

Details of Interviewee Responses to Questions

This table provides a summary of interviewees' responses to the LWV Study Committee's 10 questions.

Question	Comment
<p>1. How well has the Act served the people of Washington over the past 50 years?</p> <p><i>Virtually everyone thought the Act has served Washington well.</i></p>	Having statutory attention to shorelines has helped highlight that behaviors of human use and alteration of the shoreline has effects on natural resources in the shoreline.
	Well written, but not implemented/applied.
	Important public policy and codified public trust doctrine.
	Balancing multiple interests is good.
	Balancing should be weighted toward environment.
	Very well, good structure.
	Well, helped people protect their homes from erosion.
	Yes, but balancing should be done; Act not only to protect environment.
	Generally, yes, still need to do more. Updated guidelines and SMPs will help.
	Depends on perspective, has facilitated too much development, which is bad.
	Still struggling with various layers of laws; could use a unified view.
	Overall, good.
	Helped limit impacts but did not stop them.

Question	Comment
	Effective in some jurisdictions and has had little effect in others; Antiquated aspect of the law changed
	Yes, except for aquaculture. Because it is a preferred use and has a strong lobby, aquaculture has become industrialized
	Cost of compliance with regulations has skyrocketed for home builders.
<p data-bbox="201 602 594 829">2. Have we successfully protected our shoreline resources? Have we lessened the threat of incompatible development along the shoreline?</p> <p data-bbox="201 938 594 1084"><i>The majority believed that the SMA has protected resources, but many think that more can be done.</i></p>	Cumulative impact analysis is not checked during plan updates and not required to be verified by local governments. Same as no net loss.
	Inventory and characterization done only during updates and used as baseline, should be constantly monitored and assessed.
	Generally, yes but could do better.
	Addressing sea level rise is left to guidance and local discretion. This omission allows some incompatible development and will result in the need for future adaptation since effects can be anticipated.
	Success of bulkhead removal (more removal than new recently) demonstrates a larger change in mindset, and HPAs used to track this. Replacements of bulkheads are more common now. Bill in legislature regarding needs test for bulkheads, past session came very close to passing—but did not move out of rules at last minute.
	Improvements to vegetative conservation still typically only on incentive basis—larger landscape improvement must still come from nonregulatory programs and spending.
	No net loss is not being evaluated or enforced.

Question	Comment
	Unclear if a gap in regulatory oversight and coordination between the ordinary high-water mark and near shore habitat threatening resources—marine special planning is not happening.
	Measuring shoreline function not being done well. Metrics are not well established. Lack of a clear expectation of transparent status of functions (what do we want to achieve). Better specific monitoring is required of function. There is no clear mindset of what appropriate accounting of functions is. However, it is recognized the different jurisdictions all have different scales
	Measuring outcomes and success of "no change in current condition" includes an inherent disconnect when thinking of baselines from different timeframe perspectives (e.g., tribal timeframe verses recent land ownership expectations).
	Measuring a detectable net gain should not be any harder than net loss.
	The SMA did not protect against the industrialization of aquaculture.
	Eelgrass beds are not protected.
	Need to do a better job of monitoring and more funding.
	Absolutely, much more development would have occurred without it.
	Not so much for older development but updates have added more protection.
	Need to have an honest assessment as to what had been developed, it's been death by 1,000 cuts.
New technology and new issues have arisen that were not contemplated in 1971, e.g., coal ports.	

Question	Comment
	No, there is too much pressure to develop the shorelines, and all development has impacts.
	Too much pressure on shorelines—all development has impacts
	Depends on what resource: Bad for forage fish and riparian zones; Good for improvement in approaches to armoring. Still have too much armoring and degraded riparian conditions
	While the regulations for protecting shorelines functions have gotten better, the capacity for code enforcement is too low, we have significant losses due to unpermitted activity.
	There are issues in some jurisdictions with implementing the SMA policies
	The cumulative effects of lots of small development has done a lot of damage, as have the exemptions for single-family residences and bulkhead exemptions.
	Water-dependent development is more important than restaurants.
	Is the role of the SMA to protect the environment or to balance uses?
	Local enforcement is inadequate and inconsistent among jurisdictions; there is still unpermitted work going on in all jurisdictions.
	Likewise, many exceptions are made to prolong the life of inappropriate developments.
	Some fundamental SMP principles, such as no net loss and no interruption of littoral drift in coastal processes, are often compromised, resulting in the “death by 1,000 cuts” problems throughout the region.
	Partnership structure is mature, but staff turnover makes it difficult and time-consuming.

Question	Comment
<p>3. Is the partnership with local governments working? Should it be rebalanced, and if so, how?</p>	Review process that utilizes “recommended change” modifications that result in negotiated revisions is not transparent.
	Local governments are hampered by staff turnover and lack of resources.
	Need the local perspective, they know their shorelines best.
	Issues with engagement of WDFW and enforcement of HPAs.
	Having local control and assessment of incompatible shoreline activities incorporates two pressures: 1) pressures of growing population and 2) local view of the benefit of project. Causes inconsistent effect on functions when looked at regionally.
	Proposed possible state oversight added to generally allow certain uses with standardized conditions—CUPs. However, could be double-edged sword (raised possible negative consequences if done for large-scale aquaculture.)
	Audits by state would help.
	Local governments have limited finances, staff, and scientific backgrounds.
	Local governments should be able to work independently and not subject to state politics.
	Many SHB cases where the WSDOE should have been more involved with local government; WSDOE should be at the table in appeals
	The WSDOE could play a stronger role in ensuring consistency among jurisdictions.
	Yes. Local governments are more focused on the GMA, but there is still room to educate

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	Should be reviewed.
	Too many times, litigation decides issues.
	Need to look at the priority uses, should single-family residences be preferred.
	Need stronger state enforcement, like the California Coastal Commission.
	No net loss and net gain too difficult to measure, need to have science.
	Generally good, but there could be some regulatory freedom, with a better and clearer way to protect without too much regulatory burden.
	WSDOE involvement is good because it minimizes political pressure.
	WSDOE oversight is better designed and articulated than the GMA.
	Need to look at watershed level, need consistency among jurisdictions.
	There should be a stronger state presence; WSDOE is okay at reviewing SMPs but should be monitoring and challenging permits more. Also reinstate SDP review; revise variance parameters; budget increases for regulatory and legal staff for support of legal challenges.
	Unfunded mandates, silos cause issues.
	Need a state audit program similar to FEMA.
	<p>HPAs do not apply to aquaculture.</p> <p>Also, local government is the crossroads between public trust and property rights and development funds local governments. Thus, these conflicting mandates create conflicts.</p>

Question	Comment
<p>4. Are all the provisions of the SMA as applicable today as they were 50 years ago?</p>	Yes, it is a good balance of public and private interests.
	Need to recalibrate the balancing, not only environmental.
	When first passed, there were not many other environmental laws, now there are and that causes the process to be complex.
	No, the state's way is that everyone gets a say, should be more weight given to environment and no net loss.
	Generally good, but the state does not do enough monitoring of local governments. Could use an audit system.
	Good that the WSDOE must approve CUPs and variances.
	Exemptions should be removed.
	Yes.
	We know more now about what pressures are affecting shoreline structure and function. Need to do more pressure studies on the effects of shoreline alteration on species to know how to adequately protect ecological functions.
	Needs more teeth.
	Priority for aquaculture should be revisited.
	Exemptions for single-family residents.
	Fin fish aquaculture should be banned.

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	Agricultural land is also well-suited for development, and development usually occurs.
5. Are there areas in which the Act could be changed to provide better protection of ecological functions while still allowing reasonable shoreline use?	Exemption for agriculture causing effects on shoreline.
	Need to find a better way to ensure consistent implementation, which would include monitoring and determinations of outcomes.
	Need more public education, particularly of waterfront property owners.
	Definition of no net loss needed.
	Do not make existing uses nonconforming.
	Removal of preferred use for single-family residences and exemptions for bulkheads and dock.
	Incentives for projects good for environment.
	Add exemptions for restoration projects.
	Single-family residences have a great advantage and too much shoreline hardening is allowed.
	Remove the single-family residence exemptions.
	Lots of different laws and groups for shoreline protection; could be better coordination.
	Need to take stock of what we have; where is it bad and how is it bad.
	Need some rebalancing.
Setting priority uses actually helps.	

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	Need to restore shoreline habitats.
	Need to come up with parameters for determining baseline conditions for no net loss and properly functioning conditions.
	<ol style="list-style-type: none"> 1. Need a better way to assess cumulative impacts by adding in acknowledgement of salmon recovery plans info and goals and key watershed parameters identified in watershed planning (e.g., forest cover, impervious surface, etc.) 2. Add climate change and acknowledge its effect on habitat loss (or change).
	Habitat assessments should be required.
	More consistent and thorough enforcement of existing regulations and especially field enforcement of violations would benefit the environment.
	Additionally strengthening the WACs for the Washington Department of Fish and Wildlife would benefit the Puget Sound near shore environment.
	Exemptions for agriculture are necessary.
6. What aspects of implementation, if improved, make the greatest difference in better outcomes (for protection or effectiveness of this Act)?	Monitoring effects of plans and development is not happening consistently (building an effective feedback loop).
	The SMA can be enforced by the WSDOE but they are limited on what they can do and many issues affecting resources are linked to critical area ordinance, which is not enforceable by the WSDOE.
	Channel migration areas have little data and information on which to base setback regulations in these areas.

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	Vegetation buffer areas inconsistency.
	Single-family home letter of exemption—how they are used and can circumvent the SMPs, and cumulative impact of exemptions is not tracked or accounted for by the WSDOE or local government.
	Local monitoring—all three kinds are needed: 1) consistency in local planners writing permits that correctly implement the SMP, 2) monitoring permit conditions are met by applicants, and 3) monitoring no net loss.
	State monitoring and refinement of performance standards information provided to localities.
	WSDOE’s timeline for oversight on projects that change after approval is so short or nonexistent so as to make this oversight ineffective.
	Review the DOE’s ability to challenge SDPs; or should WSDOE/local government “change in circumstances” be limited to CUPs and variances?
	Achievement of no net loss goals is not really evaluated through SMP process (WSDOE plan reviews or local plan implementation) just assumed because no inventory review required, almost discouraged.
	WSDOE should ensure consistency among jurisdictions.
	Beneficial projects should be allowed to be permitted easier—and/or incentives to do them made available.
	Education and outreach.
Add bonding requirements for mitigation and require mitigation up front.	

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	Wholesale exemption for agriculture is problematic.
	Remove exemption for single-family bulkheads, and plan for what to do with existing bulkheads with sea level rise.
	Funding for local governments, for state staff, and for legal staff.
	Better training, including elected officials.
	Can have all the regulations in the world, but if there is no monitoring or enforcement it is useless.
	Reviewing individual projects, can lose sight of cumulative impacts.
	Not enough monitoring, costs money.
	Has been difficult to implement no net loss; need to get a handle on that before we move to net gain.
	Assessing cumulative impacts and no net loss.
	Climate change assessment and action requirements.
	Offer exemptions or streamline flood improvement or other beneficial project regulatory review.
	Expedite protection and restoration.
	We live in a degraded environment, need net gain.

Question	Comment
	Need performance metrics.
	What does “preferred use” mean? Is it 90% or 75%?
	Does water-dependent mean free to pollute?
	Need evidence-based policies based on adaptive management results.
	Cumulative impact analysis (inventory and characterization?) not implemented well.
	Being able to measure net gain would help; should be done by local governments and the WSDOE.
7. What are the roadblocks to better implementation or effectiveness of this Act?	Review DOE ability to challenge SDPs, or should the WSDOE/local government “change in circumstances” be limited to CUPs and variances?
	Limited funding at state and local level.
	Staff turnover.
	Local staff training/expertise.
	Education: staff, public, and legislative bodies.
	The process of addressing public comment. While the multiple public comment opportunities were lauded, the agencies’ lack of responsiveness to public comments is problematic.
	Beneficial projects have same burdens as any other construction projects so are disincentives for people trying to do a good thing or projects trying to do more than required. Lack of

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	incentives (such as Shore Wise) in most jurisdictions make probability of this work happening less.
	Current permitting structure is complex, confusing, and time consuming even for good projects—causing concerns that many bypass the process entirely.
	Lack of evidence of what has been beneficial in making positive change in function. See above, need monitoring and study of what SMP requirements have worked and what has not.
	Lobbying by the aquaculture industry should be curtailed.
	Permitting structure only works for large shellfish growers.
	Politics.
	State policy on preferred uses.
	Need more uses designated as CUPs for more evaluation.
	Private property rights.
	Ability of permitting agencies to say No.
	Staffing, the WSDOE needs to be more proactive along with additional funding for legal as well as technical staff.
	Challenge to provide access as part of development since it can be considered “disproportionate” and blocked.

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<p>8. Have we secured adequate public access to our water and shoreline areas?</p>	<p>Cumulative loss/increase of access verification is not required by WSDOE review or local government.</p>
	<p>No coordinated requirement to identify access opportunities. Suggests there should be a requirement for a comprehensive watershed public access plan.</p>
	<p>Don't have great public access; part of the problem is with how the state conveyed tidelands historically.</p> <p>Conflicts with historic land use patterns also hamper access, once small summer cabins have been converted to year-round homes</p>
	<p>Generally good, would like to see more.</p>
	<p>Seems good.</p>
	<p>Doesn't seem like enough; tribes have had access limited by private owners.</p>
	<p>While access locations have not diminished, use of those locations has increased so raises question of whether current access is adequate. Uncertainty about legal use of land-to-water access confounds this issue.</p>
	<p>No. Also need visual access; need reasonable and positive incentives.</p>
	<p>Public access requirement not working well at all.</p>
	<p>Not great, jurisdictions should have to prepare comprehensive plans of public access.</p>
	<p>No—since population has increased the intensity of use of what is available has increased and will continue to increase</p>

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	No—need more efforts at securing public access.
	Generally, yes. No complaints.
9. Is the SMA equipped to deal with the next 50 years?	Climate change, including extreme weather events; sea level rise (carbon footprint issues and ocean acidification—may be outside of scope of SMA). Bulkhead builder also noted needs to address appropriate renourishment of soft bulkhead and other shoreline treatments.
	Addressing impacts of industrialized aquaculture; many things have changed, 50% of fauna is gone.
	Fire protection zone effects on vegetative buffers of structures on the shoreline and danger tree requirements.
	Channel migration zone characterization and application in SMP regulations.
	Addressing the balancing of industrialized aquaculture as a preferred use.
	Imperative that the state address sea level rise in the SMA.
	Net pens and industrial fish farming.
	Need education on the basics of shoreline health and values for the public.
	Need to look at future scenarios (Puget Sound Regional Council, population, climate effects, economic use changes) of expected change in shoreline land uses to see if SMA protections are able to adapt changing conditions.
	The challenge is that now we have so many different pieces of legislation affecting the shorelines that they need to be aligned.

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	Sea level rise, ocean chemistry.
	Need more protection and restoration; the current baseline is unacceptable.
	Act has been amazingly resilient, but will need to look at sea level rise.
	Host of scary issues ahead: sea level rise, water composition, more frequent storms.
	Oversight and enforcement need to be increased.
	Need to find a way to expedite restoration projects.
	Yes, it is, but we need to keep it dynamic through updates and changes to technology.
	Climate change not a big issue in eastern Washington.
	Clearing for wildfires vs. retaining buffers can be a problem.
	Will need to make flood insurance better to address sea level rise.
	Cumulative impacts.
	Give more resources to WSDOE.
	Not adequately planning for impending sea level rise. Washington state and the United States overall do not have anything resembling a coherent or consistent policy for sea level rise. This is an issue that is far too large for local jurisdictions to perform well on without clear guidance. The state should adopt a sea level rise projection like California has and work consistently toward planning for that scenario. This will require drastic actions over time, but putting them off will only make everything more difficult and expensive.

Question	Comment
	Need to balance and look at benefit of some uses, e.g., shellfish filter water, provide local food.
10. Are there provisions in the Act that we would just as soon not have today?	Some commitment to improvement rather than just to limit change to current conditions.
	Revisit what uses are actually water dependent today.
	Need to address changes to water-dependent uses so that when it gets out of balance we can address it.
	Exemptions for residential, bulkheads, and docks.
	Need to regulate septic systems better in the shoreline area.