

LWV-Kitsap Bremerton/CK Unit Meeting Notes--Saturday, November 19, 2022

Kitsap United Way Conference Room/Zoom

In Person: Kathleen Cahall, Denise Justice, Candy Rankin, Connie Marchant, Debi Barner, Debbie Klabo, Charlie Mackall, Janice McLemore, Raejean Bridges-Avalos

Via Zoom: Maureen Cervinsky, Pat Troxell, Kathleen Gallagher, Regina Adamson, NK Unit member & LWVWA Shoreline Study Committee member Betsy Cooper

While Maureen is in Coronado, CA visiting family, other unit members stepped in to help out: Connie opened up the building & set up refreshments; Denise provided her technical expertise, acting as Zoom host; Kathleen Cahall did lots of preparation reading & watching Zoom meetings, and she skillfully facilitated our discussion, while leading us in the consensus process.

Kathleen C. spent 38 years working in water resources for city and county governments. She pointed out that Kitsap County includes 250 miles of shoreline.

Kathleen's Overview of the Consensus Process:

This process is new to most of us, since the last LWVWA study was done in 2014. Any local League can propose a **Study**, which, when approved at a state League convention, is then performed by a team of League members. Undertaken by six League members from across the state, The "Shoreline Management Act at 50+ Years: Shorelines Study 2022" took close to two years to complete, with six months to write up their conclusions, which then were read by two review committees.

The study committee identified nine issues for which they wrote discussion and Consensus questions. We are now in this second phase, when all League members across the state are asked to educate themselves about the study and meet locally to determine if we are in substantial agreement (**Consensus**) about the issues. For LWV-Kitsap, we are choosing to conduct this process at our four individual unit meetings. From there, a formal **Position** will be drafted incorporating the agreed upon issues, which the League can then use for **Advocacy**. The next LWVWA study, currently in process, will concern journalism and local news.

We are very fortunate that study member Betsy Cooper is a member of our Kitsap League and that she joined us today to give an overview of the study process and to clarify points and answer questions during our consensus process. Betsy's background is in environmental review, "where science and policy meet": 15 years in New York City and subsequently in WA state, here involving permitting for treatment plants.

Betsy's Summary of the Study Process:

Shoreline management is a broad and complex topic. The committee started their process by learning as much as they could about the Shoreline Management Act (SMA). One of the oldest environmental acts in WA state, the SMA was enacted through a citizens' initiative to the state legislature in 1971. It was modified, came back to the voters, then was adopted. Its guidelines are applicable to coastal shorelines, many river, stream & lake shorelines & their associated wetlands.

The legislature set out three major policy goals for the SMA:

- 1) Protect environmental functions
- 2) Manage any land uses & development associated with water
- 3) Ensure public access to the shorelines

The SMA is a unique law in that it is jointly administered by local governments and WA Department of Ecology. Every county in the state has shoreline affected by the SMA. In Kitsap, all cities and the county have written their own Shoreline Management Programs (SMP), which define their permitting process for shoreline development; the Dept. of Ecology approves and provides oversight for those local plans.

Beginning in 2001, changes were begun in the way the SMA was implemented. In 2003, new regulations were agreed upon, requiring the update of all existing plans **and** introducing the concept of "no net loss" as a key component of the SMA. This would not allow any additional adverse effects for ecological functions over and above what would be lost as a result of the originally approved specific project, requiring evaluation of and carrying out necessary mitigation. In practice, **an assumption exists** that if a plan is approved by the Dept. of Ecology, the jurisdiction writing the plan would have indeed done a thorough inventory of all the environmental protections needed for permitting in that jurisdiction and the actions approved under the plan would result in no net loss. However, there is no requirement that the plan must document that it is achieving the goals of the plan, nor is there any process for review to ensure no loss of ecological functions took place.

The study committee felt it best to use the approach other LWVWA study committees had used. They developed a set of questions to get at how the SMA has worked in the past, identify any roadblocks, as well as issues that might not have been thought about 50 years ago, and things that maybe were not needed in the SMA at this point. They interviewed persons whose experience with the SMA varied considerably: among them, local government planners, state agency representatives, bulkhead builders, port officials, environmental groups, property rights groups, shellfish industry persons, tribal representatives. They tried to reach out to stakeholders in eastern WA, as well. The committee members compiled responses and identified recurrent issues and themes.

At this point in the meeting, Kathleen C. began to lead us through the Consensus process, reading out loud each Consensus question, asking for comments and moving us through all nine questions. Often we would ask Betsy for help in understanding an issue's history or for clarification on some point. All members contributed to the discussions and we all felt the process had gone smoothly. Many thanks to Betsy and the rest of the Study committee for their lengthy and diligent work conducting the study itself, writing it up and developing the important Consensus questions. We also thank you for taking the time to join us for our Saturday morning meeting and being such a great help during our process.

NO DECEMBER UNIT MEETING

SAVE THE DATE: SATURDAY, JANUARY 21 @10am

**BREMERTON & KITSAP COUNTY HOUSING AUTHORITY
CEOs WILL BE OUR GUEST SPEAKERS**

**SCROLL DOWN TO ACCESS THE CONSENSUS QUESTIONS, OUR RESPONSES
AND COMMENTS:**

For those who have not had a chance to look over the LWVWA Shorelines Study, Maureen sent a link to **our unit webpage** <<https://www.lwv-kitsap.org/bremerton-ck-unit-page/>> To read **online**, click each individual link: SMA Executive Summary, Table of Contents, the complete study.

Bremerton/Central Kitsap Unit Shoreline Study Consensus--November 19, 2022

Number of unit members participating in the consensus process: 13

Consensus Question #1: **Strongly Agree**

Should the LWVWA take a position that the policy goals do not have equal weight, and that the protection of the shoreline environment is more important than the policies of public access and fostering reasonable and appropriate uses and preferred uses?

Consensus Question #2: **Strongly Agree**

The League should take a position that the SMA, its implementing regulations and guidelines require that all local master plans include an element to address and plan for climate change impacts.

Comments: Our unit members felt **addressing climate change in the SMA and local SMPs is crucial**. State and local guidelines should include plans for climate change impacts, using the best science available.

Consensus Question #3: **Agree**

Should the LWVWA take a position that local governments must periodically assess and report whether the no net loss standard is being achieved?

Comments: We realized it is not so easy to know what it is that you're measuring to determine if a "no net loss" standard is being achieved. We feel the SMA should include some specifics of what should be measured, add in some level of evaluation to give guidance to help local governments.

Consensus Question #4: **Disagree**

Should the League take the position that the standard for "no net loss" of ecological functions is inadequate and that the standard for local master programs should be a "net gain" standard for protection of ecological functions?

Comments: Lots of discussion on this one, with a wide range of views. Betsy clarified for us that a developer would have to do restoration over and above the detriment to ecological functions that an individual project might cause. The definition of "net gain" is currently being worked out by the WA State Academy of Sciences, but it is not yet clear. While some felt that continued population growth and climate change impacts should lead the SMA to adopting "net gain" as the new standard, others were reluctant at this point to agree with no approved definition of the term and rather regard "net gain" for now as aspirational. **(See additional comments below on the Consensus process).**

Consensus Question #5: **Strongly Agree**

Should the League take a position that the state must provide more funding sources dedicated specifically for training and enforcement?

Comments: In addition to funding specifically for training and enforcement, we strongly feel that funding for education to the general public, as well as stakeholders, should be sought. When more people understand the importance of maintaining healthy shorelines, the easier it will be for local governments to implement their SMPs. (See additional comments below on education).

Consensus Question #6: **Strongly Agree**

Should the League take a position that local governments should be required to prepare and submit letters of exemption to Ecology for tracking purposes?

Comments: This goes along with being transparent. In requiring the submission of letters of exemption, the Department of Ecology would be able to push local governments to make changes to their SMPs that tighten up the permitting process and to be stronger partners.

Consensus Question #7: **Strongly Agree**

Should the LWVWA take a position that Ecology's oversight role should be expanded to require periodic checks or "audits" on local governments shoreline programs, particularly the implementation through the granting of permits and exemptions?

Comments: With no current formal auditing program in place from the Dept. of Ecology, local governments can easily take shortcuts in the permitting process or developers can simply not apply for permits until after the fact. Audits would not need to be done annually and that probably wouldn't even be fiscally viable, but the knowledge that an audit is always possible makes for good record maintenance, keeps everyone honest and on the ball.

Consensus Question #8: **Agree**

Should the League take the position that Ecology review and amend its guidelines, if warranted, regarding "preferred uses"?

Comments: The fact that "single-family residences" is first on the list of preferred uses really jumped out at us--how could that possibly be more important than ports and shoreline recreational uses that would serve way more people? Betsy said reaction among almost all their respondents was the same. She explained that private property rights come into play here--a general tenet that anyone owning a piece of property of sufficient size should be able to use their property for a dwelling. Guidelines regarding preferred uses have not been reviewed for 50 years. Because going back into the SMA and reviewing preferred uses could possibly lead to other changes in conflict with the issues we have strongly agreed with, we chose to Agree rather than Strongly Agree.

Consensus Question #9: **Strongly Agree**

Should the League take a position that the state must provide additional funding sources dedicated specifically for the state and local governments to provide more public access to shorelines?

Comments: We noted that unlike Oregon, which made its entire coastline open to the public in 1913 by declaring the beaches a public highway, much of Washington's coastline is privately owned. We wondered about local governments coordinating efforts with NGOs such as Great Peninsula Conservancy in our area to support purchasing what has been taken from the public.

A VERY IMPORTANT NOTE: Unit member Pat Troxell talked about the great need for more public areas to be accessible for wheelchair use, with areas set aside for easy accessibility.

Additional issues that our unit believes the LWVWA should address as part of the consensus process leading to a position on Shorelines:

1) We strongly believe that **education about the issues** should be a component of the permitting process: for the regulated community, including developers, landscapers, designers; for the banking community, who lend money to the developers; for the real estate community, who list & sell the shoreline properties. And **public education** about the importance of maintaining healthy shorelines. One of our members praised Gateway Park in Silverdale for its interpretive panels explaining how all things are interconnected.

2) On Consensus Question #4 (Net Gain), more of us would have checked Disagree than Agree, so we ultimately chose Disagree. "No Opinion" simply did not fit. **Had there been a choice of "No Consensus", we probably would have chosen that.**

Recorded by Candy Rankin