

Whidbey Environmental Action Network

PO Box 293, Langley, WA 98260

www.whidbeyenvironment.org

Monday, July 20, 2026

Dear Board of Island County Commissioners (CC Planning Staff and Department of Ecology Staff),

On behalf of the Whidbey Environmental Action Network and in consideration of the standard of no-net-loss of habitat at risk from shoreline armoring, I object to the Planning Department's proposed alternative to Ecology's required change REQ-10 as discussed by Commissioners Bacon and St. Clair during your July 15, 2026 work session ([audio](#)) and starting on page 91 of the attached packet. The proposal to strike "based on a trend analysis of prior rates of erosion" and substitute "when a report confirms that there is a significant possibility that such a structure will be damaged" is inconsistent with state law and should not be adopted.

1. The substitute is a selective quotation that omits the WAC's required analytical basis. Staff has represented that the substitute language comes "directly from the WAC." The sentence does appear in WAC 173-26-231(3)(a)(iii)(D)—but that same subsection first mandates that geotechnical reports "shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation." The "report confirms" clause is the conclusion; the erosion-rate estimate is the required method for reaching it. The proposed alternative adopts the conclusion clause while deleting the analytical foundation, leaving a circular standard in which a report need only assert the finding it exists to prove without the backing of best available science. That is not adoption of the WAC standard; it is an excerpt of half of the WAC, without acknowledging the explicit order of priority outlined in it.

2. Deleting the trend-analysis requirement is unlawful backsliding. The state guidelines are a floor, not a ceiling. The current SMP already requires a trend analysis of prior erosion rates—a fact Ecology's required-change matrix expressly notes. Removing an existing, more specific protective standard during a periodic review softens the demonstration-of-need requirement for hard armoring and is inconsistent with the no-net-loss obligation of WAC 173-26-186(8) and the policy of RCW 90.58.020, under which structural armoring is a last resort.

3. Staff have stated that "Ecology was supportive" of the substitute language. Ecology's formal written position—the required-changes matrix before you—says the opposite: reinsert the trend-analysis language and the "conclusive evidence" standard. I ask Ecology, copied here, to confirm or correct that representation in writing. Under RCW 90.58.090(2)(e), only Ecology's formal determination that an alternative is consistent with the Act and guidelines can give it effect; informal staff-level comments bind no one, and the Board should not vote in reliance on them.

For these reasons, I urge the Board to adopt Ecology's required changes for REQ-10 as written. Further delay will only add frustration to what we all agree has been a too-long process.

Please be advised that if the County adopts the weakened language and Ecology approves it, we intend to appeal that decision to the Growth Management Hearings Board within the 60-day period provided by RCW 90.58.190(2).

Please include this letter in the record of the SMP periodic review.

Sincerely,

Marnie Jackson
Executive Director
Whidbey Environmental Action Network
ed@whidbeyenvironment.org