

Merrill, Hannah

From: pearl hewett [REDACTED]
Sent: Friday, November 04, 2011 12:03 PM
To: zSMP; Lois Perry; Sue Forde
Cc: earnest spees; Jay Petersen; Marv Chastain; Jo Anne Estes
Subject: ADOPTED SMP WAC'S BECOME STATE LAW

TO WHOM IT MAY CONCERN

BY Law there is NO mention of the words "imminent or danger or soft armoring" IF THIS WORDING IS USED ON THE CLALLAM COUNTY SMP, IN SPITE OF THE FACT THAT IT CONTRADICTS WA STATE LAW RCW 90.58.100 Protection of single family residences IT WILL BECOME CLALLAM COUNTY LAW.

WHEN WAC'S become part of the state's Shoreline Master Program. As such, all local SMP rules, regulations, designations and guidelines become **STATE LAW** and are enforceable.

In this case the WA State law RCW 90.58.100 that protects single family residences to achieve effective and timely protection will be lost.

And replaced with, and limited to, protection of only single family residences that are in "Imminent danger and only allow soft armoring for protection" It will become the law for Clallam County private property owners.

Read on if you are interested
Pearl Rains Hewett Trustee
George C. Rains Sr. Estate
Member SMP Advisory Committee

IN FACT THE LAW STATES, SHALL PROVIDE FOR METHODS TO achieve effective and timely protection against loss or damage.

PROTECTION FOR PRIVATE PROPERTY

Protection of single family residences

RCW 90.58.100

(6) **Each master program** shall contain standards governing the **protection of single family residences** and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern **the issuance of substantial development permits for shoreline protection**, including structural methods **such as**

construction of bulkheads, and nonstructural methods of protection.

The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion.

The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment.

It is on the DOE Public Trust Doctrine web site (88 pages)

Finally, SMPs, unlike other comprehensive plans, **are adopted as WAC'S** and become part of the state's Shoreline Master Program.

As such, all local SMP rules, regulations, designations and guidelines become STATE LAW and are enforceable.

In this manner, protection of public trust resources and uses becomes binding.