JAY INSLEE
Governor

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December 16, 2016

Brigadier General Scott A. Spellmon
U.S. Army Corps of Engineers
Northwestern Division
PO Box 2870
Portland, OR 97208

Dear General Spellmon:

On behalf of Washington State, I respectfully request that the U.S. Army Corps of Engineers (Corps) Seattle District Office consider changing the Corps jurisdiction line on marine waters of the Salish Sea to the highest astronomical tide (HAT), or something similar to that of Washington State's Ordinary High Water Mark. Currently, the Seattle District uses mean higher high water (MHHW) as the line of federal jurisdiction on marine waters. Moving the jurisdictional line landward to something resembling HAT will better align the Corps with state and other federal authorities and improve the predictability and effectiveness in managing shoreline resources.

Salmon and healthy aquatic environments are critical to Washington State culturally, socially and economically. The degraded ecological health of the Salish Sea within Washington State has been of concern to the State for decades. Salmon stocks are continuing to decline despite significant recovery efforts. This continued decline is of great concern to Treaty Tribes within the Puget Sound basin and also has the potential for significant ecologic and economic impacts.

The Puget Sound Partnership identified shoreline armoring as a priority in restoring the health of the Salish Sea including salmonids listed under the federal Endangered Species Act. Many salmon species have life cycles that require habitat use immediately adjacent to the shoreline. However, shoreline armoring steepens beaches and increases predation of juvenile salmon by birds and larger fishes. Also, forage fishes (smelt, herring, sand lance, etc.) are principle food sources of salmon, and shoreline armoring reduces available spawning for these critical food-web species.

A key state investment to further our restoration efforts over the past 10 years includes new shoreline regulations to better manage shoreline armoring. In addition, the Department of Fish and Wildlife is seeking improvements to our Hydraulic Project Approval (HPA) authority to increase the effectiveness of fish protection. My expectation is that these state efforts are aligned with local shoreline protection and restoration objectives to maximize effectiveness.

It is also imperative that the Corps' regulations and authorities regarding shorelines are well integrated with our state and local partners. Our data show an encouraging trend over the last two years indicating that more hard-armoring is being removed versus new armoring installed. We need the Corps' support and cooperation to continue this trend. We are concerned, however, that the Corps' use of MHHW causes confusion to the regulated community and may also drive inappropriate shoreline designs in an attempt to avoid Corps jurisdiction. The shift to HAT, or something similar, by the Corps would support implementation of this important work in the future.

Oversight of wetlands provides a good model for how aligning and coordinating regulatory programs can be beneficial. Our common state and federal wetland framework has fostered the development of congruent standards and consistent interagency guidance on mitigation, which provides predictability for landowners and provides the opportunity to better assess environmental performance. The cooperative working relationship also helps promote innovative approaches such as effective wetland banking and in-lieu fee programs. We made it work better for wetlands, and we can do the same for shorelines.

State agencies are ready to improve our regulatory coordination through the development of collaborative guidance and standards that move use towards smarter armoring options. I envision local, state and federal agencies working together towards common regulatory practices that better manage armoring throughout the Salish Sea.

I look forward to a continued dialogue and collaboration on this very important topic that will help preserve the integrity of the Salish Sea, an invaluable resource to this region.

Very truly yours,

Jay Inslee
Governor

cc: Dennis McLerran, Regional Administrator, U.S. Environmental Protection Agency, Region 10
Barry Thom, Regional Administrator, NOAA Fisheries, West Coast Region
Col. John Buck, Seattle District Commander, U.S. Army Corps of Engineers
Jessie Winkler, Chief, Civil Works Branch, U.S. Army Corps of Engineers, Seattle District
Justin Parker, Executive Director, Northwest Indian Fisheries Commission
Maia Bellon, Director, Washington State Department of Ecology
Jim Unsworth, Director, Washington Department of Fish & Wildlife