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Ecology Public Response to Consultants' Report: "Opportunities to Improve Shoreline Management in Puget Sound"

June 11, 2010

Dear Reader:

We are grateful to the National Fish and Wildlife Foundation for their on-going support of Puget Sound and for funding an independent consultant team to evaluate and provide recommendations for the Shoreline Master Program (SMP) update process. We appreciate the work of the consultant team (Jim Kramer, Carol MacIlroy and Margaret Clancy). Their perspectives are helpful and their process highlighted insights from a broad range of stakeholders critical to the success of the program.

We agree with the consultant team that the current SMP update efforts substantially improve protective measures for shoreline resources. At the same time, we acknowledge and know areas remain that can be improved.

We commit to using the consultants' SMP report as a guide for future actions and to make the best use of our limited funds and resources. Specifically, we take to heart the need to continue to expand the dialogue across all interest groups if we are to build SMPs that can achieve the multiple goals of the Shoreline Management Act. We value the public interest that inspired the passage of the Shoreline Management Act and have worked to keep support for this law strong in recent years. We will continue to work to improve the current SMP update process to expand the public awareness and support for environmental protection, water dependent uses, private property rights and public access.

Engaging the public around shoreline use and protection is part of the larger initiative to recover the health of Puget Sound. To this end we will use our resources and ask for the support of others to create substantive dialogues about shoreline issues in a manner sensitive to the interests and concerns of citizens. Specifically, we will work with the Puget Sound Partnership as they design their shoreline public outreach program. To secure the support of the public and local governments, we will help the Partnership define specific outcomes for Puget Sound recovery that allow us to see how effective shoreline master programs fit into the board spectrum of regulations, actions and programs that contribute to the recovery of Puget Sound.

Over the last seven years, our funding and focus has been on helping local governments complete the SMP update process. This focus will continue; but we also recognize that in many cases the updated SMPs will be more sophisticated and complex to administer. This is especially true given the range of environmental, economic, and public health and safety issues that confront our shorelines in a time of diminished staffing and resources. As a result, we are equally committed to helping jurisdictions successfully implement their newly updated SMPs. We want to work with a broad group of stakeholders to identify the needs for implementation and help secure the resources necessary for ecological success and increased public support for shoreline management.

Next Steps

In March, 2010, EPA awarded a grant to Clallam County for a project titled "Enhancing Shoreline Protection". One component of that project will be led by Ecology and will result in the identification of solutions and strategies for overcoming obstacles to effective SMP development. Given staffing limitations, Ecology will hire and work closely with a consultant to carry out the project. This added capacity will allow Ecology to address the five areas for immediate action identified in the SMP report.

Once a consultant has been hired, we will outline a process and scope of work that can be accomplished using the EPA grant funds and our existing resources. Interested parties will be informed and provided opportunities to assist in carrying out the work program.

We concur with the consultants on the issues needing immediate action and include our thoughts and commitments below.

Improve the Linkage between Science and Policy

We support the idea of science-policy workshops and commit to working with our consultant, key stakeholders, resource agencies, and others to identify workshop priorities and timelines. We agree that aquaculture, shoreline armoring, and buffers are all important issues – and there may be others. We also want to make sure that we can meet the staffing demands that each of these workshops will present. We suggest that these workshops be jointly designed with local planners, citizens, and other interested organizations in a manner inclusive of interests and focused to get results immediately useful in local government update processes.

In addition, Ecology will work with the Puget Sound Nearshore Ecosystem Restoration Program (PSNERP) and others to make new marine data accessible to counties and cities for their updates.

Make the Update Process More Efficient

We will explore opportunities to make the process more efficient for local government. By convening a group of local planners, consultants, and Ecology and legislative staff we will look at the current process requirements, how requirements can be more flexible and how changes could increase the effective use of grant funds. We will look for ways to ensure that annual and biennial spending restrictions do not compromise the ability of local governments that are acting in good faith to complete their SMP update products. We will consult local planners to look for ways within contracting restraints to reduce costs and improve the products from the inventory and characterization process. We agree that development of checklists and other templates could help focus work like the inventory and characterization report.

Increase the Certainty of the State's Review and Approval Process

We support the idea of providing more certainty and transparency in the state's review and approval process. We like the idea of a formal meeting/workshop with a county or city that has recently submitted their SMP for our review and approval, and have used this approach on occasion. The meeting provides a forum for us to discuss areas of concern and describe our decision criteria and process. In the coming months, we will work with local governments to schedule such meetings to further evaluate this approach. We will also explore the idea of broadening participation in the meeting. We will continue to meet with jurisdictions at the beginning and through the local process to strengthen our partnership with them and be transparent in our policy perspectives so there are no surprises at the end of the update process.

Reduce the Conflict and Misunderstanding Regarding Nonconformity

We agree this is an issue that has become contentious. In some local jurisdictions and potentially within our agency's policies, more work is needed to help address both the substantive issues and misperceptions. To this end, we recently issued a new guidance document on nonconforming uses and structures. We support the idea of polling or meeting with property owners and local planners to see if this guidance document addresses the issues and clarifies our position on nonconformity. Discussion will focus on improvements for remaining issues.

Foster a Shoreline Management Learning Community

Ecology has helped bring together a corps of local planners, consultants and state agency staff that has been the backbone for facilitating the SMP update process. For the last seven years we have put significant resources into educating and informing local planners through quarterly meetings and Coastal Training Program classes. As we enter the next round of updates and look at what we have learned in the first few phases, we

see the benefit of reinforcing and improving our efforts to foster a learning community for shoreline management. We will seek ideas from our shoreline management community on how to more effectively share information on SMP updates. This will include evaluating whether different meeting formats (e.g. more interactive work sessions vs. presentations) would yield better results. We intend to continue to solicit the help of local planners and others as we design future meetings and trainings so that those who have completed the update process can receive the support necessary to effectively implement their SMPs and, at the same time, share their experiences with those just beginning the update process.

Additional Commitments and Appreciations

The five immediate action areas noted above are part of a larger set of 14 areas for improvement noted by the consultants based on their experience and the feedback from stakeholders. After taking action on the five priority areas, we will evaluate our progress, outline what additional actions are needed in those five areas, and determine what it will take to address the remaining issues.

In closing we are grateful for the efforts of private property owners; local, state, federal and tribal governments; businesses; recreational interests and environmental organizations to enhance the protection and enjoyment of our state shorelines. The consultant report and the collective efforts to improve the process put us evermore on the path to success.

Sincerely,



Gordon White
Shorelands and Environmental Assistance Program Manager