architects may perform work that is related to land development or resource management.

SEPA (RCW 43.21C.020) declares that the State of Washington in cooperation with federal and state governments and other concerned public and private organizations shall use all practicable means and measures, including financial and technical assistance in a manner calculated to:

1. _____
2. _____
3. _____

I understand Chapter 43.21C RCW.

Signed _____ Dated _____

Endangered Species Act of 1973

What is the purpose of the Endangered Species Act? (16 U.S.C. Sec. 1531)

The Endangered Species Act (ESA) was passed by the U.S. Congress to provide protection for various species of fish, wildlife, and plants for the following purposes:

- To prevent the extinction of endangered and threatened species by protection of the ecosystems upon which they depend
- To provide a conservation program for endangered and threatened species
- To meet requirements set by treaties or by conventions set forth in the ESA

Who is governed by the ESA? (16 U.S.C. Sec. 1538 and Sec. 1540)

The ESA prohibits any person from taking an endangered species within the United States or otherwise engaging in any of several listed actions that have been found to be detrimental to the continued viability of endangered species. A person may “take” an endangered species, and thereby violate the ESA, if the person engages in activities harmful to habitats where endangered species are found. Persons who violate the ESA are subject to civil and criminal penalties.

How is the ESA enforced? (16 U.S.C. Sec. 1532, Sec. 1533 and Sec. 1535)

The Secretary of the Interior lists species as endangered or threatened based on the best available scientific and commercial data (taking into account any protection efforts that are already underway). The Secretary may enter into agreements with individual states for the conservation of listed species. The Secretary is also responsible for designating critical habitat areas that are necessary for the conservation of a listed species and may require special protection.

How does the ESA protect the environment? (16 U.S.C., Sec. 1533, Sec. 1536 and Sec. 1538)

The ESA prohibits persons from engaging in certain actions if the actions will have a detrimental effect on an endangered species. The Secretary’s critical habitat designations serve to protect land that is especially critical to the preservation of threatened or endangered species. Federal agencies are prohibited from authorizing, funding, or engaging in actions that would adversely affect a critical habitat unless an exemption is granted.

How does ESA relate to Landscape Architecture? (Chapter 18.96 RCW)

Persons using the title “Landscape Architect,” by state definition, perform professional services in connection with the development of land where the dominant purpose of such services includes the preservation and enhancement of natural land features. Preservation of natural land features is a common objective in the protection of habitat required by ESA. Landscape architects protect habitat through proper site planning to avoid impact to natural features and through proper application of grading and planting techniques that promote water quality and preserve existing vegetation. Landscape architects working in cooperation with other professionals in animal and plant biology, geology, forestry, soil science, engineering, architecture create a means for land development within the context of the ESA. The state of Washington is particularly affected by conditions associated with the ESA listing of native salmon species.

The Endangered Species Act (16 U.S.C. Sec. 4(a)(1)) states that the Secretary shall by regulation promulgated in accordance with subsection (b) determine whether any species is an endangered species or a threatened species because of any of the following factors:

1. _____
2. _____
3. _____
4. _____
5. _____

I understand the Endangered Species Act of 1973 (Section 2-17).

Signed _____ Dated _____

Law Relating to Landscape Architects

(Chapter 18.96 RCW)

What is the purpose of the Landscape Architect Law? (18.96.010, 18.96.030)

The purpose of the Law relating to Landscape Architects in the state of Washington is to define the title "Landscape Architect" and control the use of that title so that it is exclusive to competent practitioners for the purpose of safeguarding human health and property and to promote the public welfare.

Who is regulated by the Law? (18.96.020)

Anyone providing professional services within the state of Washington under the professional title of "Landscape Architect."

What is required under the Law? (18.96.040, 18.96.060, 18.96.070, 18.96.090)

The law requires examination through the State of Washington Department of Licensing and a five-member board consisting of four actively practicing landscape architects and one member of the general public. The Department of Licensing is responsible to administer licensure to qualified professionals and to oversee the examination process as a means to establish and maintain a consistent baseline for competency. Members of the board serve at the request of the Governor to make recommendations to the Department of Licensing relating to the regulation of the profession, to approve candidates for licensure and to review, conduct hearings, and rule on alleged violations of the Landscape Architect Law.

How does the Law relating to Landscape Architects protect the environment?

(18.96.030, 18.96.070, 18.96.090)

The Landscape Architect Law in the state of Washington sets a standard for competency for any person using the title "Landscape Architect" for hire to provide professional services. The standard for competency includes examination with special reference to site planning and land design, landscape construction materials and methods, grading and drainage, specifications and plant materials suited for use in the northwest, subdivision, urban design, and a practical knowledge of botany and horticulture. Licensure as a means for identifying professionals meeting the required qualifications ensures a level of competency that promotes public welfare and safeguards human health and property. Land development and land management issues commonly handled by landscape architects require environmental protection as an integral component in promoting the health, safety, and welfare of the citizens of the state of Washington.

RCW 18.96.120 says the Director may refuse to renew, or may suspend or revoke, a certificate of registration to use the titles landscape architect or landscape architecture or landscape architectural in this state on the following grounds:

1. _____
2. _____
3. _____
4. _____
5. _____

I understand 18.96 RCW.

Signed _____ Dated _____

Shoreline Management Act of 1971

(Chapter 90.58 RCW)

What are the purposes of the Shoreline Management Act? (90.58.020)

The Shoreline Management Act was passed by the state legislature based on the finding that shorelines of the state are among the most valuable and fragile of its natural resources and regulation of shorelines is in the best interest of the citizens for the following primary purposes:

- To protect the public interest
- To coordinate governmental regulation, management and development of shorelines of the state
- To prevent ecological/environmental harm caused by uncoordinated development

Who is regulated by the Shoreline Management Act? (90.58.030, 90.58.140)

Any person or persons undertaking development on the shorelines of this state. A person or persons may not undertake substantial development without first obtaining a permit. Substantial development is defined as development exceeding two thousand five hundred dollars or any development that materially interferes with the normal public use of the water or shorelines of the state.

What does the Shoreline Management Act require? (90.58.090)

The Shoreline Management Act establishes a cooperative program of shoreline management between local government and the state. Local government has responsibility for initiating planning and for administering regulations. The state Department of Ecology (DOE) acts primarily in a support and review capacity. The Act establishes a permit requirement for substantial developments. Permits are issued by the governmental authority having jurisdiction under RCW Chapter 90.58, and are based on compliance with adopted and approved master program documents submitted by local governments for all shorelines of the state within their jurisdiction. Master programs are subject to public comment in the process of approval/adoption by the DOE and, when adopted, constitute enforceable use regulations and are used by both state and local governments to control any proposed action within a state shoreline area.

How does the Shoreline Management Act protect the environment? (90.58.020, 90.58.100)

The Shoreline Management Act protects against adverse effects to public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation. Master program documents must include a conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection.

How does the Shoreline Management Act relate to landscape architecture? (Chapter 18.96 RCW)

Persons using the title "Landscape Architect," by state definition, perform services in connection with the development of land areas with the dominant purpose being "the preservation, enhancement, or determination of proper land uses..." This service requires that practitioners be aware of and comply with the Shoreline Management Act, related shoreline master program regulations and permit requirements.

The Shoreline Management Act (90.58.020) directs the development of master programs for shorelines of statewide significance with preference to uses in the following order:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

I understand chapter 90.58 RCW.

Signed _____ Dated _____