Elizabeth Bockstiegel

The attached comment letter is submitted on behalf of the Washington Department of Fish and Wildlife.

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DEPARTMENT OF FISH AND WILDLIFE
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SUBJECT: Chapters 173-18, 173-20, 173-22, 173-26, and 173-27 WAC, Shoreline Management Act Rulemaking Informal Comment Period

Dear Ms. Blair,

Thank you for the opportunity to review and provide comments on the draft Shoreline Management Act (SMA) implementing rules. We (WDFW) appreciate the conservation-oriented language in the proposed rule updates and new sections needed to better carry out the policy goals and provisions of the act. Here, we summarize our support for many of the proposed rule changes, offer some suggested improvements, and identify areas of policy overlap where we will continue to work closely with Ecology.

Inclusion of early outreach to state agencies and Tribes

WDFW appreciates and supports the addition of communicating with and notifying state agencies early in processes including the periodic review of shoreline master programs[1] (SMPs) and local master program amendment scoping and drafting.[2] These additions will help reinforce and enable adherence with the Principles of Correspondence between local governments and state agencies during these processes.

Protection of critical areas and shoreline ecological functions

We support the language in new section WAC 173-26-226 and the intent to better address ecological protection of Fish and Wildlife Habitat Conservation Areas (FWHCAs) and wetlands in shoreline jurisdiction through SMP critical areas provisions. Improved protection will be enabled by the new list of situations in which shoreline jurisdiction may be extended beyond 200 feet to better buffer critical areas. To this list, we suggest adding “Lands necessary for buffers of critical areas, including areas

[1] WAC 173-26-090 as amended
[2] WAC 173-26-100 as amended

identified as likely to be exposed to sea level rise under a selected scenario identified through a sea level rise vulnerability assessment or similar analysis" per 173-22 (7)(a)(ii).

We also appreciate the language that specifies local governments must protect critical areas located within shoreline jurisdiction solely through policies and regulations in their SMP. Eliminating the option to incorporate Critical Areas Ordinances by reference into SMPs will reduce inconsistencies and confusion between these two sets of regulations, their jurisdictions, and their update processes.

Fish and wildlife habitat conservation areas

We support the new subsection that defines FWHCAs based on the GMA definition plus non-shoreline waterbodies, critical freshwater habitats, critical saltwater habitats, and other priority habitats and priority species.[3] By requiring local governments to consult with WDFW's priority habitats and species (PHS) categories and recommendations and DNR's natural heritage program high quality ecosystem and rare plant categories to identify, protect, and map FWHCAs within shoreline jurisdiction will help ensure they are using the most current, accurate, and complete scientific and technical information. We suggest expanding the critical freshwater habitats standards (iii) to mirror the level of protection in the critical saltwater habitats standards (iv)(c).

Channel migration zones

We appreciate that Channel Migration Zones (CMZs) are listed and treated separately from the other critical area types for emphasis and clarity. We support the requirement for SMP provisions to include CMZ protection policies and regulations designed to protect people from hazardous areas *and* protect CMZ ecological functions and values. CMZs coincide with multiple critical area types including FWHCA riparian management zones, frequently flooded areas, and geologically hazardous areas. Listing CMZs separately provides clarity about how and where to apply the SMP standards specific to CMZs. We appreciate that the rules now encourage local governments to plan for and facilitate the removal of artificial restrictions to natural channel migration, restoration of off-channel hydrological connections, and returning of river processes to a more natural state.

Emphasis on ecosystem-wide processes

We appreciate and support the principles and general standards promoting an ecosystem-wide perspective for the protection of critical areas in shoreline jurisdiction. Protecting ecosystem-wide habitat function is crucial for meeting no net loss requirements. Restoring degraded habitat is important for recovering lost ecological function. We support the emphasis in this section on the use of planning objectives, use regulations, and other regulatory provisions to protect ecosystem-wide processes, and we refer you to WAC 365-196-830(6) for additional language pertaining to the geographic scales at which to evaluate and protect ecosystem functions and values that transcend the boundaries of individual parcels and jurisdictions.

Critical areas restoration

[3] New WAC 173-26-226 (1)(f)

We appreciate the encouragement of ecological restoration, enhancement, and improvements throughout the proposed rule language. We support the inclusion of a critical areas restoration section that requires local jurisdictions to have policies and regulations that encourage restoration and enhancement of critical areas and buffers and provides a useful list of examples.[4] Requiring SMPs to restore shoreline functions when uses or development are proposed on sites with degraded buffers and impaired existing functions will be important to protect the shoreline waterbody from the impacts of the proposed projects. We also support new language that allows for shoreline modifications necessary for shoreline restoration and enhancement and encourages these types of actions.[5]

Shoreline vegetation conservation

We support the establishment in the rules of a new section to address shoreline vegetation conservation activities, functions, and values. We appreciate that vegetation modification within shoreline jurisdiction is subject to the mitigation sequence because vegetation contributes to shoreline ecological function. Requiring the application of shoreline vegetation protection policies and regulations throughout shoreline jurisdiction is fundamental to protecting, restoring, and enhancing shoreline ecological functions. We agree that SMP vegetation conservation standards should address clearing and grading standards, tree retention provisions, vegetation replacement ratios, impervious surface limitations, environment designation, and regulatory incentives. We anticipate that this section of the rules will serve the important role of guiding vegetation management for wildfire hazard mitigation within the wildland urban interface while achieving no net loss of shoreline ecological functions.

Documentation of authorizations and changing conditions in shoreline areas

We support the proposed periodic review requirements[6] and requirements in master program contents[7] to document all authorizations in shoreline jurisdiction regardless of whether a shoreline permit or exemption is required. Requiring a process for periodically evaluating whether authorizations resulted in unanticipated development or changes to shoreline areas that are inconsistent with the purpose and management policies of the shoreline environment designations will increase transparency and accountability of SMPs over time.

Review and evaluation processes are critical for determining the effectiveness of local master programs including meeting no net loss and maintaining ecosystem processes, functions, and values. We appreciate that the results and findings must be used to inform master program periodic reviews and that the information must be shared with the Department of Ecology to facilitate a state-led effort to study SMP implementation. The combination of local and state review and evaluation can lead to reduced uncertainties, improved master program policies and regulations, and more effective management within shoreline jurisdiction as conditions change over time.

Cumulative effects evaluation

[4] New WAC 173-26-226 (1)(c)
[5] WAC 173-26-231 (2)(a) and (b) as amended
[6] WAC 173-26-090 (2)(e) as amended
[7] WAC 173-26-191 (2)(a)(iii)(D) as amended

We support the rules' additional language, emphasis, and requirements about evaluating and considering cumulative effects within shoreline jurisdiction. Evaluating and accounting for the cumulative impacts of reasonably foreseeable future development during or just prior to each SMP periodic review is important for ensuring no net loss of shoreline ecological functions.

We recommend identifying sections of the proposed rules where cumulative effects are mentioned and including them in a cumulative effects evaluation at the scale of a drift cell or stream reach. This could be a way to fulfill the intent of the amendment to WAC 173-26-231 (2)(c): "Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications consistent with the mitigation sequence."

We also suggest considering ways to integrate the documentation of authorizations and changing conditions with the cumulative effects evaluation requirements and how they could work together to inform changes during the periodic review process. Similarly, we suggest considering potential connections between sea level rise vulnerability and cumulative impacts with respect to shoreline modifications.

Sea level rise planning

We appreciate Ecology's substantial efforts to integrate sea level rise planning into shoreline management that reflects current, accurate, and complete science and technical information and evolving climate adaptation practices.[8] We support the detailed series of steps outlining the process to amend master programs to address sea level rise and offer the following suggestions and recommendations.

- ***Sea level rise projections, scenarios, and mapping***
  We encourage clearer delineation between critical climate planning components—such as emissions scenarios, time horizons, and probabilities—to ensure local governments can implement the rule with technical confidence and consistency. We recommend clarifying the relationship between emissions scenarios, time horizons, and probabilistic projections in the rule language. As currently written, the requirement to evaluate "a minimum of two sea level rise scenarios, including a shorter-term and a long-term scenario" does not clearly distinguish whether these scenarios must vary by emissions scenario, time horizon, or both. This creates uncertainty for local governments about whether compliance means evaluating two sea level rise magnitudes (e.g., short- and long-term under a single emission scenario), or four projections (e.g., both time horizons under both intermediate and high emissions scenarios). Clarifying whether emissions scenario variation is required—and if so, whether it must be applied across both time horizons—would promote consistent and scientifically robust implementation across jurisdictions.

[8] New WAC 173-26-246

Also, we recommend clarifying what is to be included in the Sea Level Rise Hazard Area mapping. Specifically, it is unclear whether it is based on projected sea level rise plus Mean Higher High Water, or on projected sea level rise plus a 20-year coastal storm event. Clear direction—grounded in terms like still water level and total water level—could help ensure hazard areas are defined consistently.

- ***Adaptation strategies and actions***
  We recommend refining definitions and explanatory language around adaptation strategies versus actions. In the context of climate adaptation, strategies are structured approaches that guide a suite of possible actions; conflating the two may cause confusion in local implementation, particularly as jurisdictions move from planning into regulation and capital investment. Defining adaptation strategies as frameworks or approaches and distinguishing them from the specific actions needed to implement them, would improve clarity and align with common usage in climate planning literature and practice.

- ***Sea level rise hazard area***
  We support the development of sea level rise hazard areas as a spatial tool to manage development in the area where existing and future development may be exposed to impacts from sea level rise. We suggest including areas with coastal habitats that may not be associated with existing and future development that are susceptible to sea level rise.

  We support the master program provisions that apply additional standards to development within these areas, especially to new structures and replacement, expansion, or redevelopment of structures. We also support the requirements for information that must be submitted when development is proposed within sea level rise hazard areas.[9]

  We appreciate the inclusion of additional measures for addressing sea level rise in master programs especially the assumption of risk and disclosure of risk sections for development in Sea Level Rise Hazard Areas.

Shoreline permit system and shoreline permit types

We support the new section[10] to clarify and describe the shoreline permit types and when they are required. This will improve consistency and SMP implementation. We also support the additional requirements in the application and interpretation of exemptions[11] and the exemption authorization and document process.[12] Requiring that all uses and developments must be consistent with the policies of the SMA and provisions of the applicable master program will enhance consistency and accountability for authorizing exemptions. The requirement to provide a statement of exemption will improve tracking

[9] New WAC 173-27-185
[10] WAC 173-27-035 as amended
[11] WAC 173-27-040 as amended
[12] WAC 173-27-050 as amended

and supports the effort to document authorizations and changing conditions in shoreline areas. We appreciate the clarifying language added to multiple sections[13] that permits cannot authorize a prohibited use or development and activities supporting prohibited uses.

Riparian Management

In our view, the shoreline management rules and proposed rule amendments reflect the best available science for riparian management within the framework of the SMA. Our riparian science synthesis[14] and riparian management recommendations[15] apply to riverine shorelines and describe how to achieve full riparian function based on the width of the riparian management zone (RMZ) and how the RMZ is managed. A fully forested RMZ as wide as the Site Potential Tree Height at age 200 ($SPTH_{200}$)[16] should fully achieve the riparian functions of pollution removal, bank stabilization, shade, large wood recruitment, and nutrient inputs plus some terrestrial functions such as habitat and habitat connectivity. The statutorily defined minimum shoreline jurisdiction of approximately 200 feet from the ordinary high water mark (OHWM) of a shoreline waterbody is considered to be functionally equivalent to a RMZ, and it will typically encompass the full $SPTH_{200}$ distance from OHWM. Because the shoreline jurisdiction area is analogous to an RMZ, it defines the area for identifying mitigation options when impacts to ecological functions are unavoidable. The rule amendments reinforce these requirements of SMPs and their implementation by local governments, for example:

- "Protection standards for critical areas buffers shall be based on providing protection of existing functions and the width necessary for a fully functioning buffer to protect the critical area from the impacts associated with allowed uses and development. Buffer reduction and common-line setbacks are not appropriate provisions unless included within a framework where a combination of buffer modifications and enhancement requirements will result in both protection of the shoreline ecological functions and enhancement of the remaining buffer."[17]
- "Shoreline ecological function protection shall be integrated into the master program and implemented during project review. These provisions apply throughout shoreline jurisdiction and shall be met for all activities, developments, and uses regardless of the permit or other authorization pathway required."[18]
- "The intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetated areas along streams that once supported or could in the future support mature trees should be wide enough to accomplish this periodic recruitment process. Woody vegetation normally classed as trees may not be a natural component of plant communities in some environments, such as in arid climates and on coastal dunes. In these instances, the width of a vegetated area necessary to

[13] WAC 173-27-140, 173-27-150, 173-27-160, and 173-27-170 as amended
[14] Quinn et al. 2020. Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications.
[15] Rentz et al. 2020. Riparian Ecosystems, Volume 2: Management Recommendations.
[16] In the dryland ecoregion, full riparian function is achieved in RMZ as wide as the extent of native riparian vegetation or 100 feet, whichever is greater.
[17] WAC 173-26-226 (1)(b)(viii) as amended
[18] WAC 173-26-226 (2)(a)(i) as amended

achieve the full suite of vegetation-related shoreline functions may not be related to vegetation height."[19]

The shoreline management rules identify many additional shoreline ecological functions specific to rivers/streams/floodplains, lakes, marine waters, and wetlands that SMPs are designed to protect, enhance, and restore. Like Critical Areas under the Growth Management Act (GMA), SMPs must plan to meet a standard of "no net loss" of ecological functions. Distinct from the GMA, SMPs must achieve this standard while *also* accommodating preferred and priority shoreline uses and development, such as public access, essential public facilities, and water-dependent uses. Per a new rule provision, "Shoreline buffers are the management areas landward of the ordinary high water mark of the shoreline waterbody, with the shorelands, where development is limited to water- oriented or public access facilities to protect shoreline ecological functions while still fostering appropriate shoreline uses consistent with the act."[20] As such, the width of regulatory buffers within shoreline jurisdiction vary depending on the existing and planned uses and conditions, as reflected in shoreline environment designations.

Ecology completed our RMZ-CAO checklist[21] as adapted to SMPs and demonstrated where and how the shoreline management rules and rule amendments satisfy or meet the intent of the 23 most pertinent management recommendations (from our Volume 2). These cover a wide range of topics, most of which are reflected through this comment letter, and we agree that "In establishing these vegetation conservation guidelines, Ecology has consulted with the Washington state department of fish and wildlife and incorporated applicable shoreline management assistance materials and Riparian Ecosystem[s], Volume 2: Management Recommendations."[22]

Current, accurate, and complete scientific and technical information

We appreciate the emphasis on consistency with scientific and technical information in numerous places throughout the rule amendments. Reviewing and updating SMP regulations and mitigation standards based on current science is essential for effective maintenance, protection, restoration, and preservation of the shoreline environment. Science-based standards are especially important for the protection of critical areas in shoreline jurisdiction, as reflected in the new section WAC 173-26-226. As a part of their decadal periodic review, local governments must identify and compile the most current, accurate, and complete science and technical information available about local circumstances, new information, and improved data within their shoreline jurisdiction. We appreciate that this should at a minimum include review of local watershed plans, salmon recovery plans, Ecology-identified TMDL listings, WDFW- identified priority habitat and priority species data, change detection data, current relevant agency guidance, and model language for critical area protection. We also support the technical requirements local governments must meet to inform their sea level rise vulnerability assessment and

[19] WAC 173-26-226 (2)(e)(ii)(D) as amended
[20] New WAC 173-26-226 (2)(d)
[21] WDFW RMZ-CAO checklist
[22] New WAC 173-26-226 (2)(e)(ii)(F)

sea level rise SMP provisions, and we recommend revising environmental designations and standards based on the current, accurate, and complete scientific or technical information.

No net loss and mitigation sequence

Ensuring that permitted uses and developments within shoreline jurisdiction result in no net loss of shoreline ecological functions, at a minimum, is a fundamental policy goal of the SMA and its implementing rules. This is achieved by use of the mitigation sequence and adopting and implementing rigorous mitigation standards consistent with current scientific and technical information. We support the application of the no net loss principle within critical areas and throughout shoreline jurisdiction, and we appreciate the acknowledgment that sustaining ecological functions ranges from ecosystem-wide processes to individual components and localized processes. Please ensure that mitigation sequencing is applied uniformly to all new uses and developments within shoreline jurisdiction, preservation alone is not compensatory mitigation when those areas are already protected by the SMP, and temporal loss of function is properly accounted for across all types of critical areas.

SMPs include provisions to ensure no net loss, and the proposed rule amendments will further reinforce this need across a wider range of situations. For example, for all shoreline stabilization project proposals the proposed rules will require an ecological impact analysis that demonstrates no net loss of shoreline ecological functions for the life of the structure. Consistent with the mitigation sequence, proposals shall include a site-specific assessment of the shoreline ecological functions and critical areas, demonstrate avoidance, propose techniques to minimize unavoidable impacts, and include compensatory mitigation for unavoidable impacts as necessary to achieve no net loss.[23] We also support the new references to no net loss of shoreline ecological functions added to the review criteria for conditional use permits[24] and variance permits.[25]

Regulatory and guidance alignment

We appreciate and support the proposed rule updates regarding shoreline modification[26] and permits for development on shorelines of the state.[27] WDFW and Ecology will continue to coordinate on regulatory requirements for each agency, guidance development to streamline design requirements, and permitting, compliance, and enforcement pathways in areas with regulatory overlap. Interagency coordination will also support cross-program consistency in language and definitions, complementary compliance and enforcement policies, processes, and outcomes, and the incorporation of advancements in best available science and practices into guidance, rules, and permitting. Shoreline modification rule subsections highlighted for interagency coordination in marine shoreline guidance development and

[23] WAC 173-26-231(3)(f) as amended
[24] WAC 173-27-160 as amended
[25] WAC 173-27-170 as amended
[26] WAC 173-26-231 as amended
[27] WAC 173-27-030 through 173-27-210 as amended

updates include (but are not limited to) outfalls and drainage dispersion systems, shoreline restoration and habitat and natural systems enhancement projects, and upland retaining walls.

Shoreline Modifications

Overall, we appreciate and support the additions to the standards for shoreline modifications.[28] Specifically, we concur that modifications necessary for restoration and enhancement should be fostered, encouraged, and supported in local SMPs, and that shoreline modifications individually and cumulatively should not result in a net loss of ecological functions. We also support the prioritization of nature-based solutions to address shoreline erosion over other shoreline stabilization approaches. We recommend that the shoreline modifications standards also include sideboards to eliminate a potential pathway towards protection or armor of other shoreline modifications. For example, access structures like stairs should be repaired or relocated first to avoid the necessity to protect or armor the shoreline. We support the new proposed rules addressing on-site sewage systems (OSS, or septic systems) and recommend that new or replacement OSS should be located outside of shoreline critical areas and sea level rise hazard areas.

Shoreline uses

The proposed amendments to the shoreline uses rules make common sense clarifications and corrections. We believe the intent of the general use provisions, principles,[29] can be better achieved by encouraging local governments to apply PHS management recommendations and other best management practices in proximity to priority species and their habitats within shoreline jurisdiction. For example, the Avian Power Line Interaction Committee[30] develops industry best practices for managing bird/utility issues, such as siting new transmission lines to avoid impacts to waterfowl concentration areas.

Habitat connectivity

Several existing and new rule provisions pertain to the maintenance and restoration of habitat connectivity, a WDFW priority. For example, new critical saltwater habitat protection standards require local governments to "Identify and protect existing connections between critical saltwater habitats and freshwater riparian areas; estuarine ecosystems, such as salt marsh habitats; larger habitat blocks; or open spaces that can provide corridors connecting these habitats."[31] We also support the emphasis in new shoreline vegetation conservation provisions that "Conserving and restoring physical connections between conserved and restored vegetation patches in shoreline environments provides habitat connectivity across parcels, and can significantly contribute to ecosystem-wide processes and functions, such providing habitat for species as regional and statewide or even greater scales.[32] We agree that SMP policies and regulations that encourage and foster critical areas restoration and enhancement

[28] WAC 173-26-231 as amended
[29] WAC 173-26-241 (2)(a)(ii) as amended
[30] Avian Power Line Interaction Committee (APLIC) Documents
[31] WAC 173-26-226 (1)(f)(iv)(C)(IV)
[32] WAC 173-26-226(2)(e)(ii)(G)

should be consistent with reconnection of fragmented terrestrial and aquatic habitats, including floodplains to the shoreline waterbody or other critical areas; streams, rivers, and lakes to tributaries, wetlands, floodplains, and drainages; and riparian areas to tributaries, wetlands, and drainage areas.[33]

It is also important that the rules address potential impacts to habitat connectivity due to shoreline modifications. For instance, "Fencing proposals shall consider and accommodate the need for wildlife passage and shall otherwise not impact habitat corridors between the shoreline and other critical areas or priority habitats."[34] To this, we recommend adding that wildlife friendly fencing shall be encouraged in areas of wildlife use. We also appreciate the acknowledgement that "Structural shoreline stabilization often results in vegetation removal and damage to near- shore or in-stream habitat and can disconnect shoreline habitat corridors. Therefore, master program provisions related to shoreline stabilization shall also be consistent with and implement the shoreline ecological protection provisions of WAC 173-26-226(2), vegetation conservation requirements, and where applicable, WAC 173-26-226(1), critical areas."[35]

Definitions

We suggest the language and sources for the definitions below to improve their specificity:

"Critical freshwater Habitat" Consider WDFW's definition of "Freshwater area" in WAC 220-660-030 (63): those state waters and associated beds waterward of the ordinary high water line that are upstream of stream and river mouths. Freshwater areas also include all lakes, ponds, and tributary streams and surface-water-connected wetlands that provide or maintain habitat that supports life. This definition does not include irrigation ditches, canals, stormwater treatment, and conveyance systems, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

"Future tidal inundation" area means the area expected to be flooded by daily high tides by about the year 2100 or 70 years from the deadline for completion of the next periodic review, whichever is later. This involves mapping the approximate projected extent of mean higher high water with sea level rise. The amount of sea level rise used to identify this area should, for scenario-based projections, align with at least the intermediate scenario or a higher amount of sea level rise. For probabilistic projections, the amount of sea level rise should align with the 50% likelihood or a lower likelihood and high emissions scenario. Sea level rise amounts evaluated should be relative, incorporating local vertical land movement.

"Marine" refers to saline water, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries, and inlets associated therewith.

[33] WAC 173-26-226(1)(c)(ii) as amended
[34] WAC 173-26-231 (3)(f)(iv) as amended
[35] WAC 173-26-231 (3)(b)(iii) as amended

"Mitigation sequence" means mitigation measures are applied in the following sequence of steps listed in order of priority. These steps must be considered and implemented in the order listed.

(i) Avoiding the impact altogether by not taking a certain action or parts of an action;
(ii) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
(iii) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
(iv) Reducing or eliminating the impact over time by preservation and maintenance operations;
(v) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
(vi) Monitoring the compensation provided and taking appropriate corrective measures, as needed.

"Nearshore" means pertaining to tidally influenced waters (saline and tidal freshwater), including sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries, and inlets associated therewith.

"Priority habitat" and "Priority species" Please see the current definitions in WDFW's Priority Habitats and Species List and include a reference to WDFW in these definitions. Please note that Criterion 1 species are no longer listed under WAC 232-12.

"Sea level rise means a long-term increase in the elevation of the ocean surface. This includes absolute sea level rise, which results from global processes such as ocean warming and melting land-based ice, measured relative to a fixed point like the center of the Earth. At the local scale, sea level rise also reflects vertical land movement, including subsidence or uplift. The combination of these factors is referred to as relative sea level rise, which represents the change in sea level relative to the land surface and is the most relevant measure for land-use planning and coastal decision-making."

"Sea Level Rise Hazard Area" means a mapped regulatory overlay zone that a local government designates to manage development in areas likely to be impacted by sea level rise. The area is determined based on a planning exercise that includes reviewing information from a sea level rise vulnerability assessment. The Sea Level Rise Hazard Area must encompass the land that modeling indicates is reasonably likely to be exposed to hazards such as flooding, erosion, and groundwater rise over a long-term planning horizon and include the area of future tidal inundation.

Conclusion

We applaud the efforts Ecology has taken to make substantial improvements to the shoreline management implementing rules, as reflected in this preliminary draft. We appreciate the level of collaboration we've had with Ecology to date, and we look forward to continuing to work together throughout the rule making process and the next periodic review cycle.

Sincerely,

Chris Conklin, Program Director
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CC: Kelly Still, Deputy Program Director of Divisions
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