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The Nature Conservancy
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US Fish and Wildlife
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Draft Recommendations for Improving Protection of Marine Shorelines

October 24, 2008

The purpose of this paper is to describe the recommendations developed by the staff of the San Juan Initiative to improve protection of shoreline resources. These recommendations will be used by the Policy Group of the Initiative to determine their final recommendations, which will be forwarded to the San Juan County Council as well as state and federal agencies responsible for protection of the marine shoreline. Your comments and suggestions are encouraged. ***Before these recommendations can be implemented, additional public process is required by the County and state agencies.***

The San Juan Initiative is holding public workshops at the following times and places.

For Building and Real Estate Professionals (Lunch provided with RSVP to 298-2278):

- Mon, Oct 27 11:45 – 1 PM Key Bank, Friday Harbor
- Tue, Oct 28 11:45 – 1 PM The Lopez Islander, Lopez
- Wed, Oct 29 11:45 – 1 PM Senior Center, Orcas Island

For the General Public:

- Mon, Oct 27 6-8 PM Roche Harbor Resort, San Juan
- Tue, Oct 28 6-8 PM The Lopez Islander, Lopez
- Wed, Oct 29 6-8 PM West Sound Community Club, Orcas

The Policy Group of the Initiative is meeting on October 30 at Key Bank in Friday Harbor and November 13, location TBD. The meetings are open to the public and comments received before those dates will be considered by the Policy Group in determining their final recommendations.

What is the San Juan Initiative?

The San Juan Initiative is a two year pilot project designed to improve ecosystem protection in San Juan County while also supporting other community values. After evaluating a wide cross-section of programs to determine what's working and what isn't, the Initiative is developing recommendations to improve protection of over 400 miles of shoreline in San Juan County. The assessment brought together a scientific characterization of four case study areas in the County with a review of shoreline policy, permits, education, technical assistance and voluntary programs.

Based on the findings of the assessment, the Initiative is focused on improving the protection of two particular ecosystem components: shoreline trees/ground cover and natural beach forming/erosion processes. The Initiative's Policy Group is focused on having a coordinated protection program that brings together changes to education, voluntary and regulatory programs.

What are we trying to achieve?

Sensitive habitats like eelgrass, forage fish spawning grounds, and shallow marine waters used by salmon need to be protected for the overall health of the marine food chain. Natural erosion/beach forming processes and shoreline trees and ground cover provide fundamental support for these habitats.

San Juan County property owners want to protect the shoreline, but they need improved access to information. They need to know what is important to protect in their area and how they can be good stewards while enjoying their property. They also need clear guidance and consistency in interpretation of the regulations and the processes they must follow for governmental approval when it is required. Property owners, builders, architects and other contractors need easy access to technical assistance to help them implement the regulations necessary to protect marine shorelines. They need voluntary programs to encourage their participation. Shoreline property owners need a clear process to maintain shoreline views and access to the shore that is protective of the environment.

The governmental managers need clearer rules that they can consistently apply with sufficient resources. Regulatory, education and incentive programs need to be tailored to the sensitivity of shoreline and its ecosystem function. The County and State need to fairly enforce the regulations. People involved in implementing education, regulatory and incentive programs for shoreline protection need to work collaboratively, involving both the public and private sector.

What are the proposed changes?

The staff for the Initiative recommends a coordinated effort that tailors protection based on the recognition that the shoreline is not uniform, but is instead an assemblage of different geological, biological forms and human uses. The tailored approach matches protection efforts to the ecological qualities of each stretch of shoreline and site specific conditions. By using a fairly simple classification of shoreline types (Shipman, 2008) and incorporating ecological information, we propose a suite of protection approaches

that are tailored to the specifics of a site and will provide lasting protection of shoreline trees/ground cover and natural beach formation/erosion processes where it is most needed.

There are three shoreline types found in San Juan County: rocky, beaches and embayments. These shoreline types can help identify those stretches of coast that are more sensitive to alteration and provide the basis for the tailored approach.

The tailored approach considers two criteria:

- How sensitive is the site to loss of shoreline vegetation or the addition of shoreline armoring.
 - geological sensitivity
 - ecological sensitivity
- Amount of alteration already existing at the site
 - alteration within the land form
 - alteration within the parcel

The tailored approach recognizes that all shoreline properties must retain adequate shoreline vegetation to ensure clean run off and screening of homes from the water. The proposed approach adds specific management goals and strategies to achieve necessary protection in areas that are more sensitive and less altered, thereby ensuring that we are not losing critical ecosystem function from piecemeal development.

Implementing the tailored approach will require changes to existing protection programs. The changes will involve all the protection tools including incentive, education, and regulatory programs. How these tools will be applied to specific places will be mapped and publicly accessible. Provided below is a general description of the changes recommended to the various programs.

Education:

1. Implement an educational effort that focuses the most resources on property owners that have bluffs, forage fish, eelgrass or barrier beaches. The educational programs will be focused on those places most sensitive to alteration and with remaining ecosystem function. The strategy could include twice yearly mailings, community workshops, site visits, advertising in newspapers etc.
2. Adapt and expand the county assessor’s website. Add information showing shoreline types and relevant ecological features. The website would connect users to information about regulatory programs that may affect their property as well as technical assistance that may be available.
3. Expand and promote pre-building site assessments that are currently offered by the County to identify the building setback requirements.
 - Include in the site assessment identification of forage fish beaches, presence of eelgrass, feeder bluffs and retention of vegetation as specific ecological issues to be considered in building on the subject property.
 - Provide more explicit guidance about what vegetation clearing is allowed before and after construction, accompanied with photographs showing

what “adequate vegetation” looks like. Also provide guidance about how native vegetation should be retained to ensure stability of the soil and water quality.

- Encourage collaborative relationships among County stormwater and planning staff, landscaper, builder, and property owner (or her agent) to allow a full discussion of the property’s ecological issues and building options.
4. Improve access to technical assistance in geology, biology and shoreline functions.
 - Provide County staff with technical assistance during site visits and permit review. In particular, make technical experts available in the fields of stormwater planning, low impact development, habitat biology, and coastal geology (through retainers or other contractual relationships).
 - Provide technical assistance to property owners for managing their vegetation or erosion issues.

Regulatory: Amend regulations to reflect management goals

1. Change codes for shoreline trees and ground cover to address water quality, screening, overhanging vegetation for forage fish beaches, slope stability, beach access and hazardous tree removal using photo examples and clear code language.
2. Specify the requirements for tree retention and allowable clearing on parcels with existing homes.
3. Refine the requirements for bulkheads and other shoreline armoring:
 - Improve current exemption process to build a bulkhead. Require repair of bulkheads to be accomplished in a manner that minimizes impacts to shoreline resources like eelgrass, forage fish spawning or feeder bluffs.
 - Currently shoreline armoring is allowed if an upland use is threatened. Use is broadly defined to include structures like gazebos and lawns. In areas with feeder bluffs or forage fish spawning grounds, bulkheads would only be allowed if the main structure or home is threatened.
 - Prevent new bulkheads on feeder bluffs and forage fish beaches.
 - When new shoreline armoring is needed, encourage techniques that mimic natural processes (soft shore) where feasible.
4. Clarify codes to encourage moving homes back from the shoreline in areas that are the most ecologically sensitive to shoreline armoring like feeder bluffs and forage fish beaches.
5. Require before and after construction inspections of structures to include inspection of shoreline vegetation along those stretches that have forage fish beaches or erosion concerns.
6. Amend current setback regulations for eroding bluffs. Where bluffs are eroding, the setback should be determined by the rate of erosion to preclude the necessity of a bulkhead during the life of the structure (75 yrs).
7. Support current efforts to create financial penalties that can be issued by the County for removal of trees or placement of bulkheads sufficient to deter activity.
8. Amend the Department of Fish and Wildlife administrative regulations to be consistent with the recommended changes to County regulations.

9. Implement an investigative monitoring program that periodically inventories the most sensitive shoreline areas to prevent illegal activities.
10. Create a design commission that allows staff, property owners and contractors to recommend solutions for sites where the standard regulations do not make sense in their strict application for protecting shoreline resources.

Voluntary:

1. Refine County's Open Space Tax Program to encourage retention of overhanging vegetation in areas of potential or documented forage fish and on bluffs.
2. Work with San Juan Preservation Trust and San Juan County Land Bank to encourage purchasing of feeder bluff properties.
3. Provide financial incentives like low interest loans and grants for moving homes back and for soft shore erosion control.

Critical Issues for Improving Recommendations

Below are several questions the Initiative staff would like responses to. Other issues and comments are welcome.

1. Do you think these recommendations will: increase consistency in requirements; foster a collaborative approach involving both the public and private sectors; provide information in a manner that is accessible, relevant & timely; and, reward actions that protect/comply and discourage actions that are damaging or not consistent with the regulations?
2. Currently shoreline armoring is allowed if an upland use is threatened. Use is broadly defined to include structures like gazebos and lawns, in addition to homes. On shorelines sensitive to damage from bulkheads but currently unaltered, do you think the criteria for allowing a bulkhead should be confined to the threat to a main structure or residence, and no other "uses?"
3. Do you think setbacks in areas that are eroding should be tied to erosion rates to limit the potential of bulkheads during the life time of the structure?
4. Should public resources be used to provide additional technical information and education for property owners in sensitive an unaltered areas?
5. Should the property owner be compensated for retaining a public resource like shoreline vegetation along feeder bluffs or erosion features?

For more information, please contact Amy Windrope, San Juan Initiative staff at amy.windrope@psp.wa.gov or 360-298-2278.