# Sarah Huling

Please find below my official public comment on the proposed rulemaking for Chapters 173-18, 173-20, 173-22, 173-26, and 173-27 WAC (Shoreline Management Act):

I. INTRODUCTION & CORE STATEMENT
Thank you for the opportunity to comment on the Department of Ecology's proposed amendments to the Shoreline Management Act (SMA) administrative rules under Chapters 173-26 and 173-27 WAC.
As a resident and taxpayer in rural Washington, I strongly support protecting our marine and freshwater shorelines, aquatic habitats, and water quality. However, rulemaking under WAC 173-26 (Shoreline Master Program Guidelines) and WAC 173-27 (Permit and Enforcement Procedures) must maintain a practical balance between environmental stewardship and the statutory mandates of the SMA—specifically preserving water-dependent uses, protecting private property rights, and maintaining local economic viability.
As Ecology updates these administrative rules, I urge the Department to incorporate the following four core principles:

II. KEY COMMENTS & RECOMMENDED AMENDMENTS TO WAC RULES
1. Maintain Local Flexibility and Voluntary Frameworks for Sea Level Rise (WAC 173-26-201)
- The Concern: Adding sea-level rise and storm-severity requirements into mandatory Shoreline Master Program (SMP) guidelines risks imposing a rigid, one-size-fits-all framework across diverse coastal and riverine counties. Rural counties face vast differences in coastal geology, bluff stability, tideland ownership, and financial capacity compared to urban Puget Sound jurisdictions.
- Recommended Rule Language: Ensure WAC 173-26 explicitly directs local governments to use flexible, adaptive planning options (e.g., "encourage," "explore," and "incentivize") rather than mandatory "shall" directives or uncompensated "managed retreat" overlays that invalidate existing, legally established residential uses. Local jurisdictions must retain the authority to tailor sea-level rise responses to their specific community needs and economic realities.

2. Require Realistic Projection Modeling with Stated Uncertainties (WAC 173-26-221)
- The Concern: Local planning efforts often default to extreme, worst-case high-emissions scenarios (such as RCP 8.5) and outdated downscaling models to justify sweeping shoreline restrictions. These extreme modeling projections frequently conflict with local observed NOAA gauge data—such as Clallam County's historical record showing a modest 1.4°F rise since 1895 compared to modeled end-of-century summer spikes.
- Recommended Rule Language: WAC 173-26 guidelines should require local SMP updates addressing climate impact scenarios to evaluate middle-range projection pathways, account for local vertical land movement (uplift vs. subsidence), and clearly state data uncertainties in plain language before establishing regulatory setbacks or restricting property improvements.

3. Streamline Permit Procedures and Protect Small Landowners (WAC 173-27-040 & 173-27-140)
- The Concern: Excessive procedural complexity and expanded environmental review thresholds in WAC 173-27 penalize small property owners, working families, and local tradespeople trying to maintain existing homes, repair septic systems, or complete modest improvements.
- Recommended Rule Language: Expand shoreline exemption thresholds and streamlined administrative review processes under WAC 173-27-040 for routine residential repairs, non-structural shoreline stabilization, and replacement of aging infrastructure. Rule amendments must prohibit requiring redundant, expensive consultant reviews (such as third-party biological assessments) for minor, low-impact activities outside designated critical saltwater habitats.

4. Prevent Asymmetric Regulatory Burdens Across Parcel Boundaries
- The Concern: In many rural coastal counties, fee-simple private land directly adjoins sovereign tribal trust land or federal park property. While tribal trust parcels operate under independent sovereign jurisdiction exempt from county shoreline codes, private property owners face increasingly restrictive setbacks and armoring bans on adjacent waterfront parcels.
- Recommended Rule Language: WAC 173-26 rulemaking should emphasize equity and collaborative regional partnerships rather than placing disproportionate regulatory and financial burdens solely on private fee-simple landowners.

III. CONCLUSION

Effective shoreline management is achieved through clear rules, meaningful technical and financial assistance, and collaborative local decision-making—not top-down regulatory mandates that drive up housing costs and restrict reasonable shoreline use. Please ensure the final language for Chapters 173-26 and 173-27 WAC respects local jurisdictional context, protects constitutionally guaranteed property rights, and keeps shoreline stewardship accessible for all Washington citizens.