

Chapter 6

Public Participation

All phases Shoreline Master Program Planning Process

Introduction

Public participation is essential when developing a Shoreline Master Program (SMP). Both the Shoreline Management Act (SMA) and the SMP procedural rules and Guidelines require public participation. The SMA states the local government and Ecology shall “not only invite but actively encourage participation” in SMP development (*RCW 90.58.130*). The procedural rules require local governments to “make all reasonable efforts to inform, fully involve and encourage participation” of interested persons, private entities and local, state and federal agencies ([WAC 173-26-090](#)). The Guidelines repeat these mandates, specifically requiring communication with state agencies and affected Indian tribes. ([WAC 173-26-201\(3\)\(b\)](#)).

The RCW and WAC requirements are minimum requirements. Local efforts vary widely, with some jurisdictions providing only the legal minimum public participation opportunities. Many others, however, far exceed the minimum requirements to ensure that citizens are adequately informed about, and have opportunities to participate in, the comprehensive SMP update process.

Public involvement requirements also apply to limited or less than comprehensive SMP amendments.

The three major elements of a public participation program include:

1. Preparing a public participation plan.
2. Obtaining and sustaining citizen participation through a variety of outreach efforts.
3. Developing and managing citizens and technical advisory committees. This is an optional element.

RCW 90.58.130: To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments.

Preparing the public participation plan

Public participation should occur through Phases 1 through 5 of the SMP update process. The public participation plan lays out how local governments will encourage broad participation throughout this process. A public participation plan must be submitted to Ecology (Task 1.2 of the SMP Planning Process) and public participation updates are required as part of the quarterly progress reports, where local governments have grant agreements with Ecology. Ecology also encourages public participation plans for limited SMP amendments, although these may be brief. Minimum public involvement requirements for all amendments are set forth in [WAC 173-26-090](#) and [WAC 173-26-100](#).

The public participation plan should:

- Describe the complete SMP amendment process.
- Provide timelines for public participation activities and dates or milestone targets for SMP products.
- Identify key stakeholders such as the Planning Commission and elected officials, shoreline property owners, state agencies, tribes, local residents, neighboring jurisdictions, the full range of local shoreline user groups, citizen groups, etc. and SMP process participants (including members of all SMP update committees, if known at the time).
- Indicate key outreach strategies for each stakeholder group, emphasizing approaches designed to seek and secure input from the full range of local community interests.
- Identify opportunities for the public to provide input, obtain information, review draft documents, receive notice of public meetings, workshops and hearings, file appeals, etc.
- For jurisdictions planning under the Growth Management Act, be consistent with public participation plans developed and maintained for local comprehensive plans and development regulations, as they relate to shorelines of the state. See [RCW 36.70A.130](#) and [WAC 173-26-090](#).

Your public participation plan will depend on the size of your jurisdiction, the complexity of shoreline issues and other factors. As an example, the Douglas County Regional SMP Public Participation Plan has the following components:

- An **Introduction** explaining the statutory and Guidelines basis for preparing the plan and outlining the plan's contents.
- An **Objectives** section explaining the goals of the plan:
 - Broadly disseminate information, proposals, and alternatives.
 - Provide opportunity for written and oral testimony.
 - Establish public meetings with effective means of public notice pursuant to RCW 36.70A.035.
 - Establish a clear means to consider public comments and an effective mechanism to document responses for public review and decision makers' consideration.

- Develop multiple citizen-participation approaches to promote and encourage open public discussion among participating groups and individuals.
- Make all reasonable efforts to invite, inform, and involve all interested persons, private entities, tribal nations, and agencies of the federal, state, and local government having interests and responsibilities relating to the shorelines of the state and the local SMP.
- A **Key Participants** section, to be updated throughout the process, listing categories of desired participants:
 - Individuals and organizations identified on existing mailing lists maintained by each jurisdiction, developed as part of the most recent comprehensive land use plan updates.
 - Property owners, residents, and visitors within the incorporated and unincorporated portions of the county, surrounding communities, and Washington State.
 - User and interest groups, corporations and businesses, and non-profit organizations locally and statewide.
 - Planning commissioners and elected officials from each participating jurisdiction.
 - Federal, state and local agencies, tribal nations, and neighboring jurisdictions.
- A **Public Participation Process** section describing the following:
 - All the ways in which citizens can participate in the SMP process.
 - The roles of the citizen committees working on the SMP.
 - Contents and use of the SMP website.
 - Initial public outreach efforts.
 - Participation opportunities and products throughout the process (open public forums; summary vision report; open houses; 60-day GMA and SEPA comment periods; public notices; workshops and public hearings before the planning commission and elected officials; the local and state review processes; notice of adoption and post-adoption 60-day appeal period).
- A **Flow Chart** identifying dates for key events in the SMP amendment process.

Reaching all stakeholders

Most jurisdictions have time-honored methods of soliciting citizen participation. Open houses, workshops, and public meetings are usually promoted in print and online advertisements and through mailings to shoreline property owners and other interested parties. However, communities using an entire suite of methods to involve the public sometimes fail to involve stakeholders who, for social or cultural reasons, are not accustomed to participating in planning processes.

Shoreline users who fish, paddle, hike, sail, and swim, for example, may fall into this category. Some shoreline users who fish and gather shellfish are recent immigrants with limited command of the English language. Many of these users do not typically participate in planning projects.

Others, however, are sophisticated about advancing their interests through SMA public participation processes. These include port districts, developers, real estate agents, shoreline property owners, agricultural producers and other stakeholders. Some recreation associations advocate for intensive recreation facilities.

Indian tribes in Washington State are interested in shoreline issues. The SMP Guidelines require local governments to notify affected tribes about their SMP updates. Tribal information is available at the Governor's Office of Indian Affairs website at <http://www.goia.wa.gov/>,

*WAC 173-26-201(3)(b)iii
Communication with affected Indian tribes. Prior to undertaking substantial work, local governments shall notify affected Indian tribes to identify tribal interests, relevant tribal efforts, available information and methods for coordination and input. Contact the individual tribes or coordinating bodies such as the Northwest Indian Fisheries Commission, for a list of affected Indian tribes to be notified.*

Local governments should search out and encourage the participation of all shoreline users and stakeholders. Provide multiple opportunities to get engaged and provide input. In particular, include approaches that encourage involvement from individuals and groups that might otherwise not get involved. For example, some individuals might engage in one-on-one dialogue at an open house, but would not provide public testimony before a large group. Providing multiple routes for public involvement can help avoid having the most vocal groups dominate the process. Look for new and diverse ways to reach out and inform residents and potential interested parties. There are many ways to connect with the public throughout the SMP update process:

- **Conduct a mail, online, or telephone survey early in the process to determine public opinion on shoreline management issues.** A survey can provide a gauge of the public values useful in formulating goals and evaluating possible regulations. Ecology conducted two statistically valid statewide public opinion surveys on shoreline management in 1983 and 1996. Survey questions asked people's opinions about their use of the shoreline, popular shoreline activities, attractive and unattractive shoreline qualities, shoreline management and other topics. For information about these surveys, contact your Ecology project officer.
- **Advertise the SMP planning process and specific meetings and activities on local radio and public television stations and in community event columns of local newspapers,** both print and online editions. Some jurisdictions also distribute flyers via newspapers or monthly utility bills. To engage special interest users, place ads or notices in regional outdoor and ethnic publications.
- **Post meeting notices at popular gathering places around the community, on available reader boards, etc.** Every community has an array of familiar "posting" places that citizens are attuned to checking from time to time: grocery store bulletin boards, libraries, post offices, commercial reader boards, etc. Also, post notices at outdoor retailers, park kiosks, marinas, at community events, and other places particular to your community's shoreline.
- **Send notices to websites of shoreline user groups and community organizations.**

- **Participate in community events such as neighborhood festivals, fairs and farmers markets.** Set up tables or booths where you can distribute information, conduct surveys and talk with people about the SMP update.
- **Hold open houses or forums to inform people about the SMP update and to elicit citizen participation.** Citizen Advisory Committee (CAC) members should attend for the opportunity to directly discuss key issues at the project's outset.

Two open house formats have proven effective for a planning process. The first includes a public presentation to the audience, followed by small group discussion. Small group exercises are most effective when structured with work sheets, instructions and discussion questions, so they require thoughtful preparation.

A second open house format is the informal "drop-in" center that individuals may attend any time during a two- to four-hour period. Staff persons and CAC members are available to explain the process and discuss the project informally. Maps and displays help describe key concepts, jurisdictional boundaries, etc. A survey form with space for general comments assists participants in expressing their concerns and values. These forms provide an index of participant comments.

The advantage of the drop-in format is that it allows individual exchange of information in a relaxed setting. The presentation/group exercise format promotes the exchange of viewpoints and helps participants to recognize the wide range of issues and trade-offs involved with shoreline management.

- **Use your local government's website to provide detailed information on the planning process and offer draft products for public review.** The website provides a place to articulate planning goals, post public meeting notices and committee notes, display draft maps and other material, as well as take comment throughout the planning process. However, its utility in informing the public will be only as good as the information it contains. The website should be kept updated and easy to navigate.

The County website worked well in Whatcom County's comprehensive SMP update process. At a fraction of the cost of other media venues, the website helped to engage "interested parties" early in the process. The word quickly got out to a variety of outdoor recreation users and participation increased noticeably. Later, the individual SMP committees followed up with their own e-mail updates and announcements.

Engaging the services of a meeting facilitator

Ecology recommends using a designated facilitator to coordinate the public participation process. The facilitator's responsibilities are distinct from the local planner managing the update effort. This approach helps keep public meetings running as smoothly and effectively as possible in view of stakeholders' sometimes outspoken and disharmonious opinions. It also allows the planner to focus on shoreline issues while the facilitator manages public input. It is difficult for the planner alone to effectively run a public meeting, present information, call on speakers, take

notes, stick to the agenda and keep order, even if tempers are held in check. Besides keeping meetings on time and on target, a facilitator can draw out audience participation, helping to address topics in an orderly, clear manner and assure that everyone who wants to has an opportunity to speak.

Dealing with “non-starter” issues

Almost every citizen participation effort includes groups or individuals who object to government oversight or regulation in general, any change in the status quo, and mandated changes that the local government must comply with.

Failure to “set the record straight” on such issues can result in long, drawn-out discussions that waste everyone’s time throughout the planning process. The local government should clearly provide the rationale for its position, such as State requirements. Dealing with “non-starter” issues emphatically and conclusively up-front in the planning process can help eliminate them as continuing topics for debate.

Managing input from the public participation process

Perhaps the most important advice about managing the comments and input you receive during the SMP update process is to do it as you go along. It is much easier to create a management process early and keep it current than to try to track down information and comments, organize them and describe how they influenced the process later on.

Using anecdotal information from citizens

Many participants in the SMP update process live or work in shoreline jurisdiction. They may have first-hand knowledge about shoreline issues and conditions that may not be generally known or otherwise available. Anecdotal information can be valuable and collection of such information is supported by the SMP Guidelines ([WAC 173-26-201\(2\)\(a\)](#)).

Assessing the objectivity and accuracy of anecdotal evidence requires a measure of qualitative judgment. Information about erosion problems along a shoreline stretch from residents of the area merits further consideration. However, information from an individual who wants to start a commercial ferry service in his residential neighborhood and reports that shellfish productivity is increased by landing barges on tidelands might not be quite so valuable.

Local governments should document anecdotal information in the same manner as other data and information obtained during the SMP process: name and address of the person offering the information and a complete description of the information provided. It will also be helpful to describe the person’s relationship to, or interest in, the subject and possible “credentials” for providing the information (i.e., has lived in a waterfront subdivision for 30 years, works for the Washington State Ferries, owns salmon net-pens, is a developer who builds in the shoreline, etc.).

Documenting the public participation process

Documentation of the public participation process is required for Ecology's approval of an SMP amendment. As with managing process input, keeping current on public participation activities as you go along is much easier than trying to recreate your record after the fact.

- Maintain a list of "interested parties" containing the names and addresses (and other contact information) of all individuals who participate in any way in the planning process. You should start this important list at the beginning of the process and update it regularly to keep all interested parties informed throughout the local and state review processes. Keep in mind that the complete interested parties mailing list must be submitted to Ecology with the locally approved SMP amendment. All e-mail addresses must be included with the interested parties mailing list.
- Keep a record of all public participation opportunities throughout the process. This includes taking meeting minutes; documenting workshops, open houses and other special presentations; keeping advertisements of hearings; and posting opportunities to comment on draft documents.

In summary, your public participation program can be as unique as your community. It can encompass time-honored techniques that have proven useful over the years as well as new approaches aimed at involving groups and individuals not previously engaged in shoreline management discussions. The important thing is to encourage broad participation, involving all agencies, groups and individuals with an interest in the shoreline management outcome.

Managing a Citizens Advisory Committee

Many local governments form a Citizens Advisory Committee (CAC) although this is not a requirement. This forum discusses shoreline management policy issues, sets goals, reviews technical work, proposes regulations, and promotes communication with the public on shoreline management issues. In some jurisdictions, planning commissions carry out these tasks. It should be noted that some jurisdictions also form separate technical advisory committees that complement the work of the CAC (see discussion of TACs at the end of this chapter).

When deciding whether to form a CAC, consider the planning commission's workload. The lengthy and time-consuming SMP update process may overwhelm already-busy planning commissioners. Also, planning commission membership may not ensure adequate representation of all shoreline stakeholders. Appointing a CAC often works better. However, staff workload should also be considered, as managing a CAC takes considerable time and effort.

Selecting committee members

Committee members should represent a cross-section of interest groups and public values. All committee members should be able to work cooperatively and respectfully. Search for members who are committed to participating on the committee, not just those who are available. The committee should have no more than about a dozen members unless there are compelling reasons

to include additional members. Larger groups can be unwieldy and prevent efficient work. The committee chair should remain neutral and not represent a particular group or interest. When there is a conflict, it should be the chair's primary task to direct the process and arrive at a conclusion – which might be consensus, majority position, or agreement that the perspectives have been accurately captured and it is time to move to the next topic.

Consider having a city council or county commission member attend CAC meetings to help avoid having the CACs recommendations challenged by the planning commission or elected officials later in the process. Appointing a member of the planning commission or the comprehensive-plan citizen committee can help link SMA and GMA planning and ensure consistency between the SMP and the comprehensive plan. Similarly, a port district representative on the committee can help identify potential use conflicts and avoid future inconsistencies between the SMP and the port's master plan.

Establishing the committee's role, rules and procedures

Use the first CAC meeting to introduce committee and staff members; outline the purpose, process and responsibilities of the committee; review issues needing attention; and establish ground rules and procedures. Generally, the committee will advise the planning commission, council or other decision-making body. Clarify the committee's tasks. Will the CAC members help prepare the SMP provisions? Will they review and approve or reject staff's language? Will they be given a choice among alternatives, or be able to suggest alternatives? When will their job be done?

Successful committees establish and maintain reasonable expectations among committee members from the onset. Clearly describing the committee's authority, responsibilities and work procedures is an important step towards getting the committee off to a good start. Explaining their role as an advisory body avoids a future expectation that the decision-makers will concur with all the CAC's recommendations.

Additional important steps include:

1. Set a standard meeting time and place for committee meetings so all members can adjust their schedules. Meetings should begin and end on time. Long meetings that end well after the agreed-upon time quickly result in committee member burn-out.
2. Discuss the schedule, and explain that the process may take much longer. Turnover can be expected, so discuss how replacements will be selected.
3. Establish how the committee's decisions will be made and how differing views will be represented and conflicts resolved. Voting? Majority/minority reports? Clarify whether consensus is required.
4. Establish a protocol for recording committee recommendations, and communicating draft recommendations prior to meetings. It generally works best if the committee chair presents written options instead of simply asking for committee input. This provides a starting point and focuses discussion. To avoid getting bogged down with details, the

options should begin as concepts and move towards greater detail as consensus is approached. A process for exchanging e-mails on changes to draft language should also be identified to avoid lengthy “word-smithing” discussions at meetings.

5. Record minutes at the meetings. Records of each meeting will provide an invaluable method for verifying committee decisions throughout the SMP amendment process.
6. Decide what will happen to the committee after the SMP is adopted. Unless there are specific tasks for the committee after adoption, the CAC should be officially disbanded.
7. Decide how other citizens may participate in committee meetings. Allowing all citizens to observe meetings is important, but opening the discussion to the general public throughout the meeting can be distracting and prevent progress. It may be best to limit public comments and discussion to specific times during the meeting.

Beginning the committee’s work

A tour of the shoreline, especially a boat tour, is an ideal way to help committee members become familiar with the waterfront. Alternatively, walking the shoreline will help orient members.

Guest experts such as port officials, Department of Fish and Wildlife and Department of Ecology staff, maritime economists, special interest groups, and others can address the committee to provide background information. Ecology staff can introduce committee members and other interested parties to the SMP amendment process and emergent shoreline issues and concerns. This introductory training will help to identify many issues the committee will address throughout the SMP process.

Facilitating committee decision-making

Each difficult issue must be tackled in a way that looks for a solution satisfactory to all interests. Such a solution is not necessarily a compromise, but rather a response to a complex problem. One useful approach is to appoint a sub-committee to help resolve conflicts that arise. This avoids distracting the entire committee’s attention from other issues and allows a smaller group to tackle solutions to the identified problems.

Ideally, a committee should act as a team that considers all objectives in resolving problems. The win-win negotiating technique described by Roger Fisher and William Ury in the book, *Getting to Yes*, provides a good model for solving potentially difficult conflicts. The approach features the following four elements in arriving at a fair solution to a conflict.

- **Separate people from the problem.** Emotions often get in the way of solving conflicts. Fisher and Ury suggest several methods for dealing with emotions, including acknowledging both sides' perceptions and prejudices, not responding to emotional outbursts, and using effective communication methods. The key is to build personal working relationships so all participants can work together to solve a problem, rather than

creating a conflict in which each side tries to win. Informal meetings, such as a shoreline tour, help form and strengthen working relationships.

- **Focus on interests rather than positions** (describe what each party wants, not what they demand). A position is a statement or demand. An interest is a desire, a motivation or a concern. "I don't want any public access in the industrial waterfront" is a position. "I want to make sure that the safe, efficient operation of industrial activities is not diminished by public access improvements" is an interest. Focusing on interests rather than positions allows both sides to explore areas where they are compatible and to tackle the problem rather than each other's positions.
- **Explore options for mutual gain.** Searching for creative solutions is preferable to simply trying to compromise. Staff members can assist in this effort by proposing solutions that optimize all interests. For example, in a conflict between industrial operators and public access advocates, all parties interests might be promoted by: 1) developing plans for public access features that do not impede industrial activities; 2) including an SMP provision that describes how to decide when public access is inappropriate; or 3) explicitly describing where public access is not required and allowing off-site public access mitigation according to a specified plan.
- **Use objective criteria to make a decision.** Resolving the issue ultimately means arriving at a decision that may not please everyone. Before taking a potentially divisive vote, the committee should evaluate all options with respect to objective criteria. In this case, the criteria might be the General Policies section of the draft SMP or the Shoreline Management Strategy. The preferred solution must conform to the SMA and the Guidelines, and if applicable, the priorities set for shorelines of statewide significance.

Getting to Yes develops these principles in detail and presents many useful techniques for their implementation. Ideally, all major issues are resolved to the maximum extent possible at the local level. Unresolved or contentious issues will likely re-surface at the state review and approval level as well, leading to delays in final SMP approval.

Nurturing the Citizen Advisory Committee

Committee members devote many hours to SMP-related work, providing an invaluable and difficult public service. Their reward is in knowing they are making an important contribution. Keeping the committee on track by meeting its objectives, verifying its role and occasionally reviewing its performance will enhance this feeling. Public recognition of their ongoing contributions is also important. In addition, each committee member deserves his or her viewpoint to be respectfully considered by the other members and the staff. Discourteous behavior should not be tolerated.

Organizing a Technical Advisory Committee

Most jurisdictions updating their SMPs also have a technical/science committee (Technical Advisory Committee or TAC). The TAC is usually comprised of state resource agency,

municipal and tribal representatives with data and scientific expertise in shoreline resource issues, as well as citizens with similar training and expertise. Its main focus is on technical issues such as biological, geological and hydraulic processes, wetlands and engineering.

Local governments usually create the TAC when accumulating draft inventory data and developing draft reach maps. The committee often plays an important role in identifying or providing input on data sources. The suggestions for convening and effectively managing a CAC, above, apply equally to the TAC.

Whatcom County posted the following description of its Technical Advisory Committee on its SMP update process website:

“The purpose of the SMP/CAO Technical Advisory Committee is to help focus technical discussions and identify key technical and policy issues associated with natural resources management in Whatcom County and take advantage of and contribute to the existing knowledge base in the county. The following governments and agencies have been invited to participate on the Technical Advisory Committee:

- City of Bellingham*
- Lummi Nation*
- Nooksack Tribe*
- Small Cities Caucus*
- Port of Bellingham*
- Washington State Department of Fish and Wildlife*
- Washington State Department of Natural Resources*
- Washington State Department of Ecology*
- U.S. Army Corps of Engineers*
- Whatcom Conservation District/NRCS*

In addition to regular participating governments and agencies, representatives from special districts within Whatcom County, such as the Watershed Improvement District and Shellfish Protection Districts will be invited for focused discussions related to their specific areas of interest or expertise. Additionally, specific members from other parallel planning processes in the county, such as WRIA Watershed Management Planning, Salmon Recovery, Lake Whatcom Management and MRC will be invited to participate in the discussions with the advisory committee as appropriate.

Technical Advisory Committee meetings will be open to the public and the meeting dates and locations are posted on the events calendar on this website as they are scheduled.”

The CAC and the TAC can be the backbone of your SMP update process. The success of the process will depend in large part on the members’ ability to listen, learn, share, and constructively debate issues that do not have easy answers. Taking the time to explain historic issues, educate committee members on shoreline management processes and challenges and provide input from shoreline experts will help ensure productive committee output.