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Dear Rebecca Rothwell, Misty Blair, and Charlotte Dohrn,

I write to you as a citizen concerned about the management of Washington State's shorelines. In the face of a changing climate that will bring sea level rise and an increase in storm severity, now it is as important as ever to ensure the protection of critical shoreline habitats that support species and humans alike. This rulemaking must incorporate strong, clear language directing local jurisdictions to plan for and manage their shorelines to ensure we are achieving no net loss of ecological function.

The preliminary draft language has many strong points which I see as pivotal to keep in the final language. Some groups may push back against this strong language, so I want to identify those areas and voice my strong support. Additionally, there are areas I would like to see more clarity and strength in the language.

- Sea level rise and increased storm severity: New language directs local governments and municipalities to define Sea Level Rise Hazard Areas, Future Tidal and Groundwater Inundation Areas, and Frequently Flooded Areas. This is a fundamental step in meeting the requirements of HB 1181 and I strongly support this directive in the new SMA language. However, local governments and municipalities would benefit from Ecology further defining these areas so there is less variability in how local jurisdictions interpret and more consistency in how these areas are managed across jurisdictional lines. Another area needing more definitions is how local jurisdictions define and engage with "affected Tribes". I appreciate the added language around communicating and engaging with affected Tribes and overburdened communities, but allowing local jurisdictions define what "affected Tribes" means leaves too much variance. Any actions that impact Treaty Protected Resources, including the provisioning of salmon, impact Tribes and therefore should be included in how "affected Tribes" is defined. Finally, the requirement for local jurisdictions to complete a Sea Level Rise Vulnerability and Risk Assessment is critically important for the protection of human infrastructure and the protection of shoreline habitats and mitigation of the coastal squeeze. This assessment should depict how the various shoreline hazard areas are designated and managed and is something I strongly support in the new language.

- Achieving no net loss of ecological function: No Net Loss of ecological function is foundational to the effective management of shoreline areas. Ecology's inclusion of language ensuring masters programs achieve no net loss of ecological function is a much-needed addition, particularly in elements of the periodic review which ensure any amendments to SMPs do not result in a net loss of shoreline ecological function. The expansion, clarification, and additions of subsections to WAC 173-26-226 Protection of critical areas and shoreline ecological functions is key to more effectively directing local jurisdictions to achieve no net loss of ecological functions in their shoreline areas. These are important additions that I strongly support. However, while mitigation sequencing can work at the permit level at times, when rolled up to the city, county, and state level we are still seeing consistent trends of degrading ecological function as exhibited by a lack of healthy nearshore and shoreline habitat for salmon, forage fish, and other important species. At times throughout the proposed draft WAC language, Ecology uses language that alludes to achieving a gain of ecological function such as "...that ensure, at a minimum, no net loss of ecological functions...". This language should be included at each instance of achieving no net loss of ecological function.

- Effective enforcement and compliance: Strong and clear language in SMAs and subsequent SMPs is essential, but arguably more important is how these regulations and guidance are monitored for compliance and enforced when necessary. The addition of a new section outlining the process for a permit recission by either the local jurisdiction or the state and a new section stating that violators are financially liable for removal of the unpermitted activity and the cost of restoring the affected area are extremely important and I strongly support their inclusion in the final language. I suggest this order for removal and remediation also be applicable to unpermitted structures. It is also critically important to keep the citizen or civil suit provision in this section to allow individuals who have been harmed by the actions of violators to hold them accountable at the local and state level. Finally, I am in support of Ecology gathering information from local jurisdictions on exemptions and substantial development permits. Ecology should use this information to publish an annual report across the state to more readily track and enforce no net loss of ecological functions.

Thank you for the opportunity to provide comments during the informal comment period on the preliminary draft language of the Shoreline Management Act. With your help, we can ensure local jurisdictions are effectively protecting critical shoreline ecosystems to support healthy salmon and shellfish populations, human health, and the built infrastructure in the face of sea level rise and increased storm severity.

Thank you,
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