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Problem to Progress: Understanding and Improving Permitting for Shoreline Armoring in Kitsap County

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Problem to Progress
Understanding and Improving Permitting for Shoreline Armoring in Kitsap County

Session: A Review of Shoreline Armoring Effectiveness

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BACKGROUND

- Waterfront property owners need technical assistance

- Key mechanisms in permit review and issuance are lacking, which limit compliance and may enable non-compliance

- A coordinated system for tracking and monitoring shoreline permitting is needed
What is TACT?

Objectively review the marine shoreline stabilization permit processes for Kitsap and San Juan Counties, in conjunction with that of WDFW’s process.

Troubleshoot Action Plan Course Correction Tracking and Monitoring
Troubleshooting

- What and when were permit conditions applied?
- What inspections were conducted and when?
- If the permit system is set up for tracking and monitoring, is that being done?

**Table 1. Troubleshooting Permit Statistics**

<table>
<thead>
<tr>
<th></th>
<th>Miles of marine shoreline</th>
<th>Total Permits</th>
<th>Residential (%)</th>
<th>New (%)</th>
<th>Repair/Replacement (%)</th>
<th>Hybrid (%)</th>
<th>Falls under State Exemption for Single Family Res. (%)</th>
<th>Most applications (year)</th>
<th>Least applications (year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kitsap County</td>
<td>216</td>
<td>66</td>
<td>65 (98%)</td>
<td>9 (14%)</td>
<td>56 (85%)</td>
<td>3 (5%)</td>
<td>60 (92%)</td>
<td>2010 (18)</td>
<td>2012 (7)</td>
</tr>
<tr>
<td>San Juan County</td>
<td>408</td>
<td>75</td>
<td>62 (83%)</td>
<td>30 (40%)</td>
<td>45 (60%)</td>
<td>4 (5%)</td>
<td>54 (72%)</td>
<td>2006 (30)</td>
<td>2011 (7)</td>
</tr>
</tbody>
</table>
Troubleshooting

**Categories of the Issues**
- Permit Forms
- Permit Review
- Recording & Tracking
- Inspections
- Outreach

**Table 2. HPA Permit Matches to Local Permits**

<table>
<thead>
<tr>
<th>County</th>
<th>Number of Permits (in HPA system)</th>
<th>Number Matched with HPA</th>
<th>Number Unmatched with HPA</th>
<th>Reason for Unmatched Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kitsap County</td>
<td>56</td>
<td>53</td>
<td>3</td>
<td>2 permits denied by KC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 permit was “after-the-fact”</td>
</tr>
<tr>
<td>San Juan County</td>
<td>82*</td>
<td>62</td>
<td>17</td>
<td>17 undetermined</td>
</tr>
</tbody>
</table>

*3 local permits had 2 matching HPAs, therefore the number of permits in the HPA system is artificially higher (82 rather than 79)*
Action Planning

• Identify the next steps to improve the issues, and what it would take

• Internal and external stakeholder review and feedback
  • Need consistency in the interpretation of code
  • Additional training, examples and information on emerging techniques
## Course Correction

### Table: Problem Analysis and Improvement Plan

<table>
<thead>
<tr>
<th>Program Element</th>
<th>Issue or Concern</th>
<th>Improvement Options</th>
<th>Estimated Time/Effort</th>
<th>Estimated Benefit (staff/client/environment)</th>
<th>Priority</th>
<th>Selected Action?</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Permits Issues</td>
<td>1. Permitting process is lengthy and confusing (EUC only)</td>
<td>1. Popularize and standardize permit process to be consistent with other jurisdictions.</td>
<td>High</td>
<td>Moderate to efficient</td>
<td>NA</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Consider using the URRPA form similar to the SPC's.</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Simplify process by providing clear instructions and templates.</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Permit Issues</td>
<td>1. Permitting process is confusing and time-consuming.</td>
<td>1. Develop a standardized checklist for permit applications.</td>
<td>Moderate</td>
<td>High</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Scanning</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Training for staff</td>
<td>Moderate</td>
<td>High</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Permit Issues</td>
<td>1. Permitting process is confusing and time-consuming.</td>
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<td>Moderate</td>
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<td></td>
<td></td>
<td>2. Scanning</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Training for staff</td>
<td>Moderate</td>
<td>High</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Standardize procedures for permit issuance and review.</td>
<td>Moderate</td>
<td>High</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. Provide standard checklists for procedures.</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Staff Issues</td>
<td>1. Staff is not familiar with existing processes and rules.</td>
<td>1. Conduct workshops on the new processes and rules.</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Provide training on the new processes and rules.</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Develop a natural resource and environmental impact assessment checklist.</td>
<td>Moderate</td>
<td>High</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Implement a checklist for all staff.</td>
<td>Low</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Final Fact Report Card

- **Priority**: NA
- **Selected Action?**: N
- **Results**: N
## Course Correction

### Table 6. Course Correction Summary of Actions Taken

<table>
<thead>
<tr>
<th>Category</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staff Training</strong></td>
<td>Introductory MSDG staff training.</td>
</tr>
<tr>
<td></td>
<td>New SMP and changes to permits for tracking purposes.</td>
</tr>
<tr>
<td></td>
<td>Standardized permit review checklist.</td>
</tr>
<tr>
<td><strong>Conditions</strong></td>
<td>Summary and analysis of permit conditions/provisions of each agency.</td>
</tr>
<tr>
<td></td>
<td>Updated definitions; standard conditions improved in new permit system.</td>
</tr>
<tr>
<td><strong>Application</strong></td>
<td>Inclusion of parcel numbers on WDFW permits; HPA attached to local permit when received.</td>
</tr>
<tr>
<td><strong>Consistency</strong></td>
<td>Consistent naming conventions (and definitions) in process of being added to both HPA and local permit applications for type of shoreline stabilization (new, repair, replacement, removal, enhancement). Enhancement definition is still in question, but generally any replacement, in whole or in part, with a “softer” design would qualify. This may not affect the permit type, but may provide eligibility for other incentives (see Conclusions: Next Steps). Tracking metrics are being added, but final changes are in flux as the jurisdictions figure out how to tie these with required SMP “no net loss” monitoring. WDFW has added: Length (existing and new), Waterward Extent (including a reference to a stable structure), and Height. These are likely to be added or tracked through the local process as well.</td>
</tr>
<tr>
<td><strong>Flow Chart /</strong></td>
<td>Staff review guide completed (see Training).</td>
</tr>
<tr>
<td><strong>Outreach</strong></td>
<td>Local review process flow chart for staff and applicant use (See Appendix F).</td>
</tr>
<tr>
<td><strong>Materials</strong></td>
<td>Overall permit process diagrams (See Appendix F).</td>
</tr>
<tr>
<td></td>
<td>San Juan County produced additional outreach materials for applicants (See Appendix F).</td>
</tr>
<tr>
<td><strong>Coordination</strong></td>
<td>Notification of receipt of application by other agency- WDFW APPS permit system can now be queried by jurisdiction staff; for new SMPs, jurisdictions will be posting online the shoreline applications on a weekly basis (in development). General coordination has increased through TACT process, which may facilitate better site visit/inspection coordination (see Findings for limitations).</td>
</tr>
</tbody>
</table>
Tracking and Monitoring

• Effectiveness monitoring
  • Do rules and guidelines governing permits result in projects that protect property and habitat?

• Implementation monitoring
  • Is the permit consistent with hydraulic code rules and design guidelines?
  • Did the issued permit contain provisions and all critical structural dimensions?
  • Did the project follow the rules and guidelines of the permit when it was built?
Tracking and Monitoring

**Where:** Kitsap and San Juan Counties

**When:** Permits applied for in 2006 – 2014

**What:** Permits for *new, extension, or replacement* shoreline stabilization

<table>
<thead>
<tr>
<th>Permit Review</th>
<th>New</th>
<th>Extension</th>
<th>Replacement</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>28</td>
<td>5</td>
<td>52</td>
<td>85</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site Inspection</th>
<th>New</th>
<th>Extension</th>
<th>Replacement</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>21</td>
<td>3</td>
<td>27</td>
<td>51</td>
</tr>
</tbody>
</table>
Tracking and Monitoring

Is the permit consistent with hydraulic code rules and design guidelines?

Of 85 total permits reviewed:
  - 16% occurred on documented surf smelt habitat
  - 8% occurred on documented sand lance habitat
  - 21% occurred on documented herring habitat

Protective work windows on documented habitat 46% of the time
  - Protective work windows were provisioned for 12% of beaches where the forage fish was not documented.

71% of projects on documented Surf Smelt beaches included beach nourishment as prescribed by the WAC
  - Beach nourishment was also included on 65% of beaches where surf smelt were not documented.
Tracking and Monitoring

Did the issued permit contain provisions and all critical structural dimensions?

27% of 51 permits had **no clear statement of the project length** in the permit text. Length in supporting docs or measured from plans. **6% provided no length at all.**

Of 51 permits, **only 45%** described the structure’s location as a distance to a **repeatable** reference or permanent structure.

*Vague, inconsistent and missing information made permit review time consuming and increased the potential for misinterpretation.*
Tracking and Monitoring

Did the project follow the rules and guidelines of the permit when it was built?

46% of 45 had at least one structural dimension that was *inconsistent* with the permitted dimension

- 26% of 42 were *longer* than indicated in the permit
- 26% of 34 were *taller* than indicated in the permit
- 13% of 24 were *farther waterward* relative to at least one reference provided
Conclusions and Recommendations

Common Identifiers for local and state permits

• Parcel # for permit tracking
• Project Type - standard definitions and use
  • New
  • Repair
  • Replacement
  • Enhancement

Standardized Dimension Information on permits

• Length
• Height
• Design Type
Conclusions and Recommendations

Inspections

1. Initial – before project begins
   • Document pre-existing conditions
   • Establish OHWM, top of bank, etc.
   • Collect monitoring data
2. After Staking – *BEFORE* construction begins
   • Make sure project is located correctly
   • Chance to change location if necessary
3. After Completion
   • Was the project constructed per permit?
Conclusions and Recommendations

Documentation

- *Standardize* how to document changes due to construction using permanent structures, engineering benchmarks, or other methods that won’t change over time.

- Document justification when protective provisions are omitted or applied to a permit when it would appear necessary or beyond the guidelines or rules.

- Use of MSDG to demonstrate and document need.
Conclusions and Recommendations

WAC Crosswalk

• Need a more detailed cross-walk analysis between WACs (SMA vs. HPA)

Staffing

• Training for field staff
• Coordinated site visits for inspections
  ✓ Initial
  ✓ After staking
  ✓ Post construction