

# 11<sup>th</sup> Annual Bainbridge Island Environmental Conference

## Protecting Bainbridge Island's Shoreline

*the reasoning, the science, and the law supporting the Shoreline Master Plan*

Eagle Harbor Congregational Church 105 Winslow Way West  
Tuesday, October 4th, 2011 7:00 p.m. to 9:15 p.m.

**7:00 p.m. Introduction – Lisa Macchio**  
Presentation of ABC Environmental Award to Wayne Daley by Dale Spoor

**7:10 p.m. The long term perspective –**

**Paul Dorn, Salmon Recovery Research Scientist**

**7:30 p.m. The science supporting the protection of shorelines and  
Puget Sound –**

**Curtis Tanner, Fish and Wildlife Biologist**

Open for Questions to be Temporarily Parked

**8:00 p.m. The applicable law supporting the protection of shorelines –**

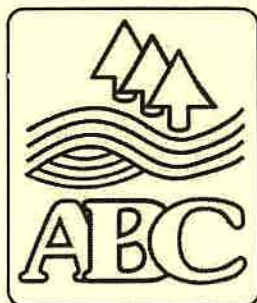
**David Bricklin, Environmental Attorney**

**8:20 p.m. Panel Discussion Open for Questions (parked and from audience)**  
**Paul Dorn, Curtis Tanner, David Bricklin, Wayne Daley**

**9:05 p.m. Next step: Getting Involved – Charles Schmid**

**9:15 p.m. Finish**

Sponsored by  
the Association of Bainbridge Communities (ABC),  
Bainbridge Alliance for Puget Sound  
People for Puget Sound.



## Speakers

**PAUL DORN**, Suquamish Tribe, (360) 981-7658, pdorn@suquamish.nsn.us

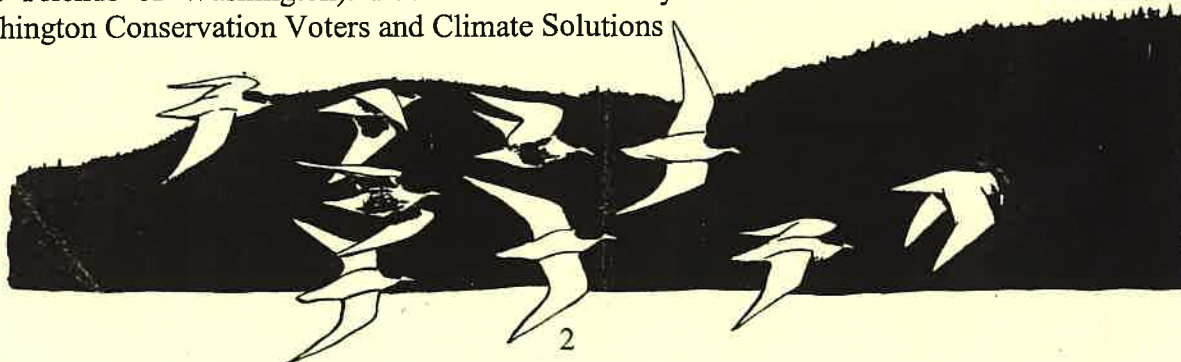
Paul is a biologist and has a B.S. in Fisheries Science from the University of Washington and 44 years experience working with salmon. He spent three seasons tagging Bristol Bay sockeye salmon in the North Pacific and has monitored emerging chum at the Big Beef Creek Research Station on Hood Canal. For the past 34 years, he has worked for the Suquamish Fisheries Department, building their multispecies salmon enhancement program, designing and constructing habitat restoration projects, and conducting nearshore, estuarine, and subtidal research. This includes conducting nearshore beach seine and outmigration studies and re-establishing kelp and eelgrass communities. He serves on a number of boards including Friends of Miller Bay and the Stillwater Environmental Education Center, and assists the BI Watershed Council and the Puget Sound Restoration Fund.

**CURTIS D. TANNER**, Puget Sound Nearshore Ecosystem Restoration Project Local Project Manager, (360) 902-2815, curtis\_tanner@fws.gov

Curtis is a biologist with the U.S. Fish and Wildlife Service, where he has spent 20 years working on coastal habitat restoration projects and issues in Puget Sound. He is currently on assignment to the Washington Department of Fish and Wildlife, where he is serving as the Local Project Manager for the Puget Sound Nearshore Ecosystem Restoration Project General Investigation study. PSNERP is a partnership between federal, state, local, and tribal governments, as well as non-governmental organizations, academia, and others. It is working to deliver a comprehensive understanding of the nearshore ecosystem restoration and protection priorities for Puget Sound, and the capacity to deliver solutions to the region. Curtis has a B.S. in Aquatic Science from Cornell University, and a Masters of Marine Affairs from the University of Washington.

**DAVID A. BRICKLIN**, Bricklin & Newman, LLP, Seattle, (206) 264-8600  
bricklin@bnd-law.com

Mr. Bricklin is a partner in the Seattle law firm of Bricklin & Newman, LLP. His practice emphasizes environmental, land use, and community issues. He received his undergraduate degree from Michigan State University. He is a graduate of The Harvard Law School where he was a co-founder and editor of the Harvard Environmental Law Review. He has practiced environmental and land use law throughout Washington State since 1979. Mr. Bricklin was closely involved in the development of the Washington Growth Management Act. He is a past President and Director of the Washington Environmental Council, former Co-Chair of the Washington Conservation Voters, and a founding member and Director of Futurewise (formerly 1000 Friends of Washington). Mr. Bricklin currently serves on the boards of Futurewise, Washington Conservation Voters and Climate Solutions



## Planning Commission Revised Schedule:

- Oct 6 (3hr) - SS#9, General Modifications, Shoreline Stabilization, Nonconforming, Administration
- Oct 13 (3hr) - SS#10; Carry over, Planning Commission specific issue discussion (topics TBD at Oct 6 meeting)
- Oct 20 (2hr) - SS#11; Planning Commission specific issue discussion continued, if necessary
- Oct 27 (canceled)
- Nov 3 (3hr) - Public Open House / SMP Public Hearing
- Nov 17 (1.5hr) - SMP Final Recommendations
- Dec 8 (2hr) - Restoration Plan

Note: The City Council has postponed adopting the SMP update until 2012

## ABC 2011 Environmental Award

**Wayne Daley** is a certified Fisheries Scientist who is responsible for restoring many habitats in the Northwest, including Bainbridge Island. Here on the island Wayne has been involved in the restoration at Schel Chelb estuary, fish passage projects on Springridge Brook at Fletcher Bay Road and Manzanita Creek, and Eagle Scout environmental projects on six streams around the Island. He formed Daley Design in 1995 and has worked for many non-profit organizations over the years, including Mid Sound Salmon Enhancement Group, People for Salmon, Trout Unlimited, and Long Live the Kings. In addition has spoken at many previous Bainbridge Island Environmental Conferences. Wayne was named the Kiwanis Citizen of the year in 1998.

### PAST RECIPIENTS OF THE ABC ENVIRONMENTAL AWARD

The Silver Cup was originally presented to Jerry and Elane Helmuth in 1984

1991 Janet Knox	1997 Dale Spoor	2007 Jim Brennan
1992 Vince Mattson	1998 Dave Davison	2008 Lois and Lew Andrus
1993 Linda Schmid	1999 Road Ends Advisory Committee	2009 Jo Schaffer
1994 Sheila Crofut	2000 Frank Stowell	2010 Rachel and Robert Smith
1995 Bainbridge Island Land Trust	2001 Connie Waddington	
1996 Leigh Kennel	2003 Van Calvez	

### Previous Environmental Conferences

- 1<sup>st</sup> (2001) State of the Environment on Bainbridge Island
- 2<sup>nd</sup> (2002) Environmental Protection on Bainbridge Island
- 3<sup>rd</sup> (2003) Planting for a Healthy Environment
- 4<sup>th</sup> (2004) Water and Watersheds
- 5<sup>th</sup> (2005) The State of the Environment on Bainbridge Island
- 6<sup>th</sup> (2006) Wildlife and their Island Habitat
- 7<sup>th</sup> (2007) Aquatic Life and Habitat on Bainbridge Island
- 8<sup>th</sup> (2008) Positive Energy
- 9<sup>th</sup> (2009) The Truth about Dirt
- 10<sup>th</sup> (2010) Protecting the Island's Shorelines





## Non Profit Sponsoring Organizations

**The Association of Bainbridge Communities (ABC)** has been working to preserve Bainbridge Island's natural environment since 1978. ABC consists of 12 neighborhood groups and approximately 400 members. As dedicated citizens living on a beautiful island, we are interested in learning about how we can actively protect and restore a clean and healthy environment. The Association often speaks out on proposed legislation and developments at City Hall. It sends land use applications to neighbors so they are aware of potential impacts. ABC was instrumental in initiating the cleanup of the Wyckoff creosote site (now Pritchard Park) and the Vincent Road Landfill. Along with its neighborhood groups, it successfully denied an 800-unit development in South Bainbridge which eventually provided land for IslandWood and Blakely Harbor Park. More recently it has been involved in caring for the Waterfront Trail in Winslow and participating in a new Water Resource Committee to look into our groundwater supply. ABC published the book *In Praise of Island Stewards* and for 25 years a newsletter *Scotch Broom*. ABC has cosponsored the Bainbridge Island Environmental Conference for 11 years.

**Bainbridge Alliance for Puget Sound (BAPS)** is a coalition of Island organizations and concerned citizens working to protect and restore the shorelines and nearshore waters of Bainbridge Island. Through education and advocacy, our Alliance supports programs and policies that we believe will help restore the health of the ecosystem of the Sound. BAPS integrates our local work on Bainbridge Island with the larger goals and programs of the Puget Sound Partnership and organizations such as People For Puget Sound.

**People For Puget Sound** is a citizens' group established in 1991 by Kathy Fletcher to protect and restore the health of our land and waters through education and action. Our members, partners and volunteers are located throughout the Puget Sound basin. Our staff works out of offices in Seattle and Olympia and our board of directors represents the communities we work in. Their vision is a clean and healthy Sound teeming with fish and wildlife. We will accomplish this by: 1) Eliminating contamination of the Sound and Straits; 2) Halting the destruction of natural habitats and restoring those habitats to health; and 3) Sustaining the Sound and Straits as a healthy source of people's livelihood, enjoyment and renewal. To do this, they are: 1) Educating adults and youth in the science and values of a healthy Sound; 2) Involving our communities and partners in our shared responsibilities; and 3) Holding ourselves and public officials accountable for carrying out commitments and enforcing laws and regulations. More information may be found at: <http://pugetsound.org/>

### CONFERENCE ORGANIZERS

#### ABC

Marcia Lagerloef  
Lisa Macchio  
Charles Schmid  
Frank Stowell

#### BAPS

Mark Dawson  
Jeanne Huber  
Eric Rehm  
Bruce Taft

#### People For Puget Sound

Rein Attemann  
David McCaughey

Interested in having a neighborhood get together to discuss shorelines?

Contact: Elise Wright ([emtwright@aol.com](mailto:emtwright@aol.com) 842-4112)  
or Bruce Taft ([brucetaft@mac.com](mailto:brucetaft@mac.com) 842-9372)





## Presenter Background September 2011

Paul Dorn  
Salmon Recovery Research Scientist  
Suquamish Tribe  
PO Box 498  
Suquamish, WA 98392  
Work: [pdorn@suquamish.nsn.us](mailto:pdorn@suquamish.nsn.us)  
Home: [paul@dorn-enterprises.com](mailto:paul@dorn-enterprises.com)  
Cell: (360) 981-7658  
Home: (360) 598-3438

Paul has a B.S. in Fisheries Biology from the UW and 44 years experience working with salmon that includes 3 seasons of tagging Bristol Bay sockeye salmon in the North Pacific and monitoring emerging chum at Big Beef Creek Research Station on Hood Canal. For the past 34 years Paul's worked at the Suquamish Tribe, first as the Salmon Enhancement Program Manager designing, constructing, and operating the Tribe's East Kitsap chum, coho, and Chinook salmon programs. Paul then served as the Salmon Recovery Coordinator working to protect and restore salmon habitat and now serves as a Research Scientist conducting nearshore beach seine and outmigration studies and re-establishing bull kelp and eelgrass communities. These efforts keep Paul heavily involved with the NW Indian Fisheries Commission, NOAA Fisheries, WA Dept of Fish and Wildlife, Kitsap County, the Salmon Recovery Funding Board, local cities, organizations, schools, citizens, and local sports groups (Poggie Club and Trout Unlimited).

Paul is a founding board member of the Mid Puget Sound Fisheries Enhancement Group, has served on the Mid Sound board for its entire 21 years, and is currently Board President. He's the current board president of the Friends of Miller Bay and is the board vice president of Stillwaters Environmental Education Center, a non-profit located in Kingston. He is a member of the West Sound Watersheds Council's Salmon Recovery Technical Advisory Committee, Poulsbo's Fish Park Steering Committee, North Kitsap High School's Natural Resource Advisory Committee, and past Chair of the Kitsap County's SWWM Advisory Committee. Paul assists the BI Watershed Council, Liberty Bay Foundation and the Puget Sound Restoration Fund on a regular basis, and has been a past member of the Lead Entity Advisory Group and other salmon habitat and hatchery reform committees. He is a life member of both the Hood Canal Salmon Enhancement Group and the Bremerton Poggie Club.

Paul volunteers as a student mentor at Suquamish Elementary School where Linda, his wife of 39 years, works as a first grade teacher. College interns work with him each year on salmon restoration and research projects. Paul received the honor of being elected into the Pacific Northwest Salmon Center's Wild Salmon Hall of Fame in 2004. Mid Puget Sound selected Paul for its Senator Slade Gordon Salmon Legacy Award in 2005. The White House honored the Suquamish Tribe's Salmon Enhancement leadership with a 2005 national award. Paul owns a scientific diving business that specializes in marine salmon netpen operation and maintenance, conducting eelgrass surveys, geoduck surveys, and documenting underwater habitat. He has logged 14,515 dives since being certified in 1969, spending more than a year of his life underwater. Paul is a long time member of the American Fisheries Society, American Association for the Advancement of Science, Estuarine Research Federation, and other organizations.



## SMP Update Citizen Workgroups and Task Force

The City created three **Citizen Workgroups** to review proposed policy options and identify goals and broad policies for Bainbridge Island's update of its Shoreline Master Program (SMP), which guides development on shorelines under the state Shoreline Management Act. A **Citizen Task Force** comprised of representatives selected from the three work groups will also meet to share information and ideas.

<b>Appointed Members</b>			
<b>Group</b>	<b>Modifications</b>	<b>Vegetation</b>	<b>Development</b>
<b>Bainbridge Shoreline Homeowners</b>	John Bomben	Alice Tawresey	Ken Sethney
<b>Association of Bainbridge Communities</b>	Marcia Lagerloef	Lisa Macchio	Charles Schmid
<b>Bainbridge Alliance for Puget Sound</b>	Bruce Taft	Jeanne Huber	Mark Dawson
<b>Bainbridge Citizens</b>	John Barrutt	Gary Tripp	John Anderson
<b>At-large members</b>	Wayne Daley	Kathy Dwyer	Greg Hepp
	Eric Rehm	Elise Wright	Al Solonsky
	Stephen Ekholm	J. Mack Pearl	
	David McCaughey		
<b>Planning Commission liaisons</b>	Martha Droge	Don Fisher	Maradel Gale

**Task Force members:** Ken Sethney, Charles Schmid, Mark Dawson, Lisa Macchio, J. Mack Pearl, Alice Tawresey, David McCaughey, John Bomben, and Wayne Daley. (In addition there were a number of substitute members on both the Task Force and three advisory committees.)

### **Public Comment During Dual Review Process** (from City web site)

Public comment may be provided in writing to the Planning Commission and City Council at any time during the review process. To ensure that comments are received by both reviewing bodies and entered into the official record, comments should be addressed to both the Planning Commission and City Council and sent to the City's Department of Planning and Community Development. [pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov) The Planning Commission and City Council have discussed the importance of public comment as part of the SMP Update, and are in the process of determining the most effective way to provide for public participation and comment at their meetings. More information will be provided on this issue when it's available.

### PLANNING COMMISSION MEMBERS

Michael Lewars, Chair; Martin Minkoff, Vice Chair  
 Martha Droge, Don Fisher, Maradel Gale, J. Mack Pearl, Michael Wangen

**Write to:** Planning Commission, c/o Dept. of Planning and Community Development, 280 Madison Ave. North, BI 98110, **Email:** Planning Commission [pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)



## 2011 CITY COUNCIL MEMBERS

Name	Ward/Position	Term Dates	Email	Phone (206)
<u>Kim Brackett</u>	South Ward Position No. 6	1/1/08- 12/31/11	<a href="mailto:kbrackett@bainbridgewa.gov">kbrackett@bainbridgewa.gov</a>	842-2134
<u>Hilary Franz</u>	North Ward Position No. 2	1/1/08- 12/31/11	<a href="mailto:hfranz@bainbridgewa.gov">hfranz@bainbridgewa.gov</a>	734-9729
<u>Kirsten Hytopoulos</u> 2011 Mayor	South Ward Position No. 3	1/1/10- 12/31/13	<a href="mailto:khytopoulos@bainbridgewa.gov">khytopoulos@bainbridgewa.gov</a>	842-1596
<u>Bill Knobloch</u>	Central Ward Position No. 4	1/1/02- 12/31/11	<a href="mailto:bknobloch@bainbridgewa.gov">bknobloch@bainbridgewa.gov</a>	855-8888
<u>Debbi Lester</u>	Central Ward Position No. 5	1/1/10- 12/31/13	<a href="mailto:dlester@bainbridgewa.gov">dlester@bainbridgewa.gov</a>	588-9588
<u>Barry Peters</u>	At Large Position No. 1	1/1/08- 12/31/11	<a href="mailto:bpeters@bainbridgewa.gov">bpeters@bainbridgewa.gov</a>	842-7700
<u>Bob Scales</u>	North Ward Position No. 7	1/1/10- 12/31/13	<a href="mailto:bscales@bainbridgewa.gov">bscales@bainbridgewa.gov</a>	414-2003

To contact all Council members as a group, send an email [council@bainbridgewa.gov](mailto:council@bainbridgewa.gov) or regular mail (280 Madison Avenue North, Bainbridge Island, WA 98110).

### CITY STAFF WORKING ON THE SMP

**Ryan Erickson** Shoreline Planner (780-3719) [RErickson@bainbridgewa.gov](mailto:RErickson@bainbridgewa.gov)

**Libby Hudson** Lead Staff (780-3767) [LHudson@bainbridgewa.gov](mailto:LHudson@bainbridgewa.gov)



### SMP UPDATE LINKS

<u>SMP Update Project Page</u>	-----General Information
<u>Adoption Schedule/Timeline</u>	--Time for study sessions, hearings and decisions
<u>Chronology</u>	----- Past History of Process (meetings, etc.)
<u>Draft SMP</u>	----- This has present version of SMP Update
<u>ETAC</u>	----- Environmental Technical Advisory Committee (Citizen experts)
<u>Citizen Workgroups</u>	----- See above
<u>References by Type</u>	----- Peer reviewed articles
<u>Questions and Answers</u>	----- Q & A regarding process, SMP details, etc.
<u>Public Comments</u>	----- Some 800 communications to City of SMP

The nine sections above may be opened by going to the City's home page:

<http://www.ci.bainbridge-isl.wa.us/>

and clicking on Shoreline Master Program located under **PROJECTS**

## Focus on Shorelines

### Shorelands and Environmental Assistance Program

## Shoreline master programs: Making sense of tough issues

### Introduction

To promote a healthy dialogue with the public and our local government partners, the Washington Department of Ecology



(Ecology) has crafted this document to help answer an array of tough questions that have come up as we work together to manage Washington's shorelines for future generations. The state Shoreline Management Act, adopted by voters in 1972,

ensures that all of us – the public, interest groups, local, state and tribal governments – work together to ensure our shorelines:

- Are kept safe and unpolluted.
- Are developed and managed fairly.
- Give our children and future generations that special “sense of place” we cherish in Washington.

The mechanism for putting new shoreline development regulations and policies in place is called a “shoreline master program.” Many people have questions and concerns about how changes to a local shoreline program might affect their homes, the environment, access to public waters and shorelines, and future development in their community.

With more than 30 updated shoreline master programs now in place, we have some on-the-ground experience regarding many issues people are concerned about – and how cities and counties have dealt with them including:

- Home repair and expansion within shoreline buffers and setbacks.
- The impacts of “no net loss of shoreline ecological functions” requirements.
- Shoreline erosion and potential impacts to property and the shoreline environment.



August 2010

### WHY IT MATTERS

Across Washington, about 260 local governments have or soon will be crafting new shoreline development policies and regulations that may affect you.

Many people have raised questions and concerns about how changes to their local “shoreline master program” might affect them, their homes, and future shoreline development in their community.

Ecology and local governments work together to update each shoreline program under an open public process. We want to help address some of the tough issues citizens have raised about shoreline master programs and the updating process.

### Contact Information

**Curt Hart**  
Communications Manager  
Shorelands and Environmental Assistance Program  
(360) 407-6990  
[curt.hart@ecy.wa.gov](mailto:curt.hart@ecy.wa.gov)

### Special accommodations

To ask about the availability of this document in a version for the visually impaired, call the Shorelands and Environmental Assistance Program at 360-407-6600.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

## Focus on Shorelines

### Shorelands and Environmental Assistance Program

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- Public access requirements and private property.
- Use of scientific information for shoreline master program regulations.

Newly updated shoreline programs address these issues by recognizing and responding to local conditions and needs while fulfilling the statewide vision for shoreline development, protection, and uses set forth by the people of Washington.

### Updating local shoreline master programs

Voters adopted the state Shoreline Management Act (SMA) in 1972. More than 260 Washington towns, cities and counties have marine, lake, and stream shorelines that fall under SMA jurisdiction. The Act requires local governments to regularly review and revise their shoreline regulations and policies. However, most jurisdictions haven't done a thorough update of their shoreline master programs since the 1970s. Many changes have occurred along Washington's lakes, rivers, and marine waters in the last 40 years.



In the late 1990s, the Washington Legislature and Ecology recognized that most local shoreline plans, policies and regulations are a generation out-of-date. These old shoreline master programs need to be modernized, reviewed, and updated to:

- Address current shoreline conditions.
- Apply new scientific information about managing and protecting our shorelines.
- Accommodate future development while protecting the ecological functions of our shorelines.
- Align better with current environmental and land-use laws such as salmon recovery and watershed management plans, state Growth Management Act and critical areas ordinances, port development plans, park and trail systems, etc.

As the result of a 2003 negotiated settlement between Ecology and business interests, ports, environmental groups, shoreline user groups, and cities and counties, Ecology revised its legally-binding guidelines that outline the essential elements each local shoreline master programs must address ([www.ecy.wa.gov/programs/sea/SMA/guidelines/index.html](http://www.ecy.wa.gov/programs/sea/SMA/guidelines/index.html)).

The 2003 Legislature set up a timetable for all 260 local governments to update their shoreline programs by December 2014. Each shoreline master program then must be reviewed every seven years to ensure it still complies with state law. To help local governments meet the 2014 goal, state lawmakers have provided about \$12 million to towns, cities, and counties to modernize their individual shoreline programs. When Ecology approves a local shoreline master program, it becomes part of the overall statewide shoreline master program.



#### Shoreline master programs benefits

Shoreline master programs contribute to local and statewide economic vitality by:

- Protecting lives and property by keeping development out of unstable or unsafe areas.
- Helping communities fulfill their vision for future waterfront development and uses in our shoreline areas.
- Providing more certainty to the development community through more consistent shoreline building ordinances and permitting requirements.
- Providing for public access and recreational opportunities in shoreline areas.
- Giving preference to water-dependent uses that rely on shorelines for economic viability.



Master programs also contribute to local and statewide environmental vitality by:

- Helping protect our marine waters, lakes, and stream systems from pollution.
- Protecting the overall health and functions of shorelines and public waters for both public and private use.
- Protecting critical fish and wildlife habitat.
- Restoring unhealthy shorelines and increasing the health of public waters.

#### Roles and responsibilities: Shoreline master programs

Under the comprehensive shoreline master program update process currently under way, local governments:

- Provide shoreline planning leadership within their jurisdictions and ensure all interests are brought to the table.
- Prepare, adopt, oversee, and enforce their locally-crafted shoreline master programs.
- Send minor and comprehensive shoreline master program updates to Ecology for approval.
- Periodically review and keep their shoreline master programs current.

Under the shoreline program update process, Ecology:

- Provides state guidelines outlining the essential elements that local shoreline master programs must address.
- Provides grants and technical assistance to local governments.
- Reviews and approves local shoreline master programs to confirm consistency with state law and rules.
- Once approved, individual local shoreline master programs become part of the overall state shoreline master program.

Shoreline master programs do not:

- Take away constitutional protections for private property rights.
- Require existing shoreline homes to be relocated.
- Try to return our shorelines to pre-settlement conditions.

#### Responding to public concerns

A number of issues have come up during efforts to update local shoreline master programs. Here are some responses we hope address these issues of public concern.

#### Issue 1: Updating a shoreline master program will impact existing homes

A number of shoreline property owners are concerned that updating local shoreline master programs will put their existing home in peril, because their home could be “out-of-compliance” or “non-conforming” under new shoreline regulations.

Important things to know about new shoreline master programs and your existing shoreline home:

- Updated shoreline master programs are not retroactive.
- Existing single-family homes are “grandfathered.” Expansions of existing single-family structures are reviewed on a case-by-case basis.
- Shoreline programs must be designed and put in place so they are consistent with constitutional protections of private property.



Similar to most land-use laws, provisions of new shoreline master programs are not “retroactive.” This means existing homes are not “out of compliance” with new shoreline master program regulations. New regulations only apply to new development and uses. In Washington, residential lots created and homes built under older land use laws are “grandfathered in” under those laws so that new standards do not apply retroactively – if no new development is proposed.

Shoreline homeowners can make improvements, and can enlarge or expand their current homes under most conditions. For instance, Whatcom County updated their shoreline master program in 2008 using Ecology’s new shoreline guidelines. Since then, the county has received more than 56 applications to make improvements to existing homes, including making additions and building garages. Every homeowner’s permit request was approved and issued in a timely manner.

## Focus on Shorelines

### Shorelands and Environmental Assistance Program

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#### Issue 2: Protecting a house from erosion by armoring the shoreline is no longer allowed

In the past, shoreline erosion threatening a home or business was fought by armoring the shoreline with concrete bulkheads and seawalls, riprap and “revetments” such as sandbags or cement, and other structures designed to harden a shoreline. We now know that hardening a shoreline can endanger neighboring properties and threaten valuable resources, such as salmon, and is best used as a last resort.

The best way to safeguard homes and businesses is to leave enough room between the shoreline and new structures. That way if erosion occurs, it doesn't threaten those structures. During the past 40 years, we've learned that shoreline erosion is much more a process of nature we need to learn to live with. Eroding marine bluffs feed the growth of beaches that protect existing homes. When we try to stop erosion in these places, it robs existing homes of their natural protection. In some cases, armoring pushes the force of waves and water to nearby properties, hastening erosion there. Our approach to managing shoreline erosion needs to be done thoughtfully and carefully.

Important things to know about shoreline armoring and new shoreline master programs:

- Armoring is expensive and may only provide a short-term solution. We need to have a better set of policies and regulations that don't put properties and homes in harm's way.
- Updated shoreline programs are designed to reduce the need for armoring.
- Private property owners can protect their houses or business structures but are asked to use approaches that respect other people's properties and the natural shoreline.

#### Issue 3: What “no-net-loss of ecological functions” means to homeowners



It's clear that development along our beaches and shorelines can affect their long-term health and prevent people from using and enjoying them. To insure this doesn't happen in the future, new shoreline policies and regulations must meet a standard of “no net loss of ecological functions.”

This means existing shoreline functions should be protected and maintained over time while properly sited shoreline development goes on. This is accomplished by modifying development designs to avoid the loss, or making up for – or “mitigating” – adverse impacts.

The no-net-loss standard doesn't mean that your house needs to be removed. You can continue to live in, maintain and repair your house. The no-net-loss of ecological functions goal helps ensure one person's shoreline development doesn't decrease the overall benefits of our shorelines for everyone – while still allowing development to move forward.

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8/10 (Rev: 04/11)

## Focus on Shorelines

### Shorelands and Environmental Assistance Program

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Important things to know about no-net-loss

- It ensures that the economic and environmental benefits of healthy shorelines are preserved for future generations. The first step is good planning for future land use and development. It does not stop shoreline development. Local governments must review proposed projects during the permitting process to see if they interfere with shoreline ecological functions.
- It does not mean returning to a pre-settlement environment. Today is the starting point for measuring no-net-loss. It is defined by a shoreline inventory and characterization prepared by the town, city, or county updating their shoreline master program – a critical part of any shoreline program update.

#### Issue 4: Public access to shoreline areas

Some shoreline homeowners are concerned that public access means allowing strangers to cross their property to get to the beach, river or lake. That's not the case. The Shoreline Management Act and Ecology's shoreline guidelines focus on access to public waters from publicly-owned property. Public access may also be required at large private shoreline developments such as hotels, marinas, and mixed-use projects as part of the original design.



Unlike Oregon and some other coastal states, Washington's tidelands and beaches are not all in public ownership. From 1889 statehood until the 1972 Shoreline Management Act was adopted, the state sold off many of its tidelands and beaches. It's estimated that 60-70 percent of our tidelands are privately owned. According to data from Ecology's Marine Shoreline Public Access Project, only 37 percent of all of Washington's marine shorelines – including those in Puget Sound and our coastal shores – are publicly accessible. This doesn't include information about public access to any freshwater water bodies such as lakes and streams.

Important things you should know about public access to public waters and shorelines:

- State waters – Washington's lakes, streams, rivers, Puget Sound, Pacific Ocean – belong to us all. We have a right to boat, swim, and fish in these waters and enjoy their associated public shorelines.
- The people of Washington want to see, touch and enjoy the shorelines of the state. They embodied this desire in the 1972 voter-approved Shoreline Management Act (SMA).
- One of the primary goals of the SMA is to protect the public's right to access public waters and shorelines.
- They help ensure that both the public's right to access and private property rights are respected. Local shoreline programs help communities plan the best locations for public access to public waters and shorelines.

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8/10 (Rev: 04/11)

## Focus on Shorelines

### Shorelands and Environmental Assistance Program

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#### Issue 5: What shoreline buffers and setbacks mean to homeowners



Shoreline property owners have voiced concern about new buffer and setback standards under updated shoreline master programs. Some worry they will have to tear out existing landscaping or their garden, or lose waterfront views because they'll be forbidden from pruning their trees and shrubs. Ecology has adopted more than 30 shoreline programs under the 2003 guidelines. All have included allowances for tree trimming and maintaining natural views, as well as provisions for accessing the water. New shoreline master programs do not require homeowners to remove their existing landscaping.

Buffers are intended to protect homes from erosion, filter polluted run-off, provide shade, and protect other ecological functions. They protect our water quality by helping filter out toxic and other pollutants in stormwater runoff, help stabilize slopes, and provide organic material to both the land and water food webs. Buffers also provide shade and habitat for critical fish and wildlife species.

Shoreline setbacks are the minimum distance between a structure and the shoreline, or the structure and the buffer. They are not retroactive so they won't affect existing homes. Setbacks keep new homes and developments out of harm's way and prevent the future need for shoreline armoring. Setting a new home back from the shoreline in a low bank area can reduce the need for armoring when sea levels rise over time or unusual floods come. Setbacks also keep homes from being built too close to the water's edge, making our residences safer and less expensive to maintain.

Important things you should know about shoreline buffers and setbacks:

- Shoreline master programs do not necessarily set rigid "one-size-fits-all" standards. Buffer and setback sizes can be tailored based on environmental conditions, current development patterns, and future planned development.
- Buffers and setbacks help protect environmental and economically important shoreline resources.
- Shoreline buffers and setbacks offer opportunities for unique landscaping, screen nearby developments from view, and block noise and glare from adjacent properties and water-based activities.

#### Issue 6: Science and shoreline master program updates

It's important to remember that at the core, shoreline master programs are a planning process informed by community input, science and many other factors. It is not a process driven solely by science.

In some areas, shoreline homeowners have questioned whether Ecology uses credible science to help local jurisdictions update their shoreline master programs. On the surface, it may be difficult to assess the quality of the methods and statistics reported in a document. Technical documents that Ecology uses include a clear description of the methods used and undergo a rigorous review by reputable experts in the field. This ensures that proper scientific methods, research procedures, and review protocols were used.

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Local experience and anecdotal evidence provided by interested parties also may offer valuable information to supplement scientific information. However, nonscientific information can't substitute for valid, available scientific information. Local governments should carefully and objectively review the relative merits of all information.

Ecology's 2003 shoreline master program guidelines require local governments to "make use of and, where applicable, incorporate all available scientific information." This includes reports, documents and materials such as inventory, monitoring, research and survey data, technical assistance materials, mathematical and computer modeling, manuals and services from reliable scientific sources, and aerial photography.

Important things you should know about scientific information:

- Local governments and Ecology use science to inform the policies and regulations that protect and restore shorelines. Scientific information based on reputable methods and reviewed by scientists from the same fields of study, logical conclusions and reasonable deductions, context, and references is considered the most credible.
- Ecology and local governments also consider residents' knowledge about our shorelines to be valuable.
- A document that contains a lot of numbers and statistics is not always based on credible science. Technical documents should always include a clear description of the methods used and undergo a rigorous review by other experts in the field. This ensures proper scientific methods, research procedures, and review protocols were used.

#### For more information

Shoreline Master Programs

<http://www.ecy.wa.gov/programs/sea/shorelines/smp/index.html>

Citizen Guide to Shoreline Master Programs

<http://www.ecy.wa.gov/programs/sea/shorelines/smp/citizen.html>

Shoreline Management Data and Information

<http://www.ecy.wa.gov/programs/sea/sma/data/index.html>

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