The “Word Cloud” represents the words that were used most frequently during the interviews.

Prepared by:
Norton-Arnold & Company

Prepared for:
San Juan County Department of Community Development & Planning

March 11, 2011
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Introduction
As required by state law, San Juan County is updating its Shoreline Master Program (SMP). To regulate shoreline development, the state law requires local governments and the Department of Ecology to mutually regulate shoreline development, use, and protection. The update of the County’s SMP is required by June 30, 2013. The Shoreline Management Act applies to lakes greater than 20 acres, marine shorelines, land within 200 feet of the ordinary high water mark of such waterbodies, and their associated wetlands. The law has three main purposes:

- Encourage reasonable and orderly development of shorelines, with an emphasis on water-dependent and related uses that control pollution and prevent damage to the natural environment.
- Protect the natural character of Washington shorelines, including the land, vegetation, wildlife, and shoreline environment.
- Promote public access and provide opportunities to enjoy views and recreational activities in shoreline areas.

San Juan County has over 400 miles of shoreline and numerous wetlands and lakes that fall within the jurisdiction of the Shoreline Management Act. These areas are a valuable resource to the County and serve as: the primary draw for people who desire to live on and own private property; the main economic driver for the County; valuable habitat for fish and wildlife; and a unique resource used by residents and visitors alike. As such, County citizens, landowners, businesses, various groups and organizations, and visitors all have a vested interest in this tremendous resource. To ensure all of these voices are informed and engaged in the SMP Update, the County is conducting a comprehensive public involvement program. The first part of this program was conducting a series of representative party interviews. The interviews were conducted with a wide range of interests in order to fully understand those interests and to address and incorporate the ideas, questions, and concerns into the broader outreach process.

Representative Parties Interviews
Two consultants from the Watershed Company Team (the team selected by San Juan County to update its SMP) conducted twenty interviews with sixty-nine people who represented forty-three different groups, organizations, businesses, and interests. A list of the people interviewed and their affiliation is provided in Appendix A of this report. The interviews were conducted over a three day period: January 18, on Lopez Island; January 19, on Orcas Island; and January 20 on San Juan Island. Interviewees were provided with an interview topic guide prior to the interviews. A copy of the topic guide is provided in Appendix B of this report. This report summarizes the results of the interviews; audio recordings of the interviews are available upon request. A number of interviewees provided written responses to the interview questions and other supporting documentation. These are provided in Appendix C.

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1 Two interviews were conducted via phone.
The following section summarizes the responses of all interviewees and identifies the key points made during the interview process.

**How familiar are you with the SMP update process? What are your perceptions of the Shoreline Master Program?**

Familiarity with the SMP update process varied widely among the interviewees. Some were completely unfamiliar, others had some level of familiarity, and some had a high degree of familiarity with it. Regardless of their level of familiarity with the SMP, many interviewees were uncertain about what the update will mean, and how people and future development will be affected.

There were also varying perceptions of the Shoreline Master Program. These included:

- The SMP includes inconsistent regulations and gray areas
- It’s too wordy and difficult to use
- Its definitions are inadequate, subjective and open to multiple interpretations
- It’s not supportive of public access for those that live outside the County
- It has a tremendous impact on the County
- Confused about the linkage between the SMP and Critical Areas Ordinance (CAO)
- Support for it but it needs to recognize the need for people to visit here and for property owners to use and enjoy their land
- The current SMP has had no impact on permitting; you can’t tell the difference pre- and post implementation
- The current SMP is not enforced

**What do the SMP and the regulation of shoreline development, use, and protection mean to you and to the County?**

There were multiple viewpoints on regulation, and these viewpoints tended to align with representative parties’ affiliations. Interviewees representing organizations with an environmental focus saw regulations as necessary in order to protect and restore valuable or impacted habitat. Interviewees who said they were concerned about property rights or were tied to a business said they were concerned about the impact of regulations on their property rights and values, and on individual businesses and the economy as a whole.

While the individual perspectives on regulations appear to be opposed, it is important to note that almost all interviewees viewed the shoreline as the County’s greatest asset. Comments that supported this theme included:

- Shorelines are the County’s primary draw for “live, work, and play”
- We need balance: private property use and enjoyment, thriving local business, and environmental protection don’t have to be mutually exclusive

Other commonly heard views on regulation included:
• They are too cumbersome and bureaucratic for most people to understand
• They should be simple and straightforward
• Any regulations have to consider the current level of preservation (high) in the County and recognize the good stewardship of private property owners
• Concerned about impact of regulations to water-dependant uses and tourism-related businesses
• Regulations are needed to help protect valuable habitat and water quality

What are your areas of interest in relation to shorelines (commercial development, residential development, critical area regulation integration, habitat protection, public access, transportation, water quality, others)? Of your areas of interest, which are your top three (list in order of importance)? What makes them important to you?

While most of interviewees answered the first and third part of this question, a number had a hard time identifying their top three interests. These interviewees said that all of these areas are equally important and inter-related.

The top three interests identified by those that did answer the second part of the question are identified in the graph below. It is important to note that these results only represent those that answered the question and are not intended to be representative of the entire County.

![Top Three Areas of Interest](image)

What are your perceptions of how the county’s shorelines are currently managed? What do you like and/or dislike? Do you have any information about the shorelines that you'd like to share with us?

While there were varied responses to this question the overwhelming theme heard from respondents was that there is a problem with enforcement of current regulations within the County. Interviewees
attributed this problem to understaffing, confusion about what the regulations are and how they should be interpreted, and lack of political will on behalf of the County. Another commonly held view with regard to enforcement was that some waterfront property owners could either afford to hire attorneys to get around regulations or were willing to construct what they wanted and pay any subsequent fines. Others noted that the County has failed to address ongoing incremental habitat loss and cumulative impacts of development.

Other perceptions about the County’s current management of shorelines included:

- The County doesn’t currently have an accurate estimate of how much shoreline is in good shape and how much is threatened or impaired
- The County is in a tough position, with multiple government entities with conflicting rules and regulations
- The County gets accused of being both pro- and anti-development
- There aren’t any big problems with the way shorelines are currently managed
- There is unevenness in how shorelines are managed
- The County needs to do a better job with educating landowners and the public
- There is too much grandfathering of uses
- There is too much emphasis on small fines rather than on requiring mitigation and monitoring when violations occur
- Current stormwater regulations address a lot of the issues
- The County should focus on compliance monitoring in most sensitive areas
- Existing regulations are not achieving stated objectives – there has been no change in permits issued from before the current SMP and after its adoption
- Interpretations of regulations by County staff are often incorrect
- Current regulations seem to be working; most people are good stewards, but unfortunately a few people can have a negative impact
- The County is unduly influenced by special interests
- Codes are challenging to interpret and to enforce

What, if any, changes have you noticed over the last 5-15 years (access, habitat, use, etc.)? If you have noticed changes, what do you think has accounted for them?

It is difficult to categorize one or even a set of changes identified by interviewees. Some who said they have lived in the county a long time indicated that they have not noticed any significant changes. These respondents said that they have not seen significant problems with the environment, noting that large extents of the shoreline within the county are undeveloped or are in good shape. They also said that most of the problems that have been identified (specific areas with degraded water quality, for example) are a result of activities outside of the County.

Others said that they have noticed more people, residents and visitors alike, moving to and visiting the County. These respondents typically said that more people has gradually led to more development and a more degraded environment, and that the change has been slow and is not easily recognizable. They
also said that current shoreline impact is greater than previously believed, and are comparable with other rural Puget Sound counties. Other changes identified by interviewees included:

- Expansion of overwater structures, primarily docks
- New development
- More public access, through trusts, parks, and the land bank
- More difficulty maintaining shoreline areas in state parks due to regulations of multiple agencies
- Change in habitat: some loss of eelgrass
- Increased regulation, to the extent that it is difficult to enforce them all
- More stormwater impacts
- Fewer shorebirds
- More silting and increased sediment
- More people taking care of their property/being good environmental stewards
- More salmon (2010 was a record year) and more herring
- More jellyfish
- Less bull kelp
- Lack of integration between upland and shoreline management
- More regulation governing use of private property
- More people living in the entire region (Salish sea) –more sewage and chemicals
- Changes for the better: non-profits purchasing and protecting property; parks and access
- Decline in herring sites
- 98% decline in eelgrass
- Overall long-term decline in Orcas and salmon
- The water looks clearer and appears to have lots of wildlife
- An increased number of large homes with no buffering
- Increasing housing developments
- A 90% decline in seabirds
- More sea lions
- More impervious surfaces
- More development on the shoreline than inland
- Impacts concentrated along no-rocky shorelines, where eelgrass and forage fish spawning are located

How do you think the SMP update will affect the management of shorelines?

An overwhelming majority of interviewees viewed shorelines as the County’s most valuable resource, and believed that it is possible to manage shorelines in a way that achieves a balance of ensuring property rights, protecting habitat and water quality, and providing ample public access. While interviewees believed this balance is possible, they also voiced a number of concerns and offered their viewpoints on specific management objectives. Another common theme was flexibility; many said that a one size fits all approach will not work and is not appropriate for the County’s diverse shoreline types.
Some respondents stated clearly that new management and regulations are not needed unless specific problems are identified and that those problems have clear linkages to land use and activities occurring within the County. Others said that management should embrace a precautionary approach; that it is better to err on the side of protection in the absence of irrefutable proof when it comes to a resource as valuable as the County’s shorelines. It was also noted that problems are not always evident, and that it is sometimes better to address a potential problem before it happens or is too late. Specific comments from interviewees included:

- The updated SMP should not backslide form current regulations
- Any new regulations should be consistent with other regulations
- New regulations should consider conditions on-the-ground and not take a one size fits all approach
- New regulations should make allowances for property owners to have tests done to determine if their planned development will have any negative impact, and if it will not, they should be allowed to proceed with their planned development
- New regulations should protect water quality and other common resources
- New regulations should not be overly onerous or unreasonably restrict property owners rights
- New regulation should allow for sensible, growth and should be based on science
- New regulations should recognize property rights
- News regulations should recognize the unique natures of the San Juans, and the fact that it is rural and much of the shoreline is already well-preserved
- New regulations should not negatively affect property values
- The updated SMP should provide the ability to regulate shorelines in a way that people can buy into, i.e. growth that is respectful of natural resources
- The update should not result in more restrictive regulations for everyone except those who can afford to pay for expensive studies or fines
- Education should be part of the update: to help make property owners more thoughtful about how they use their land and visitors more aware of impacts they may have on shorelines
- The update should make its goals and objectives clear (no net loss is defined)
- The new regulations can’t be static; they have to incorporate new science over time
- Better application of science in shoreline planning and permitting to address cumulative effects of development, modifications, and moorage developments

What are you interested in achieving through the SMP update?

In summary, many interviewees answered this question in their responses to previous questions. Generally, the themes of natural resources being the County’s greatest asset and achieving a balance of ensuring property rights, protecting habitat and water quality, and providing ample public access were reiterated here. Specific responses about what interviewees said they were interested in achieving included:

- Ensuring state parks can carry out its mission and that the approval process for its projects and programs is straightforward and timely.
• Ensuring there is adequate supply of docks (marinas, private, shared) to meet needs
• Ensuring that responsible development can occur without overly strict regulations
• Using education to make it easier for people to do what is good for the environment
• Ensuring any new regulations are clear and concise, and provide a level playing field for all property owners
• Ensuring water quality and habitat are protected while having development that is sensitive to resources
• Maintaining public access to shorelines (if people can’t access shorelines they won’t care about them)
• Recognizing the need for utilities and ensuring they can continue to provide service while avoiding unnecessary costs to the public
• Identifying and protecting high value areas and habitat rather than using a broad brush or single approach throughout the County
• Avoiding uncertainties: instead provide consistency, predictability, and simplicity
• Ensuring any new regulations address identified problems
• Ensuring residential development is done in a way that is thoughtful of views from the water, controls surface water runoff and does not impact habitat or water quality
• Ensuring that any new regulations are enforceable

Which, if any, of the following are specific concerns to you and why?

Interviewees identified a number of concerns on the topics identified below. In summary, there was a great deal of concerns about non-conforming uses and what that means to property owners: how it will affect what they can do on their property and how it will affect property values. There was strong sentiment that property owners should not have their homes within 200 feet of the shoreline automatically labeled as non-conforming, especially if they have met all current requirements and there is no evidence they are doing any harm. There were also numerous comments about Best Available Science (BAS), and it being used as a basis for regulations. Some respondents raised concerns about its objectivity, quality, and its relevance to the San Juans. Among these respondents, there was general mistrust of BAS and how it will be used. Respondents also expressed general concern about potential regulations for setbacks and buffers; there was specific concern that those regulations will be arbitrary and inflexible. Most interviewees said that setbacks and buffers need to consider the shoreline type and should be implemented to address specific issues or needs. They noted that the San Juan Islands are a unique and mostly rural environment, and that there are already a lot of steps being taken to protect shorelines.

Nonconforming uses
Concerns about non-conforming uses included:
• Non-conforming uses won’t be well-defined and will be too open to judgment calls
• The term “non-conforming uses” scares property owners, and in effect says that homes people have been living in for years need to eventually “go away”
• Being labeled as a non-conforming use will have multiple impacts to property owners, including impacts to current mortgages, the ability to refinance and to purchase insurance.
• The County has a long history of never turning down anything, so, as a result, we have a lot of uses that could be non-conforming.

**Setbacks**
Concerns about setbacks included:
- Losing the use of property, especially on small lots
- One setback for all areas does not make sense; it makes more sense to focus on uses that occur within two hundred feet, and ensuring that those uses don’t cause damage
- Need to accommodate uses that are established
- Have to be realistic: people buying property don’t want to be three hundred feet back. They are buying property to enjoy the shoreline
- Need to explain what setbacks will do and why they are needed
- The ability to replace a structure in its established footprint

**Buffers**
Concerns about buffers included:
- Need clarity on their function: why buffers are needed and what is being protected
- Native vegetation is very effective: provide habitat, shade, food

**The role of science in developing regulations**
Concerns about the role of science included:
- Regulations being based on good science, and on science that is generated in San Juan County and is relevant to the County’s environment
- Remove all subjectivity from regulations, for example, what is “top of bank?”
- Best Available Science (BAS) is going to be a big issue; it needs to be peer-reviewed and have a rural focus
- It’s best to err on the side of caution (protecting the environment) when the BAS doesn’t provide you with all the information
- The “why” of what we have to do must be based on science, not opinion
- Have to commit to following through with any regulations, to give them teeth
- How it will be used: there currently isn’t any scientific evidence that shows what people are doing in San Juan County (docks, private property, etc.) are causing any damage
- Regulations seem to be focused on residential use; Agricultural practices have to be considered, specifically the use of pesticides and fertilizers
- Science has to be a tool to help make decisions, and not be the controlling factor
- The BAS is not good enough to warrant changing peoples’ lives
**Bulkheads**
Respondents concerns about bulkheads included:
- Many property owners are constructing bulkheads unnecessarily because there is a misperception that bulkheads are needed in all situations; they should be allowed conditionally if other methods do not work. More education about alternatives to bulkheads would be highly valuable
- Clarify where bulkheads are allowed and where they are not; they are needed in some instances
- Some properties need them to protect homes
- There isn’t clear scientific evidence that they impact habitat
- Bulkheads starve beaches
- Individuals too often think about what is best for them without looking at the big picture. There is a lot of misinformation about armoring

**Overwater structures**
Respondents concerns about overwater structures included:
- Docks cover less than .0002% of the County’ shoreline; their impact is minimal at best and it doesn’t make sense to focus efforts on restricting them
- Docks are important to transportation and industry (not all islands are served by ferries); they are a very important part of the transportation system
- Need to determine areas that are best for docks (no important habitat) and concentrate them in those areas
- Locations and design are important issues to consider

**Others**
Interviewees identified a number of other concerns. These included:
- **Septic systems**: old and failing septic systems are one of the biggest problems; fixing them should be the highest priority
- **Exemptions**: Most impacts to the shorelines are a result of exemptions (and grandfathering); they will need to be better defined and narrowed in order to achieve no net loss
- **Education**: People have to be made aware of the consequences of their actions
- **Unintended consequences**: Have to consider the things that will happen to the economy and private property rights that are not intended

**In your opinion, how can we achieve an acceptable balance of water dependent and related uses, protecting the shoreline environment, and providing opportunities for public access?**
In almost all instances respondents said that achieving balance is both critical and will be extremely difficult. Comments by most interviewees indicate that use, protection, and access, do not have to be mutually exclusive, and that there is room for responsible development and enjoyment of private property, protection of habitat and water quality, and public access.
Specific suggestions for achieving this balance included:

- Use good science; regulations have to deal with the fact that the islands are getting more crowded
- Balance personal interests and rights with what is best for preserving the County’s beauty and functions
- Look at the resources: what is sensitive and what areas can accommodate more intense use and development. Balance those things based on what resources can provide and how they are valued
- Include site-specific element to regulations
- Consider economic and social impacts to the community
- Remove politics, money, and power from the equation: don’t let a few make decisions about or have influence over resources that belong to everyone
- People don’t like regulation but will accept it if it makes sense
- Take into account the people who are most affected
- Recognize that most property owners are good stewards and focus efforts on those doing wrong
- We have to protect the environment because that is what draws people here

Do you plan on staying involved with the update? If so, what’s the best way to inform and involve you and your constituents?

All interviewees said they want or expect to be involved with the update. An overwhelming majority said that email was the best way to keep them personally informed. Those part of organizations said that they would distribute any email they received to their distribution lists, many of which are quite substantial. Many interviewees said they would like to be involved through additional meetings. Interviewees also suggested a number of ways to inform the public about the update. These included:

- Advertising in all County newspapers
- Press releases
- Articles/editorials in layman’s terms
- The Chamber of Commerce
- The County’s web site
- Links to the County’s web site from other web sites
- Letters to all waterfront property owners
- Postcards
- Piggyback with other processes and organizations (articles in their publications, speaking at their meetings, etc.)
Conclusion and Analysis

Interviewees were passionate, well-spoken, and represented many of the viewpoints that will be interested and/or affected by the Shoreline Master Program Update. This, combined with their willingness to participate and to speak freely, indicates that the larger population will also bring strong opinions and a desire to be involved in the Update. The County and consultant team should be prepared for a great deal of public interest and engagement throughout the update process.

There was a wide range of familiarity with and uncertainty about the Shoreline Master Program among the interviews. Given that those interviewed are typically well-informed and active, the County and consultant team should expect the public to need information about what the SMP Update is (and what it isn’t) and be prepared to communicate the information clearly.

It comes as no surprise that all interviewees viewed shorelines as the County’s greatest resource and asset. Interviewees shared a common belief that it is possible to manage shorelines in a way that balances property use and enjoyment, habitat and water quality protection, and public access (interviewees identified habitat, development, and access as their top three areas of interest). While there were many different opinions about how this can be done, it is clear that achieving balance should be the common theme of the Update process, and the County and the consultant team should build on and emphasize this sentiment with the broader public.

Interviewees provided a frank assessment of the County’s current management of shorelines. Most believed there is uneven enforcement of current regulations, and that the regulations are not well-defined and are difficult to interpret (by both the County and property owners). Interviewees also recognized that County staff have a difficult job. It is interesting to note that while many interviewees were critical of current regulations that some said the regulations as they are do a good job of protecting shorelines and some said the County has a history of never saying “no” to a project.

Interviewees were cautiously optimistic about how the SMP Update will affect management of shorelines. Once again they expressed the need for balance. This, combined with other common themes of flexibility and simplicity, indicate a desire for a management regime that is highly specific to the needs of: property owners and County citizens; waterfront visitors; and the different shoreline environments. These hopes and desire were manifested in different ways; some interviewees believed strongly that any new regulations need to address specific problems while others just as strongly said that in the absence of perfect data or proof the County should adopt a precautionary approach. Regardless of viewpoint, it is evident that no one will respond favorably to a “one size fits all approach” and that the Update should recognize and address the concerns of both viewpoints on this issue.

Clearly, non-conforming uses, setbacks, Best Available Science, and a number of other related topics will be important issues throughout the update. The County and the consultant team will need to clearly articulate what these issues mean, how they will be defined, what they are intended to address or achieve, what the options are, and how the public can be involved with and influence decisions.
Appendices
The following appendices are included:

- Appendix A – List of Interviewees and their Affiliation
- Appendix B – Interview Topic Guide
- Appendix C – Written Responses to the Interview Questions and Other Supporting Documentation
Appendix A - List of Interviewees and their Affiliation
Representative Interviews: Names and Affiliations

**Lopez Island**

<table>
<thead>
<tr>
<th>Name</th>
<th>Affiliation</th>
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<tbody>
<tr>
<td>Tim Hyatt</td>
<td>Skagit River System Cooperative</td>
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<tr>
<td>Stan Walsh</td>
<td>Skagit River System Cooperative</td>
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<tr>
<td>Paul Henriksen</td>
<td>Camp Nor’wester</td>
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<tr>
<td>Lauren Stephens</td>
<td>Waterfront property owner <em>(commercial and residential)</em></td>
</tr>
<tr>
<td>Daniel Farber</td>
<td>Washington State Parks and recreation Commission</td>
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<tr>
<td>Bob Query</td>
<td>Business <em>(Permitcenter)</em></td>
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<tr>
<td>Jeff Otis</td>
<td>Business <em>(Otis Land)</em></td>
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<tr>
<td>Stephanie Day</td>
<td>Attorney</td>
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<td>Francis Shaw</td>
<td>Land use planner</td>
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<tr>
<td>Jeff Holmes</td>
<td>Fisherman Bay Sewer District</td>
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<td>Dan Post</td>
<td>Port of Lopez Island</td>
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<td>Chris Arnold</td>
<td>Fisherman Bay Sewer District</td>
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<tr>
<td>Peggy Condon</td>
<td>Fisherman Bay Sewer District</td>
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<td>Joseph Greene</td>
<td>Lopez Village Planning Review Committee</td>
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<td>Nancy Green</td>
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<tr>
<td>Dan Drahn</td>
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<tr>
<td>Dewitt Jensen</td>
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**Orcas Island**

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<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Curt Johnson</td>
<td>Business <em>(surveyor)</em></td>
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<tr>
<td>Wes Heinmiller</td>
<td>Deer Harbor Planning Review Committee</td>
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<td>Gulliver Rankin</td>
<td>Eastsound Planning Review Committee</td>
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<tr>
<td>Michael Durland</td>
<td>Deer Harbor Planning Review Committee</td>
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<td>Wally Gudgell</td>
<td>Orcas Island Realtors</td>
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<td>John Evans</td>
<td>San Juan Builders Association</td>
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<td>Terri Williams</td>
<td>Orcas Island Realtors</td>
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<td>Joe Kaydos</td>
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<tr>
<td>Mamie Forbes</td>
<td>Waterfront Business Owner <em>(Orcas Outdoors)</em></td>
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<td>Steve Miller</td>
<td>Camp Orkila</td>
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<td>Bret Thurman</td>
<td>Bayhead Marina</td>
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<tr>
<td>Chris Peacock</td>
<td>Rosaria Resort and Spa</td>
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<td>Lance Evans</td>
<td>Orcas Island Chamber of Commerce</td>
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<td>Tom McVann</td>
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<td>Jim Nelson</td>
<td>Eastsound Water Users Association</td>
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<tr>
<td>Tom Stottlemeyer</td>
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<tr>
<td>Denise Wilk</td>
<td>Business <em>(charters)</em></td>
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</tbody>
</table>
Dan Wilk   Business (charters)
Terry Turner  Orcas Power and Light
Paul Kamin  Eastsound Water Users Association
Mike Stolmeier  Smugglers Villa Resort
Ed Sutton  Eastsound Sewer and Water District

San Juan Island

Name                      Affiliation
---                        ---
Tim Brooks                 Kenmore Air
Robin Jacobs               San Juan Islands Visitors Bureau
Deborah Hopkins            San Juan Islands Visitors Bureau
Tom Kirchner               San Juan Chamber of Commerce
Frank Penwell              Citizens Alliance for Property Rights
Angela Menjivar            Realtors Association of San Juan County
Shawn Harrison             Property owner
Bill Hancock               Property Owner
Dave Cable                 Common Sense Alliance
Mary Ann Simonson          Caldwell Banker
Tim Caldwell               San Juan County Realtors
Stephanie Buffum           Friends of the San Juans
Kyle Loring                Friends of the San Juans
Brian Goodremont           San Juan Outfitters, Pacific Whale Watchers Association
Kelby Anderson             Puget Sound Anglers
_____ Klein                Puget Sound Anglers
Barbara Rosenkotter        San Juan County Salmon Recovery Coordinator
Shann Weston               Beach Watchers
Karl Bruder                Lonesome Cove Resort
Steve Rovella              Marine Resource Committee
Laura Arnold               Marine Resource Committee
Jim Slocumb                Marine Resource Committee
Richard Hobbs              Roche Harbor
Appendix B – Interview Topic Guide
San Juan County Shoreline Master Program Update
Representative Parties Interviews

What is the Shoreline Master Program?
The Shoreline Master Program (SMP) is a comprehensive shoreline land-use plan that includes policies and regulations for the use and development of the shoreline. The SMP protects shoreline processes, promotes public access, and accommodates all appropriate shoreline uses, as well as balances public and private interests. Until about 40 years ago, development in Washington’s shoreline areas tended to be piecemeal and uncoordinated. To improve and protect state shoreline areas, the Washington Legislature passed the state Shoreline Management Act in 1971. The public ratified the Act in a 1972 referendum vote.

Why are we doing this update?
To regulate shoreline development, the state law requires local governments and the Department of Ecology to mutually regulate shoreline development, use, and protection. The update of the County’s Shoreline Master Program is required by June 30, 2013. The Shoreline Management Act applies to lakes greater than 20 acres, marine shorelines, land within 200 feet of the ordinary high water mark of such waterbodies, and their associated wetlands. The law has three main purposes:

- Encourage reasonable and orderly development of shorelines, with an emphasis on water-dependent and related uses that control pollution and prevent damage to the natural environment.
- Protect the natural character of Washington shorelines, including the land, vegetation, wildlife, and shoreline environment.
- Promote public access and provide opportunities to enjoy views and recreational activities in shoreline areas.

How is San Juan County involving the public in the update?
San Juan County is just beginning the SMP update and wants local citizens to be part of the SMP update process and to help implement a sustainable shoreline management program. We are beginning the public outreach process by conducting a series of interviews with a wide-ranging spectrum of interests in order to fully understand those interests and to incorporate and address the ideas, questions, and concerns into the broader outreach process. Broader outreach includes a series of public summits, the first of which will be held in early March, 2011 to introduce the SMP process and gather initial feedback. The second series of summits will be held in late summer 2011 with the intent of collecting the community vision for the SMP, and the final summits will be held in the summer of 2012 to present SMP progress and gather input on meeting the community vision. Finally, public hearings will be held in late 2012, prior to the adoption of the update by Ecology. It is expected that local approval of the draft SMP will be completed by June 2013.

What’s included in the SMP Update?
There are six phases in the SMP update process:

1. Preliminary Shoreline Jurisdiction identification and the adoption of a public participation plan.
2. Inventory and Characterization report.
3. Development of goals, policies and regulations.
4. An analysis of the expected outcomes of the proposed regulations, the identification of restoration opportunities and the redrafting of regulations if necessary.
5. Adoption by the local government which involves a series of public hearings with the Planning Commission and the County Council.
6. Adoption by the Department of Ecology.

Questions
1. How familiar are you with the SMP update process? What are your perceptions of the Shoreline Master Program?
2. What do the SMP and the regulation of shoreline development, use, and protection mean to you and to the County?
3. What are your areas of interest in relation to shorelines (commercial development, residential development, critical area regulation integration, habitat protection, public access, transportation, water quality, others)?
   a. Of your areas of interest, which are your top three (list in order of importance)?
   b. What makes them important to you?
4. What are your perceptions of how the county’s shorelines are currently managed? What do you like and/or dislike?
   a. Do you have any information about the shorelines that you’d like to share with us?
5. What, if any, changes have you noticed over the last 5-15 years (access, habitat, use, etc.)?
   a. If you have noticed changes, what do you think has accounted for them?
6. How do you think the SMP update will affect the management of shorelines?
7. What are you interested in achieving through the SMP update?
   a. In shoreline areas do you have specific goals or ideas for:
      • Commercial development
      • Residential development
      • Habitat protection/restoration
      • Public access
      • Transportation
      • Water Quality
      • Others
8. Which, if any, of the following are specific concerns to you and why?
   • Nonconforming uses
   • Setbacks
   • Buffers
   • The role of science in developing regulations
   • Bulkheads
   • Overwater structures
   • Others
9. As stated earlier, state law requires local governments and the Department of Ecology to mutually regulate shoreline development, use, and protection. In your opinion, how can we achieve an acceptable balance of water dependant and related uses, protecting the shoreline environment, and providing opportunities for public access?
10. Do you plan on staying involved with the update? If so, what’s the best way to inform and involve you and your constituents?
Appendix C - Written Responses to the Interview Questions and Other Supporting Documentation
Measuring Success of San Juan Initiative

11.17.09

Overview:
The San Juan Initiative Policy Group and staff feel that the true test of our work needs to be measured in the outcomes over time. To ensure that our efforts to stay the course and deliver the outcomes we desire, the Policy Group established detailed measures of success that are posted on our website. Specifically, the Policy Group believes that we need to measure the success over time of achieving the following objectives:

1. Retain the current percentage of native vegetation, trees and ground cover along the shoreline.
2. Reduce the number of bulkheads/armoring along feeder bluffs and beaches.
3. Encourage builders, realtors, community leaders, county officials and the public to appreciate a strong working relationship in which each party is respected for their role in protecting the environment.
4. Provide property owners and county planners with convenient access to technical assistance for maintaining views, creating access to the shoreline, and protecting the shoreline. Provide property owners of beaches and bluffs and other important shoreline features with financial incentives to protect their stretch of shoreline.
5. Provide the County with effective and efficient ways to track permits and compliance. Create a system for builders and property owners who have submitted permit applications to know where they are in the system.

We recommend the County and the Puget Sound Partnership convene the implementing agencies and the Policy Group in 2010 and 2012 to review the results and determine if the objectives listed above are being achieved and, if not, take corrective action.

Monitoring Future Outcomes

By December 2010

1. No new bulkheads have been constructed without a permit, and a new soft shore beach project or threatened structure relocation has been completed where appropriate.
2. 75% of all exemption and substantial development permits have had post-construction inspections to ensure compliance with permit.
3. Riparian vegetation coverage in the case study areas is unchanged at 88%; or, sample of residential properties with new homes shows intact buffer vegetation.
4. 20 properties have received the green stewardship recognition from the Conservation District
5. Website is operating and gets 20 hits/month.
6. Policy Group is reconvened and reviews outcomes of monitoring for submission of report to County Council, Puget Sound Partnership, and other state and federal agency partners.

By December 2012
1. Newly installed (as of 2010) permit tracking system in County Planning Department has the capacity to effectively search and track shoreline permits.
2. WA Department of Fish and Wildlife and County Planning Department have a way to cross reference state and county permits.
3. No new bulkheads have been constructed since the end of 2010 without a permit.
4. Post construction inspections are occurring 75% of the time for shoreline permits and shoreline exemptions.
5. Riparian vegetation within the case study areas has not decreased below 88% on any individual property.
6. 50 properties have received the technical assistance from Conservation District for shoreline issues.
7. Surveys of builders, property owners, and County staff show that they feel their collective efforts are working to successfully develop and maintain properties in a manner that protects ecosystem functions and promotes community, business, and government stewardship.
8. New science showing links between shoreline processes and human actions is being used by planners and policy makers.
9. Policy Group is reconvened and reviews outcomes of monitoring in a report to County Council and Puget Sound Partnership.
CONSULTANT’S MEETING JANUARY 19TH REGARDING SHORELINE UPDATE

SHOW US THE PROBLEM FIRST, FOLLOWED BY COMMON SENSE SOLUTIONS IF NEEDED

In the big picture, the people living on the San Juan Islands have virtually no affect on the sea life in Puget Sound.

Salmon spawning streams in the islands are largely anecdotal. Pollution from industry or dense urban areas is not present because there is no significant industrial or urban presence in the islands. Impervious surfaces for the vast rural geography of the islands is less than 10% (The two County urban areas are Friday Harbor which is at 49% of impervious area and Eastsound at 31%) This is not the mainland!

Local conservation programs are increasing natural habitat areas annually; countermanding development patterns that had been authorized under the County’s approved GMA plan.

We encourage the State and local authorities to take an honest look at the real environmental conditions in the islands and agree that the current rules are working as intended. The environment in San Juan County is healthy. Our native species are well represented. According to State agency reports, our marine waters are pristine.

We encourage County planning staff to clearly identify what is required vs. what is optional as the Council requested.

REGARDING PROPOSED 150-200 FOOT DEVELOPMENT SETBACK FROM COUNTY SHORELINES.

The San Juan Builders Association believes that larger setbacks from the shoreline are unnecessary.Expanded setbacks will reduce the value of shoreline properties. Additional regulations will increase construction costs and cause additional delays in permitting, both of which will affect builders and property owners.

What scientific evidence do you have that residences constructed in accordance with existing San Juan County shoreline regulations ... 50 to 100 foot required setbacks from the top of the bank with distance depending on native screening trees, modern septic regulations, County storm water regulations, maximum of 50% frontage lot coverage, all accessory development landward of the residence and height limitations ... is causing unacceptable population declines of native species and that a much larger development setback will increase populations of species native to the islands?

REGARDING “NO NET LOSS”

What island-specific scientific evidence do you have that disturbances of the natural environment associated with the current pattern of residential development in the islands threaten the viability of any species native to the islands?

If “development” is defined as any disturbance of the natural environment and if “no net loss” is no man-caused affect (development) to the natural environment is allowed, how can there be any “development” at all if the standard is “no net loss”? How is “no net loss” defined?
Is the unstated goal of this process that no further development be allowed within the 200 foot shoreline designation?

HOW WILL PLANNERS ACCOUNT FOR ANNUAL “NET GAINS” IN CONSERVATION AREAS?

The Land Bank, the Preservation Trust and County Open Space Programs are adding to the inventory of County lands that will not be subject to future development. How are these net acreage gains in marine, fish, wildlife and upland habitat acreage balanced against the “no net loss” requirement?

PUBLIC ACCESS AND SHORELINE STRUCTURES

There are no docks present on 99.8% of the rural shoreline of San Juan County according to the survey of docks completed by the San Juan Initiative and the Puget Sound Partnership. Constructed docks and pilings provide habitat that is extensively used by fish and all manner of sea-life. Modern dock construction guidelines protect eelgrass. An aerial survey will show that the San Juan Islands are totally ringed with eelgrass and kelp beds. Will the updated shoreline regulations remove the Scarlet Letter from docks and bulkheads?

THE EXPENSE OF SHORELINE RULES

Will the updated shoreline regulations consolidate and streamline what has become a very expensive and onerous permitting process for shoreline property owners?

One Orcas family was charged to remove beach debris on Lopez Island as a condition for a permit for a minor shoreline structure on shoreline their family had owned and maintained for 4 generations. This is called mitigation but is better labeled, extortion!

The County, State and Federal shoreline permit process employs and pays for dozens of redundant government staffers, consultants and “experts.” These redundant employees are an unnecessary expense for applicants and for taxpayers at a time when governments are struggling to meet their basic obligations.

WHERE IS THE BALANCE? WHERE IS REASONABLE USE OF PRIVATE PROPERTY?

The San Juan Builders Association believes strongly that it is the obligation of elected officials and government staff to balance the whole of citizens interests; including housing, jobs, transportation, culture, recreation, education public health, public safety among others when doing community planning. A singular focus on fish, wildlife and the environment ... with people a distant second ..., is contrary to good public policy and frankly, contrary to the law.

Respectfully,

John B Evans
Executive Director
San Juan Builders Association
TO: Colin Maycock, San Juan County
FROM: SJC Marine Resources Committee
SUBJECT: SJC Shoreline Master Program Update
DATE: January 20, 2011

The San Juan County Marine Resources Committee (MRC) looks forward to the opportunity to improve shoreline management in the county through participation in San Juan County SMP update. As an advisory body to local government, and as the original citizen’s stakeholder group under the Northwest Straits Marine Conservation Initiative, the mission of the SJC MRC is “to protect and restore the marine habitats and species of the Salish Sea, to achieve ecosystem health and sustainable resource use”.

Over the past decade, the SJC MRC has been involved in work relevant to the SMP update underway in SJC. In 2007, at the direction of county government, we completed a three year conservation planning process, which involved hundreds of scientists, citizens and stakeholders in the development of management measures to protect the ecological/biological and human use/cultural resource goals of the San Juan County Marine Stewardship Area. That process identified shoreline modification among the top three threats to the marine ecosystem of San Juan County. One of the top six strategies advanced by the SJC MRC at the end of this process, and adopted by the San Juan County Council was to “manage upland and nearshore activities to reduce harm to marine habitat and water quality.” We believe the San Juan County Marine Stewardship Area Plan will serve as an excellent resource during the SJC SMP update process and encourage you to contact us with any questions regarding the document or the extensive community engagement process we underwent during its development.

The MRC is a citizen committee established specifically to advise the county on the local management of marine resources through local actions rather than through federal intervention as a marine sanctuary. Our awareness of the decline in ecosystem health over time through incremental and cumulative changes in land cover and land use makes us keenly interested in effective response to two key issues in the SMP update:

First, regardless of legal ambiguities about a baseline for measurement of “no net loss”, the analysis of change over time will likely present valuable information and context for the required cumulative impact analysis. We recommend that you use an inventory conducted by San Juan County in 1971 along with references to far earlier sources.

Second, the results of the cumulative impact assessment should illuminate what really represents mitigation in both the big picture plan (how shorelines are designated and what
use provisions apply) and at the case-by-case level of making decisions about individual projects.

The SJC MRC serves as the citizens’ committee for salmon recovery in San Juan County. Through this role, we have identified, prioritized and supported extensive research, restoration and protection efforts, many of which are also highly relevant to the SMP update process, particularly the inventory and characterization, cumulative impacts assessment and restoration planning phases. Much new information is available to the SMP update process and much of that has been generated by grants obtained by the MRC and as the local citizen committee for salmon recovery, through the local Lead Entity. This material is the best current science for the San Juan Islands regarding the local significance of nearshore habitat conditions in Chinook salmon recovery. This includes data previously provided to the county GIS for use in day-to-day operations as well as in resource management plans. To help facilitate transfer of these natural resource data sets to land management planning and decision making, the MRC is co-hosting a land manager training on February 24, we encourage all SMP related staff and consultants to participate.

The San Juan County MRC has also participated over the past few years in the work to update the San Juan County Critical Areas Ordinance (CAO), including serving on the CAO citizen’s committee, meeting with county staff and reviewing and providing comments on best available science and draft policy documents. Copies of our formal comment letters are attached; as many are now relevant to the Shoreline Management Program update.

The MRC is well-informed on a broad range of issues about what does and doesn’t work well for marine systems in the County’s current SMP and its applications at the local level. Many of the comments submitted by the MRC earlier on CAO matters are relevant to the SMP update—including those regarding mitigation, clearing and grading, stormwater management, shoreline permit and exemption review procedures, and enforcement. The MRC has also developed a review protocol for marine enhancement proposals that we believe should be considered in developing the restoration plan element of the SMP update.

In addition to these efforts, the MRC was well represented on the Policy Group for the San Juan Initiative (SJI). The SJI recommendations were accepted by the County Council as set out in Resolution 1-2010, A Resolution Supporting the Implementation of the San Juan Initiative’s Recommendations for Improving Shoreline Protections. The MRC was involved with the development of the Puget Sound Partnership’s Action Agenda for the San Juan Islands and identified updates of the CAO and SMP as priority actions.

San Juan County’s economic viability relies on preserving a healthy ecosystem. We urge the County to recognize the primacy of protection over restoration or mitigation as it develops land use policies. Existing, relatively intact ecosystems are biologically diverse and maintain natural processes that are more resilient to degradation. When these elements are compromised, it is very difficult and expensive to restore ecosystem health. They are our best insurance policy for long term ecological and economic well being. In addition to protective land use policies, the County should invest in a monitoring program.
to assess the condition of the ecosystem and the effectiveness of San Juan County's land use policies.

Attachments:

MRC land use comments:
1/24/2005, Proposed Checklist for Marine Enhancement Projects
11/2006, Critical Areas and Shoreline Management Issues
4/3/2008, Proposed Amendments to the Private Road Standards and Adoption of Driveway Standards
9/22/2008, Stormwater Runoff Recommendations
3/18/2009, CAO Comments
4/17/2009, Marine Habitat Mitigation Recommendations
6/2009, Minority Report to San Juan County Update of Regulations for Protecting Nearshore Critical Areas
6/2009 The Current State of Desalinization Systems in San Juan County—includes MRC recommendations on environmental impacts.

San Juan Initiative recommendations and Resolution:
12/2/2009 Letter to the SJ County Council with recommendations for protection of the San Juan ecosystem.
Resolution 1-2010, A Resolution Supporting the Implementation of the San Juan Initiative's Recommendations for Improving Shoreline Protection.

San Juan County Action Agenda
San Juan Marine Stewardship Area Plan: www.sjcmrc.org
Questions

1. How familiar are you with the SMP update process? What are your perceptions of the Shoreline Master Program?

MRC members have varying degrees of familiarity with the SMP but all have received recent information on the update process from Colin. In general, the MRC recognizes the SMP as a critical component of its mission (see 1/20/11 memorandum).

2. What do the SMP and the regulation of shoreline development, use, and protection mean to you and to the County? (see 1/20/11 memorandum)

3. What are your areas of interest in relation to shorelines (commercial development, residential development, critical area regulation integration, habitat protection, public access, transportation, water quality, others)? All shoreline upland and in-water uses as they affect ecological functions.
   a. Of your areas of interest, which are your top three (list in order of importance)?
      Protection before restoration; precautionary principle (e.g., in mitigation policy); full use of county authority to apply SMA policy and SMP policies effectively in project decisions.
   b. What makes them important to you? Documented evidence of damages done by failure to attend to the above, and attendant cumulative impacts not addressed effectively.

4. What are your perceptions of how the county’s shorelines are currently managed? What do you like and/or dislike?

Ongoing incremental loss-habitat protection policies are not resulting in improved on the ground protection, limited enforcement, no effort to track or address cumulative impacts. E.g.- Chinook salmon listed under ESA over ten years ago and we are still allowing inconsistent development along shorelines (through exemptions granted without substantive review, setback averaging, clearing, ...). See also our 1/20/11 letter and attachments for more specific examples.

   a. Do you have any information about the shorelines that you’d like to share with us?
   See 1/20/11 memorandum; also see previous comments on exemptions, mitigation, etc.

5. What, if any, changes have you noticed over the last 5-15 years (access, habitat, use, etc.)? See #4 above.

A countywide inventory of shoreline modifications, completed in 2009 as the top MRC ranked local project for state salmon recovery funding board support, documented 3,500 modifications in SJC and found that:

   a: Current shoreline impact level in San Juan County is greater than previously believed, and comparable with other rural Puget Sound counties;

   b: impacts are concentrated along non rocky shorelines, where many priority marine resources such as eelgrass and forage fish spawning are located;
c: significant restoration opportunities exist, with many degraded, outdated or unnecessary shoreline structures; and

d: Significant protection challenges lie ahead. Despite the fact that approximately half of the shoreline tax parcels within San Juan County have not yet been developed with a residence, 40% of shoreline parcels already have a shoreline modification and shoreline tax parcel size more closely resembles a suburban, rather than urban situation.

a. If you have noticed changes, what do you think has accounted for them?

Inability of protection policies or their implementation to effectively track or manage incremental loss and cumulative effects. Limited enforcement.

6. How do you think the SMP update will affect the management of shorelines? The MRC hopes for better application of current science in planning and permitting for shorelines, especially for the cumulative effects of incremental residential development and associated shoreline modifications and moorage developments.

7. What are you interested in achieving through the SMP update?
   a. In shoreline areas do you have specific goals or ideas for:
      • Commercial development — stormwater monitoring and management in urban areas and those with substantial impervious surface area (e.g., ferry landings)
      • Residential development — see 6, above
      • Habitat protection/restoration — see 6, above
      • Public access — more comprehensive consideration of economic, cultural and educational values in planning for public access
      • Transportation — careful management of marine transport facilities as a system for island communities
      • Water Quality — as an element of ecological functions as well as of public enjoyment and economic consequences of decline
      • Others — examples: tracking to allow monitoring; effective enforcement; adapting to results of monitoring

8. Which, if any, of the following are specific concerns to you and why?
   • Nonconforming uses — county has liberal expansion allowances that may not account for impacts on shoreline system functions
     • Setbacks
     • Buffers — see note on precautionary principle and role of science
     • The role of science in developing regulations — Science evolves; while it’s grown substantially since 1971 it will keep changing and the SMA and SMP both acknowledge this by specifying that SMP goals and policies are to be liberally construed (RCW 90.58.900 and SJCC 18.50.010.C.2). This exception from the rule of strict construction supports the application of
the precautionary principle where science is inconclusive (e.g., in re-establishment of eelgrass by removing in-water obstacles as a form of mitigation for direct impacts). The general trend in decision-making, however, appears to rely on strict construction of code regardless of broader policy.

- Overwater structures – (see 1/20/11 memorandum)
- Others (see 1/20/11 memorandum; some matters can be addressed by changes to procedural/information requirements)

9. As stated earlier, state law requires local governments and the Department of Ecology to mutually regulate shoreline development, use, and protection. In your opinion, how can we achieve an acceptable balance of water dependant and related uses, protecting the shoreline environment, and providing opportunities for public access? (see 8, above)

10. Do you plan on staying involved with the update? If so, what’s the best way to inform and involve you and your constituents?

The MRC expects to be involved throughout the process, consistent with our charge and mission to advise the county on marine resource management issues and implementation of the Marine Stewardship Area Plan. Regular updates at appropriate steps will help to keep the full MRC engaged and an MRC subcommittee will track progress to also help keep the MRC informed at points when comments may be most effective.
Shoreline Master Plan Update

Stakeholder Interviews
January 20th 2010

I would like to highlight the issues I feel are important from three perspectives;

As a builder (local contractor since 1998 and past president of the San Juan Builders Association),
The chair of Eastsound Planing and Review Committee (6 years on board),
The chair of the Citizen Stormwater Advisory Committee.

I would like to see the southern shoreline of Orcas Island's UGA able to be rebuilt.

There are a number of historic structures on the shoreline of Eastsound that are currently non-conforming. Given their lot sizes, and proximity to the high tide line, if they are damaged more than 70% they will not be able to be rebuilt. During the 2009 update to the Essential Public Facilities (EPF) portion of the Comp Plan, Eastsound Planning and Review Committee (EPRC) explored this issue at our November 4th 2009 meeting. CDPD senior planner Shireene Hale told the committee that the SMP update was the place to find a remedy to this problem, not by listing as an EPF.

Section 3.3.A Management Policies: #5 should include language to allow rebuilding, similar to an EPF, for these types of urban parcels. Section 3.3.H 1.a : Eastsound Urban could also be a place for this change.

I would like the SMP to support regular monitoring of water quality and Low Impact Solutions in treating and managing current and future stormwater.

The county's Stormwater Utility is beginning its basin analysis for stormwater treatment and conveyance needs for build out conditions. All of these systems will eventually cross the shoreline as existing streams, or in man made outlets.

3.2.A Policies #4 the “study of physical... aspects of shoreline systems” would support addition to 3.4.C of a Policy #6: Regular water quality tests by the Stormwater Utility shall be conducted per the County Stormwater Monitoring Plan.

Where there are county and city adopted Drainage Plans, as in Friday Harbor, Lopez Village and Eastsound, the SMP, Section 3.2.B Policies: #3, and 3.4.C should not add to the cost of or prevent construction of these systems. Concurancy of these drainage plans with 3.5.O.2 should be undertaken.

Gulliver Rankin
364 Hawkins Rd. Eastsound.
Orcas resident since 1992
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10 JANUARY, 2011

San Juan County Shoreline Master Program Update
Representative Parties Interviews

What is the Shoreline Master Program?
The Shoreline Master Program (SMP) is a comprehensive shoreline land-use plan that includes policies and regulations for the use and development of the shoreline. The SMP protects shoreline processes, promotes public access, and accommodates all appropriate shoreline uses, as well as balances public and private interests. Until about 40 years ago, development in Washington's shoreline areas tended to be piecemeal and uncoordinated. To improve and protect state shoreline areas, the Washington Legislature passed the state Shoreline Management Act in 1971. The public ratified the Act in a 1972 referendum vote.

Why are we doing this update?
To regulate shoreline development, the state law requires local governments and the Department of Ecology to mutually regulate shoreline development, use, and protection. The update of the County's Shoreline Master Program is required by June 30, 2013. The Shoreline Management Act applies to lakes greater than 20 acres, marine shorelines, land within 200 feet of the ordinary high water mark of such waterbodies, and their associated wetlands. The law has three main purposes:

- Encourage reasonable and orderly development of shorelines, with an emphasis on water-dependent and related uses that control pollution and prevent damage to the natural environment.
- Protect the natural character of Washington shorelines, including the land, vegetation, wildlife, and shoreline environment.
- Promote public access and provide opportunities to enjoy views and recreational activities in shoreline areas.

How is San Juan County involving the public in the update?
San Juan County is just beginning the SMP update and wants local citizens to be part of the SMP update process and to help implement a sustainable shoreline management program. We are beginning the public outreach process by conducting a series of interviews with a wide-ranging spectrum of interests in order to fully understand those interests and to incorporate and address the ideas, questions, and concerns into the broader outreach process. Broader outreach includes a series of public summits, the first of which will be held in early March, 2011 to introduce the SMP process and gather initial feedback. The second series of summits will be held in late summer 2011 with the intent of collecting the community vision for the SMP, and the final summits will be held in the summer of 2012 to present SMP progress and gather input on meeting the community vision. Finally, public hearings will be held in late 2012, prior to the adoption of the update by Ecology. It is expected that local approval of the draft SMP will be completed by June 2013.

What's included in the SMP Update?
There are six phases in the SMP update process:

1. Preliminary Shoreline Jurisdiction identification and the adoption of a public participation plan.
2. Inventory and Characterization report.
3. Development of goals, policies and regulations.
4. An analysis of the expected outcomes of the proposed regulations, the identification of restoration opportunities and the redrafting of regulations if necessary.
5. Adoption by the local government which involves a series of public hearings with the Planning Commission and the County Council.
6. Adoption by the Department of Ecology.
Questions AND ANSWERS BY PAUL KAMIN, EASTSOUND WATER USERS ASSOCIATION.

1. How familiar are you with the SMP update process? What are your perceptions of the Shoreline Master Program? THIS MATERIAL IS MORE DETAIL THAN I WAS PREVIOUSLY AWARE OF. I HAVE READ THE EXISTING SHORELINE MASTER PLAN GOALS AND POLICIES IN THE COMPREHENSIVE PLAN, AND THE SHORELINE MASTER PROGRAM CHAPTER 18:50 MULTIPLE TIMES NOW IN PREPARATION FOR PARTICIPATION. MY INITIAL PERCEPTION IS THAT THE EXISTING PLAN AND PROGRAM ARE REASONABLE.

2. What do the SMP and the regulation of shoreline development, use, and protection mean to you and to the County? PROVIDES FRAMEWORK FOR CONTROLLED SHORELINE DEVELOPMENT WHILE PROTECTION THE NEAR SHORE ENVIRONMENT. THERE IS CLEARLY A NEED TO BALANCE DEVELOPMENT RIGHTS WITH ENVIRONMENTAL PROTECTION.

3. What are your areas of interest in relation to shorelines (commercial development, residential development, critical area regulation integration, habitat protection, public access, transportation, water quality, others)? PROFESSIONALLY I HAVE CONCERNS ABOUT WATER QUALITY, AND WATER SUPPLY ISSUES, APPROPRIATE BY NOT ONEROUS BUFFER SIZES AND DESALINATION POLICIES. I ALSO HAVE CONCERNS ABOUT STORMWATER AND SEWER DISCHARGE. PERSONALLY I HAVE INTERESTS IN PUBLIC ACCESS OPPORTUNITIES, AND MARINE IMPACTS
   a. Of your areas of interest, which are your top three (list in order of importance)? DESALINATION POLICIES THAT ARE BASED ON BEST AVAILABLE SCIENCE, AND NOT USED TO AN INDIRECTLY CONTROL GROWTH.
   b. What makes them important to you? I MANAGE A WATER SYSTEM, AND HAVE INVESTED IN DESAL AS A POTENTIAL SOURCE FOR FUTURE SUPPLY.

4. What are your perceptions of how the county’s shorelines are currently managed? What do you like and/or dislike? DON’T KNOW IF DESAL REGS SHOULD BE IN SHORELINE CODE OR IN WATER CODE? DON’T NICEARILY AGREE WITH PROHIBITION OF DESAL AS A WATER SOURCE FOR SUBDIVISION. SHORELINE ACCESS IN COUNTY IS QUITE LIMITED. SURPRISED THAT BOAT LAUNCHING FROM NEW JUDDS COVE PROPERTY IS PROHIBITED, WHEN MANY LARGE POWER AND SAIL BOATS USE THE AREA FOR ANCHORAGE, WHICH IS MUCH MORE IMPACTFUL THAN KAYAK LAUNCHING?
   a. Do you have any information about the shorelines that you’d like to share with us?

5. What, if any, changes have you noticed over the last 5-15 years (access, habitat, use, etc.)?
   a. If you have noticed changes, what do you think has accounted for them? WHILE NOT SPECIFIC TO SHORELINE MASTER PLAN I HAVE NOTICED THAT DEVELOPMENT IS NOT OCCURRING ACCORDING TO GMA PLANNING. THE EASTSOUND UGA IS NOT SEEING HALF OF ORCAS’ GROWTH. DEVELOPMENT OUTSIDE THE UGA IS MORE POPULAR THAN INSIDE THE UGA.

6. How do you think the SMP update will affect the management of shorelines? IS THAT NOT ITS INTENT? HOW IT AFFECTS THE SHORELINES DEPENDS ON HOW YOU CRAFT THE UPDATE.

7. What are you interested in achieving through the SMP update? BALANCE BETWEEN PROPERTY RIGHTS AND ENVIRONMENTAL PROTECTION. POLICIES THAT ARE GROUNDED IN SCIENCE, AND NOT POLITICAL MOTIVATIONS. CLARITY IN HOW POLICIES ARE WRITTEN.
   a. In shoreline areas do you have specific goals or ideas for:
• Commercial development – FOCUS IN UGA’S
• Residential development – REASONABLE SETBACK, PROTECT EXISTING DEVELOPMENT FROM BECOMING NON-CONFORMING USE.
• Habitat protection/restoration – FOCUS ON AREAS OF HIGHEST VALUE TO THE ENVIRONMENT.
• Public access – I HAVE A HARD TIME SEEING PUBLIC MONEY BEING SPENT TO AQUIRE PROPERTY, AND THEN LIMITING PUBLIC ACCESS TO SAID PROPERTIES.
• Transportation – SEEMS STRANGE THAT THERE IS NOT PUBLIC BOAT LAUNCH ON ORCAS ISLAND. (NOT THAT I KNOW OF ANYWAY?)
• Water Quality – THE FACT THAT THE STORMWATER UTILITY IS NOT ACTIVELY COLLECTING DATA ON WATER QUALITY OF CURRENT RUNOFF IS DISAPPOINTING. SEEMS LIKE DOCUMENTING POTENTIAL ISSUES, AND BEFORE AND AFTER IMPACTS OF MULTI MILLION DOLLAR PROJECTS IS A REASONABLE EXPECTATION.
• Others

8. Which, if any, of the following are specific concerns to you and why?
   • Nonconforming uses       YES
   • Setbacks                   YES
   • Buffers                    YES
   • The role of science in developing regulations YES
   • Bulkheads                  NO
   • Overwater structures       NO
   • Others                    DESALINIZATION

9. As stated earlier, state law requires local governments and the Department of Ecology to mutually regulate shoreline development, use, and protection. In your opinion, how can we achieve an acceptable balance of water dependant and related uses, protecting the shoreline environment, and providing opportunities for public access? START BY COLLECTING THE SCIENCE, AND DOCUMENT THE SPECIFIC AREAS OF CONCERN THAT EXIST. IDENTIFY PRIORITY AREAS FOR PROTECTION AND/OR RESTORATION EFFORTS. ASK SHORELINE PROPERTY OWNERS WHAT THEY ARE WILLING TO DO THE HELP PROTECT THE SHORELINE AND NEARSHORE ENVIRONMENT? WHAT ARE THE TOP TEN THINGS PROPERTY OWNERS CAN DO TO PROTECT THE SHORELINE. DEVELOP INCENTIVES FOR PROPERTY OWNERS TO VOLUNTARILY ADOPT HEALTHY SHORELINE PRACTICES. PUBLIC EDUCATION. CONSIDER AND PUBLICIZE WHAT ECONOMIC IMPACTS OF SPECIFIC POLICY DECISION COULD BE?

10. Do you plan on staying involved with the update? If so, what’s the best way to inform and involve you and your constituents? YES I WILL STAY INVOLVED. I FREQUENTLY ATTEND PUBLIC MEETINGS. I FOLLOW EMAIL NOTICES THAT COUNTY STAFF PROVIDE. I GO TO COUNTY WEBSITE ON A REGULAR BASIS, AND WOULD READ UPDATES WHEN POSTED.
Questions

1. How familiar are you with the SMP update process? What are your perceptions of the Shoreline Master Program? 

2. What do the SMP and the regulation of shoreline development, use, and protection mean to you and to the County? 

3. What are your areas of interest in relation to shorelines (commercial development, residential development, critical area regulation integration, habitat protection, public access, transportation, water quality, others)?
   a. Of your areas of interest, which are your top three (list in order of importance)?
   b. What makes them important to you?

4. What are your perceptions of how the county’s shorelines are currently managed? What do you like and/or dislike?
   a. Do you have any information about the shorelines that you’d like to share with us?

5. What, if any, changes have you noticed over the last 5–15 years (access, habitat, use, etc.)?
   a. If you have noticed changes, what do you think has accounted for them?

6. How do you think the SMP update will affect the management of shorelines?

7. What are you interested in achieving through the SMP update?
   a. In shoreline areas do you have specific goals or ideas for:
      * Commercial development
      * Residential development
      * Habitat protection/restoration
      * Public access
      * Transportation
      * Water Quality
      * Others

8. Which, if any, of the following are specific concerns to you and why?
   * Nonconforming uses
• Setbacks
• Buffers
• The role of science in developing regulations
• Bulkheads
• Overwater structures
• Others

9. As stated earlier, state law requires local governments and the Department of Ecology to mutually regulate shoreline development, use, and protection. In your opinion, how can we achieve an acceptable balance of water dependant and related uses, protecting the shoreline environment, and providing opportunities for public access?

10. Do you plan on staying involved with the update? If so, what’s the best way to inform and involve you and your constituents?
Draft Questions and Thoughts to be presented on the Shoreline Management Plan (SMP) to the County via Colin et al:

* If FEMA, through the Federal government, or Puget Sound Partnership through the Governor’s office, tries to assert a regulatory program on our County, will you support the education of Staff regarding the legal "Coordination" responsibilities for our County and community?
* Have you done a Shoreline Inventory and a Characterization Report? If so, please provide us with a copy of each report. If not, when will they be done?
* Have you done a “Cumulative Impact Assessment”? If not, when will it be done?
* We want to see the current circumstances decisions are being based on. Please provide any beneficial effects, or negative effects, of any proposed regulatory programs that you are considering, or will consider during the SMP process.
* We will want to see the comparisons Staff has made to past statistics, or other reasons that are going to be used to determine what is reasonable and feasible in the SMP decision making process.
* We want to see your correlations and summaries of expected regulatory effects on the 14 Growth Management Act Goals, and the proposals being considered to mitigate any negative effects on those Goals.
* We are interested in seeing that there is no net loss to any of the 14 GMA Goals, without some form of mitigation to balance losses.
* We would like to see a list of "Assumptions" that have been made, as well as the list of "Rigorously Peer Reviewed Science" that has been used, or is going to be used, in the Shoreline Management Plan process.
* Has there been, or will there be, a review of the current SMP? If so, please provide the full details regarding the process.
* What local circumstances are Staff considering in the SMP process?
* What restoration actions are Staff considering in the SMP process?
* What cumulative impacts are being considered? Please list both positive impacts and negative impacts.
* Is County Staff’s plan focusing on eliminating impacts or minimizing impacts?
* Will County Staff be using the tool of “Coordination” with the Department of Ecology, or "Cooperating" with the Department of Ecology? Coordination means being on an equal basis, so that local needs are not put aside for the agenda and desires of Ecology. Cooperating means Staff is working with Ecology to help them get what they desire without an obligation from Ecology to mitigate local needs.
* San Juan County needs to do some investigation into why Non Conforming SMP rules have modified and made less burdensome in places like Sammamish and Redmond.
* San Juan County must investigate why SMP Buffers have been made smaller in places like Sammamish & Redmond. Best Available Science down sound has led to recent SMPs being accepted by Ecology with shorelines buffers of 25’ or less. Staff then needs to explain to us why that BAS science is not being considered here.
* We expect the County to send a clear notification of all of the direct impacts of the SMP to all shoreline property owners.
* We expect San Juan County to use the Data Quality Act and the Regulatory Flexibility Act to confirm reliability of information and that the needs of our community are being met.
* Will you support John P Holdren, Assistant to President, official memo and call for Scientific Integrity, as well as Washington State’s House Bill #1307, regarding the standards of science to support public policy.
* We want to make it clear that we expect this to be one of many future meetings, and that this is not just one meeting for the County to try and meet the regulatory requirement of a bottoms up approach for public participation. When is the next meeting scheduled?
6. Adoption by the Department of Ecology.

Questions

1. How familiar are you with the SMP update process? I have read Dennis Reynolds legal paper on the SMP process. What are your perceptions of the Shoreline Master Program? From personal experience, I do not believe it provides enough safety to property owners physical property.

2. What do the SMP and the regulation of shoreline development, use, and protection mean to you and to the County? To me, the regulations need to continue to encourage the enjoyment of nature and the use of one's property. To the County, it should be to see that the SMP support the County Mission Statement.

3. What are your areas of interest in relation to shorelines (commercial development, residential development, critical area regulation integration, habitat protection, public access, transportation, water quality, others)? All of the above, as they relate to our economic viability and to the use and enjoyment of our property.
   a. Of your areas of interest, which are your top three (list in order of importance)? Residential development, public access, water quality.
   b. What makes them important to you? They relate to health and enjoyment of one's property.

4. What are your perceptions of how the county's shorelines are currently managed? I do not have enough personal experience to answer this question. From what I have read, the waters surrounding the San Juans Islands are pristine, which is why Ecology would not fund septic system grants. What do you like and/or dislike? I dislike the lack of public safety concerns when it comes to taking a tree down that is dangerous and hazardous. I dislike the current Buffers not being attached to Rigorously Peer Reviewed science. I dislike the current Non Conforming designations that take the use of private property away without reimbursement. If the use is for the benefit of the public, then payment for that use needs to come from the public.
   a. Do you have any information about the shorelines that you’d like to share with us?

5. What, if any, changes have you noticed over the last 5-15 years (access, habitat, use, etc.)? The beaches are cleaner, there is better access, and lots more deer, otters, geese, swans, eagles and foxes.
   a. If you have noticed changes, what do you think has accounted for them? Public participation in cleanup activities, and more food and protection to critters due to watering and plantings around new homes. Food, shelter, and water must be more available to these creatures, or they would not be increasing in numbers.

6. How do you think the SMP update will affect the management of shorelines? I need to see a current review of the SMP before I can answer that.

7. What are you interested in achieving through the SMP update? I would like to see baselines for science used, and the use of resilience science so we can better understand the balance of nature. I would like to see that Rigorously peer reviewed science is used so that we do not make regulations that are based on fear and assumptions. I would like to see the real elephants in the closet addressed so that real and meaningful changes to the regulations take place and so everyone pays equally in a fair manner for the cleanup of problems, rather than
the targeting of individuals. For example, common sense should indicate that the city storm water runoff from streets, and transportation methods: ships, ferries, jets, automobiles, trucks, and airplanes provide the largest opportunity for environmental pollutants, yet these issues are NOT even being addressed in the SMP and CAO regulations.

a. In shoreline areas do you have specific goals or ideas for:
   - Commercial development
   - Residential development
   - Habitat protection/restoration
   - Public access
   - Transportation
   - Water Quality
   - Others

I would need to see some reviews and assessments, as well as review the science behind any goals or ideas before I comment. I do not favor moving ahead on any changes that are based on assumptions.

8. Which, if any, of the following are specific concerns to you and why?
   - Nonconforming uses Very high on my concern list due to economic harm and the legal goal to "eliminate over time".
   - Setbacks These are a great way to solve environmental concerns. As Dr. Adamus said, "They provide the same function as buffers."
   - Buffers Big concerns, as they have legal meanings that lead to "Non Conforming" and "loss of use", without addressing real environmental problems.
   - The role of science in developing regulations We need to use Rigorously Peer Reviewed Science.
   - Bulkheads No concern, based on Dr. Don Flora's Bainbridge Island's compilation that is mathematical and has not been proven to be mathematically incorrect.
   - Overwater structures
   - Others

9. As stated earlier, state law requires local governments and the Department of Ecology to mutually regulate shoreline development, use, and protection. In your opinion, how can we achieve an acceptable balance of water dependant and related uses, protecting the shoreline environment, and providing opportunities for public access? Do not let special interest groups hijack the process. See that the process goes through a "Coordination" process using the Data Quality Act and the Regulatory Flexibility act to confirm the reliability of information and to see that the needs of our community are being met.

10. Do you plan on staying involved with the update? If so, what's the best way to inform and involve you and your constituents? I expect to be fully involved. Email is the best way to contact me: iwp@rockisland.com