Timothy Petrick

The Port of Bremerton appreciates the opportunity to comment on the Washington State Department of Ecology's proposed amendments to the Shoreline Management Act regulations.

As a public port district responsible for managing and maintaining waterfront facilities, including two public marinas, guest moorage facilities, boat launches, piers, breakwaters, and public waterfront access, the Port recognizes the importance of protecting Washington's shoreline resources. We support responsible environmental stewardship, sustainable development, and efforts to prepare waterfront infrastructure for changing environmental conditions.

However, we strongly encourage Ecology to ensure that these regulations do not unintentionally restrict the ability of public port districts, municipalities, and other waterfront operators to maintain, replace, improve, and expand the facilities that provide the public with meaningful access to those very resources the Shoreline Management Act seeks to protect.

Shoreline protection and public utilization must remain equally important objectives.

The Shoreline Management Act explicitly recognizes the importance of public access, water-dependent commercial activity, ports, marinas, piers, and recreational facilities. These uses are not exceptions to the purpose of the Act; they are among the uses the Act was specifically intended to accommodate and promote.

Protecting our shorelines is critically important, but protection should not come at the expense of making those shorelines inaccessible or unusable by the public. A waterfront that is protected but cannot be reasonably accessed, enjoyed, maintained, or utilized fails to fully achieve the intent of the Shoreline Management Act.

The financial realities of waterfront construction and maintenance must be considered.

Waterfront infrastructure projects are already extraordinarily expensive. Construction over and adjacent to water involves specialized contractors, extensive engineering, environmental analysis, permitting, mitigation, and significant construction constraints. Even relatively straightforward repairs can carry costs substantially higher than comparable upland improvements.

The Port of Bremerton is currently pursuing major projects involving breakwater replacement, guest dock reconstruction, marina infrastructure repairs, and public waterfront improvements. These projects are necessary to maintain safe navigation, protect vessels and infrastructure, sustain economic activity, and preserve public access to the waterfront.

Like many public waterfront agencies, the Port relies heavily on state and federal grant funding to make these investments possible. These funding programs exist specifically to support public infrastructure, recreational boating, transportation, economic development, and improvements that benefit the broader community.

Additional regulatory requirements that increase project costs, extend permitting timelines, or significantly restrict feasible construction methods can jeopardize those investments. When the cost of compliance exceeds available funding, projects may be delayed, reduced in scope, or abandoned altogether.

The ultimate result can be aging infrastructure remaining in place longer, increased safety concerns, and the loss of facilities that serve the public.

We encourage Ecology to incorporate the following considerations into the final regulations:

Preserve opportunities for waterfront infrastructure improvements and expansion. Regulations should clearly support the responsible maintenance, repair, replacement, modernization, and appropriate expansion of public marinas, breakwaters, docks, piers, boat launches, and other water-dependent facilities. The ability to accommodate changing vessel sizes, improve accessibility, and provide additional public moorage and waterfront access should remain achievable.

Establish practical and proportionate permitting requirements. Routine maintenance, repairs, and replacement of existing infrastructure should not face the same regulatory burdens as entirely new waterfront development when the work does not create comparable environmental impacts. Permitting requirements should be scaled to actual project impacts, with clear approval pathways and reasonable review timelines. We are particularly concerned about additional administrative burdens under proposed WAC 173-27-040 and related permitting provisions.

Recognize engineering necessities and site-specific conditions. While nature-based shoreline stabilization and environmentally preferable construction methods should be encouraged, they are not feasible or effective in every location. Working waterfronts, marinas, and breakwaters must withstand substantial wave energy, vessel impacts, storms, and other demanding marine conditions. Proposed WAC 173-26-231 should preserve the ability to use engineered structural solutions when necessary for public safety, navigation, and infrastructure protection, with appropriate environmental safeguards.

Ensure sea level rise regulations support adaptation rather than prevent investment. We recognize the importance of designing infrastructure for rising sea levels and increased storm severity. Proposed WAC 173-26-246 should provide flexibility for public waterfront facilities to adapt through reconstruction, elevation, strengthening, and modernization. Requirements should not create a situation in which needed resilience improvements become financially or administratively impractical. Particular attention should be paid to ensuring that restrictions on roads, parking, and other supporting infrastructure do not undermine public access to water-dependent facilities.

Recognize the value and cost of public access. Public access is not achieved solely by preserving shoreline in an undeveloped condition. It also requires safe docks, accessible walkways, piers, boat launches, public moorage, parking, and other supporting facilities. Ecology should ensure that public access requirements under WAC 173-26-221(4) provide flexibility for the operational needs of marinas and working waterfronts, including necessary safety and security restrictions, and do not impose requirements that conflict with other shoreline regulations.

Consider economic feasibility and grant funding limitations. Environmental requirements should be evaluated in the context of their actual costs and public benefits. Public agencies operate within limited budgets and often depend on competitive grants with defined scopes, funding limits, and project deadlines. Ecology should recognize these constraints when establishing mitigation expectations, documentation requirements, and construction standards, and should coordinate requirements with existing state and federal permitting processes to avoid unnecessary duplication.

The Port is not advocating for the elimination of environmental protections or the relaxation of meaningful environmental performance standards. We are advocating for a regulatory framework that recognizes the practical realities of maintaining and improving public waterfront infrastructure.

In many circumstances, replacing aging facilities provides an opportunity to incorporate modern materials, improve environmental performance, enhance safety, increase resilience, and expand public access. Regulations should encourage these investments rather than create financial or procedural obstacles that discourage improvements.

Ultimately, the purpose of protecting our shorelines must include preserving the public's ability to experience and use them.

Washington's shorelines are an environmental resource, but they are also a public resource, an economic resource, and an essential part of the state's maritime identity. Responsible commercial activity, recreational boating, public waterfront access, and environmental stewardship can and should coexist.

We respectfully request that Ecology carefully evaluate the cumulative financial, administrative, and operational effects of the proposed amendments on public ports and waterfront infrastructure providers, and ensure that the final rules preserve realistic opportunities to maintain, improve, and responsibly develop shoreline facilities for the benefit of current and future generations.

Thank you for considering these comments.