

Merrill, Hannah

From: pearl hewett [REDACTED]
Sent: Saturday, October 08, 2011 2:27 PM
To: zSMP; Sue Forde; Lois Perry
Cc: Marv Chastain; Sandy Collins; earnest spees; Ross Krumpke; Jo Anne Estes
Subject: CLALLAM COUNTY PUBLIC PARTICIPATION STRATEGY
Attachments: FUTUREWISE.pdf

TO WHOM IT MAY CONCERN

I submit this as my comment on
CLALLAM COUNTY SMP UPDATE PUBLIC PARTICIPATION STRATEGY
Clallam County Shoreline Master Program Update

WHO IS FUTUREWISE? (see attachment)

Pearl Rains Hewett Trustee
George C. Rains Sr. Estate
Member SMP Advisory Committee

Who did Hannah Merrill contact FIRST?

Starting on Feb. 9, 2010, nearly one year before the first SMP Public Forum on Jan 26, 2011, the following organizations and individuals were contacted in chronological order to give their impute on,

CLALLAM COUNTY SMP UPDATE PUBLIC PARTICIPATION STRATEGY

- 1. CLALLAM COUNTY DEMOCRATIC CHAIRMAN February 09, 2010 7:24 PM**
- 2. FUTUREWISE February 24, 2010 4:20 PM**
- 3. QUILEUITE NATION, March 04, 2010 2:25 PM**
- 4. CLALLAM MARINE RESOURCE COMMITTEE March 08, 2010 11:15 AM**
- 5. DOE DEPARTMENT OF ECOLOGY March 09, 2010 4:04 PM**
- 6. WASHINGTON STATE DNR November 08, 2010 11:59 AM**

(1) CLALLAM COUNTY DEMOCRATIC CHAIRMAN

From: John Marrs [clallamdemchair@gmail.com]

Sent: Tuesday, February 09, 2010 7:24 PM

To: Merrill, Hannah Subject:

Re: SMP Public Participation Strategy

(2) WHO IS FUTUREWISE? (see attachment)

From: Dean Patterson [Dean@futurewise.org]

Sent: Wednesday, February 24, 2010 4:20 PM

To: Merrill, Hannah; Merrill, Hannah

Subject: Futurewise comments on

Clallam SMP Public Participation Strategy

(3) QUILEUITE NATION

From: Katie Krueger [katie.krueger@quileutenation.org]
Sent: Thursday, March 04, 2010 2:25 PM
To: Merrill, Hannah
Cc: mel.moon@quileutenation.org; 'Kris Northcut'; frank.geyer@quileutenation.org
Subject: Shoreline Master Program for Clallam
Attachments: SMP-DRAFT-
PublicParticipation Strategy FEB-8-2010+.pdf

(4) CLALLAM MARINE RESOURCE COMMITTEE

From: Lyn Muench [REDACTED]
Sent: Monday, March 08, 2010 11:15 AM
To: Merrill, Hannah
Subject: Re: Comment period extended -
SMP Update Public Participation Strategy

(5) DOE DEPARTMENT OF ECOLOGY

From: Stewart, Jeff R. (ECY) [jste461@ECY.WA.GOV]
Sent: Tuesday, March 09, 2010 4:04 PM
To: Merrill, Hannah
Subject: RE: Comment period extended -
SMP Update Public Participation Strategy

(6) WASHINGTON STATE DNR

From: AMIOTTE, LALENA (DNR) [Lalena.Amiotte@dnr.wa.gov]
Sent: Monday, November 08, 2010 11:59 AM
To: Merrill, Hannah
Cc: FLORES, HUGO (DNR)
SMP Update Public Participation Strategy

If you opened and read the attachment, you know what and who FUTUREWISE represent.
They represent a special interest group and it concerns me that they were USED by Clallam County
to comment on/approve our SMP Update Public Comments.
Pearl

Recommendations on Shoreline Master Program Updates

updated October 20, 2009

Dean Patterson
Futurewise
(509) 823-5481 dean@futurewise.org

Tim Trohimovich, AICP
Futurewise
(206) 343-0691 Ext 118 tim@futurewise.org
www.futurewise.org

Backgrounds

- Tim Trohimovich
 - Helped work on the City of Redmond Shoreline Master Program (SMP) update
 - Administered the Grays Harbor Co. SMP
 - Prepared amendments to other SMPs
 - Worked with the Department of Ecology on SMA and GMA issues on a temporary basis
- Dean Patterson
 - Formerly with Yakima County Planning
 - Administered Yakima County SMP, CAO, zoning ordinance, and SEPA program for 11 years.
 - Project Mgr. for Yakima Co. SMP Update

Why the SMP Updates are Important

- Many Shoreline Master Programs (SMPs) have not been comprehensively updated for 30 years, and won't be updated again for another seven years or more. *We have to get it right this time.*
- SMPs deal directly and indirectly with Puget Sound, which is at a tipping point in its health
- Accelerating growth and fewer shoreline sites is placing ever increasing development pressure on Puget Sound shorelines
- Developed and degraded shorelines are more common than natural conditions, placing shorelines at a tipping point in their health
- SMPs must prevent further deterioration to shorelines and turn the trend around with improved conditions



Shoreline Management Act Policy

Shoreline Management Act Policy

RCW 90.58.020 - First Paragraph

"It is the policy of the state to provide for the **management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses.** This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will **promote and enhance the public interest.** This policy contemplates protecting against adverse effects to the **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** and corollary rights incidental thereto."

Shoreline Management Act Policy

RCW 90.58.020 - Second Paragraph

- Protect shorelines of statewide significance.
Policies in RCW 90.58.020:
 1. Recognize and protect the statewide interest over local interest;
 2. **Preserve the natural character of the shoreline;**
 3. Result in long term over short term benefit;
 4. **Protect the resources and ecology of the shoreline;**
 5. Increase public access to publicly owned areas of the shorelines;
 6. Increase recreational opportunities for the public in the shoreline;
 7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

Shoreline Management Act Policy

RCW 90.58.020 - Third Paragraph

"In the **implementation** of this policy the public's opportunity to enjoy the **physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible** consistent with the overall best interest of the state and the people generally. To this end **uses shall be preferred** which are consistent with **control of pollution** and **prevention of damage to the natural environment**, or are unique to or **dependent upon use of the state's shoreline**. **Alterations** of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be **given priority** for **single family residences** and their appurtenant structures, ports, shoreline **recreational** uses including but not limited to parks, marinas, piers, and other improvements facilitating **public access** to shorelines of the state, industrial and commercial developments which are **particularly dependent** on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department."

Shoreline Management Act Policy

RCW 90.58.020 – Final Paragraph

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to **minimize, insofar as practical, any resultant damage to the ecology** and environment of the shoreline area and any **interference with the public's use of the water.**

Recommendations Resulting from Re-Examining the SMA policy

- Have to change the focus from “permitting development” to “protecting ecological functions”
 - We need to reconsider what is allowed
 - We need to update the current regulations and eliminate loopholes
- Need a long-term vision of shorelines
 - Final state of development under current trends
 - Privately owned lake and marine shorelines
 - Few undeveloped and functioning areas left in many places
 - Necessary Vision
 - Protect the remaining functioning shoreline areas
 - Shift development emphasis from new development to re-development

Recommendations Resulting from Re-Examining SMA policy (cont.)

- The updates need to be evidence and science based
- Need to be broadly inclusive of the public, state and federal agencies, and Indian tribes, bands, and nations



Important Concepts in Implementing the SMA Policy

SMA Policy is incorporated into the SMP Guidelines

- Five major concepts
 - No-net-loss of Ecological Functions
 - Mitigation Sequencing
 - Not all impacts can be mitigated on-site
 - Cumulative Impact Analysis
 - Restoration Planning
 - Can't accomplish No-Net-Loss without an active restoration strategy
 - Shoreline Dependent Uses Analysis
 - Preferences for shoreline dependent uses

No-Net-Loss of Ecological Function

- No-net-loss is considered in two ways
 - At the program level in the SMP standards
 - At the project review level
- Drives two other important concepts
 - Mitigation Sequencing
 - Cumulative Impact Analysis
- Necessitates another important concept
 - Restoration Planning

Mitigation Sequencing

- Mitigation Sequencing:
 - Avoid impacts first, then minimize, then compensate
- Even with Mitigation Sequencing, every project cannot completely eliminate its impacts
 - displacement of vegetation and habitat by structures, other facilities, impervious surfaces, and yards
 - use of chemicals in yards or around structures
 - pets that prey on or drive off fish and wildlife
 - night lighting that impacts or drives off fish and wildlife
 - machinery & vehicular noise or other human activity that impacts or drives off fish and wildlife

Cumulative Impact Analysis

- Considers several factors:
 - Project impacts that remain after mitigation sequencing
 - Full build out of land and water uses
 - Continual creep of existing development into buffers & critical areas, and the resulting increased impacts.
 - Restoration programs
 - Enhancement from new projects

Restoration Plan Requirement

WAC 173-26-186(8)(c)

For counties and cities containing any shorelines with impaired ecological functions, master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall **identify existing** policies and programs that contribute to planned restoration goals and **identify any additional** policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should **make real and meaningful use of established or funded nonregulatory** policies and programs that contribute to restoration of ecological functions, and should appropriately **consider the direct or indirect effects of other regulatory** or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly **from shoreline development regulations and mitigation standards**.

Restoration Plan Goal

WAC 173-26-201(2)(f)

“These master program provisions should be designed to achieve **overall improvements in shoreline ecological functions** over time, when compared to the status upon adoption of the master program.”

Restoration Projects and Mitigation

- People often separate “restoration” from “mitigation” in their mind by applying restoration only to non-regulatory restoration projects, and applying mitigation only to regulatory permits.
- Yet WAC 173-26-186(8)(c) clearly requires consideration of regulatory programs, **including the shoreline regulations**, in the Restoration Plan. WAC 173-26-201(2)(f) emphasizes overall improvement of conditions.
- These two restoration requirements are not limited to the traditional view of “restoration”
 - Restoration is used to describe “overall improvement” or enhancement of conditions
 - Where other forms of mitigation cannot prevent development from causing a net loss of shoreline resources, restoration is necessary to mitigate the impacts

Recommendations on Restoration Planning

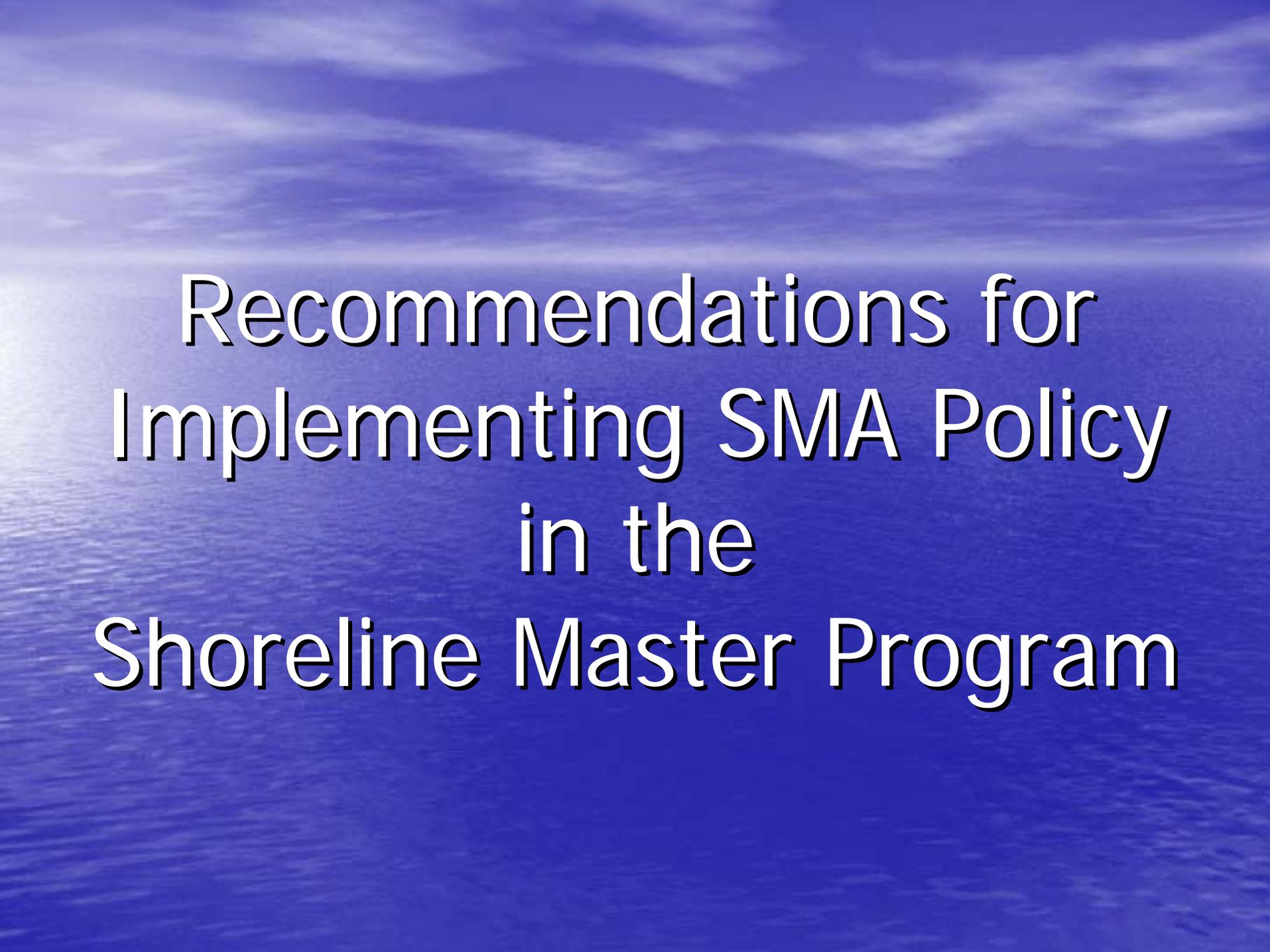
- Most jurisdictions have large areas of degraded shorelines
 - the vast majority in some jurisdictions
- Stand-alone restoration projects address only a small percentage of degraded areas
- New development and redevelopment interacts with degraded areas that are hundreds of times larger
- Restoration plans must also include the much broader opportunities available through the regulatory program to order to meet the SMP Guidelines requirements
- Degraded areas need to be addressed in the SMP regulations, especially vegetation that is needed to buffer new and expanded development
- Project mitigation should improve degraded conditions because it is necessary to address the impacts of the new or expanded development

Problems Addressed by Including Enhancement in the Regulatory Program

- Unmitigated degradation from 30 years of development
- Impacts remaining after mitigation sequencing
- Continual creep of existing development into buffers critical areas
- Mitigates the impacts of new or expanded development

Shoreline Dependency Use Analysis

- The SMA Policy has a preference for uses that are dependent on shoreline areas
- Is a method of **Mitigation Sequencing** - avoidance at the regulation level
- Provides long-term economic opportunities
- Consequences in:
 - **Uses**: shipping ports, rec. beaches, restaurants
 - **Facilities within a project**:
 - Roads (not water-dependent) v. water crossings
 - Utilities (not water-dependent) v. outfalls
 - **Buffers**: Water-dependent facilities and uses need to be in the buffer by their nature



Recommendations for
Implementing SMA Policy
in the
Shoreline Master Program

Implementation Strategies

- No-net-loss / mitigation sequencing strategy
- Enhancement strategy
- Water dependency preference strategy
- Use strategies and use table
- Environments and Mapping
- Buffer strategy
- Permit strategy
- Nonconformities strategy
- CAO Integration strategy
- Organization Strategy (General & Tailored)
- Shore-side Structures Strategy
- Strategy for Specific Uses

Recommendations for No-Net-Loss & Mitigation Sequencing in the SMP

- At the program level, the **SMP should be structured with mitigation sequencing built into the standards**
 - Avoidance Standards
 - What uses are inappropriate or suitable for different environments
 - Buffers based on science
 - Use water-dependency for allowed uses and meeting buffers
 - Minimization Standards
 - Preferences for less impacting methods
 - Require minimization in scope and scale
 - Compensation/mitigation for impacts
 - Requirements for new development to **correct degraded buffers**, and for expansions to **improve conditions** to mitigate impacts
- At the review level, **projects must** use mitigation sequencing to deal with site specific impacts

Recommendations for Enhancement in the SMP Regulations

- Apply Mitigation Sequencing: avoidance & minimization first
- Use enhancement as part of mitigation for impacts
- Make sure buffers can actually do what they are supposed to
 - Re-establish degraded buffer vegetation
 - Expansions of existing development should improve buffers as much as possible
- Correct other degraded conditions, where possible
 - Remove unneeded structures, bulkheads, fill, etc.
- Provide streamlined process for stand-alone restoration projects
- Place enhancement requirements in General Standards along with water quality and buffer requirements

Recommendations for Water-Dependent Uses in the SMP

- Incorporate the fact that both **uses** and their **facilities** can have varying levels of water-dependency
 - Regular commercial v. restaurant v. kayak rental shop
 - Residential subdivision v. community boating facility
 - Street v. bridge water crossing
 - Sewer main v. outfall
- Implement preference for water dependent uses and facilities
 - For different categories of use, make distinctions between different levels of water-dependency
 - Apply distinctions across environments
 - Use prohibited uses and conditional uses for non-preferred uses
- Apply buffers based on water-dependency

Recommendations for Organizing Use Provisions

- Benefits of Use Table
 - Keep all use provisions in one location rather than being scattered throughout the document
 - Easily determine whether something is allowed
 - Easily determine the type of review
 - Can keep development standards separate
 - Can still address special cases

Recommendations for Allowed Uses

- Implement SMA Preferences
 - Water-dependency
 - “Only when no other alternative”
 - Less-impacting v. more impacting
- Call out uses with large shoreline impacts
- Differentiate use-types with categories - no gaps
 - Water dependency; scale/size; intensity; etc.
 - Otherwise be very careful to cover all instances
- Address all use-types and categories - no gaps
 - Be clear about prohibited uses
 - If a use is not addressed, it can be allowed as a conditional use under Ecology’s rules, which can create problems
 - Things not covered usually end up not having standards to address their impacts

Common Issues for Use Limits

- Partial use of table
 - Putting some use limits in table and some in text sections just adds more places to look for the rules, and adds more confusion and contradictions for customers
 - **Recommendation:** Put the use limits in the table and put development standards in the text, or don't use a Use Table
- Partial coverage of use & modification types (commercial, utilities, fill, etc)
 - Not covering the range of possible uses of a use-type leaves them to be covered by default or accident, without thoughtful consideration, sometimes with fewer standards than covered items
 - **Recommendation:** Describe them using categories, based on water-dependency and/or intensity

Examples from a Well Done Use Table

	Urban	Rural	Conservancy	Natural	Urban Conservancy
COMMERCIAL AND COMMUNITY SERVICE USES					
Large Commercial uses (more than 1/2 acre of use area) of a Water Oriented nature, including marinas.	C	C	C	X	C
Small Commercial uses (1/2 acre or less of use area) of a Water Oriented nature	S	S	C	X	S
Non-Water Oriented Commercial Uses, except for instances below	X	X	X	X	X
Non-Water Oriented Uses, when set back from OHWM or wetland edge by either a public right of way or 100'+ of a separate parcel	C	C	C	X	C
Non-Water Oriented Uses in a mixed use project that includes a Water Dependant Commercial, Industrial, Aquaculture, or Recreational Use	C	C	C	X	C
Events and temporary uses involving public interest (see definition) that do not impair the shoreline environment	C	C	C	C	C

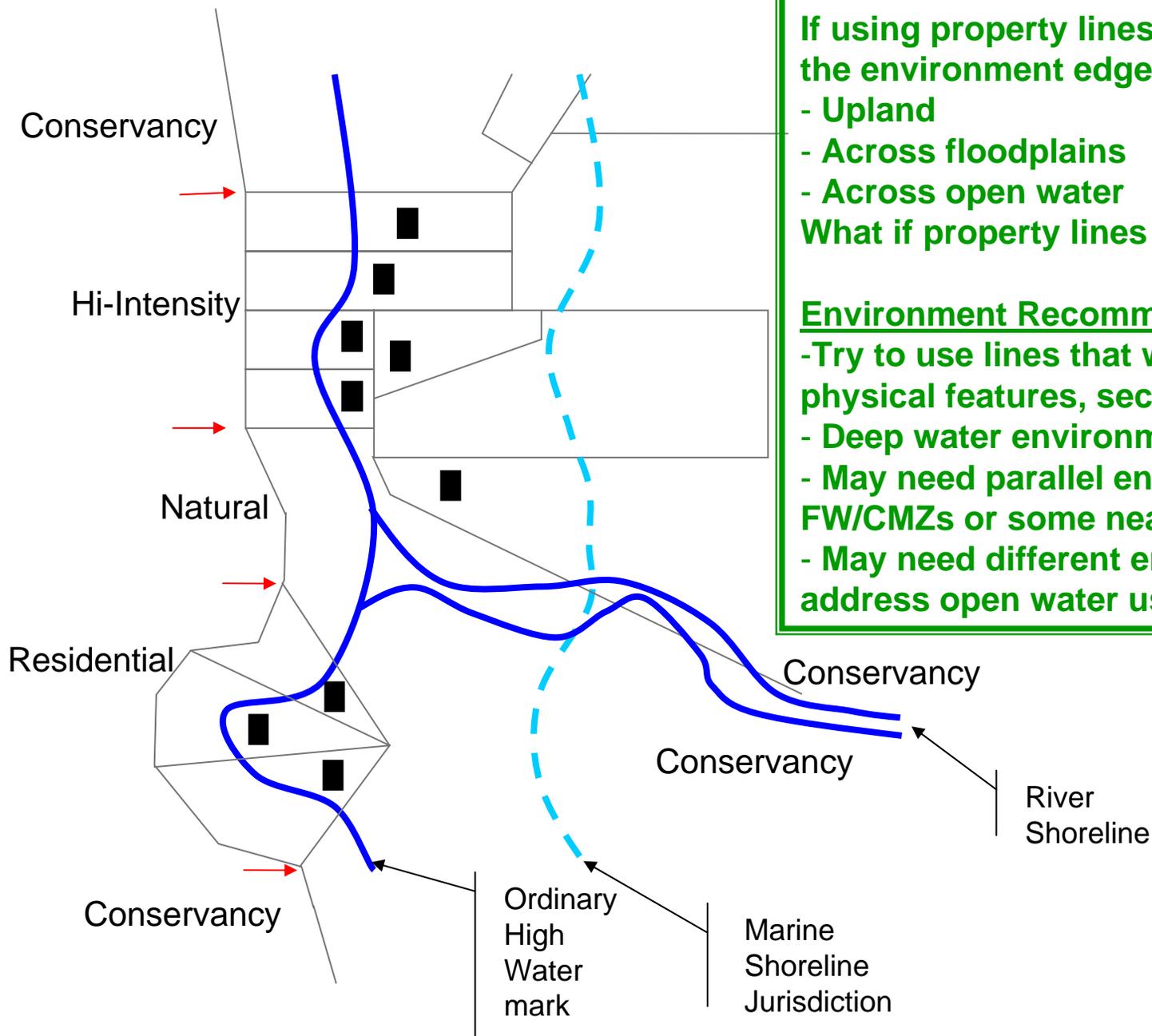
	Urban	Rural	Conservancy	Natural	Urban Conservancy
RECREATION					
Indoor Recreation – Reviewed as Commercial use; see that section of table.	N/A	N/A	N/A	N/A	N/A
State owned recreation facilities and ecological study areas.	S	S	C	C	S
Outdoor Recreation of a Non-Water Oriented nature (sports complex, organized sport fields, golf course)	C	C	C	X	C
Hi-Intensity Outdoor Recreation of a Water Oriented nature (urban area parks, white water parks, etc.)	S	C	C	X	S
Moderate-Intensity Outdoor Recreation of a Water Oriented nature (use areas with minor structures and improvements, such as camp grounds, picnic facilities, hiking trails, swimming beaches, fishing sites)	S	S	S	X	S
Low-Intensity Outdoor Recreation of a Water Oriented nature (unimproved use areas, such as hiking or nature trails, primitive camping areas, swimming beaches)	S	S	S	C	S
Very-Low-Intensity Recreation (wildlife viewing, scenic vistas, fishing, hunting, rafting, walking, etc.) See Applicability for activities not subject to this title.	N/A	N/A	N/A	N/A	N/A
Events and temporary uses involving public interest (see definition) that do not impair the shoreline environment.	C	C	C	C	C

Recommendations for Environments and Mapping

- Use Ecology lakes and rivers studies
- Double check lakes acreage v. cut-off acreages
- Create maps using polygons - not lines
 - Helps ID boundary problems and deal with them
- Apply environments to all jurisdiction
 - Floodplains
 - Open water
 - Large wetlands

Recommendations for Environments and Mapping (continued)

- Add contingency for missed shorelines
- Add contingency for created shorelines
 - mine ponds, reservoirs, etc.
- Add contingency for property lines that move
- We are seeing use conflicts in open water areas
 - Some states and localities are using “marine spatial planning” or “ocean zoning” to address these conflicts
 - Shoreline master programs need to do that too for heavily used parts of the ocean, Puget Sound, and other open water areas with serious use conflicts



If using property lines, where does the environment edge go?

- Upland
- Across floodplains
- Across open water

What if property lines move?

Environment Recommendations

- Try to use lines that won't change: physical features, section lines, etc.
- Deep water environment
- May need parallel environments for FW/CMZs or some nearshore areas
- May need different environments to address open water use conflicts

Recommendations for Normal Vegetative Buffers

- Must be based on **science**
- A primary method of **avoidance** and mitigation to meet the “no-net-loss” requirement
- Must at least be as protective as the critical areas regulations. RCW 90.58.090(4)
- Apply buffers based on **water-dependency**
 - Water-dependent - don't have to meet buffer requirements for their water dependent elements
 - Water-related - can be in buffer, but meet it if can
 - Water-enjoyment/Non-water-oriented – need to meet buffer requirements since they don't have to be next to water
- Don't weaken with exceptions (trails, utilities)
- Minimum buffers presume **intact vegetation**
 - Require revegetation of degraded buffers for new development and redevelopment that increases the footprint

Adapting Vegetative Buffers to Urban Areas

- Some urbanized areas may not be able to meet science-based buffers due to degradation by near-water development and veg. removal
- Urbanized areas where science-based buffers can be used do occur
- Small buffers are not based on science, but rather existing conditions and ease of future permitting
- **Small buffers can't protect natural features from new impacts, even if intact.** Small degraded buffers are even less effective

Recommendations for Vegetative Buffers in Urban Areas

- Small buffers can be acceptable in urbanized areas **if they overcome problems**
- Need to carefully **map areas** where smaller buffers have to be used, and where larger buffers can be used
- Use science-based buffers for relatively intact or undeveloped areas, including parks
- For already developed areas, determine buffers that are suitable for the area and that protect shoreline functions

Recommendations for Vegetative Buffers in Urban Areas

- Require that undeveloped sites have the full buffer installed **so it can perform the buffering functions** from the new development
- Require that expansions of existing developments perform enhancement where opportunities exist as a form of mitigation
 - Revegetate as much as possible
 - Correct other degradation, where possible
- Small buffers or setbacks and revegetation requirements must be large enough that:
 - When combined with enhancement and other mitigation they result in no net loss
 - Can be sustained over time

Recommendations for Permit Review

- **East v. West = mostly administrative v. mostly hearing**
 - Consequence: backlash for NO review, or variance as exemption
- **Exemptions** - abbreviated review
 - Only exempt from the permit process
 - Still meet standards
 - Not permission to degrade the shoreline
- **SDP** - Administrative - no hearing
- **CUP** - Use a hearing - reserve for special cases
 - Borderline uses / non-preferred uses
 - Nonconforming Uses

Recommendations for Permit Review

- **Variance** - Administrative - no hearing
 - When there is a good reason for not meeting a standard
 - Should only allow limited modifications due to a lack of transparency
- **Variance** – with a hearing
 - Significant departures from the standards
 - More accountability
- **Prohibited** - can't allow Reasonable Use as a Variance

Recommendations for Nonconformities

❖ Distinguish between different types

- Nonconforming Use
 - Normally not allowed, but legally existing
 - Needs careful review through a **Hearing**
 - NCUs should not be encouraged to continue
- Nonconforming Structure **or Area**
 - Include lawns, gardens, parking, etc.
 - Just require normal review and avoid extra requirements
 - Don't allow expansions in buffer areas without permit review to address impacts

Recommendations for Nonconformities (cont.)

- Nonconforming Lot - **Misnomer**
 - **Problem Area: changing from Hearing to Exemption**
 - Don't allow new development in buffer without permit review:
 - Exemption review is incapable of providing necessary detail in review & shifts cost of review to taxpayers where it is not adequately funded
 - Use a "non-hearing" administrative process if it is not a major departure, reduces costs and time
 - Use conditional use permit or variance if significant impacts are likely

Recommendations for Nonconformities (cont.)

- An abbreviated review process can be acceptable where:
 - It is a common problem, such as small waterfront lots
 - The SMP process should identify the impacts of development on lots too small for buffers and put together a mitigation package to address them
 - Require as much buffer as possible
 - Require replacement mitigation
 - Require enhancement as needed to mitigate the remaining impacts

Recommendations on Integrating SMP and CAO

- Needs to be done carefully & explicitly in the SMP given the *Anacortes* decision
- A community's SMP is what the community decides it should be, including incorporation of other ordinance parts
- Different methods
 - SMP and CAO within a Development Code; adopt CAO by reference. Have seen SMP within CAO too.
 - SMP in separate title; adopt CAO by reference
 - SMP in separate title; copy critical areas regulations into the SMP
 - Requires expanded shoreline jurisdiction to accommodate buffers
 - Existing agriculture would continue to be regulated by the CAO

Recommendations on Integrating SMP and CAO (continued)

- Incorporating SMP into other titles & referencing CAO can be tricky
 - Other titles are designed for **different purposes**
 - SMA exemptions do not exempt project from policies and regulations - exemptions in other titles do
 - SMPs regulate activities, not just uses
 - Weak standards and loopholes have to be corrected
 - **Other title needs careful review and appropriate modifications to be acceptable for SMP**
- SMP as separate title with copied parts of CAO is easiest to construct quickly & accurately, and is easiest way to modify CAO protection measures for SMP
- Integrated development code can be easier for staff and the public over the long-term

Integration Problems We've Seen

- Inappropriate “applicability” of CAO/Dev. Code
 - Excluding things from regs that degrade shorelines
- Inappropriate exemptions not matching SMA
- Inadequate buffers not based on science
 - And allowing inappropriate uses and activities within buffers
- Easy reduction of buffers to insignificance
- Standards that are not tailored to impacts of different types of development.
- New development on nonconforming lots in buffers with no permit or effective review
- Expansion of nonconforming structures in buffers with no permit or effective review

Recommendations for Organizing SMP

- Use SMP Guidelines as starting point
 - Administrative and Enforcement Provisions
 - Project Review Provisions (exemptions/permits)
 - General Standards that apply to all projects
 - Water quality, vegetation conservation, public access, critical areas, mitigation sequencing & minimization
 - Water-dependency and Buffer Standards
 - Modifications Standards
 - Use Standards

Recommendations for Shoreline Stabilization

- Bulkheads & armoring, but also flood structures (dikes) and similar structures
 - SMP Guidelines are specific and provide needed protections, see WAC 173-26-231(3)(a)
 - Only allowed in very specific situations
 - Need preference for less-impacting methods
 - Sea level rise will continue and property owners will be requesting more armoring as erosion and storm intensities increase
 - Need to minimize the need as development and redevelopment occur
 - Need effective mitigation such as bulkheads setback behind restored beaches

Recommendations for Shoreline Stabilization (Continued)

- Need to consider restoration or reduction
 - Removal of obsolete, non-functional, unnecessary structures
 - We need to decrease bulkheaded shorelines to protect shoreline functions
 - So removing bulkheads
 - Or replacing them with less impacting structures or methods
 - Can be one way of mitigating the impacts of reduced buffers

Recommendations for Shore-side Uses & Structures (cont.)

- Docks & piers
 - Major impacts on both fresh and salt water
 - Need preference for less-impacting facilities
 - Using buoys, etc.
 - No net increase in overwater structures should be allowed
 - Remove obsolete, non-functional, unnecessary structures
 - Reduce sizes of existing structures as a condition of allowing new ones
 - Need to protect important habitats from docks and piers

Recommendations for Shore-side Uses & Structures (cont.)

- Docks & piers (cont.)
 - New subdivisions need to provide community facilities
 - No individual docks
 - Need limits on the size (sq. ft., % water coverage, etc.)
 - Existing waterfront lots should try to share existing facilities or use public facilities
 - New facilities for existing waterfront lots need to be shared with adjacent lots
 - Waterfront multi-family should not have accessory docks - only permit as a "Boating Facility"

Recommendations for Shore-side Uses & Structures (cont.)

- Beach access structures
 - New subdivisions and multi-family need to provide community facilities
 - Try to share existing access or use public access
 - New structures for existing lots need to be shared

Recommendations for Shore-side Uses & Structures (cont.)

- Public Access
 - A primary objective of SMA Policy
 - Public use and access to the waters of the state is one of the requirements of the Public Trust Doctrine
 - Includes specific requirements in WAC 173-26-221(4)
 - Most developments are required to provide public access
 - Not single-family home construction
 - Not subdivisions of four or fewer lots
 - Public access benefits property owners by reducing trespass
 - Well designed public access can minimize potential conflicts, reduce trespassing, and minimize impacts to fragile locations
 - Need standards to protect shoreline resources

Recommendations for Specific Issues

- Roads, **driveways**, parking & rail
 - Accessory facilities also need to be addressed
 - Centralized facilities (terminals, depots, maintenance) should be treated as commercial or industrial uses
 - Only when no alternative, and as far from shoreline as possible
 - In floodplains, construct at grade or provide flood water pass-through
 - Require disclosure of excess material disposal before approval - can cause more damage than road
 - Don't cut off hydrologic features
 - Minimize number of bridges: alternative access points, share existing, share new bridges with adjacent lots
 - Bridges should span OHWM & floodway
 - Bridges should take channel migration zones into account

Recommendations for Specific Issues

- Utility lines: above ground & below ground
 - Also address major facilities (sewer plants, water treatment, transfer stations, substations, power generation) specifically and limit to water-dependent
 - Avoid erosion failures due to stream bed mobilization:
 - In channel migration zone (CMZ) or floodway and near streams, locate 4 feet below bed or 1/3 of bankfull depth
 - Use installation method preference list to reduce impacts:
 - Clear span, attach to bridge, boring, plowing, trenching
 - In high groundwater areas, prevent french-drain effects from draining/ rerouting groundwater patterns that support wetlands and streams
 - Associated roads treated separately
 - Return grade to previous or better condition
 - Require disclosure of excess material disposal before approval - can cause more damage than utility

Recommendations for Specific Issues

- Aquaculture
 - Water-dependent, so is a preferred use
 - Don't lump all methods together, different methods have different impacts
 - Ecology is working on guidance
 - May need to limit from certain areas
 - Issues for ecologically intact areas
 - Reasonably address aesthetic issues for residences if they are likely
 - Cumulative impacts of heavy disturbance/blanket methods need to be addressed

Lessons Learned

- Much misinformation will flow
- Local governments and citizens groups need to do myth busting for their members, the general public, and folks attending meetings
 - In the media
 - On websites
 - As the public comes into meetings
 - At meetings
- The public cares about water quality and other issues, will accept doing the right thing if it is explained to them

Lessons Learned

- Ecology should enforce SMA and guidelines through a careful review of the SMP
 - The policy makers need to know that
 - Ecology needs to realize that some local governments can only go so far, will have to be the “heavy” sometimes
 - Citizen groups plan on being a back stop to Ecology, policy makers need to know that too

Additional Resources

- Ecology Shoreline Management Webpage:
<http://www.ecy.wa.gov/programs/sea/sma/index.html>
- For a list of public domain scientific information including information on stream, lake, and marine buffers see Futurewise's CAO on CD. The table of contents with links to the documents is available at:
<http://www.futurewise.org/resources/publications/Read%20Me%20-%20Documents%20on%20this%20CD%20Sept%202009.pdf>
- You can find out more information on Marine Spatial Planning or Ocean Zoning at the Marine Management & Ecosystems webpages:
<http://depts.washington.edu/meam/COZ.htm>