Submit your comments on the Department of Ecology's draft Shoreline Management Act rules before the **November 17** deadline!

We have a rare opportunity to help ensure that our counties, cities, and towns develop plans that protect our shoreline environment from sea level rise and increased storm severity. This is only the second time in the 53 year history of the Shoreline Management Act that sweeping changes have been made. The time to act is now!

THE BASICS

The Shoreline Management Act requires local governments to prepare Shoreline Master Programs (SMP) for managing shoreline use. Shoreline jurisdiction extends 200 feet inland from marine, large river, and large lake shorelines.

The Department of Ecology has published draft rules that implement the Law and is asking for public feedback. You can submit your electronic comments here.

KEY TALKING POINTS

The Department of Ecology's draft Shoreline Management Act rules are a significant step forward, but environmental protection must be stronger. Island County has about 210 miles of shoreline (bluffs, beaches, lagoons, and salt marshes) that feed our beaches with sand, shelter young salmon, and support the forage fish that salmon and orcas depend on. Few places in the state will experience the implications of these rules more directly.

Below are three topic areas to consider. Pick your favorites to comment on, and keep in mind that writing in your own words is the most effective and compelling way to comment.

1. Sea Level Rise

As much as 80% of estuary habitat in Washington State has been lost, and much of what remains is threatened by rising seas. In Island County, marshes and lagoons such as Crockett Lake, Deer Lagoon, Cultus Bay, Useless Bay, and Livingston Bay sit close to today's high tide line. Pocket estuaries along Whidbey and Camano shorelines shelter juvenile Chinook salmon and other important wildlife species. These habitats must be allowed to move inland as the sea rises. Where development and shoreline armoring block that landward migration, these habitats are progressively narrowed and eventually lost, a process known as coastal squeeze.

Island County’s coastal bluffs face growing hazards as well. Bluff retreat on Whidbey and Camano is episodic, with single landslides capable of removing tens of feet at once. Rising seas are expected to accelerate erosion at the base of the bluffs.

Specific comment suggestions:

- **Protect, don't just map, the areas where habitats will migrate.** The draft (WAC 173-26-246) asks local governments to identify these areas but does not require them to protect them.
- **Prohibit new buildings, and the expansion, repair, or replacement of existing ones, in areas vulnerable to sea level rise.** The draft's limits apply only to new development.

- **Set a default 200-foot buffer from the top of marine bluffs** unless a geotechnical study shows a smaller one is safe, and require counties to analyze bluff erosion over the next 100 years. This protects homeowners and the sand supply our beaches need.
- **Restrict hard shoreline armoring to a strict last resort** and allow it only landward of the future high-water line under long-term sea level rise, not today's.
- **Expand shoreline jurisdiction into adjoining floodplains and critical area buffers** so shoreline rules apply beyond the standard 200-foot limit. On many Whidbey and Camano bluffs, that limit ends near the bluff edge.
- **Restore project-level sea level rise requirements** removed from the preliminary draft, so every permit in a hazard area shows the projected sea level rise at the site and chooses the most precautionary option.
- **Include climate change in critical area standards,** accounting for sea level rise and changing hydrology, including the inland migration of wetlands and saltwater habitats.

2. No Net Loss of Environmental Function

“No net loss” (NNL) has been a fundamental principle of shoreline management since 2003. NNL is a regulatory standard that requires local Shoreline Master Programs to ensure overall shoreline ecological functions do not degrade over time due to new development, changes in use, or human activity – and it is not working. In 2022, the Washington Department of Fish and Wildlife told the Legislature that "evidence of ecosystem decline in Washington indicates that no net loss is not working," largely because of "little to no monitoring and reporting of its impacts."

Despite this, the draft SMA rule omits language requiring mitigation, monitoring, and reporting that would support true no net loss of ecological function.

Specific comment suggestions:

- **Restore the deleted mitigation monitoring language** to WAC 173-26-206(3)(h) and require performance standards, at least 5 years of monitoring (10 for forested sites), corrective action when mitigation fails, and annual reports submitted to the county and sent on to Ecology.
- **Require each periodic SMP update to test whether no net loss is actually being achieved,** starting with the 2029–2034 updates.
- **Track all actions, permitted and unpermitted, and include them in no net loss and cumulative impact evaluations.** Exempt and illegal work causes most of our shoreline damage.
- **Account for sea level rise when evaluating and planning for no net loss,** so the standard keeps pace as the shoreline moves inland.
- **Remove the "if information is available" loopholes** so counties must use the best available science, not skip analysis because data haven't been collected.

3. Enforcement

Enforcement around shoreline management protections must be strengthened. The Herrera shoreline armoring survey and permit analysis found that 85% of new shoreline armoring installed in Island County between 2016 and 2023 was unpermitted. On beaches where forage fish spawn, only about 4% of new armoring had permits.

We see the same trends in WEAN's review of 163 Island County mitigation projects from 2014 to 2024 by Data Analyst, Violet Bluemer, who found that:

- 48.5% of the mitigation projects had no documented monitoring after installation.
- Half had no as-built report showing what was planted or built.
- Of the projects that should have been finished, only about 1 in 7 could show they were complete and met their goals.
- Only 6 projects had a bond, and none of those reached a final monitoring report.

When building first and asking forgiveness later is cheaper than applying for the proper permits, the system incentivizes breaking the rules.

Specific comment suggestions:

- **Mandate enforcement** by spelling out exactly when a local government must enforce its shoreline master program, including unpermitted armoring, in-water structures, and clearing of shoreline vegetation.
- **Require removal of any armoring or in-water structure built without approval,** and no after-the-fact permits except for true emergencies.
- **Set fines at least equal to the cost of the unpermitted construction or its removal,** whichever is greater.
- **Require counties to report violations and complaints to Ecology every year,** including how many were resolved.
- **Require performance and maintenance bonds for all mitigation projects,** released only after the mitigation meets its goals, not simply after time passes.

HOW TO COMMENT

Comments are due **November 17, 2026, at 11:59 p.m.** You can:

- Submit via Ecology's online comment form on the SMA rulemaking comment form
- Send Mail to Rebecca Rothwell
  Department of Ecology Shorelands and Environmental Assistance
  PO Box 47600
  Olympia, WA 98504-7600
- Speak at a public hearing (October 15 to November 3, in person and online). You can find the schedule and additional information here.