November 4, 2026

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In Re: Chapters 173-18, 173-20, 173-22, 173-26, and 173-27 WAC, Shoreline Management Act Rulemaking Formal Comment Period

Via email: shorelinerulemaking@ecy.wa.gov

FOGH is a broad-based 100% volunteer tax-exempt 501(c)(3) citizens group made up of crabbers, fishers, oyster growers and caring citizens. The mission of FOGH is to foster and promote the economic, biological, and social uniqueness of Washington's estuaries and ocean coastal environments. The goal of FOGH is to protect the natural environment, human health and safety in Grays Harbor and vicinity through science, advocacy, law, activism and empowerment. FOGH seeks to maintain the quality of Central and Southwest Washington's coastal environment.

Thank you for the opportunity to comment on the proposed updates to the Shoreline Management Act (SMA) guidelines. While the draft rules represent a significant and commendable step forward in modernizing our shoreline management framework, stronger environmental protections are necessary to address the escalating impacts of climate change and ongoing habitat loss. To ensure our shorelines remain resilient, healthy, and functional for future generations, I urge the Department of Ecology to incorporate the following recommendations into the final rules.

1. Planning for Sea Level Rise and Coastal Migration
Washington State has already lost up to 80% of its historic estuary habitat, and remaining coastal ecosystems face severe threats from rising sea levels. Shorelines and estuaries must be given room to naturally migrate inland.

- *Restrict New Construction and Vulnerable Infrastructure:* Prohibit the construction of new permanent buildings—and restrict the major repair or replacement of existing structures—in coastal zones identified as highly vulnerable to sea level rise.
- *Limit Hard Shoreline Armoring:* Hard shoreline stabilization (e.g., bulkheads and seawalls) should strictly be an option of last resort. Where permitted, armoring must be placed landward of the long-term projected ordinary high-water mark (OHWM) to allow natural intertidal migration.
- *Expand Shoreline Jurisdiction:* Extend shoreline jurisdiction beyond the standard 200-foot buffer into adjoining floodplains and critical areas so local Shoreline Master Programs can comprehensively regulate climate-vulnerable zones.
- *Integrate Climate Projections into Critical Area Standards:* Account for projected sea level rise, shifting hydrology, and the landward migration of wetlands and critical saltwater habitats within local critical area requirements.

2. Ensuring True "No Net Loss" of Ecological Functions
Although "No Net Loss" of ecological function has been a core principle of shoreline management since 2003, shoreline degradation continues across the state. The current implementation is failing to prevent incremental environmental loss.

- *Factor Climate Change into Net Loss Calculations:* Require local jurisdictions to account for sea level rise and climate impacts when assessing cumulative impacts and determining net loss baselines.
- *Track All Unpermitted and Permitted Actions:* Establish a comprehensive tracking system for both authorized development and unpermitted alterations, ensuring that all actions are factored into cumulative impact evaluations.
- *Mandate Verification and Long-Term Monitoring:* Mitigation projects must be held to clear performance standards. Mandate annual monitoring reports submitted by permittees to local governments and forwarded to the Department of Ecology to verify ecological success.

3. Strengthening Enforcement and Accountability
Current enforcement mechanisms are insufficient to deter unpermitted development. For instance, in Island County, an estimated 85% of new shoreline armoring installed between 2016 and 2023 was built without permits. Without strong compliance measures, protective policies exist only on paper.

- *Mandate Clear Local Enforcement Triggers:* Define explicit conditions and thresholds under which local governments are required to initiate enforcement actions against SMP violations.
- *Require Removal of Unauthorized Structures:* Require the mandatory removal and full site restoration for any hard armoring or structural development installed without proper state and local approvals.
- *Require Performance and Maintenance Bonds:* Mandate financial assurance, such as performance and maintenance bonds, for all required mitigation projects to guarantee long-term accountability and success.

Thank you for your efforts and dedication to protecting Washington's vital shorelines and coastal resources. By strengthening these rules, the Department of Ecology can ensure our shorelines remain resilient and functional for generations to come.

Sincerely,



Arthur (R.D.) Grunbaum
President.

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