

Northwest Indian Fisheries Commission Member Tribes





REGULATORY SUBCOMMITTEE, SALMON RECOVERY COUNCIL

ANALYSIS OF NEWLY APPROVED COUNTY SMPS AND
RECOMMENDATIONS FOR CHANGE

OVERVIEW:

- This report and analysis stem from a call to action put forth in the Puget Sound Action Agenda, which calls for strategies to:
 - ❖ “improve, strengthen, and streamline implementation and enforcement of laws, plans, regulations and permits consistent with protection and recovery targets.” A 1.3 NTA *et seq.*
- A subcommittee of the Recovery Council has chosen to focus an initial report on marine shorelines of Puget Sound and a review of the Shoreline Management Act (SMA).
- Specifically, this memo considers factors that allow for or enable shoreline modification to occur, with specific attention to three areas of the Shoreline Management Act and Shoreline Master Programs:
 1. How do each of the studied jurisdictions permit or allow for shoreline modification to take place;
 2. How do the studied jurisdictions define, implement, and monitor the SMA policy of no net loss of ecological function; and
 3. Generally, how and to what extent is data on permitted activities and the implementation of no net loss being collected and used.

Summary Findings & Recommendations:

- Improved permitting of repair and replacement armoring is needed.
- Improved permit data collection, development of consistent data metrics, and a unified system to track permits and permit-related data is necessary.
- Provide local jurisdictions clear direction on how to implement NNL at the permit scale and how and when to adaptively manage SMPs based upon NNL reviews at the jurisdictional/programmatic scale.

Improved permitting of repair and replacement armoring is necessary to adequately demonstrate a continuing need for armor, compensatory mitigation for extending the lifespan of the original impacts, and compliance with the SMA/SMP.

Summary Findings:

- ▶ The bulk of shoreline armoring projects are repair and replacement, as opposed to new installations.
- ▶ Shoreline armor repair and replacement projects are largely exempted from permitting and may not be receiving adequate site specific analysis and review.
- ▶ State regulations require a demonstration of the need for replacement armor and to assure that the replacement will result in no net loss of ecological function.
- ▶ By extending the functional life of the structure, repair or replacement of shoreline armor causes impacts to ecological functions that would not otherwise occur. Impacts can be avoided and mitigated, but, it is unclear to what extent County (or City) SMPs require and review geotechnical reports to demonstrate necessity or to assure no net loss of ecological functions.
- ▶ Regulatory programs should work in conjunction with voluntary programs to incentivize removal of armoring where appropriate. Without an effective compliance monitoring program, it is impossible to determine if this is occurring to the extent needed to accelerate “softening” of the shoreline.

Improved permit data collection, development of consistent data metrics, and a unified system to track permits and permit-related data are necessary to evaluate performance of SMPs at achieving no net loss of ecological function.

Summary Findings:

- ▶ Counties appear not to identify ecological functions at the project/site scale during permitting.
- ▶ Permitting decisions do not fully evaluate ecological impacts and do not adequately evaluate the relationship of the project to NNL at a Sound-wide, jurisdiction-wide, drift-cell, or even site-scale.
- ▶ County permit tracking is needed, but is not generally used in the determination of compliance with NNL policies, at either the project or jurisdiction-wide scale.
- ▶ Permit monitoring does not adequately track: how decisions are made or the data on which they are based.
- ▶ Generally, permit implementation monitoring is not currently adequate to determine if construction or repairs were made in compliance with the permit.

Provide local jurisdictions clear direction on how to implement NNL at the permit scale and how and when to adaptively manage SMPs based upon NNL reviews at the jurisdictional/programmatic scale.

Summary Findings:

- ▶ Discrepancies in the NNL do not come from how the policies are written or defined, but in how they are implemented at both the permit and programmatic scales.
- ▶ Little is known to what extent jurisdictions identify, evaluate, and make decisions based upon environmental data and how NNL determinations are made against such data.
- ▶ It is less clear how local jurisdictions utilize monitoring and permit information to adaptively manage their SMPs to ensure that programs achieve and maintain NNL.
- ▶ Ecology should provide local jurisdictions clear direction how NNL gets implemented at both of these scales.