

Washington State Department of Ecology ATTN: Rebecca Rothwell PO Box 47600 Olympia, WA 98504-7600

RE: Chapters 173-18, 173-20, 173-22, 173-26, and 173-27 WAC, Shoreline Management Act Rulemaking Informal Comment Period

Dear Ms. Rothwell:

The Port of Longview offers the following feedback on the draft SMP updates.

WAC 173-22

- "Marine" is defined as tidally influenced waters. This should add "with salinity at or around 0.5 ppt."
- [Pg 3/4] It would be helpful to refer to the proposed WAC changes here, so there is a defined technical method for defining critical areas, buffers, or sea level rise hazard areas referred to specifically at this point. WAC 173-26-246 (6)(d).

WAC 173-26

- Shoreline/critical areas overlap.
 - This seems to indicate that shorelines reviews and regulations will require CAO compliance for approval. This could have an effect because the action for Shorelines may not trigger a permit requirement under CAO; they are not synonymous.
- Emphasis on nature-based solutions for all shoreline modifications is problematic.
 - o Some projects require hardened shoreline modifications to protect critical public infrastructure
 - o A sea wall revetment needs to have specific technical performance, requiring a nature-based solution may endanger critical infrastructure.
 - example, page [156] (v) goes into this in more detail, noting that nature-based solutions may use hard materials, though only when aligned with the natural shoreline processes of the site. Hard materials refers to rocks, large wood, gravel/cobble, and other solid natural materials. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. There is a range of nature-based solution alternatives varying from soft to hard that include: (list of things from vegetation to logs)
 - Would prefer a method to determine when that is appropriate; i.e. industrial areas or 0' setback, may consider nature-based solutions which have been utilized in a similar environment to the degree of certainty required for infrastructure purposes. Recommend using a strategy such as evaluation of project need, location, and risk factors. Applicant must select the least impactful strategy that meets the project need.
- [Pg 159] does go into when new, enlarged, and expanded shoreline structures may be acceptable, but it is an "and" list, so all criteria must apply. A geotechnical analysis is required. Work will only be authorized if damage will occur within 3 years. An alternatives analysis must consider all options, including vegetation, improving upland drainage, beach nourishment, building relocation, nature-based solution, and then hard options can be considered.

- These features may again, not meet the needs of Ports, who are establishing allowed uses in an appropriately classified area.
- [Pg 148] (v) Fill on shorelands that creates dry land shall not be allowed (how does this meet shorelines and uplands dredging consistency needs?)
- Instream Structure is anything in the stream that modifies the flow of the water. The second part concern, because it requires the location and planning to include 'the full range of public services.' This is a broad opening to allow consideration of almost any topic, but does not provide criteria for evaluation on many of those topics. [Pg 154] (ii) The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.
- Marine spatial planning is a new section starting on [page 202]. It is about allowable ocean uses. It applies
 to Grays and Willapa bay estuaries. Consideration for how this may affect vessel traffic?

WAC 173-27

- Exemption categories, specifically for riprap, include criteria for installation [pg. 16] with tighter descriptions
 of what maintenance and repair consist of as well. This should be evaluated with subject matter experts with
 public works and ports engineers.
- [Pg 48] Added to the site plan, critical areas, location of existing vegetation, a vegetation plan for the project site, dimensions and locations of all existing and proposed structures. This may include expansive required technical reports [pg 49] and be costly to all project applicants without meaningfully improving project outcomes.
- WAC 173-27-280 [pg 58] adds the option for Ecology to issue a civil penalty directly for failing to obtain or comply with permit conditions. It also adds a permit recission option. [pg 60] We would like to understand the goals and conditions under which such actions might occur.

Thank you for the opportunity to review and comment on the proposed Shoreline Master Program changes.

Sincerely,

Amy Boyd

Environmental Manager