

Shoreline Management

Background

In the early 1970s, the League of Women Voters of Washington (LWVWA) was involved in an initiative to the Legislature that ultimately became one of the first environmental laws in the state, the [Shoreline Management Act](#) (SMA). The SMA is the basis for over 250 city and county shoreline master programs (SMPs) that apply to the shorelines of specific streams, rivers, marine waters, lakes and associated wetlands. During 1983-and 1984, League members assisted the Department of Natural Resources in reviewing and revising its harbor area and aquatic lands management policies. In 1983, the League contracted with the Washington Department of Ecology (Ecology) to assess, via a telephone survey of state citizens, statewide public perception of the then ten-year-old SMA. During the 1995 legislative session, the LWVWA worked with the Governor's Task Force on Regulatory Reform to strengthen the SMA. In December 2000, Ecology adopted [new shoreline regulations](#), which business and development interests challenged legally. The LWVWA intervened in the lawsuit and participated in mediation, which resulted in strengthening the SMA rules. In 2000 and 2001, the League supported continuing the state's aquatic reserve system, which had been established in 1971 to protect aquatic lands that have special educational, scientific, or environmental importance.

The Department of Ecology proposed amendments to the SMA in 2017 that would have weakened the important "no net loss (NNL) of ecological functions" provision required in all SMPs. The LWVWA testified at the public hearing and signed a group letter that successfully opposed weakening this provision. In 2018, during Ecology hearings on a rules update, the LWVWA advocated to add a requirement to the SMA for evaluating climate change impacts, including sea level rise. In 2019, the LWVWA supported the recommendations of the [Southern Resident Killer Whale Task Force](#) established by Governor Jay Inslee. Five bills passed that will reduce threats to endangered orcas.

At the 2019 LWVWA Convention, members adopted a proposal for a new two-year Shoreline Study on current shoreline conditions, projections, and issues. In 2021, the state legislature enacted [SB 5273](#), an important bill concerning the replacement of shoreline armoring. League members have been involved in shoreline protection, both statewide and in local SMPs, supporting the use of least-impacting, technically feasible bank protection alternatives for protecting fish life when replacing residential marine shoreline stabilization or armoring.

In 2021, the Washington State Legislature adopted a budget proviso in [ESSB 5092](#) directing the Department of Fish and Wildlife (WDFW) to submit a report to the legislature on how to incorporate a “net ecological gain standard into state land use, development, and environmental laws and rules to improve statewide performance on ecological health.” The SMA was specified as one of the land use laws that must be addressed. In early 2022, the LWVWA released its Shoreline Study, which evaluated the impact and effectiveness of the state’s SMA. The LWVWA approved the Shoreline Study and it went through a consensus process.

After the [LWVWA Shoreline Study](#) was finalized, the Washington Academy of Sciences (WSAS) issued its [Report on Net Ecological Gain](#) in July 2022. That report had been commissioned by the WDFW as part of the 2021 legislative session budget proviso. The WSAS report concluded that the NNL standard had not been effective in protecting and maintaining ecological functions. The report cited a number of reasons for this failure, including poor implementation, inadequate restoration and funding, and the lack of assessment of its effectiveness.

Upon receipt of the WSAS report, the WDFW analyzed the possibility of incorporating a new net ecological gain (NEG) standard into state law. The LWVWA participated in the WDFW’s process as a stakeholder. In December 2022, the WDFW issued the [Net Ecological Gain Standard Proviso Summary Report 2022](#), in which it also concluded that the NNL standard is not working, but stated that the true impact of that standard is largely unknown. The WDFW cited the inconsistent implementation, enforcement, and measurement of the NNL standard as reasons why it didn’t work. The WDFW report included 15 recommendations, including adopting a NEG standard mandate for public projects and making the standard voluntary for private projects. Other recommendations include establishing metrics and a baseline for measuring NNL as well as monitoring, incentives, and funding for implementing that standard.

Position

Shoreline Management (2023)

SM – 1. The primary goal of the SMA is to protect the ecological functions of our shorelines. Therefore, when balancing legislative goals, environmental protection should be overarching and not considered co-equal to the goals of development.

SM – 2. SMPs should include an assessment of and response to climate change impacts using the best available science.

SM – 3. To improve the effectiveness of the NNL standard for shoreline ecological functions, governmental entities regulating the use or development of shorelines should take the following actions:

- Clearly define baseline conditions against which NNL can be quantitatively monitored;
- Establish standard metrics for measuring NNL;
- Require evaluation of whether an SMP is achieving NNL during periodic updates;
- Improve funding for restoration, monitoring, enforcement, and data collection for baseline conditions and incentives; and
- Require the application of the NNL standard at both the policy and project levels, with strict adherence to a mitigation hierarchy.

SM – 4. The state of Washington should continue to explore pathways to implement, measure and improve the implementation of the NNL standard and the NEG standards based on evolving environmental policy. At a minimum, the state should follow the recommendations in the 2022 *WDFW Net Ecological Gain Standard Proviso Summary Report*.

SM – 5. State funding sources should include specific dedicated requirements for local government staff training and enforcement of the SMA.

SM – 6. Shoreline permit exemptions granted by local governments should be routinely submitted to the Department of Ecology and be consistently assessed to ensure exemptions are properly administered.

SM – 7. The Department of Ecology's SMA oversight role should include scheduled reviews of local governments' shoreline permitting programs, particularly the granting of permits and exemptions. This review should identify jurisdictions assessed, include Ecology's response, and be publicly available.

SM-8. As technology and circumstances change over time, the state should review "priority uses" and/or "preferred uses" and update those priorities and/or preferences if warranted.

SM – 9. Public access plans should be developed to provide maximum access to the shorelines in a way that will minimize human impact on shoreline ecological functions.

SM –10. Public education about shorelines is critical to gaining and nurturing public acceptance and stewardship of our shorelines. Jurisdictions charged with shoreline protection should prioritize public education to support the protection and enhancement of public and private shorelines.