



August 15, 2025

To the Washington State Department of Ecology and the Shoreline Management Act Rulemaking Team,

The Surfrider Washington submits comments on "Preliminary Draft Proposed Changes for Chapter 173-26 WAC under the Shoreline Management Act Rulemaking.

The Surfrider Foundation is dedicated to the protection and enjoyment of the world's oceans, waves, and beaches for all people through a powerful activist network. We have a profound and enduring interest in coastal management policy and commend the Department of Ecology for its comprehensive and proactive effort in updating these critical regulations.

Between 2020 and 2023, Surfrider Washington developed and advocated for the policy that would eventually be successfully passed as House Bill 1181. We strongly believe that the effects of climate change and sea level rise need to be addressed in future planning for communities in the Growth Management Act (GMA) and Shoreline Master Program (SMP) processes. During the past decade, Surfrider has also been an active participant in the process to update the SMPs in Grays Harbor and Pacific Counties, advocating for public access, planning for sea level rise, and protecting natural resources.

We are generally supportive of the draft amendments and applaud the Department for its ability to follow the legislative intent of HB 1181. We believe these proposed changes are a vital and positive step forward for the long-term health and resilience of Washington's coastlines. In the following comments, we will address and highlight certain amendments to the WAC by section. As Surfrider Washington focuses mostly on our saltwater shorelines, the majority of our comments will be associated with WAC 173-22 and 173-26.

Comments on Specific WAC Sections

WAC 173-22-030 Definitions: We appreciate that the word "Marine" is defined well to include all types of saltwater bodies. We also approve of the definition for "Sea level rise" and feel that it uses the best available science to quantify the phenomenon. The definition of "shorelands" is also appreciated, particularly the ability for local governments to include additional buffer areas defined by sea level rise vulnerability assessments. We strongly support the inclusion of these critical definitions and the added flexibility for local jurisdictions to better protect resources.

WAC 173-26-221 General Master Program Provisions: The inclusion of archaeological and cultural resources is important. We applaud efforts to honor Tribal sovereignty and treaty rights by including tribal consultation into the SMP process. This is a crucial step towards respecting



Tribal and historical connections to the shoreline. We also applaud the language that ensures that it takes into account disproportionately affected and marginalized communities in the planning process.

WAC 173-27-080 Public Access: One of the Surfrider Foundation's core tenets is preserving and promoting public access to shorelands, waters, and beaches. We are pleased to see the new language that recommends jurisdictions with marine shorelines consider the vulnerability of shorelines to sea level rise and maintain or improve levels of service for public access. We encourage the Department to consider all available avenues to require communities to expand public access through both SMPs and GMA processes, as existing public access sites will be impacted by sea level rise. Communities need the tools to plan for recreational and access impacts in the future. We fully endorse these provisions as they are essential for ensuring equitable access in a changing climate.

The Foundational Shift: Proactive Climate Adaptation and Resilience

The most significant and commendable aspect of the preliminary draft WAC is its creation of a comprehensive framework for addressing the impacts of a changing climate. This is a crucial advancement, moving coastal policy from a reactive posture to a proactive and adaptive one. The draft correctly identifies that this update is intended to implement House Bill 1181, which specifically directs the Department of Ecology to update shoreline master program (SMP) guidelines to address the impacts of sea level rise and increased storm severity. The inclusion of this new statutory authority throughout the document demonstrates a deliberate and responsive regulatory effort.

Mandate for Coastal Resilience and the New WAC 173-26-246

The new section, WAC 173-26-246, titled "Sea level rise planning," is the centerpiece of this effort and a critical tool for building coastal resilience. This section establishes a clear, multi-step process for local governments to conduct data-driven planning. It requires jurisdictions to review, conduct, or update a "sea level rise vulnerability assessment" to inform their master program provisions, compelling local governments to synthesize current and accurate sea level rise projections, hazard modeling, and other scientific data. We fully support this forward-thinking and science-based approach to coastal planning.

New Development and the Hierarchy of Adaptation Alternatives

The draft outlines a clear and rigorous hierarchy of adaptation alternatives for new development proposed within the Sea Level Rise Hazard Area. This structured approach gives preference to the most precautionary and least impactful alternatives, which is a direct application of the



precautionary principle. The sequence of priorities is as follows: 1) avoiding the hazard area entirely; 2) locating structures outside of projected impact zones; 3) designing structures to accommodate projected impacts; and 4) developing a plan for future relocation or removal. This is a critical and necessary step to protect both communities and the environment.

Strengthening Ecological Protections and Restoring Natural Processes

The draft WAC makes monumental strides in strengthening ecological protections, which is a core tenet of the Surfrider Foundation's mission. The proposed changes address systemic issues by reinforcing the "no net loss" principle and prioritizing nature-based solutions, which protect the interconnectedness of coastal ecosystems.

New and Consolidated Critical Areas Protections (WAC 173-26-226)

The new WAC 173-26-226, titled "Protection of critical areas and shoreline ecological functions," is a pivotal section that solidifies the "no net loss" of shoreline ecological functions as a mandatory requirement. A critical improvement is the clarification that critical area provisions must be "embedded directly in the SMP" and cannot be incorporated by reference from other local ordinances. This closes a potential regulatory loophole that could have allowed jurisdictions to use less protective Growth Management Act ordinances. We applaud this crucial regulatory fix that ensures stronger protections.

Prioritizing Nature-Based Solutions for Shoreline Modifications (WAC 173-26-231)

The new WAC 173-26-231 signals a fundamental shift in regulatory philosophy by prioritizing nature-based solutions for shoreline modifications.¹ This change moves away from short-term, hard structural interventions toward more sustainable, long-term, and ecologically beneficial strategies. The draft defines "nature-based solutions" as measures that "leverage naturally occurring processes and materials" and notes that they can "offer multiple benefits, including coastal resilience, improved nearshore habitat, and social benefits such as recreation and beach access".¹ This framing is a powerful endorsement of multi-benefit projects that simultaneously address environmental, social, and economic goals.

To enforce this new priority, the draft mandates a rigorous "alternatives analysis" for all stabilization proposals.¹ This requires applicants to first explore a range of less-impactful solutions, such as vegetation enhancement, upland drainage control, beach nourishment, and relocation, before a hard solution like a bulkhead can be considered.¹ This process is designed to ensure that the least ecologically damaging alternative that effectively addresses the hazard is chosen.



The draft also introduces new standards for marine shorelines, explicitly prohibiting new shoreline stabilization on "feeder bluffs" and "accretion shoreforms. This directly addresses the negative cumulative impacts of hard armoring, such as beach starvation, which disrupts the natural flow of sediment along a coast. By protecting these ecosystem-wide processes, the new rules promote healthier beaches and habitats across entire drift cells. The inclusion of a requirement to plan for the eventual "decommissioning" of stabilization structures is another groundbreaking provision that ensures these projects do not create permanent ecological liabilities for future generations.

However, we are interested in seeing more specific guidelines that specifically define the types of materials and the preferred designs that municipalities can base their designs on.

Fostering Equitable and Inclusive Coastal Planning and Public Access

The draft WAC takes significant steps to ensure that shoreline management is an equitable and inclusive process. It moves beyond generic public comment periods to a more intentional engagement process that acknowledges the disproportionate impacts of environmental and climate hazards on certain communities.

Preserving and Improving Public Access in an Era of SLR

The draft strengthens public access provisions, particularly in the context of a changing climate. The new provisions in WAC 173-26-221 recommend that jurisdictions with marine shorelines "consider vulnerability of shorelines to sea level rise (SLR) and maintain or improve levels of service" for public access.¹ This acknowledges that as shorelines recede due to erosion and inundation, existing public parks, trails, and access points are at risk of being lost. By requiring jurisdictions to actively plan to "maintain or increase the overall level of public access over time," the WAC ensures that the public's right to access the shoreline is not lost to either erosion or privatization.¹

The draft also introduces new standards for public access sites in areas vulnerable to SLR, including the incorporation of "resilient design principles such as setting back structures, using moveable structures, [and] incorporating floodable landscaping".¹ This ensures that new public access infrastructure is built to last and can adapt to changing conditions. This approach connects the imperative of providing public access with the broader need for climate resilience, affirming that a healthy and accessible coast is a resilient coast.

New Public Engagement Requirements for SMP Amendments



The draft introduces new language in WAC 173-26-100 and WAC 173-26-104 that explicitly requires local governments to "identify and encourage participation from local vulnerable populations and overburdened communities" during the SMP amendment process. We appreciate that the inclusion of marginalized and vulnerable populations was a critical part of the legislative intent of HB 1181. The draft also mandates that Tribal governments and organizations be notified to "invite engagement and provide opportunity for comment." This is a critical advancement that formalizes a procedural commitment to environmental justice and ensures these entities, which are often crucial partners, have a vested interest in the process. We fully endorse this commitment to a more inclusive and just planning process.

The Critical Role of Data-Driven Adaptive Management

The draft WAC lays the groundwork for a more mature and effective governance system through new requirements for documentation and data-sharing. This moves coastal management from a static, rule-based model to a dynamic, evidence-based one.

New Requirements for Documentation and Monitoring

A crucial administrative change is a requirement for local governments to document all shoreline "authorizations," including permits and exemptions. This data, which must include information on the development type, location, and any mitigation measures, will be used to periodically evaluate whether development has resulted in "unanticipated development and/or changes" that are inconsistent with the master program's policies. This establishes a regulatory feedback loop that allows for continuous learning and improvement. The data collected will be shared with the Department of Ecology to support a "state-led effort to study SMP implementation." We strongly support this data-driven approach.

Consistency Between the WAC and Other Plans

The draft WAC reinforces and strengthens the legal requirement for mutual consistency between SMPs and other local plans, specifically referencing WAC 173-26-246(11) to promote "Aligning climate adaptation across plans." This is a strategic move that positions the SMP as the central, legally-mandated tool for coastal climate adaptation. It ensures that sea level rise vulnerabilities identified in the SMP process must now be addressed in other local planning frameworks, such as comprehensive plans and hazard mitigation plans. This integrated approach is a key component of effective climate adaptation.

Summary and Conclusions



The preliminary draft amendments to WAC 173-26 are a significant and necessary advancement in Washington's coastal management policy. The draft effectively implements new legislative mandates, addresses the critical challenges posed by climate change, and strengthens protections for the state's invaluable coastal resources.

The key provisions that the Surfrider Foundation's Washington Chapter enthusiastically supports include:

- **Proactive Climate Planning:** The creation of WAC 173-26-246, with its requirement for vulnerability assessments and the establishment of a "Sea Level Rise Hazard Area," is a forward-thinking and essential step to building coastal resilience and protecting our communities.
- **Strong Ecological Protections:** The new WAC 173-26-226, which mandates the embedding of critical area protections directly in the SMP, closes regulatory loopholes and ensures the "no net loss" principle is rigorously applied to safeguard interconnected ecosystems and water quality.
- **Prioritization of Nature-Based Solutions:** The new WAC 173-26-231 promotes a fundamental shift toward sustainable shoreline management by prioritizing nature-based solutions and requiring a mandatory alternatives analysis for all stabilization projects.
- **Equitable Public Engagement:** The new language in WAC 173-26-100 and 173-26-104 requiring the identification of and outreach to "vulnerable populations and overburdened communities" and Tribal governments ensures that the planning process is inclusive and just.
- **Increasing and Protecting Public Access.** WAC 173-26-221 ensures that new public access infrastructure is built to last and can adapt to changing conditions. This approach connects the imperative of providing public access with the broader need for climate resilience, affirming that a healthy and accessible coast is a resilient coast.

Taken together, these changes show a more mature, adaptable way of governing our coast. By collecting data and making sure all the different plans work together, the WAC creates a system that can learn and adjust as conditions change. We think these amendments are a great model for effective coastal management. We are encouraged by the department's ability to follow the legislative intent of HB 118. We are committed to supporting the Department of Ecology and local governments in the successful implementation of these groundbreaking rules and offer our continued partnership and expertise in this vital work.

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