

AGENDA

Clallam County Planning Commission

Virtual/Audio PC Meeting of May 5, 2021

Clallam County Courthouse

223 East Fourth Street, Port Angeles

6:00 p.m.

The Clallam County Planning Commission (PC) will conduct a virtual meeting appearing by [Zoom.com](https://zoom.us) video conferencing at 6:00 p.m. on May 5, 2021. If you would like to attend in person please contact Greg Ballard at (360) 565-2616 or by e-mail at gballard@co.clallam.wa.us so we make sure we meet Covid spacing and other requirements. The meeting can be viewed via live stream at <http://www.clallam.net/features/meetings.html>

Please click on the hyperlink [5-5-21 PC Meeting](#) or you can go to <https://zoom.us/join> or call (888) 475-4499 or (253) 215-8782 and then enter Meeting ID: 660 165 2237 and Passcode: 12345.

The information provided to the Commission in preparation for this meeting is available at: <https://websrv7.clallam.net/forms/uploads/PlanningCommissionPacket.pdf>

- A. **CALL TO ORDER**
- B. **PLEDGE OF ALLEGIANCE**
- C. **ROLL CALL**
- D. **WELCOME**
- E. **APPROVAL OF MINUTES** - Minutes from March 17 and April 7, 2021 (included in packet)
- F. **ANNOUNCEMENTS** –FEMA workshops on updates to the Flood Insurance Rate Maps at the BOCC at 10:30 a.m. on May 10, 2021, and before the PC at 6:30 p.m. on June 16, 2021. Additional info available at the following link http://www.clallam.net/DCD/doc/website_FEMA.pdf
- G. **PUBLIC COMMENT** - Please Limit Comments to Three Minutes
- H. **UNFINISHED BUSINESS**
- I. **PUBLIC HEARING: NONE**
- J. **WORK SESSION ITEM:**

[Draft Ordinance Re: Recreational Use dated April 21, 2021](#)
[Ecology Comments on the 2018 SMP Update](#)
- K. **PUBLIC COMMENT** - Please Limit Comments to Three Minutes
- L. **ADJOURNMENT**

Members:

Chair, Jane Hielman & Vice-Chair, Scott Clausen
Robert Miller; Steve Gale; Ron Long; N. Bonnie Booth; M. Ingrid Carmean; Philip Giuntoli

Department of Community Development Staff:

Mary Ellen Winborn, Director;
Donella Clark, Principal Planner; Greg Ballard, Senior Planner;

MINUTES

Clallam County Planning Commission

*Virtual Meeting of March 17, 2021
6:00 PM*

- A. CALL TO ORDER: The meeting was called to order at 6:00 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Vice-Chair Clausen, Steve Gale, Ron Long, N. Bonnie Booth, M. Ingrid Carmean and Philip Giuntoli. Chair Hielman and Robert Miller were excused. Donella Clark, Principal Planner, represented staff from the Department of Community Development, and Meggan Uecker, Utilities Program Manager, represented staff from Public Works Department.
- D. WELCOME: Vice-Chair Clausen welcomed all in attendance.
- E. APPROVAL OF MINUTES: A motion was made and seconded to approve the meeting minutes of March 3, 2021. Following a vote, the motion carried 6-0.
- F. ANNOUNCEMENTS: Staff is working with the Building Department regarding building and construction codes that may apply to a park model placement permit, and requirements of the Park Model Ordinance. Staff will bring the RV ordinance back in April to discuss.
- G. PUBLIC COMMENT PERIOD: Greg Madsen of Blyn provided comment regarding an enforcement action against Val Woodward. He read an email from DCD staff, and noted that there seems to be differences between the Hearing Examiner Order and what staff is allowing. Pictures of the site were provided to the Commission prior to the meeting, for review.
- H. UNFINISHED BUSINESS: None.
- I. PUBLIC HEARING ITEM: None.
- J. WORK SESSION ITEM: Presentation of the Draft Update-Clallam County Solid Waste Management Plan by Meggan Uecker, Clallam County Utilities Program Manager. The Plan can be viewed at: <http://www.clallam.net/PublicWorks/CSWMPUpdate.html>

RCW 70A.205.040 requires each county to cooperate with its cities to prepare a coordinated, comprehensive solid waste management plan. The Plan is to be updated every five years. Clallam County's current plan is from 2014. Public SWAC (Solid Waste Advisory Committee) meetings have occurred monthly since October 2019 to produce the preliminary draft plan. Chapters include: Collection, Waste Transfer, Disposal, Waste Reduction, Recycling, Organics, Miscellaneous Special Wastes, Regulation & Administration, and Implementation. The Plan recommends 105 actions. Public and Committee meetings are being conducted this month with adoption of the final draft expected in May.

Following the presentation, the Commission asked questions, and discussion was had.
- K. PUBLIC COMMENT PERIOD: None.
- L. ADJOURNMENT: The meeting adjourned at 7:18 p.m.

MINUTES

Clallam County Planning Commission

*Virtual Meeting of April 7, 2021
6:00 PM*

This meeting was not recorded due to staff being under quarantine restrictions and unable to access the Board room in the Clallam County Courthouse.

- A. CALL TO ORDER: The meeting was called to order at 6:00 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Vice-Chair Clausen, Robert Miller, Steve Gale, Ron Long, M. Ingrid Carmean and Philip Giuntoli. Donella Clark, Principal Planner and Greg Ballard, Senior Planner; represented staff from the Department of Community Development.
- D. WELCOME: Vice-Chair Clausen welcomed all in attendance
- E. APPROVAL OF MINUTES: March 17, 2021 minutes were deferred until next meeting
- F. ANNOUNCEMENTS: Diane Harvey has moved to the Sheriff's Department and Greg Ballard has been assigned the Stormwater Ordinance. The Small Project Manual will still be a part of the ordinance, but the ordinance itself will be shorter and might be available to review at the next meeting. Also, Tami Breitbach has left the County, which was noted as a big loss for the County. She was so helpful and organized.
- G. PUBLIC COMMENT PERIOD: None.
- H. UNFINISHED BUSINESS: None.
- I. PUBLIC HEARING ITEM: None.
- J. WORK SESSION ITEMS: RV Standards: Changes were made to previous copy, simplifying the table. Table 1 provides the number of days per region without the need for a permit, Table 2 is the number of days allowed in each region with a permit, and Table 3 is the number of RV's allowed on the property without a permit.

New sections were in yellow: Section 3 changed for Jane, indicating that legal lots in Clallam Bay/Seki, hooked up to water, sewer, and electric would not be limited to the number of days. People in the area will need to have a legal connection to the sewer through the Public Works Department. There are currently a lot of illegal connections.

Section 4 indicates that you would not need a permit for the number of days indicated in Table 1, but would need to declare the number of days if a complaint is received. Number of RV days is equal to the number of RV times the number of days on the property. On property over 2.4 acres suggest we allow one special event on property per year that would not be limited by Table 3, but would require a permit. Individual can have one RV per lot, rather than one per contiguous ownership, but this can only be for non-commercial use.

Park model section was completely removed.

RV placement must comply with all zoning, critical area, and shoreline standards. Existing developed areas could allow parking of an RV in critical area and shoreline buffers, but cannot require any new land disturbing activities.

Section 10 clarifies storage.

Section 15 turned out to be misleading since there are not many zones that allow outdoor-oriented recreation. Instead a person could just defer to Table 3 for the number of RV's allowed.

Table 2 provides the maximum # of RV days, minus your one special event, because the number of RV's times the number of days on site added together could deplete the number of days allowed per the table.

Section 17 requires a binding site plan and CUP if sites are being rented. The intent of the ordinance is to allow recreational use not commercial use of property. Families should be able to go out and enjoy their property together.

Section 18 would allow an RV to be used for a caretaker, requiring renewal of the permit every 3 years. If there is already an ADU and a house, an RV would not be permitted. The RV cannot be used as a primary residence either and the caretaker should live somewhere else and just be using the RV to take care of the person on the property.

Section 19 would allow the administrator to give an extension to the number of days for one RV to be used where there are no violations occurring provided permanent housing is being sought.

Information regarding the differences between park models and mobile homes was provided. The Building Official is unable to access the codes that explain the construction of park models. So staff is still unclear the number of days a park model should remain on a site, especially if in a channel meander zone or floodplain.

Commissioner comments:

Ron Long agreed there is no hurry to take up park models in this ordinance. Designed for temporary use but placed permanently.

Robert Miller thought it would be good to have an exemption for special events because it would better serve the public and would take away the number of days property owner would have to use their property.

Steve Gale believes the ordinance is going down a rabbit hole and does not address the concerns of the Commission. Use of RV's with no regard to public health and nuisance of waste was the original intent of the ordinance. It has turned into regulating RV use. Restricting use of land in different geographies does not make sense. Why allow permanent residences in Clallam Bay/Seki when that is probably the biggest problem area. There does not seem to be any good justification for the differences. The ordinance is moving in the wrong direction and is too restrictive.

Phil Giuntoli agrees that the ordinance is too restrictive. Do not want unregulated clutter and deface property values. Still confused why it is acceptable for Park Models to be permanent residences in RV Parks but not on private land. Moving the right direction but need to go back to the original intent of what are we trying to achieve?

Greg Ballard explained that the intent of the ordinance is to provide Code Enforcement a tool to regulate the unsightly RV sites in the County. Current codes state differences, such as the ADU standard which says an RV is restricted to 90 days, and the floodplain which states it must move within 180 days. This ordinance would state the number of days and provide certainty in what determines a violation. Code Enforcement needs help to stop encampments. Like the wireless communication codes we see differences in the regions. So staff customized the number of days. If there is sewage or garbage there is a violation. Seems that neighbors want to have permits because they do not want to be in violation, and most people want to follow the rules. Park Models are designed to be in parks but not sure if we want to allow them on every parcel in the county. An eight unit park model binding site plan was just recently approved by the Hearing Examiner with no issues. The number of days is mostly an issue when someone complains. Pierce County states 120 days only and staff moved the days based on Sequim being more restricted and PA a little less.

Steve Gale sees the need for a tool for Code Enforcement. Need to regulate the problem. Requiring a permit every time someone comes to use their property on a weekend seems cumbersome. Need a grace period when using their land appropriately.

Scott Clausen suggested that staff should focus on public health. They have a neighbor who comes for the summer which seems appropriate since there are no health concerns.

Ingrid Carmean suggested that section be broken up so it is clear what is allowed without a permit, with a permit and the other regulations that apply. Need to explain why the permit is important.

Ron Long sees a distinction between commercial use and recreation, requiring a permit for commercial uses so that the renter knows they are safe. Granting permits gives a sense of security and we want to be sure it is not a false sense.

Scott Clausen would like to have a more definitive statement in the temporary living quarters how many days after the building permit is finalized or expired that a person can remain in their RV. With other sections of the code stating dates, should there be some sort of supersede statement that this ordinance is the rule so there is no conflict.

Greg Ballard suggested that maybe the compliance portion should be moved to the top to show that if you do not have those health and safety measures you are in violation. Trying to be more permissive than Pierce County out west because of the recreation potential. Under an acre you probably should not have RV's as permanent use. Do not want people to have to continue going through the CUP processes for using their property.

Steve Gale recommended that staff start over and regulate what we care about and give code enforcement officers a tool. Going to send Greg suggestions to distribute to the rest of the commission.

Ron Long suggested that staff think about the person who is a land owner coming out to their property for a week here and there or the weekends and consider this an appropriate activity.

K. PUBLIC COMMENT PERIOD: None.

L. ADJOURNMENT: The meeting adjourned at __6:52__ p.m.

Chapter
Recreational Use
April 21, 2021

Purpose.

The purpose of this chapter is to protect public health, safety, and welfare of Clallam County citizens and the environment by providing standards for recreational use of property and provide guidance of process for commercial recreational use. It is also intended to acknowledge the use of RV's as permanent residences when placed within approved mobile home parks or RV parks.

Requirements for Recreational Vehicle use.

- (1) The term Recreational Vehicle (RV) is defined by RCW 43.22.335 as “a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.” RCW 59.30.020 defines Recreational vehicles as ”a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a manufactured/mobile home lot.”
- (2) No person shall use a Recreational Vehicle as a permanent residence, unless located within an approved/legal RV Park or mobile home park or within a legal lot of record located within the Clallam Bay/Seki Urban Growth Area with proof of public water, sewer, and electrical service. Except as addressed above residing in an RV more the number of days outline in Table 1 below is considered establishing a permanent residence. Within frequent flooded areas, the maximum number of days an RV can be occupied is 180 days. Upon a request by DCD (i.e. complaint received), the applicant shall provide evidence of compliance with these RV Standards.

TABLE 1- Number of days one RV is allowed per year per parcel

Comprehensive Plan Regional Planning Areas	Less than 1 acre	1 to 2.4 acres	2.4 to 5 acres	5 acres to 20 acres	Over 20 acres
Dungeness	30	60	120	180	240
Port Angeles	30	60	120	180	240
Straits	45	90	120	180	240
Western	60	90	180	240	365

- (3) For parcels over 2.4 acres in size, one special event (family re-union, hunting camp, etc.) per year for a maximum of 7 days would be excluded from the limitation found in Table 1 above.
 - (4) Proof of black and gray water disposal shall be provided for use of an RV on property. Connection of the RV to a septic system or sewer must be approved by the Clallam County Environmental Health or Public Works Department. Sani-cans shall be screened from public view.
 - (5) Solid waste must be properly disposed from the property. In the event of solid waste investigation, documentation of the disposal of solid waste in an approved facility will be required to be provided to Clallam County DCD.
 - (6) No more than two unoccupied recreational vehicles of any kind may be stored on a property, and only one unoccupied RV may be stored on parcels under five acres.
 - (7) RVs shall not be parked on a public roadway, right-of-way, or easement.
 - (8) RVs shall be licensed and operable, and shall not include any fixtures or attachments such as decks, porches, attached skirting, etc. that would prevent the movement of the vehicle.
 - (9) Adequate screening (including existing/proposed structures, fencing, berms, landscaping, etc.) from adjacent properties and roadways will be required of all RV units (and their appurtenances).
 - (10) Generators shall not be operated continuously throughout the day and shall not operate from 10pm to 7am, unless on a parcel of 20 acres or greater.
 - (11) Improvements to a site for the placement of an RV shall not disturb the native vegetation within a critical area, shoreline, or their buffers without compliance with Shoreline and Critical Area regulations. On pre-existing sites (developed prior to adoption of applicable regulations), RVs shall comply with the zoning, shoreline, and critical areas codes to the maximum extent possible.
 - (12) Two or more electric and/or water hook-ups on a property constitutes an RV park and is subject to compliance with the underlying zoning. Renting of RV spaces requires compliance with the underlying zoning and approval of a binding site plan. If conditionally allowed RV parks with 4 or less spaces will not require approval of a binding site plan.
 - (13) The Administrator may permit one temporary RV for a caretaker for commercial/industrial development, or documented medical hardship for a caretaker or immediate family member. The temporary RV requires renewal every three years upon proof of continuing need, and shall not be allowed if a primary & ADU is already located on the parcel, or if the caretaker RV is used for full time residency.
 - (14) In situations of undue hardship, the Administrator may grant an extension of time of the number of days in Section 2 above (or Table 1) on a case-by case basis for 1 RV occupied by the landowner or immediate family, when these RV Standards are being substantially met, and provided that efforts to relocate or acquire permanent housing are underway.
 - (15) Non-compliance with any of these requirements will subject the violator to civil penalties listed in Chapter 20.28 for non-commercial violators.
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Temporary living quarters during construction.

During construction of a single family residence, the land owner may place an RV for temporary living quarters. Upon completion of the single family residence or expiration of the building permit the RV shall no longer be used as living quarters.

Tent and Yurts.

A property owner may dry camp without improvements using tents or yurts on their property for no more than 30 days. Camping may not be used as a permanent living arrangement.

If the land owner intends to create improvements to the property, or camp more than 30 days, or provide camp sites to the public, the owner shall comply with underlying zoning standards. If allowed outright, the applicant shall provide a site plan showing compliance with all zoning setbacks and critical area/shoreline buffers, provide a source of approved septic disposal, and if potable water is intended to be provided, an approved water system shall be noted. Platforms or stands that are 30 inches or greater in height, which are constructed for the placement of tents, require issuance of a building permit. Any other structures must comply with Building Department standards.

Violation – Penalty.

Failure to comply with the provisions of this chapter shall be a violation. Violations of this code will be subject to civil penalties listed in Chapter 20.28 for non-commercial violations.

Pierce County

Chapter 18A.38
TEMPORARY DEVELOPMENT Amended Ord. 2020-102s

Sections:

- 18A.38.010 Purpose.**
18A.38.020 Temporary Uses Allowed – Number of Days Allowed. Amended Ord. 2020-102s
18A.38.030 Temporary Use/Duration and Frequency.
18A.38.040 Temporary Housing Community.
18A.38.050 Temporary Structures. Amended Ord. 2020-102s

18A.38.010 Purpose.

The purpose of this Chapter is to establish allowed temporary uses and structures, and provide standards and conditions for regulating such uses and structures. (Ord. [2013-85](#) § 1 (part), 2013; Ord. [2013-30s2](#) § 5 (part), 2013)

18A.38.020 Temporary Uses Allowed – Number of Days Allowed. Amended Ord. 2020-102s

A. The numbers in this Table represent the cumulative number of days the specific temporary use may be allowed on an individual property within any 12-month period. It is the applicant's discretion as to how the days are utilized throughout the 12-month period. A temporary use as listed below shall not be subject to parking provisions contained within Chapter [18A.35](#) PCC or the landscaping provisions of Chapter [18J.15](#) PCC. Produce and flower sales that are considered a permanent use as described in 18A.33.260 A., Agritourism, may be subject to Title [18J](#) PCC, Development Regulations – Design Standards and Guidelines, and parking provisions when the time frames specified herein are exceeded.

Table 18A.38.020-1. Temporary Uses Allowed-Number of Days Allowed							
Temporary Use Types and Number of Days Allowed	Urban Centers	Urban Districts	Urban Residential	Employment Center	Resource Lands	Rural Centers	Rural Residential
Produce (1)	120	120		120	120	120	120
Flowers (1)	30	30		30	30	30	30
Fireworks (1)(2)	14	14		14		14	
Christmas Trees (1)	45	45		45	45	45	45
Carnivals/Circuses (1)	14	14		14		14	
Community Festivals (1)	14	14	14	14	14	14	14
Garage Sales (3)	8	8	8	8	8	8	8
Parking Lot Sales (1)	14	14		14		14	
Camping and Recreational Vehicle Use (4)	120	120	120		120	120	120
Temporary Events (150 or more people)	(refer to Events, Chapter 18A.40 PCC)						
Temporary Housing Communities	(refer to Temporary Housing Communities, PCC 18A.38.040)						
Temporary uses for any number of people and not advertised as open to the public with or without a fee, or temporary uses sponsored by tax-exempt organizations, public schools, or municipal entities shall not be subject to the standards set forth in this Chapter. Examples of such temporary uses include, but are not limited to, the following:							
• Family reunions/picnics; • Weddings, Birthdays, Anniversaries; • Sporting or other fund raising events sponsored and held on school grounds; • Business or Corporate Retreats; • Organized religious events; and • Activities conducted in a public park or on public lands with approval of the local governing agencies.							
Activities which have been authorized through an approved discretionary land use permit shall not be subject to the standards set forth in this Chapter.							

Table 18A.38.020-1. Temporary Uses Allowed-Number of Days Allowed							
Temporary Use Types and Number of Days Allowed	Urban Centers	Urban Districts	Urban Residential	Employment Center	Resource Lands	Rural Centers	Rural Residential

Footnotes:

- (1) Occupying recreational vehicles in conjunction with this temporary use is limited to guard, caretaker, and similar functions which prohibit public entry into the vehicle. The number of days the recreational vehicle is allowed on the site shall be the same as the associated temporary use.
- (2) Actual number of days fireworks sales are allowed is subject to Chapter 5.08 PCC* and Washington State requirements.
- (3) Garage sales are not subject to affidavit requirements of PCC 18A.38.030 A.1.
- (4) Camping and recreational vehicles shall meet the standards set forth in PCC 18A.38.010, 18A.38.020, 18A.38.030, and 18A.38.050 E.

* Code Revisor's Note: Chapter 5.08 PCC has been recodified to Chapter 17C.60 PCC.

(Ord. 2017-89s § 2 (part), 2018; Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

18A.38.030 Temporary Use/Duration and Frequency.

A. Temporary uses shall be limited in duration and frequency as follows:

1. Any proponent of a temporary use shall file an affidavit with the Planning and Public Works Department which specifies the type of use, location, and specified days and hours of operation of the proposed temporary use. The affidavit form is available at the Department.
2. The duration of the temporary use shall include the days the use is being set up and established as well as when the event actually takes place.
3. A parcel may host no more than three temporary uses within a calendar year; provided the time periods specified in PCC 18A.38.020, Temporary Uses Allowed-Number of Days Allowed, are not exceeded. Multiple temporary uses may occur on a parcel concurrently provided the time periods in PCC 18A.38.020 are not exceeded.
4. Recreational vehicles, travel trailers, or tents shall not be used as a permanent place of abode, or dwelling, for indefinite periods of time, except as stipulated in PCC 18J.15.200 for mobile home parks. Occupancy of a recreational vehicle, travel trailer or tent, or combination thereof, for more than 120 days in any 12-month period shall be considered permanent occupancy.
5. Temporary parking lots associated with a temporary use shall not remain longer than the associated temporary use.

(Ord. 2017-12s § 2 (part), 2017; Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

18A.38.040 Temporary Housing Community.

A. A Temporary Housing Community is intended to provide temporary housing/shelter for more than a family as defined in PCC 18.25.030 and may house up to 60 adults no longer than 90 consecutive days. The following requirements must be met prior to permitting a temporary housing community:

1. Must be confined to a single parcel of land.
2. Shall house no more than 60 adults.
3. The minimum distance between the temporary housing community shall be no less than 1 linear mile between other similar operations.
4. Shall not be located closer than 100 feet from any dwelling on adjacent parcels.
5. Shall not be located closer than 1 linear mile from any public or private schools. However, this locational criteria shall not apply if such facilities already exist on the site or are planned as part of the temporary housing community.
6. A site may only host one temporary housing community per calendar year.
7. Shall not be located closer than one-half mile from any group home, retirement home, senior center, licensed day care, or other vulnerable population. However, this locational criteria shall not apply if such facilities already exist on the site or are planned as part of the temporary housing community.
8. Issuance of a Site Specific Information Letter (SSIL) shall be required prior to set-up, construction or occupancy of any tents or other temporary structures or housing facilities on the lot, parcel, or tract of land hosting the event.
9. Set-up time for the host site shall not be included in the 90 days. Specified set-up times will be determined in the review of the Site Specific Information Letter.
10. The event shall comply with all conditions of approval as set forth under a Site Specific Information Letter. Such conditions shall be based on expected or potential impacts of the event related to traffic, waste management, public health, noise effects on surrounding properties, public safety, and any other issues identified by the County.
11. Prior to issuance of the SSIL, any and all other local, state and federal regulatory agencies, fees, permits or conditions of approval shall be met by the applicant as well as the following:
 - a. That adequate provisions have been made for on-site sanitary waste and potable water;
 - b. That provisions are made to ensure habitable conditions during inclement weather;
 - c. That the site is within reasonable walking distance (1/4 mile measured along sidewalks or roads) to public transportation;
 - d. That a security plan is in place and resources are available to implement it; and
 - e. That the sponsors have developed a transitional plan for relocation of the residents of the community.

(Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

18A.38.050 Temporary Structures. Amended Ord. 2020-102s

A. **Temporary Construction Buildings.** Temporary structures for the storage of tools and equipment, or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects. Such buildings shall be removed within 30 days after completion of the project or 30 days following completion of work.

B. **Temporary Real Estate Office.** One temporary real estate sales office may be located on any new subdivision in any zone; provided the activities of such office shall pertain only to the selling of lots within the approved divisions of land of 5 or more lots or phase of division upon which the office is located. The temporary real estate office shall be removed at the end of a 3-year period measured from the date of the recording of the map of the land division upon which such office is located.

C. **Temporary Housing Unit During Construction.** A temporary housing unit during construction may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to construct a permanent use or structure on the same lot or tract or abutting property leased or owned by the applicant. Existing dwelling units may be converted to a temporary housing unit. A temporary housing unit is subject to the following:

1. The unit is removed from the site within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.
2. The unit is not located in any required yard.
3. A permit is issued by the Building Division prior to occupancy of the unit on the construction site.

D. **Temporary Housing Unit for Family.** A temporary housing unit for family is permitted in all zones subject to the following regulations:

1. A permit for a temporary housing unit for family may be issued by the Building Division if the applicant satisfies the criteria set forth in PCC 18A.38.050 D.2. below and attests by affidavit that:

- a. The information furnished with the application is true and correct.
- b. That the standards and conditions set forth in the permit will remain satisfied as long as the temporary housing unit remains on the site.
2. The following are the minimum standards applicable to a temporary housing unit for family.
 - a. The temporary housing unit shall be occupied by the parent or parents of the occupants of the dwelling, or not more than one individual who is a close relative of the occupants of the principal dwelling.
 - b. An occupant of the temporary housing unit because of age, disability, prolonged infirmity, or other similar incapacitation is unable to independently maintain a separate type of residence without human assistance.
 - c. **The temporary housing unit must bear the HUD 3280 seal.**
 - d. In the event the Health Department requires the installation of separate water supply and/or sewerage disposal systems, said requirements shall not at a later time constitute grounds for the continuance or permanent location of a temporary housing unit beyond the length of time authorized in the permit or renewal of said permit.
 - e. Prior to the issuance of a permit, the County shall review the application and may require the installation of such fire protection/detection equipment as may be deemed necessary as a condition to the issuance of the temporary housing permit.
 - f. The temporary housing unit shall be removed from the lot or tract of land not more than 30 days from the date the permit expires or occupancy ceases.
3. Permits shall be valid for the period of time the parent or close relative resides in the temporary housing unit; provided, that after obtaining initial approval, annual renewals of the temporary housing permit must be obtained from the Building Official. When obtaining a renewal, the Building Official shall confirm by affidavit from the applicant that the requirements specified herein are satisfied. Application for renewals must be made 60 days before the expiration of the current permit. Renewals of said permits shall be automatically granted if the applicant is in compliance with the provisions herein and no notice of such renewal is required.

→ E. **Temporary Occupancy of Recreational Vehicle, Travel Trailer or Tent.** A recreational vehicle, tent, or travel trailer located on a lot of record may be temporarily occupied, for the time period noted in PCC 18A.38.020, subject to compliance with the standards set forth in this Section. Recreational vehicles, travel trailers, or tents located within an approved recreational vehicle park are not subject to the standards set forth in this Section. See PCC 18J.15.210 for regulations applicable to recreational vehicle parks.

1. Temporary occupancy of a recreational vehicle, tent, and/or travel trailer is permitted in all zones when in compliance with the following:
 - a. Within the urban growth area, only a recreational vehicle, tent, or travel trailer located on a lot developed with a principal dwelling unit may be occupied for the temporary period noted in PCC 18A.38.020. Provided that, however, urban lots located on a Shoreline of the State and within a Shoreline Environment that permits residential or recreational use may host a recreational vehicle, travel trailer, or tent for the temporary period noted in PCC 18A.38.020, whether the lot is developed or undeveloped. All other recreational vehicles, tents, or travel trailers on undeveloped lots located within the urban growth area shall not be occupied for any period of time.
 - b. Within the rural area, occupancy of a recreational vehicle, tent, or travel trailer may be allowed regardless of whether or not a principal dwelling unit exists on the lot.
 - c. A recreational vehicle or travel trailer parked on a public or private roadway or the right-of-way or easement for that roadway shall not be occupied.
 - d. Recreational vehicles shall not be placed in critical areas or their associated buffers.
 - e. The recreational vehicle, travel trailer, or tent shall be removed from the lot or tract of land on which it is located within 14 days of the expiration of the temporary occupancy period, except that a recreational vehicle and/or travel trailer may remain on site unoccupied if the person or entity in control of the property is the legal or registered owner.
 - f. A recreational vehicle, travel trailer or tent may be occupied for up to 14 days per year without a temporary use permit.
2. An approval for the temporary occupancy of a tent, travel trailer, or recreational vehicle is valid for a maximum of 120 days when in compliance with PCC 18A.38.050 E.1. above. Extensions of this approval may be granted by the Director on a case-by-case basis, when needed, in situations of undue hardship and provided that efforts to relocate or acquire permanent housing are underway. This time period shall be reduced accordingly by the length of time any other recreational vehicle, travel trailer, or tent was occupied on the same lot as the subject request during the 12 months immediately prior to the request.

F. **Temporary Storage in Cargo Containers.** Cargo Containers may be placed in the following zones: Employment Center zones, to include Community Employment (CE), Employment Center (EC), and Employment Services (ES), and Urban Center zones, to include Community Center (CC) and Mixed Use District (MUD), when the following standards are complied with:

1. Materials stored within cargo containers must be directly related to an approved commercial and/or industrial use on site;
2. No storage of hazardous materials may take place within cargo containers;
3. Cargo containers may not be rented for personal or commercial storage uses;
4. Cargo containers must be in compliance with bulk requirements of Development Regulations;
5. Cargo containers may not encumber required parking, aisle or landscaping, and may not block Emergency Vehicle Access or established vehicle routes;
6. No more than five cargo containers may be used for storage associated with industrial uses at a time;
7. No more than two cargo containers may be used for storage associated with commercial uses at one time; and
8. Cargo containers may not be on any site in excess of 180 days within any 12 month period.

G. **Public Nuisance Abatement.**

1. **Designated Public Nuisance Sites.**

- a. Pierce County Planning and Public Works may arrange for the placement of machinery/equipment on designated public nuisance site or sites otherwise arranged by Pierce County as a temporary use. With authorization provided in either a Superior Court ordered Warrant of Abatement or from the Planning and Public Works Director, temporary on-site activities and/or processes (i.e., waste staging, screening, processing, shredding, chipping, recycling, car crushing) will accommodate public nuisance abatement efforts.
- b. Designated property(s) and subsequent on-site activities/processing shall only occur on a temporary basis in order to abate public nuisances as defined in Chapter 8.08 PCC, Public Nuisances, and shall not exceed 180 days unless a time extension is granted. Time extensions may be granted by the Director on a case by case basis. Requests must be submitted in writing, provide justification for the extension, and specify the additional time needed.
- c. Designated property(s) as described shall not be exempt from applicable local, state or federal requirements related to public health and safety.

2. **Emergency Proclamation/Declared Disaster.**

- a. Pierce County may designate either private or public property with authorization of property owner or appropriate controlling agency for the purpose of temporarily receiving, staging and processing waste generated during or after an Executive/State proclaimed Emergency or Federal declaration of Disaster. Designated property may be predetermined or selected at the time of the proclaimed/declared Emergency or Disaster to accommodate emergent debris removal efforts posing an immediate threat to public health and safety or hindering recovery efforts.
- b. For the purpose of this Section, an Emergency proclamation or declaration of Disaster may be made by any of the following: Pierce County Executive, Pierce County Council, Washington State Governor, or the President of the United States.
- c. Designated property shall only be utilized during, and immediately following a proclaimed Emergency or declared Disaster; not to exceed 180 days unless a time extension is granted. Time extensions may be granted by the Director on a case by case basis. Requests must be submitted in writing, provide justification for the extension, and specify the additional time needed. Every reasonable effort will be utilized to return the property to its pre-use condition within one year after on-site recovery operations cease.
- d. Designated property as described shall not be exempt from applicable local, state or federal requirements related to public health and safety.

H. **Shoreline Accessory Uses.** Please refer to Title 18S PCC, Development Policies and Regulations – Shorelines, for accessory use standards applicable within a shoreline area.

(Ord. 2018-68s § 3 (part), 2018; Ord. 2017-12s § 2 (part), 2017; Ord. 2015-25s § 2 (part), 2015; Ord. 2013-45s4 § 3 (part), 2015; Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013)

Comments for the WA State Department of Ecology
on the 2018 SMP Update



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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March 29, 2021

The Honorable Mark Ozias
Clallam County Courthouse
223 East 4th Street
Port Angeles, WA 98362

**Re: Clallam County Shoreline Master Program Comprehensive Update –
Conditional Approval**

Dear Commissioner Ozias:

I would like to take this opportunity to commend Clallam County (County) for its efforts in developing the proposed comprehensive Shoreline Master Program (SMP) update. It is obvious that a significant effort was invested in this update and the SMP will provide a framework to guide development and environmental protection along the County's shorelines into the future.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) has identified specific changes necessary to make the proposal approvable. These required changes are detailed in Attachment B. Additional recommended changes are proposed in Attachment C. The findings and conclusions that support Ecology's decision are contained in Attachment A.

Pursuant to RCW 90.58.090(2)(e), at this point, the County may:

- Agree to the proposed changes, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally developed by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the County and Ecology agree on language that meets statutory and guidelines requirements.

Please provide your response within 30 days to the Director at laura.watson@ecy.wa.gov.

Ecology appreciates the dedicated work that the Board of County Commissioners, the Planning Commission, the No Net Loss Work Group, SMP Update Committee, County staff (past & present) and the community have put into the Shoreline Master Program Comprehensive Update.

The Honorable Mark Ozias
March 29, 2021
Page 2

We look forward to concluding the SMP update process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Michelle McConnell, at Michelle.McConnell@ecy.wa.gov or (360) 407-6349.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Watson', with a stylized flourish at the end.

Laura Watson
Director

Enclosures

cc: Perry Lund, Ecology
Michelle McConnell, Ecology
Mary Ellen Winborn, Clallam County
Diane Harvey, Clallam County

ATTACHMENT A: FINDINGS AND CONCLUSIONS FOR PROPOSED COMPREHENSIVE UPDATE OF CLALLAM COUNTY SHORELINE MASTER PROGRAM

SMP Submittal accepted December 4, 2018, Resolution No. 91-2018

Prepared by Michelle McConnell, March 12, 2021

INTRODUCTION

Ecology's Findings and Conclusions (presented herein), including reference to **Attachment B** (Required Changes) and **Attachment C** (Recommended Changes), provide the factual basis for the Department of Ecology's (Ecology) decision on the Clallam County (County's) comprehensively updated Shoreline Master Program (SMP). This document is divided into three sections providing an Introduction; the Findings of Fact regarding amendment history, the submittal, and local and state review; and Conclusions.

Description of Proposed Amendment

Clallam County has submitted a comprehensive update to their Shoreline Master Program (SMP) for review and approval by Ecology. The updated master program will regulate some 620 miles of shorelines, including approximately 131 miles of marine shoreline, six (6) lakes totaling over 1,500 acres, and some 481 miles of streams and rivers located within Clallam County. The SMP applies to Lake Sutherland, Lake Pleasant, Dickey Lake, Wentworth Lake, Elk Lake, and Beaver Lake. The County has seven (7) waterbodies designated shorelines of statewide significance: the marine waters of the Strait of Juan de Fuca and Pacific Ocean, as well as the Bogachiel, Calawah, Elwha, Quillayute and Sol Duc Rivers. The updated shoreline program will replace the county's existing shoreline program first adopted in 1976, last amended in 1992. The updated program establishes new goals, policies, and regulations to encourage and manage appropriate shoreline uses, public access, and protection and restoration of natural shoreline resources.

The comprehensive amendment contains locally tailored shoreline management policies, environment designations, regulations, and administrative provisions. SMP Chapter 7 establishes shoreline specific critical areas provisions. Critical areas within the shoreline jurisdiction will be regulated solely by SMP Chapter 7, and the Critical Areas Code located in CCC Title 27.12 will not apply within shoreline jurisdiction. Additional reports, and supporting information and analyses as noted throughout this document, were considered by Ecology during its review.

Need for the Amendment

The County currently manages shorelines under an SMP originally adopted and approved in 1976, last amended in 1992. The proposed amendment is needed to comply with the statutory requirement (RCW 90.58.080) for a comprehensive update to the County's SMP, consistent with the SMP Guidelines in WAC 173-26. The update also ensures the SMP is consistent with land use management policies provided by the County's Comprehensive Plan.

This Shoreline Master Program (SMP) amendment is intended to satisfy the statutory requirements of RCW 90.58.080(2)(a)(iii) to comprehensively update the County's SMP.

The record submitted by the County to Ecology as part of the SMP update, including Resolution No. 91-2018, reports, analyses and local approval materials, provides additional details to describe the jurisdiction's specific need for the proposed amendment.

SMP provisions to be changed by the amendment as proposed

The SMP comprehensive update is intended to entirely replace the County's existing SMP, including policies, regulations, the shoreline environment designations & maps, and administrative provisions. The updated SMP establishes standard shoreline buffers based on type of development, size of the lot, and the upland shoreline designation (SMP 6.3 Table 6-1), and regulates critical areas within shoreline jurisdiction with provisions of the SMP, including critical area buffers (SMP 6.3 Table 6-2). The updated SMP regulates activities and development along the County's shorelines using six (6) new shoreline environment designations, each containing designation criteria, purpose statements, and management policies:

- Aquatic
- Natural
- Resource Conservancy
- Shoreline Residential - Conservancy
- Shoreline Residential - Intensive
- Marine Waterfront

The proposed SMP uses these designations to tailor use and development allowance, prohibition, and other provisions based on shoreline conditions, as indicated at SMP 2.9 in Table 2-1 Residential Use Table and Table 2-2 Non-Residential Use Table.

FINDINGS OF FACT

Amendment History, Local Review Process

The County initiated the local planning process in November 2009 by entering into a grant agreement with Ecology (#G1000062). The record shows that extensive public outreach and engagement began early and was continuous throughout the process. Overall, the County's efforts far exceed the minimum standard, holding some 110 open public meetings and events. The general timeline below with key highlights outlines the local process:

- **Public Participation Strategy** was adopted in 2010, revised in 2011;
- **Public Forums** – The County held six (6) multi-event series of public forums at various locations across the County (typically at Forks, Sekiu, Port Angeles, and Sequim) to inform the public, gather input, and for presentation of various draft documents, for a total of thirty-three (33) individual forum events held from 2010 – 2017;
- **Consistency Review** – The County compared the existing SMP with state requirements under the SMA (RCW 90.58) and SMP Guidelines (WAC 173-26). The *Draft Consistency Review Report* (March 2011) and a *Final Consistency Review Report* (July 2011) identified and provided recommendations to: address inconsistencies, gaps and omissions; improve clarity and administration; and achieve Ecology approval of the updated SMP.
- **Focus Groups & Visioning Reports** – Approximately 130 citizens attended a series of stakeholder focus group discussions in January 2011, held at locations across the County. Three events focused one each on east, central and west end property owners, and the other two focus group events were for water-related business owners and recreation shoreline users. A focus group summary report helped inform preparation of the SMP visioning documents. Two reports were produced, including *Clallam County Shorelines in Transition - A Vision Statement for Clallam County SMP Update* (August 2011) for WRIAs 17 - 19; and *WRIA 20 Visioning Forum and Interview Report* (June 2011) specific to the rivers and lakes that drain to the Pacific Ocean.

- **Advisory Committees** – The County convened agency and technical experts as the No Net Loss Work Group that met twice in 2010 – 2011; and convened a broad array of over thirty (30) citizens and stakeholders as the SMP Update Committee that met thirteen (13) times in 2012;
- **Public outreach** methods included direct mailings to shoreline property owners, frequent messages to email distribution list of 600+ recipients, frequent project status and materials on a multi-page website, display ads in three (3) local newspapers, press releases to local papers and radio, listening sessions and guest presentations with over a dozen local entities including salmon recovery, marine resource, watershed planning, land use, trade, and civic groups/organizations.
- **Affected tribes** were on distribution lists, and involved in the committees and outreach groups. Tribal representatives were part of the No Net Loss Work Group, and natural resources/fisheries staff from the Quileute, Lower Elwha Klallam, Jamestown S’Klallam and Makah Tribes participated as representatives on the SMP Update Committee.
- **Planning Commission** – The County Planning Commission was briefed on project status, committee work, reviewed public input, and various drafts of related background documents at thirteen (13) meetings from 2011 - 2013. The group held four (4) legally noticed public hearings in February 2015 at locations across the County. They reviewed a 2014 Draft SMP and comments received at nineteen (19) meetings from March 2015 – April 2016. The Planning Commission then reviewed a 2017 Revised Draft SMP at seven (7) meetings, and recommended approval of a draft comprehensive SMP update amendment to the Board of County Commissioners (Board) on September 20, 2017.
- **Board of County Commissioners** – The Board was briefed on project status along the way, including a June 2017 overview of the Revised Draft SMP under final review by the Planning Commission. The Board held three (3) study sessions to review the September 2017 Planning Commission Recommended Draft SMP prior to holding a public hearing in December 2017. The Board deliberated on the merits of the proposal and considered public comments received at sixteen (16) work sessions from January - October 2018. The Board reviewed a September 2018 Draft SMP at two (2) work sessions in September – October 2018 that contained revisions based on their discussions and corrections identified by staff.

On December 12, 2017, the Board held a public hearing on the proposed comprehensive SMP update. Notice of the hearing was published October 15, November 5 and 26, 2017 in the *Peninsula Daily News*. The Board considered the proposed SMP and comments received at thirteen (13) meetings in January to August 2018, and then reviewed a 2018 Revised Draft SMP at three (3) further meetings. On October 30, 2018, the Board adopted Resolution No. 91-2018, approving the County’s comprehensive SMP update for submittal to Ecology for final review and approval.

Below are some highlighted features of the submittal package:

Inventory and Characterization (WAC 173-26-201)

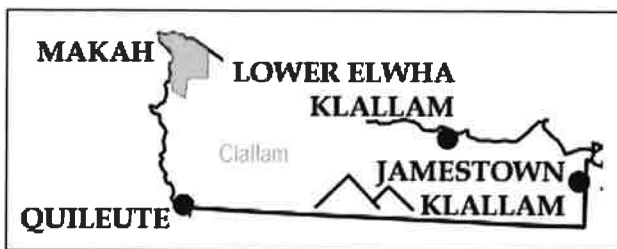
Documentation of current shoreline conditions is a key part of the SMP update process and meeting the requirement to address the no net loss standard of the SMP Guidelines (WAC 173-26-186). The County worked with two consulting groups, one focused on the shorelines of WRIAs 17 – 19 along the Strait of Juan de Fuca, and one focused on the shorelines of WRIA 20 that drain to the Pacific Ocean. Draft and final reports were prepared to document existing shoreline conditions and help inform

preparation of the County's SMP, including environment designations, policies and use regulations, thereby presenting the County's overall inventory and characterization (ICR) as a two volume set:

- *Draft Shoreline Inventory and Characterization Report for Portions of Clallam County Draining to the Strait of Juan de Fuca* (ESA; June 2011);
- *Final Shoreline Inventory and Characterization Report for Portions of Clallam County Draining to the Strait of Juan de Fuca* (ESA; March 2012);
- *Draft WRIA 20 Shoreline Inventory and Characterization Report* (UW-ONRC; June 2011)
- *Revised WRIA 20 Inventory and Characterization Report* (UW-ONRC; May 2012).

Federal Lands - Clallam County is unique in that it includes considerable areas of federal lands in the Olympic National Forest and Olympic National Park located in the interior and along the Pacific coast. Olympic National Park is an area of exclusive federal jurisdiction thereby removing Lake Crescent, Lake Ozette, and the marine areas from ordinary high water mark (OHWM) to extreme low tide from SMA and SMP jurisdiction; areas that would otherwise be considered shorelines of statewide significance. In addition, an abundance of other public and private commercial forest lands exist across the County, an especially predominate zoning designation in the West End with 66% along marine shores and 40% of the freshwater shorelines.

Tribal Lands - The County also shares geography with four (4) federally recognized Tribal nations including the Makah, Quileute, Lower Elwha S'Klallam, and Jamestown S'Klallam that have trust land reservations located at Neah Bay, La Push, mouth of the Elwha River, and the head of Sequim Bay, respectively.



Channel Migration Zones - The Strait ICR identifies twelve (12) rivers with mapped channel migration zones (CMZs) where the natural process of gradual or sudden shifts in channel location are likely to occur. The Pacific ICR notes channel migration along the Bogachiel, Calawah, and Sol Duc Rivers. The County considered the channel migration information from the most current and accurate sources, including a detailed Dungeness River CMZ delineation prepared by the Jamestown S'Kallam Tribe and the series of channel migration assessments & maps initially prepared by Ecology in 2011 – 2013, and finalized in 2018 (corrections/clarifying edits but no additional technical analysis). The Ecology CMZ reports do not provide detailed delineations or specific locations for CMZs at the parcel scale, but rather coarse scale assessments and approximate boundaries as planning-level channel migration zones (pCMZs). These pCMZs are based on professional geomorphic assessment prepared in accordance with standard practice. The boundaries should be refined for project level development activities to more accurately reflect the risk on a site scale. The Puget Sound pCMZs assess eleven (11) streams/rivers and the Pacific pCMZs address twenty-five (25) streams/rivers. The collection of reports includes:

- Delineation of the Dungeness River Channel Migration Zone - River Mouth to Canyon Creek; by Byron Rot and Pam Edens, Jamestown S' Klallam Tribe, October 1, 2008;
- Final Washington Department of Ecology Channel Migration Assessments for Clallam County: Puget Sound WRIAs 18-19 (April 2018);
- Final Washington State Department of Ecology Channel Migration Assessments for Clallam County: Pacific WRIA 20 (April 2018); and

- Washington State Department of Ecology Revised Channel Migration Assessment and Boundaries for Lower Morse Creek, Clallam County (January 2013).

Feeder Bluffs - The Straits ICR also identifies and discusses the variety of marine shoreforms present, including marine feeder bluffs as a distinct type of geomorphic feature. Chapter 3 provides reach scale assessment and differentiation for feeder bluffs, feeder bluff exceptional, feeder bluff talus, transport zones, accretion shoreforms,

Table 3-6. Strait of Juan de Fuca shoretype mapping and criteria for Clallam County (CGS 2011)

Marine Shoretype	Percent of Shoreline
Accretion Shoreform	30.5%
Transport Zone	19.2%
No Appreciable Drift	12.7%
Feeder Bluff - exceptional	10.3%
Feeder Bluff	9.2%
Feeder Bluff-talus	8.1%
Modified	10.0%

modified areas, and areas of no appreciable drift. The Appendix A Map Folio, especially Maps 1a – 1c Physical Characteristics for East, Central, and West Regions of the Strait of Juan de Fuca (respectively), depicts the location of feeder bluffs, drift cells, and shoreform type.

The County's two-volume ICR and companion map portfolios provide watershed and reach-level analyses of existing shoreline environmental and land use conditions for each water body organized by water resource inventory area (WRIA) and by marine or freshwater reach segments. Reaches are delineated based on significant changes in the physical and biological composition of the regulated waterbody's shoreline and their relative intensity of land use patterns, physical landscape, and various ecosystem processes.

Finding: Ecology finds that the two Inventory & Characterization Reports for WRIAs 17 – 19 and WRIA 20 adequately inventoried and analyzed the current conditions of the shorelines located in Clallam County. The reports synthesized existing information and were used to inform the master program update as well as provide a basis for future protection and restoration opportunities in County shoreline jurisdiction (WAC 173-26-201(3)(c) and (d)(1)).

Shoreline Jurisdiction and Shoreline Environment Designations (WAC 173-26-211)

The extent of shoreline jurisdiction is defined in RCW 90.58.030(2). Clallam County has opted to establish the maximum jurisdiction allowed by statute, including the optional full extent of the 100-year floodplain and land necessary for buffers for critical areas that occur within shorelines of the state. SMP 1.8 Jurisdictional Limits provides the detailed description.

Clallam County jurisdictional shorelines of the state need to be provided in a list of shoreline waterbodies; this required change is identified in **Attachment B** for consistency with WAC 173-18-044 and WAC 173-22-044, and is anticipated to be provided as an exhibit appended to the SMP.

Local governments are required to classify shoreline areas into shoreline environment designations (SEDs) based on the existing use pattern, biological and physical character of the shoreline, and the goals and aspirations of the community as expressed in their comprehensive plan. The Inventory and Characterization Reports are used to determine the relative degree of impairment and biophysical capabilities and limitations for individual shoreline reaches. Based on this assessment, along with consideration of anticipated future development, zoning and other regulatory overlays, local jurisdictions may apply the designation criteria provided in WAC 173-26-211 or develop their own tailored designation criteria.

The updated SMP proposes to establish six (6) SEDs: Aquatic; Natural; Resource Conservancy; both Shoreline Residential-Conservancy and Shoreline Residential-Intensive; and Marine Waterfront. The County mostly relies on the designation criteria established by WAC 173-26-211 with some local tailoring to the names and applicability as follows:

- Rural Conservancy is renamed as Resource Conservancy and primarily focused on forest lands;
- Shoreline Residential has two versions for differing density and intensity of residential uses;
- High Intensity is renamed as Marine Waterfront to better reflect local character and existing development patterns.

SMP 2 Shoreline Environment Designations describes the designation criteria, a purpose statement, and a set of management policies for each as follows: SMP 2.3 Aquatic; SMP 2.4 Natural; SMP 2.5 Resource Conservancy; SMP 2.6 Shoreline Residential-Conservancy; SMP 2.7 Shoreline Residential-Intensive; and SMP 2.8 Marine Waterfront.

Consistent with WAC 173-26-211(4)(iv)(A), the County's SMP 2.9 Allowed Use Table 2-1 Residential Development and Table 2-2 Non-Residential Uses identify the different types of shoreline activities that are permitted, conditionally permitted, and prohibited in each shoreline environment.

The mapped designations, illustrated in SMP Exhibit A Shoreline Environment Designations, are based upon and implement the designation criteria provided in SMP Chapter 2.

Finding: Ecology finds that the County SMP defines shoreline jurisdiction consistent with the Act and the record sufficiently documents the basis for assigning shoreline environment designations. The County's shorelines are adequately identified in SMP Section 1.8 Jurisdictional Limits, mapped in the Exhibit A Shoreline Environment Designations maps and, subject to a required change in **Attachment B**, a List of Shoreline Waterbodies will be appended to the SMP. Shoreline designations are adequately identified in SMP Chapter 2 and in the Exhibit A Shoreline Environment Designations maps. Ecology finds, subject to a required change in **Attachment B**, that for each environment designation the SMP includes a purpose statement, designation criteria, management policies, and regulations as required by WAC 173-26-211(4)(a).

General Master Program Provisions (WAC 173-26-221)

The SMP Guidelines in WAC 173-26-221 list general provisions that are intended to apply broadly to all of types of shoreline development regulated by master programs, including the following subsections: (1) Archaeological and Historic Resources; (2) Critical Areas; (3) Flood Hazard Reduction; (4) Public Access; (5) Shoreline Vegetation Conservation; and (6) Water Quality, Stormwater and Nonpoint Pollution.

In addition, WAC 173-26-191 requires SMP contents to address elements including, but not limited to, economic development, public access, conservation, historical, cultural, scientific and educational values, and flood damage. WAC 173-26-201 requires SMPs to ensure ‘at minimum, no net loss of shoreline ecological functions necessary to sustain shoreline natural resources’. The County’s SMP Chapters 5 through 8 include the following general provisions:

5.2 Clearing, Grading and Filling Policies at 5.2.1 and Regulations at 5.2.2 help conserve shoreline vegetation by setting standards that limit vegetation removal and minimize adverse impacts including stormwater pollution. A required change is included in **Attachment B** to ensure consistency with the WAC requirements for fill activities.

5.3 Public Access Policies at 5.3.1 and Regulations at 5.3.2 set standards to ensure the public’s ability to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Select provisions focus on balancing access with ecological protection and property rights, maintaining, improving and expanding existing views and facilities, and providing new access opportunities, as well as encouraging collaboration with State Parks and other public land owners, future preparation of an integrated shoreline access plan, and implementation of the County’s Park & Recreation Plan. A required change is included in **Attachment B** to ensure consistency with the WAC requirements for multifamily residential development activities.

5.4 Water Quality and Water Management Policies at 5.4.1 and Regulations at 5.4.2 set standards to address the physical, chemical, and biological condition of water resources for human use, drinking water and recreation, fish and shellfish. Provisions limit pollution from direct discharge, stormwater, chemical use, erosion, septic systems, industry, and building materials such as treated wood.

5.5 Archaeological, Historical, and Cultural Resources Policies at 5.5.1 and Regulations at 5.5.2 set minimum standards for site inspection at locations with known resources, and for stop work upon inadvertent discovery, and establish additional provisions to protect known sites/resources.

6 Shoreline Buffers and Vegetation Conservation Policies at 6.2 and Regulations at 6.3 General, 6.4 Shoreline Buffer Averaging, 6.5 Shoreline Buffer Clearing, 6.6 Development Allowed in the Buffer, and 6.7 View Protection Common Line Buffer set standards for vegetation conservation to protect people and property from natural hazards and to protect shoreline ecological resources from the impacts of human activities. When multiple shoreline and/or critical area buffers are contiguous or overlapping, the landward-most edge of all such buffers applies. A required change is included in **Attachment B** to ensure the Lake Sutherland reduced buffer allowance is consistent with WAC requirements for mitigation and no net loss of ecological functions.

7 Critical Areas within Shoreline Jurisdiction General Policies at 7.2 and General Regulations at 7.3 set standards for protection of shoreline critical areas, including critical freshwater and critical saltwater habitats; these provisions are separate from the County’s critical areas ordinance (CCC 27.12). Additional regulations for specific critical areas are included as follows:

7.4 – 7.6 Wetlands - Designation, Delineation, Mapping & Classification; Buffers; and Protection Standards. A required change is included in **Attachment B** to ensure

consistency with the most current technical guidance and the WAC requirements for wetland alteration activities.

- 7.7 – 7.9 Aquatic Habitat Conservation Areas** - Designation & Mapping; Buffers; and Protection Standards
- 7.10 – 7.11 Class I & II Terrestrial Habitat Conservation Areas** - Designation & Mapping; and Protection Standards. A required change is included in **Attachment B** to correct an internal reference error.
- 7.12 – 7.14 Geologically Hazardous Areas** - Designation, Classification & Mapping; Buffers; and Protection Standards, for landslide, erosion, and seismic hazards, including feeder bluff, and channel migration areas;
- 7.15 – 7.16 Frequently Flooded Areas** - Designation & Mapping; and Protection Standards
- 7.17 – 7.18 Critical Aquifer Recharge Areas** - Designation, Mapping & Classification; and Protection Standards

These provisions ensure shoreline critical areas are protected to achieve no net loss of ecological functions. The regulations include allowances to adjust the standard buffer width through various mechanisms such as buffer averaging or buffer reduction without a shoreline variance, when site-specific conditions meet certain criteria.

8 Mitigation and No Net Loss Policies at 8.2, General Mitigation Requirement Regulations at 8.3, Compensatory Mitigation Plan Content Regulations at 8.4, and critical area-specific Mitigation Plan Regulations as follows: 8.5 Wetlands; 8.6 Aquatic and Wildlife Habitat Conservation Areas; 8.7 Frequently Flooded Areas; and 8.8 Critical Aquifer Recharge Areas. Collectively these provisions establish requirements for NNL of ecological function, mitigation sequencing, and evaluation of cumulative impacts.

***Finding:** Ecology finds that, subject to required changes in **Attachment B**, the general policies and regulations are consistent with WAC 173-26-221.*

Shoreline Modifications (WAC 173-26-231)

The SMP Guidelines in WAC 173-26-231 define “shoreline modifications” as: “...generally related to construction of physical elements such as a pier, floating structure, shoreline stabilization, dredged basin, or fill...” and WAC 173-26-231(2)(b) establishes a general principle that master programs should: “Reduce the adverse effects of shoreline modifications, and as much as possible, limit shoreline modifications in number and extent.” These shoreline modification principles and standards contained in WAC 173-26-231 are reinforced through associated requirements for mitigation sequencing (WAC 173-26-201(2)(e) and the no net loss of shoreline ecological function standard (WAC 173-26-186) noted above.

Clallam County’s SMP regulates shoreline modifications in SMP Chapter 4 including the policies and regulations of 4.1 Beach Access Structures; 4.2 Boating Facilities and Moorage; 4.3 Dredging and Dredge material Disposal; 4.4 Flood Hazard Management and Flood Control Structures; 4.5 In-stream and In-water Structures; and 4.6 Shoreline Stabilization. The County SMP addresses both boating facilities per WAC 173-26-241(3)(c) and piers and docks per WAC 173-26-231(3)(b) collectively as Chapter 4.2 Boating Facilities and Moorage, including non-residential and those accessory to residential development. A required change is included in **Attachment B** to ensure the non-residential docks/piers/floats standard is consistent with WAC requirements for public access.

Finding: Ecology finds that, subject to required changes in **Attachment B**, the shoreline modification policies and regulations are consistent with WAC 173-26-231.

Shoreline Use Provisions (WAC 173-26-241)

The SMP Guidelines in WAC 173-26-241 are intended to both recognize existing uses and ensure that future development will be appropriately managed consistent with the underlying policies of the SMA. Avoidance of use conflicts through coordinated planning and recognition of “preferred” shoreline uses is a primary tenant of the SMA (RCW 90.58.020). Updates to local SMPs are intended to support these goals through development of appropriate master program provisions, based on the type and scale of future shoreline development anticipated within a particular jurisdiction.

Consistent with WAC 173-26-186(5), the County SMP reflects the principle that the regulation of private property needs to be consistent with all relevant constitutional and other legal limitations. The updated SMP varies the allowed uses within each SED depending on the current level of impairment of shoreline functions. This is based on the inventory and characterization, existing land use patterns, and use preferences. No Net Loss and Mitigation Sequencing requirements are contained in SMP Chapter 8, described above.

Clallam County’s SMP provides context and regulates specific types of shoreline use with the Applicability, Policy, Regulation, and Application Requirement provisions of SMP Chapter 3, including:

- | | |
|---|---------------------|
| 3.1 Agriculture | 3.7 Recreation |
| 3.2 Aquaculture | 3.8 Residential |
| 3.3 Commercial and Industrial Development | 3.9 Restoration |
| 3.4 Forest Practices | 3.10 Signs |
| 3.5 Mining | 3.11 Transportation |
| 3.6 Parking | 3.12 Utilities |

A required change is included in **Attachment B** to ensure the allowance for accessory parking is consistent with WAC requirements for parking that supports shoreline public access.

Preferred uses, other priority uses, and property rights are explicitly addressed by these provisions:

- 3.2.1 Aquaculture Policy #1;
- 3.3.1 Commercial & Industrial Policy #2;
- 3.3.2 Commercial & Industrial Regulation #8;
- 3.7.1 Recreation Policies #1 and 2; and
- 3.7.2 Recreation Regulations #10 and 14

Finding: Ecology finds that, subject to required changes in **Attachment B**, the County has established a system of use regulations consistent with WAC 173-26-241 along with related environment designation provisions that accommodate preferred and priority uses, protect property rights while implementing the policies of the SMA, reduce use conflicts, and assure no net loss of shoreline ecological functions.

Shorelines of Statewide Significance (WAC 173-26-251)

RCW 90.58.020 specifically calls out Shorelines of Statewide Significance (SSWS) for special consideration, declaring that “the interest of all of the people shall be paramount in the management” of these shorelines. The seven (7) shorelines of statewide significance in the County include:

- Pacific Ocean;
- Strait of Juan de Fuca;
- Bogachiel River;
- Calawah River;
- Elwha River;
- Quillayute River; and
- Sol Duc River.

The Shoreline Guidelines in WAC 173-26-251 require that local master programs recognize the specific use preferences identified in the SMA and provide for “optimum implementation” of the statutory policy. This is done by providing SMP provisions that implement: (a) statewide interest, (b) preserve resources for future generations and (c) give preference to uses identified in RCW 90.58.020.

The SMP as a whole is consistent with the policies of RCW 90.58.020. Specifically, SMP 9 Shorelines of Statewide Significance including 9.1 Adoption of Policy and the order of preference, 9.2 Designation of SSWS for shorelines in Clallam County, and 9.3 Additional Policies for SSWS to ensure consistency with the Act and WAC 173-26-251, address these special considerations. Additionally, the provisions of SMP 3.2.5 Aquaculture Application Requirements for Cumulative Impact Analysis; 3.4.2 Forest Practices Regulation #2; 3.10.1 Signs Policy #1; and 4.5.1 In-stream & In-water Structures Policy #3 contribute to the optimum implementation of the SSWS statutory policy.

Finding: Ecology finds that the SMP has accurately identified SSWS within the County’s jurisdiction, is consistent with RCW 90.58.020 and WAC 173-26-251, and provides for optimum implementation of the statutory policy.

Cumulative Impact Analysis (WAC 173-26-201(3)(d)(iii))

Addressing no net loss of ecological functions is a critical element in any SMP update. Ecology rules require that “Master programs shall contain policies and regulations that assure at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources.”¹ A cumulative impacts analysis (CIA) documents how an SMP update addresses no net loss of ecological functions. The *Final Cumulative Impacts Analysis and No Net Loss Report*, prepared by ESA June 2017, includes review and analysis of current circumstances and shoreline ecological functions, potential impacts, reasonably foreseeable future shoreline uses, effects on shoreline functions, applicable SMP provisions, and development tracking & response. The County created a *Shoreline Checklist & Statement of Exemption Form* as a permit application and review tool for demonstrating project consistency with the SMP policies and regulations (Appendix A to the CIA).

The CIA concludes that based on the current circumstances, reasonably foreseeable future development/use, and potential beneficial effects of established regulatory programs:

¹ WAC 173-26-201(2)(c)

- The regulatory provisions of the SMP will be effective in preventing cumulative impacts on habitat, hydrology and water quality functions, provided they are effectively implemented; and
- The County will achieve no net loss through the adoption and implementation of the SMP.

Finding: Ecology finds that the County's Cumulative Impact Analysis (CIA) provides an adequate examination of anticipated development and potential effects to shoreline ecological functions per WAC 173-26-201(3)(d)(iii).

Shoreline Use Analysis (WAC 173-26-201(3)(d)(ii))

The County analyzed current and future potential land uses and trends to address the SMP Guidelines requirement to project future shoreline development, identify potential use conflicts and ensure preference is given to water oriented uses, particularly preferred uses that are unique to or dependent upon a shoreline location.

WRIA 17 – 19

The Straits ICR and the CIA-NNL Report present related parts of the analysis for approximately 2,700 individual parcels of land that directly adjoin shorelines of the state, including the following findings:

Marine Shores

- Much of the land is vacant or “underdeveloped” and includes both sub-dividable and non-sub dividable parcels likely to be developed in the future.
- Pertinent issues include residential use (particularly in the East End) and shoreline vegetation management.
- Commercial forestry is the second most dominant land use (particularly in the West End) however, forest practices are generally not regulated by the Shoreline Management Act.
- Unincorporated portions of Clallam County marine shorelines have little commercial, industrial, or port use.
- Key management considerations include:
 - New residential development on/near feeder bluffs, landslide hazards, and erosion hazard areas.
 - New residential development on low bank accretion shores.
 - New in-water and overwater structures such as docks, piers, marinas.

Planning Region	Total Area Within SMP Jurisdiction (acres)	Potentially Developable Lands (acres)	Percent (%) Developable Lands
East	2,538	760	30%
Middle	866	146	17%
West	971	264	27%

Freshwater Shores

- Future use and development of freshwater shorelines, especially in the west, will put additional pressure on freshwater ecosystems.
- Key management considerations include:
 - Conversion of forest land and removal of existing forest cover along river corridors may degrade habitat, reduce water quality, alter flow patterns, and destabilize river banks.
 - Placement of structures in floodplains, channel migration zones, and landslide hazard areas increases the risk to human health and safety, adversely alters water quality and flows, degrades habitat, and increases the risk of downstream flooding and erosion.
 - There is significant restoration potential for reforestation, placement of large woody debris, barrier removal, and other restoration projects in many watersheds as outlined in detail in the NOPL strategy and individual watershed recovery plans.

Table 2-3. Potentially Developable Lands within SMP Jurisdiction along Freshwater Shorelines (excluding WRIA 20)

Planning Region	Total Area Within SMP Jurisdiction (acres)	Potentially Developable Lands (acres)	Percent (%) Developable Lands
East	3,601	434	12%
Middle	4,049	981	24%
West	6,814	3,073	45%

WRIA 20

For the 735,000 acre WRIA 20, the Pacific ICR and the CIA-NNL Report present related parts of the analysis. Overall, residential development is the dominant shoreline use although the pattern is light and scattered, mostly located along the side of the shoreline closest to major roads, with few bridges and very little bank armoring. The mill on Lake Pleasant is the only industrial facility in SMP jurisdiction. Agricultural use is very limited with just a few small-scale cattle operations located along the shoreline.

Countywide Analysis

The CIA-NNL Report identified twenty-four (24) Analysis Areas with the greatest potential for future development within a 20-year planning horizon: 15 in WRIsAs 17-19 and 9 in WRIA 20. This subset comprises approximately 37% of the County's total shoreline miles, and includes all areas where future development is anticipated to be most intense. Some key findings include:

Marine Analysis Areas

- Of nearly 1,200 residential parcels, about 74% are occupied, about 26% are vacant or undeveloped, and 88% of the occupied parcels are not sub-dividable.
- Approximately 136 new shoreline lots could be created through subdivision along the Strait of Juan de Fuca, for an 11% increase in the number of residential lots. About 60 new lots (44%) would be located in a 2-mile stretch between Morse Creek and Port Angeles.

Freshwater Analysis Areas – WRIsAs 17 - 19

- Of nearly 1,025 residential parcels, about 72% are occupied, about 28% are vacant/undeveloped, and 92% of the occupied parcels are not sub-dividable.
- All of the Analysis Areas have some potential for subdivision, for approximately 140 new lots, a 13% increase in residential lots. About 46 new lots (33%) would be located along Morse Creek, with another 22 new lots (16%) along Clallam River.

Freshwater Analysis Areas – WRIA 20

- 62% of the approximate 909 residential parcels are vacant and about 38% are developed.
- Nearly all of the Analysis Areas have potential for subdivision, although it is generally limited by the wide extent of mapped floodplains associated with WRIA 20 Rivers.

Table 5-1. Shoreline Analysis Areas and Proposed Shoreline Environment Designations (SEDs) with High Potential for New Development – WRIAs 17, 18, and 19	
Marine Analysis Areas (Proposed SED)	River and Lake Analysis Areas (Proposed SED)
Discovery Bay bluffs (SR-C) Diamond Point (SR-I) Travis Spit (SR-C) Sequim Bay (primarily SR-C) 3 Crabs (primarily SR-I) Dungeness Harbor (primarily SR-C) Dungeness Bluffs (primarily SR-C) Morse Creek to Port Angeles (SR-C) East Angeles Point (primarily SR-C; some Natural) Freshwater Bay (SR-C and SR-I) Whiskey Creek beach (SR-C; some Marine Waterfront) Lyre River vicinity (SR-C; some RC) Clallam Bay (Marine Waterfront, SR-I, SR-C, some Natural) Hoko River vicinity (SR-C, SR-I, some Natural) Bullman Beach (SR-I)	Clallam River (SR-C) Dungeness River (SR-C, some Natural) Elwha Tributaries (SR-C) Lake Sutherland (SR-I) Lyre River (SR-C, some SR-I) McDonald Creek (SR-C) Morse Creek (SR-I, SR-C, and Natural) Pysht River (SR-C) Salt Creek (SR-C)
N = Natural ; RC = Resource Conservancy; SR-C = Shoreline Residential - Conservancy; SR-I = Shoreline Residential- Intensive; MW = Marine Waterfront;	

The majority of shorelines outside of these Analysis Areas have relatively low potential for new residential, commercial and/or industrial development due to remote location, lack of public infrastructure, zoning for active timber management, or other limitations.

Finding: Ecology finds that the County has adequately considered current patterns, projected trends, SMA preferred uses and the potential for use conflicts consistent with WAC 173-26-201 (2)(d) and WAC 173-26-201 (3)(d)(ii).

Restoration Plan (WAC 173-26-201(c) and (f))

Local governments are directed to identify restoration opportunities as part of the SMP update process and to include policies that promote restoration of impaired shoreline ecological functions (WAC 173-26-201 (2)(c) and (f)). It is intended that local government, through the master program, along with other regulatory and non-regulatory programs, contribute to restoration by planning for and fostering such actions. These are anticipated to occur through a combination of public and private programs and actions.

The restoration planning component of the SMP is focused on voluntary mechanisms, not regulatory provisions. Clallam County prepared a *Countywide Shoreline Restoration Plan* (ESA, Draft August

2013; Final February 2016), based on information gathered in both Inventory & Characterization Reports which identified programmatic and site specific restoration opportunities organized by WRIA and river systems. The County's restoration planning is focused on restoration goals and objectives, existing plans, opportunities to improve impaired/degraded shoreline ecological functions, and implementation strategies such as funding, technical assistance, voluntary actions, environmental indicators/benchmarks, timelines, priorities, and potential partners.

The Plan addresses restoration in relation to protection, mitigation, and no net loss. Tables 3-1 through 3-7 identify specific actions by region, basin, river system, and reach based on the type of impairment/degradation, development potential, other restoration efforts completed, potential projects and opportunities for ecosystem/shoreline function improvement. Chapter 4 recognizes key challenges for implementation, identifies voluntary actions for private property owners, and sets targets for accomplishments at 2, 5, and 7 years after adoption.

The County's SMP 3.9 Restoration includes policies and regulations that establish the Restoration Plan goals and promote integrated and cooperative restoration efforts. The SMP 2.9 Allowed Uses in Each Shoreline Environment Designation Table 2-2 allows restoration and enhancement as a permitted use in all shoreline designations, and some specific types of projects are exempted from the permit process at SMP 10.2.5 Exemptions from Shoreline Substantial Development Permit.

Finding: *Ecology finds that the Restoration Plan is based on appropriate technical information available during the SMP update and meets the requirements of WAC 173-26-201(2)(c) and (f).*

Consistency Review

Consistency with the Shoreline Management Act (RCW 90.58): The proposed amendments have been reviewed for consistency with the policy and procedural requirements of RCW 90.58.020 and the approval criteria of RCW 90.58.090.

Consistency with applicable guidelines (WAC 173-26): The proposed amendments have been reviewed for compliance with the requirements of the applicable Shoreline Master Program guidelines (WAC 173-26-171 through 251 and -020 definitions). This included review of a SMP Submittal Checklist, which was completed by the County.

Consistency with SEPA Requirements: The County submitted evidence of compliance with RCW 43.21C, the State Environmental Policy Act (SEPA) in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendment on May 17, 2017. Ecology did not comment on the DNS.

Other Studies or Analyses supporting the SMP update

Ecology reviewed the following documents prepared by the County in support of the SMP amendment:

- *March 2011 Public Participation Strategy,*
- *July 2011 Consistency Review,*
- *May 2012 WRIA 20 Inventory and Characterization Report*
- *March 2012 Final Shoreline Inventory and Characterization Report for Portions of Clallam County Draining to the Strait of Juan de Fuca,*
- *February 2016 Countywide Shoreline Restoration Plan,*

- *June 2017 Cumulative Impacts Analysis and No Net Loss Report.*
- *October 2018 SMP Submittal Checklist*
- *October 2020 Clallam County 2020 Shoreline Master Program Update – Review of Lake Sutherland Proposed Buffer Technical Memorandum*

Department of Ecology review process

The proposed SMP comprehensive update was received by Ecology for state review on November 8, 2018. Ecology is required to determine if SMP submittals are complete and in compliance with Washington Administrative Code (WAC) 173-26-100 and 110.

Pursuant to WAC 173-26-100 and -110, Clallam County has satisfied the submittal requirements for a comprehensive SMP update as indicated below:

- A signed Resolution was provided to Ecology that indicated the County's approval of the proposed SMP with the adoption of Resolution 91-2018 on October 30, 2018 (WAC 173-26-110(1) & WAC 173-26-100(7));
- This comprehensive SMP update is intended to entirely replace the County's existing SMP (WAC 173-26-110(2));
- Updated shoreline environment designation maps were submitted to Ecology (WAC 173-26-110(3));
- Materials summarizing the update process were provided to Ecology (WAC 173-26-110(4));
- Evidence of compliance with the State Environmental Policy Act (SEPA) was provided to Ecology including a Determination of Nonsignificance issued by the County on October 16, 2017, along with a completed Environmental Checklist (WAC 173-26-110(5) & WAC 173-26-100(6));
- Evidence of compliance with the public notice and consultation requirements of WAC 173-26-100 was provided to Ecology (WAC 173-26-110(6));
- The County provided numerous opportunities for public and Ecology review and comment throughout the SMP update effort between 2010 and 2018. Notice of public hearings before the Planning Commission and Board of County Commissioners were duly advertised in the *Peninsula Daily News* newspaper and the hearings held on February 4, 12 & 18, 2015, and December 12, 2017. (WAC 173-26-110(7) & WAC 173-26-100(1-3));
- The County provided evidence that the public notice clearly stated the Shoreline Master Program update was required in compliance with RCW 90.58 and WAC 173-26;
- The County solicited comments on the draft SMP from Ecology as part of the 2015-2017 local process (WAC 173-26-110(5));
- A copy of the completed SMP submittal checklist was provided to Ecology (WAC 173-26-110(8));
- Copies of the County's shoreline inventory and characterization report, shoreline restoration plan, and cumulative impacts analysis were submitted to Ecology (WAC 173-26-110(9)).

Ecology provided the County with a letter verifying the submittal was complete on December 4, 2018.

Ecology Public Comment Period

Ecology held a public comment period from January 14 to February 28, 2019, at 5 p.m. Interested parties were notified using mail and email. Notice of the state comment period was distributed to state

task force members and interested parties identified by the County on December 28, 2018 in compliance with the requirements of WAC 173-26-120. Four (4) tribal governments were individually and specifically notified and invited to comment: the Makah, Quileute, Lower Elwha Klallam, and Jamestown S'Klallam. This notice identified that the SMP amendment is intended to satisfy the state statutory requirements of RCW 90.58.080 to comprehensively update the County's SMP. Notice of the comment period, including a description of the proposed SMP and the authority under which the action is proposed along with the manner in which interested persons may obtain copies and present their views, was also provided on Ecology's website². All interested parties were invited to provide comment on the proposed update during this public comment period. No public hearing was held during the state comment period. Thirteen (13) comment letters were received from individuals, industry, tribal governments, state and federal agencies, and non-governmental organizations.

Consistent with WAC 173-26-120 Ecology provided a comment summary to the County on April 10, 2019. This comment summary matrix organizes the thirteen comment letters into 132 individual comments listed by topic based on the pertinent SMP chapter/section in numerical order. On June 4, 2019 the County submitted its responses to the issues raised during the state comment period.

Ecology review timeline

Comprehensively updated County SMPs are generally very complex and address multiple uses and activities. For a variety of reasons, Clallam County's local SMP adoption was delayed past the original due date. The County's final adoption coincided with the receipt of documents related to numerous efforts by other local governments operating under SMP periodic review grant deadlines. This left Ecology with limited staff capacity to complete the final steps in the approval process in a timely manner. Ecology's decision was further delayed in order to explore options with the County in an effort to reach resolution on proposed changes. Ecology collaborated with the county to reach mutual understanding about legally defensible alternatives to locally adopted provisions that Ecology could incorporate into final required and recommended changes.

The timeline below outlines the progress and challenges during the state review process.

Between June and December 2019, Ecology completed initial review of the locally adopted SMP and drafted preliminary required and recommended changes. In January 2020 Ecology staff requested and attended a meeting with Washington Department of Fish and Wildlife (WDFW) to discuss issues around riparian buffers, specifically on Lake Sutherland. This meeting was intended to improve Ecology's understanding and provide WDFW an opportunity to clarify the concerns outlined in their comment letter. This resulted in an additional comment letter submitted to Ecology on April 17, 2020.

Ecology believes in its partnership with local government and as part of this, is committed to avoiding surprises when proposing changes to locally adopted SMPs. In this spirit, initial changes were compiled into discussion drafts of required and recommended changes and sent to the County for their review on April 20, 2020. County and Ecology staff met to discuss these changes on June 18, 2020. Discussions identified specific issues that County and Ecology staff understood would take some time to resolve. These issues included the addition of Ocean Resources Management Act (ORMA) regulations and inclusion of companion state Marine Spatial Plan (MSP) provisions, addressing

² <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Status-of-local-Shoreline-Master-Programs-SMP/Clallam-County>

WDFW concerns with the shoreline buffers on Lake Sutherland, and the need for the County to compile a full updated list of shoreline waterbodies for inclusion in the SMP. Subsequent coordination meetings occurred with County staff July – October 2020.

These continued discussions resulted in agreed upon ORMA and MSP provisions as addressed in Attachment B items #2, 4, 17-20 and Attachment C item #4. The County also agreed to compile a list of shoreline waterbodies to be included as part of the SMP, see Attachment B item #27.

On October 26, 2020 Ecology received a technical memorandum³ from the County prepared by ESA intended to address and propose resolution to Lake Sutherland buffer standard issue identified by WDFW. Receipt of this memo was followed by further coordination with WDFW and the County through December 2020, which resulted in agreed upon required changes found in Attachment B Item #8.

One additional Ecology review consideration was related to the County's requirement to complete their SMP Periodic Review per RCW 90.58.080(4). Ecology was under the initial understanding that the County intended to combine this effort with the already locally adopted comprehensively updated SMP during the County's review and acceptance of this Conditional Approval action. However, the County decided they would prefer to complete the comprehensive update through this conditional approval process prior to embarking on the local public engagement and action process steps necessary to complete the SMP periodic review. Ecology completed our review and consistency determination based upon all current statutory and rule requirements, which includes all those listed on the periodic review checklist updated through June 2020. We anticipate that the County may finalize their SMP periodic review with a "finding of adequacy" determination later this year.

Summary of Issues Raised During the Ecology Public Comment Period

The Responsiveness Summary (**Attachment D**) includes a summary of the comments received and Clallam County's responses to SMP topics raised in the comments pursuant to WAC 173-26-120(6). Ecology considered these comments during the state review process. Additional Ecology review considerations are reflected in this section, the discussion and rationale of Attachments B and C and in the section below titled "Summary of Issues Relevant to Ecology's Decision."

Many of the commenters provided supportive statements and acknowledged that the proposed SMP represents a significant improvement over the existing SMP. A general list of topics and concerns raised during the state comment period includes: Aquaculture; Archaeological, Cultural, and Historic Resources; Clearing, Grading & Filling; Climate Change; Critical Areas (aquifers, fish & wildlife habitat, frequently flooded areas, geological hazards, and wetlands); Flood Hazard Management; Hydroelectric Dams; Mining; Mitigation; No Net Loss; Public Access; Shoreline Buffers & Vegetation Conservation; Shoreline Environment Designations & Mapping; Shoreline Stabilization; Tribal Treaty Rights; Water Quality; and the SMP Technical Supporting Documents: Inventory & Characterization Report; Restoration Plan; and Cumulative Impacts Analysis & NNL Report.

Additional discussion is provided below on a subset of topics raised during the state comment period:

³ *Clallam County 2020 Shoreline Master Program Update – Review of Lake Sutherland Proposed Buffer Technical Memorandum* dated October 23, 2021.

CRITICAL AREAS:

Commenters express concerns with the County's geologically hazardous area provisions asserting that the current provisions are not adequate for protecting people, property and ecological functions adjacent to steep slopes, landslide hazard areas, and channel migration zones (CMZ). Comments suggest the County's provisions on riparian buffers should be updated consistent with the recent information published by Washington Department of Fish and Wildlife (WDFW) on management recommendations for riparian ecosystems⁴. The comments recommend 137-foot riparian buffers based on the 200-year Site Potential Tree Height (SPTH), a minimum 200-foot buffer for all water bodies designated as critical habitat for ESA listed species, and a minimum 150-foot buffer for all other streams. Commenters further recommended that the buffer be measured from the edge of the channel, channel migration zone or active floodplain, whichever is wider.

No changes to the SMP are proposed by the County or Ecology. Ecology finds the County considered these comments and adequately responded with applicable SMP provisions. Ecology review shows the SMP 6.3 General Regulations for Shoreline Buffer and Vegetation, including Table 6-1 standard buffer widths and Table 6-2 critical area buffers, 6.4 buffer averaging, and 6.7 common line buffer, are largely consistent with the current science & technical information. Ecology has identified a required revision to Lake Sutherland Buffer to ensure adequate mitigation when locating closer than the standard buffer and to ensure NNL. See Attachment B Item #8. Consistent with the regulations noted above, Ecology finds that the County provides a 150-foot or greater buffer for the majority of the County's shorelines. A buffer of 100 to 125 feet is available for single-family residential and low intensity uses classified as minor new development within the Shoreline Residential-Conservancy SED. With the exception of approximately 4% of the County's shorelines that are designated Shoreline Residential-Intensive and Marine Waterfront, which allow for buffers between 50 and 100 feet. Ecology review shows the SMP 6.3 Table 6-1 shoreline buffers, Table 6-2 critical area buffers, and related buffer and vegetation conservation provisions reflect current science & technical information and local conditions providing appropriate, locally-tailored provisions to protect both people & property and shoreline ecological functions along freshwater shorelines.

Ecology also notes, the County opted to extend shoreline jurisdiction to the full extent of the 100-year floodplain, however, it's possible a CMZ could extend beyond that and the SMP cannot regulate outside of jurisdiction. Ecology finds the Clallam County SMP⁵ relies on the effective FEMA maps to identify the extent of the 100-year floodplain and the floodway. At such time as these maps change, there may be a need to revise the SMP mapping.

SMP 7.14 Regulations for Geological Hazard Protection Standards identify current mapping and establish a locally-tailored three-tiered approach to determining if a proposed use/development will be located in a CMZ, relying on site-specific assessment and delineation to determine any needed buffer rather than an overall prescriptive approach. Additionally, Ecology finds that the SMP established standard marine bluff buffer widths of 150-feet (exceptional feeder bluffs), 100-feet (other feeder bluffs), and 50-feet (non-feeder bluffs). Buffers may be required to be larger based on site specific conditions, findings and recommendations of a geotechnical report (see SMP Sections 7.13.7 and

⁴ These referenced documents include two volumes focused on riparian ecosystems science and management. Volume 1 synthesizes the science and management implications, and Volume 2 provides Management Recommendations.

⁵ The SMP utilizes the FEMA maps for determining floodplain and floodway areas and applicable protection standards under SMP Sections 7.15 and 7.16.

7.14.7). Ecology finds the County's geologically hazardous areas standards are consistent with WAC 173-26-231 (3)(c)).

CLIMATE CHANGE

A number of comments focus on the issue of climate change including related concerns around riparian buffers, geological hazards, and sea level rise and wildfire risks. Commenters express concern about existing environmental degradation and the potential for climate change to compound or amplify the impacts of shoreline uses and developments. Commenters request the County address the risks to the environment, property and human health and safety, by adding policy language, to provide more meaningful consideration of climate change. The comments suggest that this could include increased buffers and setbacks or through technical report requirements.

No additional changes were proposed by the County or Ecology. Ecology finds the County has considered the comments related to climate change, sea level rise and wildfire risk and has chosen not to include additional policies and regulations at this time. The County found that "considering standards to utilize sea level rise projections for regulating location and type of building location in addition to FEMA floodplain maps will require a comprehensive approach and public process that is beyond the scope of the current SMP update effort⁶." The County's further response indicates the County intends to continue its involvement in climate change discussions.

Ecology finds that the SMP does include the following direct and indirect policies and regulations related to climate change:

- *SMP Goals 1.5 set forth goals to inform and increase public awareness of sea level rise projections.*
- *SMP Update Vision (Section 1.4);*
- *SED Policies [Sections 2.5.3(h), 2.6.3(h), 2.7.3(f), 2.8.3.(g)];*
- *Residential Regulation 3.8.2.7;*
- *Restoration Policy 3.9.1.6;*
- *Transportation Policy 3.11.1.8;*
- *Shoreline Stabilization Regulation 4.6.2.14 projects take into account sea level rise and storm surge;*
- *Shoreline Buffer Policies 6.2.1 & 6.2.4; and*
- *Critical Area Policy 7.2.2(f).*

Ecology agrees climate change and related effects are important topics. The agency is actively engaged at the statewide level in work being done on climate change and sea level rise. The Shoreline Management Act (SMA) and the Shoreline Master Program (SMP) Guidelines contain no requirements for SMPs to address climate change or sea level rise. However, they require local jurisdictions to take into account scientific and technical information pertinent to shoreline management issues. The Guidelines require local governments use "the most current, accurate and complete scientific and technical information available" [WAC 173-26-201(2)(a)]. The Guidelines also encourage local governments to consult Ecology's guidance for applicable new information on emerging topics such as sea level rise [WAC 173-26-090(1)].⁷

Ecology finds addressing these topics within the community, and more specifically in a local SMP, is currently left to the discretion of each city and county. Nonetheless, Ecology is seeing increased

⁶ See Attachment D, item# 59 Clallam County Response and Rationale.

⁷ See SMP Handbook Appendix A <https://apps.ecology.wa.gov/publications/parts/1106010part19.pdf>

interest in discussing these issues. Some communities have chosen to address these issues through other regulatory mechanisms including their zoning code. In most cases, the addition of sea level rise policies and regulations to a master program are a result of a community-wide effort, considering the entire geography of the place, and not limited to the comparatively narrow shoreline jurisdictional area. This comprehensive approach has led to more fully integrated responses to these risks within and outside of shoreline jurisdiction in those communities. Ecology supports local communities' comprehensive planning for climate change adaptation recognizing that the SMP is not the only and may not be the best regulatory tool for such.

TRIBAL TREATY RIGHTS

Comments received from the Jamestown S'Klallam Tribe, Quileute Indian Tribe, and the Makah Tribal Council, express concerns related to the SMP impacting treaty-reserved resources and the habitats they depend on, with regard to buffers, no net loss, and mitigation. Other comments were focused on the potential for the SMP to impact Tribal culture, and treaty-reserved rights to fish, hunt, and gather in the County and adjacent waters for tribal economic, subsistence and cultural purposes.

The County proposed no changes at this time, but adds that a number of the Quileute Tribes recommendations were incorporated into the SMP during the local adoption process. In its response, the County expresses its appreciation for the Tribal interests and rights. Ecology review identified Policy 3.2.1(6) and Regulation 3.2.2 both considering treaty fisheries resources and requiring necessary mitigation for impacts to navigation, water quality, sediment quality, benthic & pelagic organisms, wild fish populations, critical saltwater & freshwater habitat, Treaty fisheries resources, water-dependent uses and normal public use of surface waters. Ecology also finds SMP Section 1.7 correctly identifies that this SMP does not apply to: lands held in trust by the U.S. for Indian Nations, Tribes, or individuals; and the exercise of treaty rights per RCW 90.58.350.

AQUACULTURE

Comments related to aquaculture were received from Friends of the Earth, Cooke Aquaculture, Taylor Shellfish, Futurewise et. al., the Quileute Tribe, the Makah Tribe, and one individual. The majority of comments were supportive of the prohibition of commercial net pen operations for non-native finfish. Some comments request retention of, or expansion of, the County's proposed prohibition on non-native finfish (including net pen) aquaculture. Cooke Aquaculture voiced opposition to this same prohibition. Taylor Shellfish requested text edits to two regulations found within Section 3.2.2.

The County response includes reference to the fact that the SMP supports and allows for marine aquaculture consistent with the policies, regulations, application, and permitting requirements applicable to the type and location of aquaculture use. In-water, marine aquaculture is supported as a permitted or conditional use in the Aquatic SED. Only in-water, non-native finfish (including net pens) is prohibited. (SMP Table 2-2 and Section 3.2). The County also acknowledges that if state laws change in regards to authorization of non-native marine finfish aquaculture in Washington State waters, the County would need to review its SMP, at that time.

Ecology review shows the aquaculture allowances are consistent with WAC 173-26-241(3)(b) and other state requirements to recognize this preferred, water-dependent use of statewide interest when appropriately sited, and with the WA Legislature's and Governor Inslee's HB2957 that phases out Atlantic salmon net pens by 2022 and prohibits new commercial aquaculture operations from raising non-native finfish in state waters.

The County supported the text edits proposed by Taylor Shellfish in its formal response to comments (Attachment D). Ecology consulted with the County and incorporated the County's proposed edits in response to the comments into Ecology's recommended changes (Attachment C Items #14&15).

No NET LOSS:

In addition to the issues included in the above Critical Areas, Climate Change, and Aquaculture sections, commenters expressed the following concerns that buffer widths do not achieve site potential tree height (SPTH) and no net loss (NNL); all uses and developments inside and outside the established buffers shall require compensatory mitigation; and the NNL standard is not sufficient to protect species and improve degraded existing conditions. Additional comments raised questions about how voluntary restoration efforts may be used to offset unmitigated development impacts and about the effectiveness of the County's SMP implementation.

The County response correctly points to the SMP framework as its means to achieve planning level no net loss, stating in part:

The SMP in all its parts from SEDs, policies, and regulations (e.g., use regulations, buffers, etc...), mitigation and NNL requirements, and permitting provisions combined with supporting documents (e.g., shoreline inventory and characterization report, shoreline restoration plan) is designed to help achieve NNL of shoreline ecological functions over- time as new shoreline uses and development occur. (Attachment D Item #20).

The SMA requirement to use the most current, accurate science and technical info does not mean there is any single correct source. The range of information must be considered within the context of the local conditions. Ecology finds that the County considered the most current, accurate science and technical information. Our SMP Handbook Chapter 11 Vegetation Conservation, Buffers & Setbacks includes a Buffer Science Summary graphic at Figure 11-6 that shows scientific sources recommend a range of buffer distances from 15-feet to over 400-feet for specific parameters of shoreline functions and processes. This guidance also notes that "Scientific studies typically include observations of undisturbed areas" and discusses the importance of considering the range of buffer widths in the context of local shoreline conditions and the potential risk of anticipated future development and impacts. We agree that uniform buffer widths are not practical across the landscape, given the range of conditions and need to accommodate preferred uses. The SMP appears to effectively rely on the ICR to establish Shoreline Environment Designations (SEDs) that determine allowed uses (Tables 2-1 and 2-2) and establish shoreline buffer widths (Table 6-1).

These riparian buffer provisions were locally adopted after extensive public review and comment, supported by technical reviews and the Shoreline Inventory and Characterization Report. WDFW provides its recommendation through the lens of its agency mandate. For the purpose of utilizing published WDFW Riparian Management Recommendations within SMPs, local governments must weigh many considerations in balancing the policy of the SMA. To that end, the County's SMP includes appropriate use allowances and restrictions, stream buffers, vegetation management standards, and the requirement for projects to demonstrate mitigation sequencing. As a package, the SMP provides for ecological protection and requires appropriate mitigation to achieve no net loss of shoreline ecological functions, while prioritizing water-oriented uses and increasing public access in the public interest.

Ecology finds the SMP to be consistent with the requirements of the SMP Guidelines in ensuring protection of shoreline ecological resources and ensuring no net loss of ecological functions while also fostering appropriate water-oriented uses and protecting private property rights⁸. Ecology finds that the County's approach to protecting riparian buffers achieves no net loss of shoreline ecological function consistent with the SMA and Guidelines. Ecology review shows the SMP, including Chapter 6 shoreline buffers, Chapter 7 critical area buffers, and Chapter 8 Mitigation & NNL provisions, is consistent with state requirements, given the required changes to SMP 6.3 and 7.6 presented in Attachment B.

The County contends that the SMP requires mitigation sequencing be applied to new uses and development to ensure NNL and that the implementation of the Restoration Plan for voluntary restoration is a separate action that should result in ecological benefit or lift. Ecology finds that voluntary restoration efforts are not relied upon to mitigate for the impacts of new uses or development. Ecology review shows the CIA-NNL Report provides an adequate examination of anticipated development and potential effects to shoreline ecological functions consistent with WAC 173-26-201(3)(d)(iii).

Ecology finds additional regulatory language is unnecessary for ensuring avoidance and minimization. This is more properly addressed during County implementation of the SMP, ensuring applicants clearly document how impacts will be avoided and minimized, identifying appropriate permit conditions, and following through to ensure the proposed project is built consistent with the issued permits. State agencies, including Ecology and the Department of Commerce, are working with local governments to identify how to assess effectiveness in the project review and permitting process, as well as in the on-the-ground results, including mitigation monitoring. To that end, the County has a shoreline monitoring and adaptive management program that includes a mechanism for documenting all project actions necessary for a permit feedback loop and evaluation as part of a monitoring and adaptive management program⁹. Ecology finds that the County's effectiveness monitoring efforts are consistent with the requirements of WAC 173-26-191(2)(iii)(D).

CONCLUSION

Ecology appreciates the level of interest and effort put forth by all commenters in this SMP update. As noted in Attachment D and confirmed by the SMP record, the County considered comments throughout the local adoption process and in some cases made modifications to earlier drafts of the SMP to address issues identified.

Ecology has reviewed the comments received along with the County's responses. Ecology finds the County's responses are consistent with the statutory and rule obligations. Ecology finds the County considered whether to incorporate any amendments to address issues raised during the comment period. Issues raised during the state comment period resulted in one required change (Attachment B Item #8) and eight recommended changes (Attachment C Items #14, 15, 24, 26 & 35-38).

⁸ The SMP Guidelines require the SMP to address environmental protection, accommodate preferred shoreline uses, and "protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest" (RCW 90.59.020).

⁹ As explained within the CIA and noted elsewhere in this document, the County created a Shoreline Checklist & Statement of Exemption Form for use as a permit application and review tool for demonstrating project consistency with the SMP policies and regulations (Appendix A to the CIA).

The County determined, and Ecology concurs, that no additional amendments are warranted at this time based upon the significance of this information and the existing SMP provisions¹⁰.

Summary of Issues Identified by Ecology as Relevant to Its Decision

Ecology respects the County process and recognizes that development of an SMP, and implementation of the SMA is a cooperative program with our local government partners. During the course of the Clallam County effort, Ecology acted in a supportive and review capacity by providing grant funds, attending numerous meetings during development of technical documents and draft policies and regulations, and providing technical assistance throughout, including comments on numerous drafts of the SMP. The County locally adopted their comprehensively updated SMP by Resolution 91-2018 on October 30, 2018, Ecology's final review and approval process included consideration of recent statutory and rule changes (Periodic Review checklist items) as well as requirements for consistency with the state's Marine Spatial Plan (MSP), adopted in 2018.

Ecology is required to review all SMPs to ensure consistency with the SMA and implementing rules including WAC 173-26, State Master Program Approval/Amendment Procedures and Master Program Guidelines.¹¹ WAC 173-26-186(11) specifies that Ecology "shall insure that the state's interest in shorelines is protected, including compliance with the policy and provisions of RCW 90.58.020."

Based on review of the locally adopted SMP for consistency with applicable SMP Guidelines requirements and the SMA, and consideration of supporting materials in the record submitted by the County, the following topics remain relevant to Ecology's final decision on the comprehensive update to the Clallam County SMP:

- Administrative Interpretations – ensure local process includes required consultation with Ecology;
- Clearing, Grading & Filling – ensure regulations are consistent with requirements for the location, design & construction of fill activities;
- Critical Areas – ensure allowed wetland activities are appropriately limited and adequately mitigated to ensure 'no net loss'; ensure internal consistency for terrestrial habitat conservation area terms & provisions;
- Definitions – ensure consistency with terms established by statute & WAC, and internal consistency with terms as used in the SMP;
- List of Jurisdictional Waterbodies – ensure a list is included consistent with WAC requirements.
- Ocean Management – include provisions to adequately manage ocean uses as required by statute and adopted plans;
- Parking – clarify the distinction between parking as a primary use and parking accessory to public access;
- Permit Revisions – ensure limitations are consistent with WAC requirements;
- Preferred & Other Priority Uses – clarify the distinction between preferred water-oriented uses and other priority uses such as residential;

¹⁰ WAC 173-26-090(3)(b)(iii)

¹¹ RCW 90.58.050

- Public Access – ensure multi-family residential use and non-residential dock & pier standards are consistent with public access requirements;
- Shoreline Buffers – ensure buffer reduction allowances are appropriately limited and adequately mitigated to ensure ‘no net loss’;
- Shoreline Environment Designations – clarify the intersect between Aquatic SED and management of ocean uses;

The specific issues, proposed changes, and Ecology’s rationale are detailed with 27 items identified in **Attachment B** and some of the key issues are briefly described below:

CRITICAL AREA REGULATIONS

As required by the Growth Management Act (RCW 36.70A.480(3)(d)), upon Ecology approval of an updated shoreline master program, “critical areas within shorelines of the state are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter...”.¹² This requirement means critical area reviews for activities in shoreline jurisdiction occur within the context of the SMP permitting procedures. The SMP addresses critical areas in Chapter 7. Ecology has identified needed changes to the provisions for Wetlands and for Class I & II Terrestrial Habitat Conservation Areas to ensure the SMP and associated critical area provisions are implemented consistent with the requirements of the Act. These changes remove conflicting language and add clarifying provisions. (**Attachment B**, Items 9 & 10):

- 7.6 Wetland Protection Standards – For consistency with WAC 173-26-221(2)(c)(i)(A) and the most current scientific & technical information, provisions allowing impacts to wetlands based on category must be deleted. Replacement provisions are proposed to identify regulated activities, ensure all wetlands in shoreline jurisdiction are protected and mitigation sequencing requirements are met.
- 7.10 Class I & II Terrestrial Habitat Conservation Areas – For internal consistency with the construct and definitions of the SMP, the inclusion of critical saltwater habitat must be deleted as a type of terrestrial habitat.

OCEAN MANAGEMENT

As required by the SMP Guidelines at WAC 173-26-360, local SMPs for affected coastal communities must include ocean uses policies, regulations, and approval criteria consistent with the Ocean Resources Management Act (‘ORMA’; RCW 43.143). And as separate but related, the Marine Waters Planning & Management law (RCW 43.372) requires SMPs to be consistent with the state’s Marine Spatial Plan (MSP), adopted in 2018. While the County’s locally-adopted SMP included some placeholder provisions regarding ORMA and the MSP at 1.4 SMP Update Vision and 2.3 Aquatic SED Management Policy #3.i, the SMP needs a more robust and complete approach to meeting the ORMA and MSP requirements for consistency with statute and rule. Ecology has identified needed changes to the provisions at SMP 1.4 and 2.3, and provides recently prepared draft ORMA & MSP checklist and guidance materials intended to aid local governments, and extensive example language, including definitions. (**Attachment B**, Items 2, 4, 17-20 and Exhibit 1)

Because ORMA was enacted in 1989 the County must meet those requirements as part of the SMP comprehensive update, however the MSP was adopted almost concurrently with the

¹² See also RCW 90.58.610

County's SMP local approval so those requirements would need to be met, at minimum, as part of the required SMP periodic review. While the County is opting to first complete its comprehensive update prior to conducting a separate, subsequent periodic review, consultation with County staff guides our proposed approach to add both ORMA and MSP provisions now as part of the comprehensive update. The intent is that this approach should leave no further ORMA/MSP changes needed at the periodic review phase.

SHORELINE BUFFERS

The SMP Guidelines require local SMPs to protect and ensure no net loss of shoreline ecological functions (WAC 173-26-186(8)(b) and -201(2)(c)), to provide regulations that are of sufficient scope and detail to implement the SMA and SMP policies (WAC 173-26-191(2)(a)(ii)(A)), and establish a system of shoreline environment designations based on current conditions and other factors (WAC 173-26- 211).

SMP Chapter 6 establishes general shoreline buffer and vegetation conservation policies and regulations based on the type of development (minor or major), size of the lot, and the shoreline environment designation (SED), including minimum standards for retaining or enhancing buffer vegetation. The overall strategy reflects the findings of the Inventory & Characterization, meets the WAC requirements, and allows minor buffer reduction in limited situations based on site-specific criteria. Table 6-1 identifies standard shoreline buffers widths ranging from 50-feet to 175-feet, SMP 6.4 allows a reduced width by buffer averaging not to exceed 25% reduction, and SMP 6.7 allows a reduced width by the common line buffer approach for single family residential view protection.

SMP 6.3 Regulation #6 establishes a reduced 35-foot buffer for residential structures at Lake Sutherland and Table 6-1 notes a reduced 35-foot buffer width for all new use & development at Lake Sutherland regardless of lot size or SED; no additional mitigation requirements are described for this buffer width reduction to offset the impacts of locating development within the standard shoreline buffer. As proposed, these provisions are internally inconsistent as to which structures and locations are eligible, and the allowed buffer reduction without additional mitigation is inconsistent with the no net loss standard. Concerns expressed by WDFW noted the importance of ensuring adequate protection for in-water and riparian habitat that supports anadromous fish species, anticipated to soon have greater access to the lake upon the pending removal/replacement of a barrier culvert at the downstream outflow of the lake.

As part of our review & consideration of this issue, Ecology met with WDFW staff in January 2020 to better understand their concerns and to share information on SMA and WAC requirements. In April 2020 WDFW staff provided some follow-up clarifications & technical details to assist our review. In November 2020 Ecology shared a draft of the proposed revisions with WDFW and followed-up with email and virtual check-ins as we collaborated with the County to refine the draft language.

Ecology has identified needed changes to the provisions at SMP 6.3 and Table 6-1 to ensure consistency with WAC 173-26, to clarify the limitations and criteria for a reduced buffer width at Lake Sutherland, and for internal consistency. (**Attachment B**, Item #8)

ADDITIONAL RECOMMENDED CHANGES

In addition to the required changes noted above, we have also identified a number of recommended changes intended to improve document clarity and aid implementation. A general list of the variety of minor issues addressed includes: minimize duplicative text; correction of typos/clerical errors; clarifications for accuracy & internal consistency; accurate phrasing to reflect the final status of an adopted SMP; use of the SMA phrase for current science and technical information rather than the GMA term for best available science; clarification of language regarding ORMA and the MSP; accurate use of the separate terms for various water-oriented use and development; clarification of activities not required for local review & permits or excepted from SMA authority; accurate description of the three periodic review categories; clarification of SED criteria for improved WAC consistency; added language to provide better context for allowing experimental aquaculture; correction/clarification for the definitions and use of separate but related terms ‘appurtenant’ and ‘accessory’; clarification of permit tracking and compliance monitoring; added language that recognizes/defers to definitions established by statute and rule.

These recommended changes were prepared in collaboration with County staff, and are further described as 39 items identified within **Attachment C**.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the County’s comprehensive SMP update proposal, subject to and including Ecology’s required changes (itemized in **Attachment B**), is consistent with the policy and standards of RCW 90.58.020, RCW 90.58.090, RCW 36.70A.480 and the applicable SMP guidelines (WAC 173-26-171 through 251) as well as the definitions in WAC 173-26-020 and WAC 173-27. This includes a conclusion that the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program, per the standards of WAC 173-26-201(2)(c).

Ecology also concludes that a separate set of recommended changes to the submittal (identified during the review process and itemized in **Attachment C**) would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required but can, if accepted by the County, be included in Ecology’s approved SMP amendment.

As stipulated in RCW 90.58.610, RCW 36.70A.480 governs the relationship between shoreline master programs and development regulations to protect critical areas that are adopted under chapter 36.70A RCW. Consistent with RCW 36.70A.480(4), Ecology concludes that, subject to and including Ecology’s required changes, the SMP provides a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

Ecology concludes that the County has chosen to exercise its option pursuant to RCW 90.58.030(2)(d)(i) or (ii) to increase shoreline jurisdiction to include both i) the full extent of the 100-year floodplain; and ii) buffers for critical areas located within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond minimum SMA jurisdiction the buffer shall be regulated by the SMP.

Ecology concludes those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy - RCW 90.58.090(5).

Ecology concludes that the County complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the County has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update process.

Ecology concludes that the County has complied with the purpose and intent of the local update process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the County has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the County's comprehensive SMP update submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring an SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes the County's final legislative action will serve to complete the comprehensive SMP update required by RCW 90.58.080(2).

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the SMP are consistent with the policy of the Shoreline Management Act, the applicable Guidelines and implementing rules, once the required changes set forth in **Attachment B** are accepted by the County. The County may choose to adopt the recommended changes in **Attachment C**. Pursuant to RCW 90.58.090(2)(e), the County must notify Ecology of the approval or denial of the recommended changes. Ecology approval of the proposed amendment with required changes is effective 14 days from Ecology's final action approving the amendment.

As provided in RCW 90.58.090(2)(e)(ii) the County may choose to submit an alternative to all or part of the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action.

ATTACHMENT B: DEPARTMENT OF ECOLOGY REQUIRED CHANGES TO THE CLALLAM COUNTY 10/30/2018 SHORELINE MASTER PROGRAM UPDATE - (RESOLUTION No.91-2018)

The following changes are **required** to ensure compliance with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III) and to clarify provisions for implementation:

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
1.	1.5 SMP Goals	5. To accommodate and give priority preference to water-dependent uses such as aquaculture and preferred priority uses such as single-family residential uses when they are consistent with the goal of preserving shoreline ecological functions and processes, in accordance with the policy enunciated in RCW 90.58.020 and WAC 173-26-201(2)(d).	Consistent with WAC 173-26-241(3.i), single family residential use may be considered a <i>priority</i> when pollution and damage are avoided. This priority is separate, and different from, the required order of use <i>preference</i> established by WAC 173-26-201(2.d) where single family residential use is recognized well after ecological functions, water-oriented and mixed use activities. As written, the goal statement is incorrect in referring to single-family residential use as preferred, and inconsistent with rule requirements. Ecology requires text revisions for accuracy and clarity.
2.	2.3 Aquatic Designation	3. Management Policies i. New uses and development in marine waters of the Pacific Ocean should be evaluated for consistency with Chapter 43.372 RCW, Marine Waters Planning and Management, the Marine Spatial Plan for Washington's Pacific Coast (2018 or as revised) , and Chapter 43.143 RCW, Ocean Resources Management Act.	As written, the SMP does not address the requirements of WAC 173-26-360 for implementation of the Ocean Resources Management Act (ORMA; RCW 43.143). The applicability of this provision needs to be clarified to include both shoreline development and activities considered as "new use & development" by the MSP to ensure proper implementation. Ecology requires text revisions for consistency with ORMA and the 2018 MSP, and for internal consistency and improved clarity. See also related edits to SMP 3.13 and Chapter 11 Definitions below; and Attachment C Recommended Changes to SMP 1.4.

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; #strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE																																								
3.	3.6.2 Parking - Regulations	2. Parking as a primary use shall be prohibited in all shoreline designations, except that within the Marine Waterfront designation of the Clallam Bay-Seki Urban Growth Area new parking facilities as a primary use that support shoreline public access may be permitted thru a shoreline conditional use permit due to existing significant limitations and environmental constraints on public parking areas in this waterfront community. 4. Parking facilities to accommodate public disabled parking shall be a conditional use in shorelines designated <u>Resource Conservancy</u> and Natural.	2. Consistent with WAC 173-26-241(3.k), parking that supports shoreline public access is accessory parking, not a primary use. Accessory parking is allowed in the Marine Waterfront SED per Table 2-2. 4. Internal inconsistencies between Table 2-2 and this provision regarding disabled parking in Resource Conservancy. <table><tr><th>Use/Development/Modification</th><th>Aquatic - Straits¹</th><th>Aquatic - Pacific Ocean</th><th>Marine Waterfront</th><th>Shoreline Residential - Intensive</th><th>Shoreline Residential - Conservancy</th><th>Resource Conservancy</th><th>Natural</th></tr><tr><td>Parking: (see Section 3.6)</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>As a primary use</td><td>X</td><td>X</td><td>X/C¹¹</td><td>X</td><td>X</td><td>X</td><td>X</td></tr><tr><td>Accessory to a permitted use</td><td>X</td><td>X</td><td>P</td><td>P</td><td>C</td><td>C</td><td>X</td></tr><tr><td>Public disabled parking</td><td>X</td><td>X</td><td>P</td><td>P</td><td>P</td><td>C</td><td>C</td></tr></table> P = Permitted, if it complies with the standards in Chapter 3 and Chapter 4 (via a Shoreline Substantial Development Permit or a Statement of Exemption if it is exempt per WAC 173-27-040; X = Prohibited; C = Conditional Use. See permit criteria in Chapter 10.	Use/Development/Modification	Aquatic - Straits ¹	Aquatic - Pacific Ocean	Marine Waterfront	Shoreline Residential - Intensive	Shoreline Residential - Conservancy	Resource Conservancy	Natural	Parking: (see Section 3.6)								As a primary use	X	X	X/C ¹¹	X	X	X	X	Accessory to a permitted use	X	X	P	P	C	C	X	Public disabled parking	X	X	P	P	P	C	C
Use/Development/Modification	Aquatic - Straits ¹	Aquatic - Pacific Ocean	Marine Waterfront	Shoreline Residential - Intensive	Shoreline Residential - Conservancy	Resource Conservancy	Natural																																				
Parking: (see Section 3.6)																																											
As a primary use	X	X	X/C ¹¹	X	X	X	X																																				
Accessory to a permitted use	X	X	P	P	C	C	X																																				
Public disabled parking	X	X	P	P	P	C	C																																				
4.	<u>3.13 Ocean Management</u>	<u>3.13 Ocean Management</u> ...[The proposed language is lengthy and therefore presented separately in Exhibit 1 to this Attachment]	As proposed, the SMP includes a vision statement and management policies that mention the 2018 Marine Spatial Plan (MSP) but is lacking specific provisions to implement both the Ocean Resources Management Act (ORMA; RCW 43.143) and the MSP. Ecology requires revision for consistency with WAC 173-26-360 and ORMA; the SMP needs additional provisions to address ocean use definitions, permit criteria, and policies & regulations for general and specific ocean uses. In consultation with County staff, Ecology revisions are suggested here as a new Section 3.13, to include the proposed language of the attached Exhibit 1 that is based on our pending new guidance about approaches to incorporating both ORMA and MSP requirements into local SMPs.																																								

ATTACHMENT B: DEPARTMENT OF ECOLOGY REQUIRED CHANGES TO THE CLALLAM COUNTY 10/30/2018 SHORELINE MASTER PROGRAM UPDATE - (RESOLUTION NO. 91-2018)

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
			See also related items for SMP 2.3 above and for Chapter 11 Definitions below; and see related item in Attachment C Recommended Changes for SMP 1.4.
5.	4.2.4 Regulations – Piers, Docks, Floats, Non-residential	1. Docks, piers, and floats associated with commercial, industrial, port, or public or private recreational developments may be permitted in all environment designations through a substantial development permit or conditional use permit as indicated in Section 2.9, Table 2-2 when they are consistent with this Program and when the proponent demonstrates that: a. The dock/pier/float is required to accommodate a water-dependent use <u>or</u> <u>public access</u>; and b. The dock/pier/float and designed to avoid or, if that is not possible, to minimize the impacts to nearshore habitats and processes. Regulations 2. When allowed, clearing, and/or <u>grading, and filling</u> shall be located, designed, and carried out <u>constructed</u> in a manner that: a. Minimizes land disturbance to the minimum necessary for the intended development; and b. Utilizes mulch, vegetation, or other best management practices to minimize erosion from exposed soils during construction; and c. Includes plans to revegetate or otherwise stabilize areas of exposed soil following construction; and d. Blends in physically and visually with natural topography, so as not to interfere with appropriate use, impede public access, or degrade the aesthetic qualities of the shoreline; and e. Does not impede net shore-drift toward sensitive marine environments such as spits, estuaries, and river deltas; and f. Does not require shoreline armoring or stabilization to protect materials placed unless it is part of an approved shoreline restoration project and shoreline armoring or stabilization measures are needed to keep the material in place, <u>and</u>	WAC 173-26-231(3.b) Piers and docks. New piers and docks shall be allowed only for water-dependent uses or public access.
6.	5.2.2 Clearing, Grading, Filling –		WAC 173-26-231(3.c) Fill. Fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
7.	5.3.2 Public Access – Regulations	<u>g. Protects shoreline ecological functions and ecosystem-wide processes, including channel migration.</u> 2. <u>Multi-family residential use and s</u>Subdivisions of more than four (4) lots shall include physical and/or visual public access to public waters unless: ...	WAC 173-26-241(3,j,A): New multiunit residential development, including the subdivision of land for more than four parcels, should provide community and/or public access in conformance to the local government's public access planning and this chapter
8.	6.3 General Shoreline Buffer & Vegetation Requirements	6. Lake Sutherland Standard Buffer: <u>The shoreline buffer on Lake Sutherland shall be 35 feet measured in all directions from the ordinary high water mark. Residences and other structures shall be located at least thirty-five (35) feet landward from the ordinary high water mark unless this Program specifically allows a lesser distance. In the Shoreline Residential - Intensive designation, single-family residential use and development that qualifies as minor new development under Section 6.3.2(a) above, shall be located at least 35 feet landward of the Ordinary High Water Mark. The minimum 35-foot buffer is not eligible for further buffer reduction under Sections 6.4, 6.7, or 7.8. In addition to meeting the minimum 35-foot buffer, all minor new development shall avoid and minimize shoreline impacts consistent with the mitigation sequencing requirements of this Program. Furthermore, the landowner shall mitigate the impacts by selecting and implementing one of the following options (a or b below) to maximize the ecological functions of the buffer zone:</u> a. <u>Plant woody cover to create a multi-tiered woody riparian area that meets all of the following criteria:</u> i. <u>Trees must be planted at 10-foot spacing (on center) and shrubs must be planted at 6-foot spacing (on center) to create an average density of at least one hundred fifty (150) woody stems per acre or eighty-five percent (85%) areal vegetative cover, whichever is greater; and</u> ii. <u>The planting plan shall be designed to optimize overhanging vegetation and woody debris recruitment; and</u> iii. <u>Trees and shrubs must be retained and maintained in perpetuity; and</u>	Ecology followed-up with our sister-agency to better understand WDFW's comments. WDFW provided additional clarification & technical details regarding the 35-foot buffer at Lake Sutherland. Compared to the Table 6-1 standard shoreline buffers widths that range from 50-feet to 150-feet based on SED and development type/lot size: • Regulation #6 establishes a significantly reduced 35-foot buffer for residential structures at Lake Sutherland, and • Table 6-1 footnote #2 allows a reduced 35-foot buffer width for all new use & development at Lake Sutherland regardless of lot size or SED; • No additional mitigation requirements are described for this buffer width reduction to offset the impacts of locating development within the standard shoreline buffer. As proposed, these provisions are internally inconsistent as to which structures and locations are eligible, and the allowed buffer reduction without additional mitigation is inconsistent with the no net loss standard. Also, concerns expressed by WDFW noted the importance of ensuring adequate protection for in-water and riparian habitat that supports anadromous fish species, anticipated to soon have greater access to the lake upon the pending removal and/or improvement of a barrier culvert at the downstream outflow of the lake.

ATTACHMENT B: DEPARTMENT OF ECOLOGY REQUIRED CHANGES TO THE CLALLAM COUNTY 10/30/2018 SHORELINE MASTER PROGRAM UPDATE - (RESOLUTION NO. 91-2018)

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		iv. <u>Landowner must monitor and document plant establishment annually for at least 5 years and submit a written report of the buffer condition to the County Department of Community Development in October of each year; and</u> v. <u>Landowner must post a bond to cover all or a portion of the cost of the plant maintenance and annual monitoring; and</u> vi. <u>The County may require replanting or supplemental planting if the annual monitoring indicates that the plant density and cover standards are not being met.</u> b. <u>Implement a site-specific habitat management plan (HMP) for the property. The HMP need not necessarily involve planting to achieve the same plant cover and density standards required in option 6.3.6.a above, but shall otherwise maximum fish and wildlife habitat value and meet all of the following criteria:</u> i. <u>Describe the nature and intensity of the proposed development and the effect of the proposed development, activity or use on the wildlife species and habitats that occupy the lake and adjacent shoreline; and</u> ii. <u>Include a map prepared at a readable scale showing: the location of the proposed development site; the relationship of the site to surrounding topographic, water features, and existing and/or proposed building locations and arrangements; and a legend which includes a complete legal description, acreage of the parcel, scale, north arrows, and date; and</u> iii. <u>Identify the specific measures that will be implemented and maintained on the property to avoid, minimize and compensate for any adverse impacts to fish and wildlife habitats created by the proposed development (for example, this could include removing/reducing overwater structures or shoreline stabilization); and</u> iv. <u>Be prepared by a qualified professional who has been educated in fish or wildlife biology or a closely related field, and has professional experience as a biologist; and</u>	Parcels with existing residential development that propose structure expansion/enlargement would be subject to Chapter 5.1 non-conforming standards. In consultation with County staff, Ecology requires revision to both the text of 6.3.6 and to Table 6-1 to clarify the limited application of this buffer reduction allowance, to ensure impacts are adequately mitigated, and to improve internal consistency while still allowing the applicant to determine which approach is used. See also changes to SMP 5.1 Existing (Grandfathered) Use & Developments, 6.3 Regulations – General Shoreline Buffer & Vegetation Requirements, Table 6-1 and Map 15. See also Periodic Checklist #2017.g Nonconforming Uses & Development.

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		v. <u>Use the best available science in all facets of the analyses. The WDFW Priority Habitat and Species Management Recommendations, dated May 1991, and/or bald eagle protection rules outlined in WAC 232-12-292, as now or hereafter amended, and/or similar reference documents may serve as guidance for the plan; and</u> vi. <u>The plan must include performance standards and a program for annual monitoring for at least 5 years; and</u> vii. <u>The landowner must post a bond to cover all or a portion of the cost of the monitoring.</u> c. <u>If the landowner chooses to locate their minor new development at least 50 feet from the OHWM on a parcel that is less than 200 feet deep or at least 75 feet from the OHWM on a parcel that is more than 200 feet deep, no planting or HMP is required.</u> d. <u>All Major New Development on the Lake Sutherland shoreline shall meet the buffer requirements outlined in Table 6-1.</u>	

Table 6-1. Shoreline Buffer Widths (in feet) by Environment Designation^{1,2} (See examples in Figures 6-2 through 6-6)

Shoreline Environment Designation	Standard Shoreline Buffer Width (feet) based Upon Type of Development and Lot Dimension (Measured from the ordinary high water mark--OHWM)		
	Minor New Development on existing lots with < 200 ft. of depth from OHWM to rear lot line	Minor New Development on existing lots with ≥ 200 ft. of depth from OHWM to rear lot line	Major New Development, including all Land Divisions
Marine Waterfront	50 feet	75 feet	100 feet
Shoreline Residential - Intensive	50 feet ²	75 feet ²	100 feet
Shoreline Residential - Conservancy	100 feet	125 feet	150 feet
Resource Conservancy	150 feet	150 feet	150 feet
Natural	175 feet	175 feet	175 feet

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		¹In the event that buffers for any shorelines and/or critical areas area contiguous or overlapping, the landward-most edge of all such buffers shall apply. ²Lake Sutherland — New single-family residential developments and uses <u>in the Shoreline Residential</u> — Intensive designation shall be at least 35 feet landward of the OHWM based on the criteria and standards of Section 6.3.6, <u>regardless of lot size or Shoreline</u> Designation.	
9.	7.6 Regulations - Wetland Protection Standards	1. New shoreline uses and developments shall be located, designed, constructed, and maintained to avoid wetland areas and their buffers. Impacts to wetlands and their buffers shall be prohibited except when all of the following applicable requirements are met: a. Category I Wetlands. Activities and uses shall be prohibited from Category I wetlands, except where existing public facilities must be expanded or extended into the wetland, or a utility must be located or expanded in a wetland because there is no other site that can serve the utility's function, or a reasonable use exception or variance allows the impact. b. Category II and III Wetlands. For Category II and III wetlands, where wetland fill is proposed, activities and uses shall be prohibited unless the applicant can demonstrate that: i. The basic project purpose cannot be reasonably be accomplished on another site or sites in the general region while still successfully avoiding or resulting in less adverse impact on a wetland; and ii. All on-site alternative designs that would avoid or result in less adverse impact on a wetland or its buffer, such as a reduction in the size, scope, configuration or density of the project, are not feasible. c. Category IV Wetlands. Activities and uses that result in unavoidable impacts may be permitted in Category IV wetlands and associated buffers in accordance with an approved critical area(s) report and compensatory mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full compensation for the loss of acreage and functions of wetland and buffers shall be provided under the terms established in these regulations.	As presented, Regulation #1.a – g allows impacts based on wetland category and are not consistent with WAC 173-26-221 Use of scientific and technical information, WAC 173-26-201(2)(c) Protection of ecological functions of the shorelines, and WAC 173-26-221(2.c.i.C) Alterations to wetlands. Wetlands within shoreline jurisdiction contribute to the shoreline ecological function and, as such, all wetlands (regardless of size or category) must be protected within the shoreline. Mitigation sequencing shall be applicable to all wetland impacts. The scientific literature does not support exempting wetlands that are below a certain size. All SMP provisions must use the most current, accurate, and complete scientific and technical information available, as relevant or applicable to the issues of concern. The most recent Ecology Wetland Guidance for CAO Updates – Western Washington Version, June 2016 (Publication No. 16-06-001) does not support the proposed provision. Even in situations where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions. Ecology requires revision to delete the proposed Regulation #1.a – g and replace with inserted text consistent with WAC 173-26-221(2.c.i.A).

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		d. The use or development is specifically allowed by this Program. e. All reasonable measures have been taken to avoid adverse impacts on wetland functions and values as demonstrated through a mitigation plan. f. Compensatory mitigation for acreage and function is provided, in accordance with Section 8.3 through 8.4 of this Program, for all adverse impacts that cannot be avoided. g. The amount and degree of alteration are limited to the minimum needed to accomplish the project purpose. The following shoreline use and development activities in regulated wetlands or buffers shall achieve, at a minimum, no net loss of wetland area and functions, including lost time when the wetland does not perform the function: a. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind; b. The dumping, discharging, or filling with any material, including discharges of stormwater and domestic, commercial, or industrial wastewater; c. The draining, flooding, or disturbing of the water level, duration of inundation, or water table; d. The driving of pilings; e. The placing of obstructions; f. The construction, reconstruction, demolition, or expansion of any structure; g. Significant vegetation removal, provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules; h. Other uses or development that results in an ecological impact to the physical, chemical, or biological characteristics of wetlands; or i. Activities reducing the functions of buffers.	
10.	7.10 Regulations – Class I and II Terrestrial Habitat Conservation Areas	1. Designation: Class I Terrestrial Habitat Conservation Areas shall include the following: a. Critical and priority habitats for species classified as Endangered, Threatened, Sensitive or Candidate under state or federal law which, if altered, may reduce the likelihood that the species will maintain and reproduce over the	As written, #1.b creates internal conflict with definitions/provisions for both Aquatic and Terrestrial HCAs and Critical Saltwater Habitat; Critical saltwater habitat is one of the designation criteria for Aquatic HCAs at 7.7(1.c). Ecology requires revision to correct this error.

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11.	10.1 Administrative Authority and Responsibility	1. The Director of the Clallam County Department of Community Development or his/her designee (the Administrator) is vested with authority to administer this Shoreline Master Program and to: d. Make administrative decisions and interpretations of the policies and regulations of this Program and the Shoreline Management Act, <u>including formal written interpretations in consultation with Ecology per WAC 173-26-140;</u>	WAC 173-26-140: As required by RCW 36.70B.110(11), each local government planning under chapter 36.70A RCW shall adopt procedures for administrative interpretation of its development regulations, which include shoreline master programs. When developing and adopting procedures for administrative interpretation of its shoreline master program, local government shall include provisions requiring consultation with the department to insure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and the applicable guidelines.
12.	10.2.9 Permit Revisions	3. "Within the scope and intent of the original permit" means all of the following: a. No additional overwater construction is involved except that a pier, dock or floating structure may be increased by <u>five hundred (500) square feet or ten percent (10%)</u> over that approved under the original permit, <u>whichever is less;</u> ...	This rule requirement applies regardless of inclusion in the SMP but if this provision is in the SMP it must be consistent. WAC 173-27-100(2): "Within the scope and intent of the original permit" means all of the following: (a) No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less; ...
13.	11.A	4. Accessory use or structure means any legally established use or structure <u>which is necessary for the full use and enjoyment of the primary use of the property;</u> <u>that</u> is typically associated with the primary use, and is subordinate to or incidental to the primary use of a parcel and which includes the utilities necessary to serve the accessory use . <u>Appurtenant structures are structures that are necessarily connected to the use and enjoyment of a single-family residence and are located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield, and grading (per WAC 173-27-040(2.g), but do not include bulkheads</u>	Revision required to delete conflicting statement for consistency with WAC 173-27-040 and internal consistency with other related terms; an accessory cannot be both 'necessary for' and 'incidental to' the primary use. As written this confounds the term accessory with appurtenance. Appurtenance is not defined but used in the SMP at 4.6.5(2.c) New/Expanded Stabilization that addresses 'single-family residence and appurtenant structures pursuant to RCW 90.58.100 (6)' Revision required for consistency with RCW 90.58.620(2) and WAC 173-27-040(2.g), and for internal consistency.

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		<u>and other shoreline modifications or overwater structures (per RCW 90.58.020 (2)).</u>	
14.	11.F	<u>121. Fill means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. the addition of solid or semi-solid material such as soil, sand, rock, gravel, sediment, wood chips, mining overburden, earth retaining structure, or other material used to create any structure or infrastructure or that when placed changes the elevation or grade of a receiving site.</u>	As written, the definition is not consistent with WAC 173-26-020(16). Ecology requires revision for compliance.
15.	11.G	<u>144. Grading means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land, including stripping, cutting, filling, or stockpiling earth to create new grade.</u>	WAC 173-26-020(22): "Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.
16.	11.H	<u>158. Height is measured from average grade level to the highest point of a structure: Provided, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: Provided further, that temporary construction equipment is excluded in this calculation. building means the vertical distance from grade plane to the average height of the highest roof surface (cf. International Building Code).</u>	WAC 173-27-030(9): "Height" is measured from average grade level to the highest point of a structure: Provided, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: Provided further, that temporary construction equipment is excluded in this calculation.
17.	11.I	<u>Important, Sensitive and Unique Areas (ISUs) are specific areas in state waters that meet one or more of the following criteria:</u> <u>a. Areas that are environmentally sensitive or contain unique or sensitive species or biological communities that must be conserved and warrant protective measures [RCW 43.372.040(6)(c)].</u> <u>b. Areas with known sensitivity and where the best available science indicates the potential for offshore development to cause irreparable harm to the habitats, species, or cultural resources.</u>	As related to item #4 above about ORMA – MSP provisions, Ecology requires revision for consistency with WAC 173-26-360. See also Exhibit 1.

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		c. Areas with features that have limited, fixed and known occurrence. d. Areas with inherent risk or infrastructure (e.g. buoys or cables) that are incompatible with new ocean uses.	
18.	11.M	<u>Marine Spatial Plan for Washington's Pacific Coast (MSP)</u> is a planning document designed to address new ocean use development off Washington's Pacific coast that had not been previously permitted or approved prior to the adoption of the plan in June 2018. The MSP uses a series of data, maps, and analyses in combination with a management framework to evaluate potential the impacts from new ocean use projects on existing uses resources, based on the principles and criteria outlined in the Ocean Resources Management Act (ORMA) [RCW 43.143.030(2)] and the Ocean Management Guidelines [WAC 173-26-360]. It applies a coordinated decision-making process between various governments, tribes, and stakeholders, and includes additional siting recommendations and fisheries protection standards. These principles have been incorporated into this SMP. See Ecology Publication No. 17-06-027, Revised June 2018 (https://fortress.wa.gov/ecy/publications/documents/1706027.pdf, and https://msp.wa.gov/).	As related to Item #4 above about ORMA – MSP provisions, Ecology requires revision for consistency with WAC 173-26-360. See also Exhibit 1.
19.	11.N	<u>New Ocean Uses</u> are uses and developments that have not occurred or were not permitted within Washington's Coastal waters prior to the completion of the Marine Spatial Plan for Washington's Pacific Coast, as revised June 2018. New uses, as defined by the MSP, are in-water uses, with potential adverse impacts to renewable resources or existing uses that have not been previously reviewed or authorized/permitted within the MSP study area. The MSP anticipates new ocean use proposals for activities such as renewable energy, dredged material disposal, mining, marine product harvesting, and offshore aquaculture operations. See also "Ocean Uses".	As related to Item #4 above about ORMA – MSP provisions, Ecology requires revision for consistency with WAC 173-26-360. See also Exhibit 1.

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20.	11.0	<u>Ocean Disposal Uses</u> involve the deliberate deposition or release of material at sea, such as solid wastes, industrial waste, radioactive waste, incineration, incinerator residue, dredged materials, vessels, aircraft, ordnance, platforms, or other man-made structures. <u>Ocean Energy Production Uses</u> involve the production of energy in a usable form directly in or on the ocean rather than extracting a raw material that is transported elsewhere to produce energy in a readily usable form. Examples of these ocean uses are facilities that use wind, wave action or differences in water temperature to generate electricity. <u>Ocean Mining</u> includes such uses as the mining of metal, mineral, sand, and gravel resources from the sea floor. <u>Ocean Oil and Gas Uses and Activities</u> involve the extraction of oil and gas resources from beneath the ocean. <u>Ocean Salvage Uses</u> share characteristics of other ocean uses and involve relatively small sites occurring intermittently. Historic shipwreck salvage which combines aspects of recreation, exploration, research, and mining is an example of such a use. <u>Ocean Transportation</u> includes such uses as: shipping, transferring between vessels, and offshore storage of oil and gas; transport of other goods and commodities; and offshore ports and airports. <u>Ocean Uses</u> are activities or developments involving renewable and/or nonrenewable resources that occur on Washington's coastal waters and includes their associated off shore, near shore, inland marine, shoreland, and upland facilities and the supply, service, and distribution activities, such as crew ships, circulating to and between the activities and developments. Ocean uses involving	As related to Item #4 above about ORMA – MSP provisions, Ecology requires revision for consistency with WAC 173-26-360. See also Exhibit 1.

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		nonrenewable resources include such activities as extraction of oil, gas and minerals, energy production, disposal of waste products, and salvage. Ocean uses which generally involve sustainable use of renewable resources include commercial, recreational, and tribal fishing, aquaculture, recreation, shellfish harvesting, and pleasure craft activity. See also "New Ocean Uses".	
21.	11.P	230. Parties of record means all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail. the land use permit applicant; persons who have testified at the open record hearing; and any persons who have submitted written comments concerning the application that form part of the public record (excluding persons who only signed petitions or mechanically produced form letters).	As written, this definition is not consistent with WAC 173-27-030(12) : "party of record" includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail;
		266. Recreational development means development that includes commercial and public facilities designed and used to provide recreational opportunities to the public. but are not limited to: piers, docks, boat launches, campgrounds, interpretive structures, trails, etc. that support a recreational use.	As written, these definitions are not consistent with WAC 173-26-241(3.i) : Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Master programs should assure that shoreline recreational development is given priority and is primarily related to access to, enjoyment and use of the water and shorelines of the state. Ecology requires revision for consistency with WAC and RCW 90.58.020(7).
22.	11.R	267. Recreational use means an experience or activity that facilitates public access to shorelines of the state, including but not limited to parks, marinas, piers, and other improvements. in which an individual engages for personal enjoyment and satisfaction. Examples of shore-based recreation include: fishing, hunting, clamming, beach combing, and rock climbing; various forms of boating, swimming, hiking, bicycling, horseback riding, camping, picnicking, watching or recording activities such as photography, painting, bird watching or viewing of water or shorelines, nature study and related activities.	
23.	11.R	270. Residential development means development of land with dwelling units for non-transient occupancy. For the purposes of this Program, accessory dwelling units, garages, and other similar structures accessory to a dwelling unit shall also	SMP does not contain a definition for 'dwelling unit' and as written, this definition is not consistent with WAC 173-26-241(3.j) :

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		be considered residential development (See also Dwelling unit and Accessory dwelling unit). <u>Residential development also includes multifamily development and the creation of new residential lots through land division.</u>	Residential development - Single-family residences ... Residential development also includes multifamily development and the creation of new residential lots through land division. Ecology requires revision for internal consistency and consistency with WAC.
24.	11.S	307. Shorelines of statewide significance with respect to Clallam County are identified as follows: a. The lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand (1,000) acres or more measured at the ordinary high water mark, including associated wetlands. b. Those areas of Puget Sound and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide. c. b. The area between the ordinary high water mark and the western boundary of the state including harbors, bays, estuaries, and inlets. d. c. Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide. e. d. Those natural rivers or segments thereof downstream from a point where the mean annual flow is measured at one thousand (1,000) cubic feet per second or more. f. e. Those shorelands associated with the areas described in subsection a, b, d and e of this definition.	b – This does not apply because none of the Puget Sound or Strait of Juan de Fuca SSWS areas that are specified by statute are located in Clallam County. RCW 90.58.030(2)(f)(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows: (A) Nisqually Delta (B) Birch Bay (C) Hood Canal (D) Skagit Bay and adjacent area (E) Padilla Bay Ecology requires revisions to correct these errors for consistency with RCW 90.58.030(2.f)
25.	11.S	313. Single-family residence means a <u>detached dwelling unit</u> designed for and occupied by no more than one family, including accessory uses (see definition). <u>Accessory uses include development that is necessarily connected to the use and enjoyment of a single-family residence and located landward of the ordinary high water mark and the perimeter of a wetland and include a garage, deck, driveway, utilities, fences, septic tanks and drainfields; and grading which does not exceed two hundred fifty cubic yards which does not involve placement of fill in any wetland or waterward of the ordinary high water mark, including those structures and developments within a contiguous ownership which are a normal</u>	As written, this definition is not consistent with WAC 173-27-040(2.g) : "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences; installation of a septic tank and drainfield and grading which does not

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		appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield; and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.	<i>exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.</i> Ecology requires revision for consistency with WAC 173-27-040 and internal consistency with other related terms used/defined in the SMP.
26.	11.W	351. Water-dependent use means a use or portion of a use that requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations. Ferry terminals, public fishing piers, aquaculture, and marinas are examples of water dependent uses. Residential development is not a water-dependent use but is a preferred priority use of shorelines of the state (RCW 90.58.020).	Consistent with WAC 173-26-241(3.i), single family residential use may be considered a <i>priority</i> when pollution and damage are avoided. This priority is separate, and different from, the required order of use <i>preference</i> established by WAC 173-26-201(2.d) where single family residential use is recognized well after ecological functions, water-oriented and mixed use activities. As written, the goal statement is incorrect in referring to single-family residential use as preferred, and inconsistent with rule requirements. Ecology requires text revisions for accuracy and clarity.
27.	Missing	Exhibit B - List of SMP Waterbodies	WAC 173-18-044 and 173-20-044 require the SMP to include a list of stream and lake shorelines of the state under local jurisdiction. The list established by a comprehensively updated SMP replaces the older WAC lists that Ecology no longer maintains. While the SMP Exhibit A mapping is extensive and appears to be complete, no list of waterbodies is provided. The list must include all freshwater waterbodies covered by the SMP, and may also include marine shorelines. Ecology requires revision for consistency with the WAC requirements and proposes to add this list as a new SMP Exhibit B after the Exhibit A Shoreline Environment Designation maps. The Table of Contents will also need revision to reflect this change.

Exhibit 1. New section 3.13 Ocean Management

RE: Attachment B Required Change #4 - The following language is proposed for insertion in Chapter 3 Policies and Regulations for Specific Shoreline Uses and Developments. The entire section will be new; therefore it is all shown in underline.

3.13 Ocean Management

3.13.0 Applicability - The ocean use policies, regulations, and permitting procedures apply as follows:

1. **Ocean Resources Management Act (ORMA; RCW 43.143)**. Ocean uses and developments proposed within the ORMA geographical area must be consistent with ocean use policies and regulations and reviewed using the additional approval criteria of section 3.13.1, below. The applicable ORMA geographical area covers Washington coastal waters from Cape Disappointment directly south to the state border, including the mouth of the Columbia River, and from Cape Disappointment north one hundred sixty miles to Cape Flattery at the entrance to the Strait of Juan De Fuca including the offshore ocean area within state waters (from OHWM out to 3 nautical miles), the near shore area under state ownership, shorelines of the state, and their adjacent uplands.
 - a. Geographic Application. The Ocean Management provision of this section apply to the Pacific Ocean shorelines of statewide significance coastal waters and those associated shorelands located within Clallam County.
2. **Marine Spatial Plan (MSP)**. New ocean uses and developments proposed within the MSP study area must be consistent with the ocean use policies, regulations, and procedural requirements of sections 3.13.2, below. The MSP study area covers marine waters of the Pacific Ocean within state waters (from OHWM out to 3 nautical miles).
 - a. The MSP applies to a proposed project only if all three of the following criteria are met:
 - i. occurs within the geographic boundaries of the MSP study area;
 - ii. will adversely impact renewable resources or existing ocean uses; and
 - iii. is a 'new use', as defined by the MSP.
 - b. All new ocean uses proposed within the MSP study area must be consistent with the protection standards for ISUs and Fisheries and reviewed using the additional process requirements for new ocean use proposals.
 - c. Applicability of ISU protection standards. The state has developed maps of ISUs using the best available data at the time of the MSP development. These maps are intended to assist applicants in identifying where ISUs exist. As finer resolution or updated data becomes available, the state may update the ISU maps, which may include adding, deleting or updating the distribution of an ISU. However, ISU protection standards will apply to any ISU, wherever it is identified in state waters. It is the responsibility of applicants to verify whether ISUs exist in their proposed new ocean use project area and to demonstrate protection standards will be met.

3.13.1 Ocean use administration.

1. **Additional ORMA approval criteria for ocean uses and developments. In addition to the otherwise required shoreline substantial development, conditional use, or variance approval criteria, newly proposed ocean uses or development shall meet or exceed this additional approval criteria:**
 - a. There is a demonstrated significant local, state, or national need for the proposed use or activity;
 - b. There is no reasonable alternative to meet the public need for the proposed use or activity;
 - c. There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;
 - d. All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Olympic National Park;
 - e. All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

- f. Compensation is provided to mitigate adverse impacts to coastal resources or uses;
- g. Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and
- h. The use or activity complies with all applicable local, state, and federal laws and regulations.
- 2. Additional MSP procedural requirements for new ocean use proposals. In addition to the otherwise required shoreline substantial development, conditional use, or variance permit procedural requirement, MSP defined new ocean use proposals shall include the following:
 - a. Pre-application Meeting. Prior to submitting any applications for shoreline permits for new ocean uses or developments the applicant will participate in at least one pre-application meeting which may be consolidated and coordinated with all local, state, and federal agencies. During the pre-application stage:
 - i. The applicant should use the MSP to understand potential use and resource conflicts, including review of the baseline data, maps, analyses, and management framework. This information can assist applicants in avoiding and minimizing impacts to resources and uses through project siting and design.
 - ii. The applicant should provide required data and information about the project, and identify and coordinate with stakeholder groups as well as other governments, including state, tribal, and federal government entities.
 - iii. The applicant should identify state and local policies, procedures, and requirements, including those referenced in the Marine Spatial Plan.
 - b. Inventory – Review adequacy of site-specific inventory and respond to requests for additional data or studies.
 - c. Effects Analysis – Submit an effects evaluation (See Section 4.5 of the MSP) which includes proposed mitigation measures, and best management practices.
 - d. Plans – Submit proposed construction and operation plans, including adequacy of prevention, monitoring, and response plans.
 - e. Coordination – Continue to coordinate with government entities (local, state, tribal, and federal agencies), stakeholders (representatives from fishing, aquaculture, maritime commerce, conservation, tourism, recreation), and the Washington Coastal Marine Advisory Council (WCMAC), and the public in all aspects of project development and review.

3.13.2 General Ocean Management Policies

- 1. Applicability. These ocean management policies and their implementing regulations will be used in evaluating ocean uses, developments, and activities proposed in coastal waters subject to ORMA. These provisions augment the other requirements of this SMP. They are not intended to regulate recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources.
- 2. These general ocean management policies are applicable to all shoreline permits for newly proposed ocean uses, their services, distribution, and supply activities and their associated facilities.
 - a. Ocean uses and activities that will not adversely impact renewable resources shall be given priority over those that will. Correspondingly, ocean uses that will have less adverse impacts on renewable resources shall be given priority over uses that will have greater adverse impacts.
 - b. Ocean uses that will have less adverse social and economic impacts on coastal uses and communities should be given priority over uses and activities that will have more such impacts. When the adverse impacts are generally equal, the ocean use that has less probable occurrence of a disaster should be given priority.
 - c. The alternatives considered to meet a public need for a proposed use should be commensurate with the need for the proposed use. For example, if there is a demonstrated national need for a proposed use, then national alternatives should be considered.
 - d. For ocean uses and activities, SEPA shall be applied consistent with WAC 197-11-060 (4)(e) and 197-11-792 (2)(c). The determination of significant adverse impacts should be consistent with WAC 197-11-330(3) and

197-11-794. The sequence of actions described in WAC 197-11-768 should be used as an order of preference in evaluating steps to avoid and minimize adverse impacts.

- e. Impacts on commercial resources, such as the crab fishery, on noncommercial resources, such as environmentally critical and sensitive habitats, and on coastal uses, such as loss of equipment or loss of a fishing season, should be considered in determining compensation to mitigate adverse environmental, social and economic impacts to coastal resources and uses.
- f. Allocation of compensation to mitigate adverse impacts to coastal resources or uses should be based on the magnitude and/or degree of impact on the resource, jurisdiction and use.
- g. Rehabilitation plans and bonds prepared for ocean uses should address the effects of planned and unanticipated closures, completion of the activity, reasonably anticipated disasters, inflation, new technology, and new information about the environmental impacts to ensure that state of the art technology and methods are used.
- h. Ocean uses and their associated coastal or upland facilities should be located, designed and operated to prevent, avoid, and minimize adverse impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands, and areas of high productivity for marine biota such as upwelling and estuaries.
- i. Ocean uses should be located to avoid adverse impacts on proposed or existing environmental and scientific preserves and sanctuaries, parks, and designated recreation areas.
- j. Ocean uses and their associated facilities should be located and designed to avoid and minimize adverse impacts on historic or culturally significant sites in compliance with chapter 27.34 RCW. Permits in general should contain special provisions that require permittees to comply with chapter 27.53 RCW if any archaeological sites or archaeological objects such as artifacts and shipwrecks are discovered.
- k. Ocean uses and their distribution, service, and supply vessels and aircraft should be located, designed, and operated in a manner that minimizes adverse impacts on fishing grounds, aquatic lands, or other renewable resource ocean use areas during the established, traditional, and recognized times they are used or when the resource could be adversely impacted.
- l. Ocean use service, supply, and distribution vessels and aircraft should be routed to avoid environmentally critical and sensitive habitats such as sea stacks and wetlands, preserves, sanctuaries, bird colonies, and migration routes, during critical times those areas or species could be affected.
- m. In locating and designing associated onshore facilities, special attention should be given to the environment, the characteristics of the use, and the impact of a probable disaster, in order to assure adjacent uses, habitats, and communities' adequate protection from explosions, spills, and other disasters.
- n. Ocean uses and their associated facilities should be located and designed to minimize impacts on existing water dependent businesses and existing land transportation routes to the maximum extent feasible.
- o. Onshore facilities associated with ocean uses should be located in communities where there is adequate sewer, water, power, and streets. Within those communities, if space is available at existing marine terminals, the onshore facilities should be located there.
- p. Attention should be given to the scheduling and method of constructing ocean use facilities and the location of temporary construction facilities to minimize impacts on tourism, recreation, commercial fishing, local communities, and the environment.
- q. Special attention should be given to the effect that ocean use facilities will have on recreational activities and experiences such as public access, aesthetics, and views.
- r. Detrimental effects on air and water quality, tourism, recreation, fishing, aquaculture, navigation, transportation, public infrastructure, public services, and community culture should be considered in avoiding and minimizing adverse social and economic impacts.
- s. Special attention should be given to designs and methods that prevent, avoid, and minimize adverse impacts such as noise, light, temperature changes, turbidity, water pollution and contaminated sediments on the

- marine, estuarine or upland environment. Such attention should be given particularly during critical migration periods and life stages of marine species and critical oceanographic processes.
- t. Pre-project environmental baseline inventories and assessments and monitoring of ocean uses should be required when little is known about the effects on marine and estuarine ecosystems, renewable resource uses and coastal communities or the technology involved is likely to change.
 - u. Oil or gas exploration, development, or production should be prohibited from Cape Flattery south to Cape Disappointment; in Grays Harbor, Willapa Bay, and the Columbia River downstream from the Longview bridge. For all other areas the following policies apply:
 - i. Oil and gas, mining, disposal, and energy producing ocean uses should be designed, constructed, and operated in a manner that minimizes environmental impacts on the coastal waters environment, particularly the seabed communities, and minimizes impacts on recreation and existing renewable resource uses such as fishing.
 - ii. To the extent feasible, the location of oil and gas, and mining facilities should be chosen to avoid and minimize impacts on shipping lanes or routes traditionally used by commercial and recreational fishermen to reach fishing areas.
 - iii. Discontinuance or shutdown of oil and gas, mining or energy producing ocean uses should be done in a manner that minimizes impacts to renewable resource ocean uses such as fishing, and restores the seabed to a condition similar to its original state to the maximum extent feasible.
3. The state Marine Spatial Plan (MSP) provides a base of scientific information on ocean uses and resources, provides a framework for evaluating new ocean use proposals, and establishes protections for sensitive areas and fisheries. As such, the state MSP informed the ocean management provisions of this SMP and should be utilized in their implementation.

3.13.3 Ocean Management Regulations.

- 1. The following ORMA ocean management regulations apply to all shoreline permits for newly proposed ocean uses, their services, distribution, and supply activities and their associated facilities:
 - a. Oil and gas exploration, development, and production is prohibited in tidal or submerged lands extending from the mean high tide seaward three miles.
 - b. Seafloor mining may be allowed consistent with all of the following:
 - i. The applicant has demonstrated that the location and operation has been designed in a manner that has no detrimental effects on ground fishing, renewable resource uses, beach erosion and accretion processes; and
 - ii. The applicant has provided for mitigation of impacts that accounts for the established habitat recovery rates.
- c. Ocean energy producing uses should only be allowed when the applicant has demonstrated the following:
 - i. The location, construction, and operation has been designed in a manner that has no detrimental effects on beach erosion, accretion, and wave processes;
 - ii. The effect of the project on upwelling and other oceanographic and ecosystem processes have been assessed; and
 - iii. Associated energy distribution facilities and lines are located in existing utility rights of way and corridors, whenever feasible.
- d. Ocean disposal uses may be allowed when the applicant has demonstrated the following:
 - i. Storage, loading, transporting, and disposal of materials shall be done in conformance with local, state, and federal requirements for protection of the environment;
 - ii. The ocean disposal site has been approved by the Washington department of ecology, the Washington department of natural resources, the United States Environmental Protection Agency, and the United States Army Corps of Engineers, as appropriate. Ocean disposal sites for which the primary purpose is habitat enhancement may be located in a wider variety of locations;

- iii. The Ocean disposal site has been located and designed to prevent, avoid, and minimize adverse impacts on environmentally critical and sensitive habitats, coastal resources and uses, or loss of opportunities for mineral resource development; and
 - iv. Ocean disposal should be sited in areas where the dredge material will provide beneficial use to the greatest extent possible.
 - e. Ocean transportation uses may be allowed consistent with the following:
 - i. The applicant has provided an assessment of the impacts the proposed transportation use will have on renewable resource activities such as fishing and on environmentally critical and sensitive habitat areas, environmental and scientific preserves and sanctuaries.
 - ii. When feasible, hazardous materials such as oil, gas, explosives and chemicals, should not be transported through highly productive commercial, tribal, or recreational fishing areas. If no such feasible route exists, the routes used should pose the least environmental risk.
 - iii. Transportation uses should be located or routed to avoid habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, migration routes of marine species and birds, marine sanctuaries and environmental or scientific preserves to the maximum extent feasible.
 - f. Ocean research uses may be allowed consistent with the following:
 - i. Other ocean uses occurring in the same area have been identified and potential use conflicts have been minimized.
 - ii. Ocean research meeting the definition of "exploration activity" of WAC 173-15-020 shall comply with the requirements of WAC 173-15: Permits for oil or natural gas exploration activities conducted from state marine waters.
 - iii. The project has been located and will be operated in a manner that minimizes intrusion into or disturbance of the coastal waters environment consistent with the purposes of the research and the intent of the general ocean use guidelines.
 - iv. Upon completion or discontinuance of the ocean research the site shall be restored to its original condition to the maximum extent feasible, consistent with the purposes of the research.
 - v. Ocean research findings should be made available for public dissemination, whenever feasible.
 - g. Ocean salvage uses may be allowed consistent with the following:
 - i. Nonemergency marine salvage and historic shipwreck salvage activities should be conducted in a manner that minimizes adverse impacts to the coastal waters environment and renewable resource uses such as fishing.
 - ii. Nonemergency marine salvage and historic shipwreck salvage activities should not be conducted in areas of cultural or historic significance unless part of a scientific effort sanctioned by appropriate governmental agencies.
2. Important, Sensitive and Unique Areas (ISUs) Designation. The ISUs assign protection standards and definitions for adverse effects for a list of ecological, historic, cultural, and infrastructure areas. The MSP provides maps utilizing the best available data on ISU locations.
- a. Ecological ISUs
 - i. Biogenic Habitats: Aquatic vegetation, corals, and sponges
 - ii. Rocky Reefs
 - iii. Seabird colonies: islands and rocks used for foraging and nesting by seabirds.
 - iv. Pinniped haul-outs
 - v. Forage fish spawning areas: intertidal areas used for spawning by herring, smelt or other forage fish.
 - b. Historic, Cultural and Infrastructure ISUs
 - i. Historic and archaeological sites: Structures or sites over 45 years old that are listed or eligible for listing in local, state or national preservation registers (e.g. shipwrecks or lighthouses); or Artifacts or other material evidence of tribal or historic use or occupation (e.g. burials, village sites, or middens).

- ii. Buoys and submarine cables: Fixed infrastructure such as navigation or monitoring buoys, fiber optic cables, electrical transmission cables, other fixed monitoring equipment in the marine environment (e.g. hydrophones) and any associated mooring lines, anchors or other equipment.
- 3. ISU Mapping and Location. The state has developed maps of ISUs intended to assist applicants in identifying where ISUs exist. <https://www.msp.wa.gov/important-sensitive-and-unique-areas-isus/>. However, ISU protection standards will apply to any ISU, wherever it is identified in state waters. It is the responsibility of applicants to verify whether ISUs exist in their proposed project area and to demonstrate protection standards will be met.
- 4. ISU Protection standards. New ocean uses should only be allowed when the applicant can demonstrate consistency with the following ISU adverse effects and protection standards:
 - a. An applicant for proposed new ocean uses involving offshore development must demonstrate that the project will have no adverse effects on an ISU located at the project site and to off-site ISUs potentially affected by the project, using site-specific surveys, scientific data and analysis, which demonstrate either:
 - i. The current ISU maps do not accurately characterize the resource or use or the project area (mapped or not mapped) does not contain an ISU resource or use; or
 - ii. The weight of scientific evidence clearly indicates that the project will cause no adverse effects to the resources of the ISU.
 - A. Adverse effects standards for Ecological ISUs means degradation of ecosystem function and integrity (direct habitat damage, burial of habitat, habitat erosion, and reduction in biological diversity) or degradation of living marine organisms (abundance, individual growth, density, species diversity, and species behavior).
 - B. Adverse effects standards for historic, cultural or fixed infrastructure ISUs include the following:
 - (1) Direct impacts from dredging, dumping, or filling;
 - (2) Alteration, destruction or defacement of historic, archaeological or cultural artifacts; and
 - (3) Direct impacts from placement or maintenance of new, temporary or permanent structures in areas with existing infrastructure or historic, archaeological or cultural artifacts.
 - b. Additional buffers may be appropriate to protect ISU resources from adverse effects. Project developers shall consult with the Washington Department of Fish and Wildlife on recommended buffers for Ecological ISUs associated with their proposed project prior to filing application materials with local or state agencies. Project developers shall consult with the Washington Department of Archaeological and Historical Preservation and tribal preservation officers on further identification and protection of cultural or historical artifacts.
- 5. Applicants for proposed new ocean uses involving offshore development must consult with WDFW, individuals participating in affected commercial and recreational fisheries, and each of the coastal tribes to identify and understand the proposed project's potential adverse effects to fisheries and tribal uses.
- 6. Fisheries Protection standards. New ocean uses involving offshore development shall only be allowed when the applicant can demonstrate that their project meets all of the following standards to protect fisheries located at the project site and nearby from adverse effects:
 - a. There are no likely long-term significant adverse effects for commercial or recreational fisheries. Adverse effects can be direct, indirect or cumulative.
 - i. A significant reduction in the access of commercial or recreational fisheries to the resource used by any fishery or a fishing community(s);
 - ii. A significant increase in the risk to entangle fishing gear;
 - iii. A significant reduction in navigation safety for commercial and recreational fisheries; and
 - iv. Environmental harm that significantly reduces quality or quantity of marine resources available for harvest.
 - b. All reasonable steps are taken to avoid and minimize social and economic impacts to fishing.

- i. Avoid adverse social and economic impacts to fishing through proposed project location, design, construction, and operation, such as avoiding heavily used fishing areas. Where adverse impacts to fishing cannot be reasonably avoided, demonstrate how project has minimized impacts;
- ii. Minimize the number of and size of anchors. Space structures for greater compatibility with existing uses and bury cables in the seafloor and through the shoreline;
- iii. Minimize risk of entangling fishing gear from new structures installed in the seafloor or placed in the water. Minimize the displacement of fishers from traditional fishing areas, and the related impact on the travel distance, routing, and navigation safety in order to fish in alternative areas;
- iv. Minimize the compression of fishing effort caused by the reduction in the areas normally accessible to fishers;
- v. Minimize the economic impact resulting from the reduction in area available for commercial and recreational fishing for the effected sectors and ports.
- vi. Limit the number and size of projects located in an area to minimize the impact on a particular port, sector, or fishery;
- vii. Consider the distribution of projects and their cumulative effects; and
- viii. Other reasonable and relevant considerations as determined by the fisheries consultation process and specifics of the proposed project.

Chapter 11. Definitions

Additional related terms proposed for insertion shown in Attachment B Items #17 – 20, including:

- Important, Sensitive and Unique Areas (ISUs)
- Marine Spatial Plan for Washington's Pacific Coast (MSP)
- New Ocean Uses
- Ocean Disposal
- Ocean Energy Production
- Ocean Mining
- Ocean Oil and Gas Uses and Activities
- Ocean Salvage
- Ocean Transportation
- Ocean Use

ATTACHMENT C: DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES TO THE CLALLAM COUNTY 10/30/2018 SHORELINE MASTER PROGRAM UPDATE - (RESOLUTION NO.91-2018)

The following changes are recommended to clarify provisions for implementation, as consistent with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; through = deletions]	ECOLOGY DISCUSSION/RATIONALE
1.	Cover Page	Note: This Clallam County Shoreline Master Program (SMP) is intended to updates and replaces: (1) the 1976 SMP (last amended 1992); and (2) Clallam County Code (CCC) Chapter 35.01 SMP administrative standards under Title 35 CCC, Shorelines. The County is to has <u>completed</u> the process of <u>for a comprehensive update ing of</u> the SMP for consistency with the Washington State Shoreline Management Act (SMA), RCW 90.58, and state shoreline master program guidelines (WAC 173-26, WAC 173-27). The County and the Washington State Department of Ecology share joint authority and responsibility for the update and administration of the SMP (RCW 90.58.050). <u>Updates All amendments to the County's SMP require approval by Ecology to be effective. Per RCW 90.58.090, this SMP will be submitted to Ecology for state review and approval and additional public review. ...</u>	As written, this language is out of sync for the final status of the SMP. Ecology recommends text revisions to update wording for the final approved SMP.
2.	General	...the <u>most current, accurate, complete, available and applicable best available science...</u>	Global Change - 'Best available science' (BAS) is a term/convention derived from the Growth Management Act (GMA). Under SMA, WAC 173-26-201(2.a) requires use of the "most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern". Ecology recommends the County consider scrubbing the document to replace "best available" with the SMA terminology (i.e. "most current, accurate, complete available information") or similar, including, but not limited to, the following locations: Chapter 1.2; 1.8(3); 1.12(2); 2.2(3); 3.2.4(14); 7.14(10.a); and 10.3.2(2).
CHAPTER 1 INTRODUCTION & OVERVIEW			
3.	1.1 Background Information	<u>[Second to last paragraph on page 1-3]:</u> ... Following the public hearing, the BOCC held 16 work sessions to consider the Planning Commission recommendation and public comments received and took final action to locally approve adopt the SMP on <u>in October 2018 (Resolution 91-2018 Insert Date of Adoption)</u> . <u>The final SMP adopted by the BOCC will be submitted to After the</u> Department of Ecology <u>for</u> state review and conditional approval. <u>the BOCC adopted the final SMP in [Month Year]] (Ordinance No. [###-###]) and subject to additional public review. This SMP is effective as of [Month Day, Year]], 14 days after Ecology's notice of final action.</u>	As written, this language is out of sync for the final status of the SMP. Ecology recommends text revisions to update wording for the final approved SMP.

ATTACHMENT C: DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES TO THE CLALLAM COUNTY 10/30/2018 SHORELINE MASTER PROGRAM UPDATE - (RESOLUTION NO. 91-2018)

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; del = deletions]	ECOLOGY DISCUSSION/RATIONALE
4.	1.4 SMP Update Vision	Marine spatial planning is another important tool that is increasingly being used around the country and world to coordinate decisions for coastal and ocean environments ² , <u>including in Washington State. In June of 2018, the Marine Spatial Plan for Washington's Pacific Coast was finalized. This was the result of a multi-year planning process beginning in 2010 when the State enacted a marine spatial planning law to address resource use conflicts and the potential for new ocean development. The plan was developed by an interagency team with input from stakeholders represented by the Washington Coast Marine Advisory Council (WCMAC).</u> Marine spatial planning uses data on the location of important marine resources, human activities, and other key components to determine the most appropriate locations for particular uses to achieve ecological, economic and social objectives.	As related to the Ocean Resources Management Act (ORMA) requirements of WAC 173-26-360, the collaborative work of the State Ocean Caucus and Washington Coastal Marine Advisory Council (WCMAC) has continued since earlier draft SMP language was written. The <i>Marine Spatial Plan for Washington's Pacific Coast</i> was finalized in June 2018. Ecology recommends text revisions to better reflect the final MSP and ongoing WCMAC efforts for consistency with WAC 173-26-360. See also related changes in Attachment B Required Changes for SMP 2.3, SMP 3.13 and Chapter 11 Definitions.
5.	1.5 Shoreline Master Program Goals	10. To preserve shorelines for <u>water-dependent</u> and water-related commerce and industry that are essential to the County's economy, and to discourage interference with established water- <u>oriented related</u> use of shorelines.	WAC 173-26-241(3.d) gives first preference to water-dependent commercial use over non-water dependent commercial use, and secondly to other water-oriented commercial use over non-water oriented commercial use. As written, this goal only mentions water-related commercial and industrial use, omitting the more preferred water-dependent uses. Ecology recommends revision to improve accuracy and clarity.
6.	1.7 Exceptions to Applicability	1. This Program shall not apply to: a. lands held in trust by the United States for Indian Nations, Tribes, or individuals; b. lands within the boundaries of the Olympic National Park in accordance with RCW 37.08.210, including inter-tidal lands between the ordinary high water mark and extreme low water located within the Park along the Pacific Coast; and c. The exercise of treaty rights, as acknowledged and provided for in RCW 90.58.350, the Shoreline Management Act of 1971. <u>2. Developments not required to obtain shoreline permits or local reviews. Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:</u> <u>a. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued</u>	WAC 173-27-044 and -045 identify limited activities that are not subject to local SMP review and permitting or to the SMA (respectively), as different and separate from the activities exempted from substantial development permit requirements per -040. These exceptions are in effect regardless of inclusion in the SMP, but are helpful to note for implementation. Ecology recommends revision to add language that specifically identifies these exceptions to aid both applicants and practitioners. See also Periodic Review Checklist #2017 c. This item also identified by S. Gray Feb '19 email re: PR items.

ATTACHMENT C: DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES TO THE CLALLAM COUNTY 10/30/2018 SHORELINE MASTER PROGRAM UPDATE - (RESOLUTION NO. 91-2018)

ITEM	SWIP PROVISION	BILL FORMAT CHANGES [underline = additions; deletions = deletions]	ECOLOGY DISCUSSION/RATIONALE
		<u>pursuant to RCW 70.105D, or to the Department of Ecology when it conducts a remedial action under chapter 70.105D RCW.</u> <u>b. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.</u> <u>c. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.</u> <u>d. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.</u> <u>e. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.</u>	
7.	1.10 Authority	3. Consistent with RCW 90.58.080 the County will conduct a periodic review of this Program and, if necessary, revise this Program to assure: a. That the Program complies with applicable law and guidelines in effect at the time of the review, including the Shoreline Management Act, Chapter 90.58 RCW; State Master Program Approval/Amendment Procedures and Master Program Guidelines, Chapter 173-26 WAC; and Shoreline Management Permit and Enforcement Procedures, Chapter 173-27 WAC. b. Continued consistency of this Program with the Clallam County Comprehensive Plan and development regulations adopted under the Washington State Growth Management Act (GMA), RCW 36.70A, as applicable. <u>c. That the Program reflects any changes in local circumstance, new information or improved data.</u> 4. The County shall convene a citizen review panel to assist in the periodic review process and shall report the findings to the public at-large.	WAC 173-26-090 describes the minimum scope of review, and requires revision as needed, for three categories including 'changing local circumstance, new information or improved data' and the two presented as written. Ecology recommends text revisions to add the third required category for clarity.
8.	1.12 Limitations and Disclaimer	1. The degree of environmental protection required by this Program is considered reasonable for regulatory purposes. This Program does not imply that lands outside of shoreline jurisdiction do not provide beneficial functions, nor does it imply that any lands within or outside of shoreline jurisdiction will be free from hazards. This Program shall not create liability on the part of Clallam County, any officer, <u>public official</u>, or employee thereof, for any damages that result from reliance on this Program, <u>providing assistance</u>	Clarifying edit suggested by County staff to reflect that the Administrator of this Program is a publically elected official, and that Section 8.2.5 requires the County to provide "assistance." Ecology supports the change.

ATTACHMENT C: DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES TO THE CLALLAM COUNTY 10/30/2018 SHORELINE MASTER PROGRAM UPDATE - (RESOLUTION NO. 91-2018)

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; deletions = deletions]	ECOLOGY DISCUSSION/RATIONALE
CHAPTER 2 SHORELINE ENVIRONMENT DESIGNATIONS			
9.	2. Shoreline Environment Designations	2.1 Basis of the Designations ... 4. Figure 2-2 shows example photographs representing typical river and marine shorelines that are designated Natural, Resource Conservancy, Shoreline Residential – Conservancy, Shoreline Residential – Intensive, or Marine Waterfront. 2.4 Natural Designation; 1. Criteria: Figure 2-2 shows sample photographs representing typical river and marine shorelines that are designated Natural. The Natural designation is applied to shoreline areas landward of the ordinary high water mark...	Global Change - This statement about Figure 2-2 photographs is repeated for each SED at SMP 2.4 – 2.8. Photos of example shoreline reaches do not establish designation criteria; this text is better located elsewhere, stated once as a courtesy for readers. Ecology recommends text revisions to minimize repetition, shown here for 2.4 Natural, and also located at: 2.5 Resource Conservancy Designation; 2.6 Shoreline Residential – Conservancy Designation; 2.7 Shoreline Residential – Intensive Designation; and 2.8 Marine Waterfront Designation And we suggest moving the text deleted from 2.4 – 2.8 to SMP 2.1 as a new #4 as shown here.
10.	2.4 Natural Designation	1. Criteria: ... The Natural designation is applied to shoreline areas landward of the ordinary high water mark located outside of County forest lands of long-term commercial significance designated pursuant to RCW 36.70A.170 (see also Section 2.5, Resource Conservancy Designation) and are ecologically intact, unable to support new use or development without significant adverse impacts to ecological functions or risk to human safety, or have particular scientific or educational interest. These shorelines are characterized as also having a preponderance of the following characteristics: ...	Ecology recommends text revisions for clarity, for better consistency with WAC 173-26-211(5 a.iii), and for internal consistency with the Management Policies of 2.4(3).
11.	2.5 Resource Conservancy	1. Criteria: ... The Resource Conservancy designation is applied to shoreline areas landward of the ordinary high water mark located outside a UGA, within or bordering forest lands of long-term commercial significance designated under the Clallam County Comprehensive Plan, Title 31 CCC, pursuant to RCW 36.70A.170, and zoned Commercial Forest (CF), Commercial Forest/Mixed Use 20 (CFM20), and Commercial Forest/Mixed Use 5 (CFM5) on the Clallam County Comprehensive Plan Land Use and Clallam County SMP October 2018 2-7 Zoning Maps. These shorelines are characterized as also having a preponderance of the following characteristics:	This 'locally tailored' SED appears to be a primarily timber/forest practices-focused version of the WAC's Rural Conservancy. There is some internal inconsistency with another SED and, as written, some of the aspects addressed by the WAC version are lacking here (i.e. low intensity/density, historical/cultural) but not covered by any other SED. Ch 11 Definition 109. Low intensity land use means a land use that has limited impact upon the land, resources an adjoining properties in terms of the scale of development, and frequency, amount, or concentration of use. Low intensity uses are

ATTACHMENT C: DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES TO THE CALLAM COUNTY 10/30/2018 SHORELINE MASTER PROGRAM UPDATE - (RESOLUTION NO. 91-2018)

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; deletions = deletions]	ECOLOGY DISCUSSION/RATIONALE																
12.	2.9 Allowed Uses in Each Shoreline Environment Designation	a. Typically associated with large, contiguous blocks of forest lands and natural resource areas; b. Dispersed, scattered and/or relatively isolated <u>low-density residential, low-intensity recreational</u>, or other <u>water-oriented</u> developments; c. High percentages of closed-canopy forest, but may include areas of recent timber harvests and related forest practices; d. Minimal constraints to overbank flooding and/or channel migration; or e. Forest fragmentation or conversion of forest cover to other land cover types is minimal; or <u>f. High recreational value or unique historic or cultural resources; or</u> <u>g. LAMIRDS with low-intensity water-dependent uses.</u> 2. Purpose: The purpose of the Resource Conservancy designation is to maintain resource lands in a predominantly forested condition for sustained timber production, habitat conservation, and/or <u>low-intensity</u> outdoor recreational use. <u>while protecting existing ecological functions and processes.</u> Table 2-2 Non-Residential Uses <table><tr><th>Use/Development/Modification</th><th>Aquatic Strata¹</th><th>Aquatic - Pacific Ocean¹</th><th>Marine Waterfront</th><th>Shoreline Residential - Intensive</th><th>Shoreline Residential - Conservancy</th><th>Resource Conservancy</th><th>Natural</th></tr><tr><td>Dredging and dredge material disposal (see Section 4.3)</td><td>see notes 1 & 2</td><td>C¹</td><td>C</td><td>C</td><td>C</td><td>C</td><td>X</td></tr></table>	Use/Development/Modification	Aquatic Strata ¹	Aquatic - Pacific Ocean ¹	Marine Waterfront	Shoreline Residential - Intensive	Shoreline Residential - Conservancy	Resource Conservancy	Natural	Dredging and dredge material disposal (see Section 4.3)	see notes 1 & 2	C ¹	C	C	C	C	X	mostly passive uses that do not substantially consume resources or leave noticeable or lasting adverse impacts. 1. Criteria – The Shoreline Residential – Conservancy Criteria include areas inside UGAs so it seems this Resource Conservancy would be the counterpart for locations outside UGAs. The Management Policies at 2.5(3) below reflect the WAC language so the Criteria need to match for consistency: a. Natural resource areas are different than natural areas; b. Low density/intensity, water-oriented uses f. Recreational , historic, cultural g. Low intensity water-dependent uses in LAMIRDS Ecology recommends text revisions for clarity and better consistency with WAC 173-26-211(5.b), and internal consistency. In consultation with County staff about a clarifying edit suggested to address dredge disposal under an approved DMMP, the Table 2-2 reference to Footnote #2 was recognized as erroneous, as it regards agricultural uses on agricultural lands. See also Periodic Review Checklist Item #2019.b. Ecology supports the change to correct the typo.
Use/Development/Modification	Aquatic Strata ¹	Aquatic - Pacific Ocean ¹	Marine Waterfront	Shoreline Residential - Intensive	Shoreline Residential - Conservancy	Resource Conservancy	Natural												
Dredging and dredge material disposal (see Section 4.3)	see notes 1 & 2	C ¹	C	C	C	C	X												
CHAPTER 3 POLICIES & REGULATIONS FOR SPECIFIC SHORELINE USES & DEVELOPMENTS																			
13.	3.2.1 Aquaculture - Policies	8. <u>The County recognizes that potential locations for aquaculture may be restricted due to specific requirements for water quality, temperature, flows, oxygen, adjacent land uses, wind protection, commercial navigation, and/or salinity, and that technology associated with some forms of existing aquaculture is still in its formative stages. These limiting factors necessitate some experimental latitude in the development of this use as long as its potential impacts are taken into account.</u> Experimental aquaculture projects in water bodies should be limited in scale and duration until their effects can be adequately understood. Flexibility to experiment with new aquaculture techniques should be	Ecology recommends text revisions for improved consistency with WAC 173-26-241(3.b.i.B) by adding context for why experimental aquaculture is allowed.																

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		allowed when consistent with state and federal regulations and this Program and when properly monitored to prevent adverse impacts .	
14.	3.2.2 Aquaculture Regulations - General	15. Where aquaculture use and development are authorized to use public county facilities, such as boat launches or docks, the Administrator shall reserve the right to condition the permit to require the project proponent to pay a portion of the maintenance costs and any required improvements commensurate with the project proponent's use. The County shall seek comment from the public agency managing any public facility proposed to be used as part of the aquaculture operations on applicable use fees or other use restrictions or requirements.	County proposed to accept the requested change, and added another suggested revision, to address issues raised by Taylor Shellfish comments in the Comment Response Summary (Attachment D) Item #49. The County's proposed revision is not necessary for consistency with SMA, but is acceptable. In consultation with County staff, Ecology supports the County's revisions.
15.	3.2.2 Aquaculture Regulations - General	18. The County shall require applicants for aquaculture developments provide a bond or similar financial surety to fund the removal of any abandoned or failed aquaculture facility. The amount of the bond shall be determined based upon the cost to remove the facility, value of the facility and the gross value of the annual facility production . The County shall waive this requirement where sufficient bond to address the intent of this standard is part of the state Aquatic Land Lease Authorization.	County proposed to accept the requested change and suggested revisions to address issues raised by Taylor Shellfish comments in Comment Response Summary (Attachment D) Item #50. The County's proposed revision is not necessary for consistency with SMA, but is acceptable. In consultation with County staff, Ecology supports the County's revisions.
16.	3.2.5 Aquaculture – Application Requirements	5. An application for commercial geoduck aquaculture shall include: ... n. Whether the site contains existing public access to publicly owned lands. Where the site contains existing public access to publicly owned lands, consider recommendations from the department of natural resources or other landowning agencies regarding protection of the existing public access; and ...	Ecology recommends text revisions for improved consistency with WAC 173-26-241(3.b.iv.L.XII) : <i>Where the site contains existing public access to publicly owned lands, consider recommendations from the department of natural resources or other landowning agencies regarding protection of the existing public access.</i>
17.	3.11.2 Transportation Regulations – Design & Operations	6. Private road access to private development sites may be permitted to cross wetlands, streams and/or their buffers if there are no feasible alternative alignments. Alternative access shall be pursued to the maximum extent feasible, including through the provisions of RCW 8.24. Exceptions or deviations from technical standards for width or other dimensions, and specific construction standards to minimize impacts, may be specified, including placement on elevated structures as an alternative to fill, if feasible. Proponents of such wetland or stream crossings must demonstrate that all of the following criteria are met: a. There is no other feasible alternative route with less impact on shorelines or critical areas. ...	Clarifying edit suggested by County staff for internal consistency. Ecology supports the clarification.

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18.	3.12.0 Utilities - Applicability	<u>This section applies to all utilities</u> including distribution lines and related facilities, as defined in Chapter 11, shall be consistent with the following policies and shall conform to the following regulations, except as applies to residential utilities described in Section 3.8.2 of this Program.	Clarifying edit suggested by County staff for internal consistency with SMP 3.8 Residential Development provisions. Ecology supports the clarification.
CHAPTER 4 POLICIES AND REGULATIONS FOR SHORELINE MODIFICATIONS			
19.	4.1.2 Shoreline Modifications – Beach Access Structures - Regulations	2. New beach access structures shall comply shall comply with the applicable provisions of Chapters: 6, Buffers; 7, Critical Areas; 8, Mitigation and No Net Loss; and with the applicable sections: 5.2, Clearing, Grading and Filling; 5.3, Public Access; 5.4, Water Quality/Water Management and 5.5, Archeological, Historical and Cultural Resources.	Clarifying edit suggested by County staff to delete duplicate language. Ecology supports the change to correct the typographical error.
CHAPTER 5 GENERAL POLICIES AND REGULATIONS			
20.	5.1.0 General Policies & Regulations – Existing (Grandfathered) Uses & Development - Applicability	2. Consistent with RCW 90.58.620 and WAC 173-27-080, single-family residences and accessory appurtenant structures located landward of the ordinary high water mark that were legally established prior to the effective date of this Program, but do not conform to the regulations of this Program, are considered conforming structures and uses for the purposes of this Program. For the purposes of this section, accessory structures do not include shoreline modifications or over-water structures.	In consultation with County staff about a clarifying edit for consistency with Attachment B Required Change to SMP 11 Definitions for 'accessory' and 'appurtenant structures', it was recognized that consistency with the noted statutory citation would provide better clarity. Further, the last sentence as presented can be deleted as duplicative of the SMP 11. Definition for Appurtenance/Appurtenant Structures. Ecology supports the change and proposes alternative phrasing for consistency with RCW 90.58.620(1.a) "Residential structures and appurtenant structures that were legally established..." and (2) "For purposes of this section, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or overwater structures"
21.	5.1.3 General Policies & Regulations – Existing (Grandfathered) Uses & Development –	7. Expansion/Enlargement of Single-family Residence or Accessory Appurtenant Structure: a. Administrative Approval: The Administrator may allow a one-time enlargement, expansion or addition to a grandfathered, single-family residence or accessory appurtenant structure that would not otherwise be allowed under this Program, if all of the following criteria are met: ...	Same as #20 above, replace ' accessory ' with ' <u>appurtenance</u> ' for accuracy and internal consistency.

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	Regulations – Existing Structures	c. Variance Approval Required: Enlargement or expansion of a single-family residence or accessory appurtenant structure that do not meet all of the criteria in part “(a)” above that would extend waterward beyond the existing foundation walls, further into a shoreline buffer or critical area, or that increases the structure height above the limits established by this Program shall require a variance pursuant to Chapter 10 of this Program.	
CHAPTER 7 CRITICAL AREAS WITHIN SHORELINE JURISDICTION			
22.	7.3 General Critical Areas Regulations	8. Land Divisions: Land divisions in critical areas and/or buffers shall meet all of the following conditions and the policies and regulations in Section 3.8 (Residential) of this Program: a. Proposals to create new lots for development shall demonstrate an adequate building envelope (including access and utilities) that is suitable for development and is not within a wetland, aquatic and terrestrial habitat conservation area, floodplain, or landslide hazard area or their buffers. 2. New shoreline uses and developments shall be located, designed, constructed, and maintained to avoid impacts on Aquatic HCAs Type F, Np and Ns Waters and their buffers. Impact avoidance measures shall include, but not be limited to, reducing the number, size or scale of buildings, driveways and other features; altering the configuration or layout of the proposed development; using environmentally favorable construction materials; foregoing construction of accessory structures; directing lights away from the water body; preserving native vegetation; and other reasonable measures. 3. New uses and developments may be allowed in Aquatic HCAs Type F, Np and Ns Waters and/or their buffers, as specified in this Program, when all reasonable measures have been taken to avoid adverse impacts on species and habitats; when compensatory mitigation is provided, in accordance with Section 8.3 of this Program, for all adverse impacts that cannot be avoided; and the amount and degree of the alteration are limited to the minimum needed to accomplish the project purpose. 4. The Administrator may impose conditions on any new shoreline uses and developments in Aquatic HCAs Type F, Np and Ns Waters and their buffers as needed to:	Upon consultation with County staff, omission of this term was an unintended oversight. For internal consistency this list should also include Terrestrial Habitat Conservation Areas. Ecology recommends revision to add ‘and terrestrial’.
23.	7.9 Regulations – Aquatic Habitat Conservation Area Protection Standards		Overall, Aquatic HCAs are designated & classified at 7.7(1) to include Type S, F, Np & Ns waters, plus TSE aquatic habitat and Critical FW & Saltwater habitats. By only using the Typed waters terms in Regulations #2, 3, and 4 they would not apply to the other classes of Aquatic HCAs. Ecology recommends revision to use the more inclusive term Aquatic HCAs.

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24.	7.14 Regulations – Geologically Hazardous Areas Protection Standards	10. Channel Migration Zone Protection Standards: ... b. CMZ Checklist and Review. Applicant's that propose new shoreline uses and development in the mapped potential CMZ within the shoreline jurisdiction shall submit a completed CMZ checklist available from the Administrator with their shoreline application. The Administrator will perform and document the results of the following steps to determine whether to require the applicant to prepare a CMZ assessment report: ... ii. Consult maps and related supporting data bases and reports on the location and extent of the potential CMZ that are available to the public; iii. Review whether any significant channel movement has occurred between available County aerial orthophoto data layers since Year 2000 photo series spanning at least 30 years where available; ... c. CMZ Assessment Report. If required by the Administrator, the CMZ assessment report shall be prepared by a geologist, engineering geologist, professional engineer licensed in the state of Washington, or other qualified professional that demonstrates the following: ... ii. The proposed use or development site has minimal risk of channel migration as indicated by the existing channel type, land cover (and low likelihood of future alterations in land cover); surficial geology, low soil erosion potential; lack of evidence of likely avulsion pathways (including areas upstream of, but proximate to, the site); low inundation frequency(ies); whether channel movement has occurred between an aerial photo series spanning at least 30 years where available; and other available information. ...	County suggested revisions to address issues raised by Futurewise comments in Comment Response Summary (Attachment D) Item #100. The County's proposed revision is not necessary for consistency with SMA, but is acceptable. In consultation with County staff, the photo series timeline was corrected from 50- to 30-years; Ecology supports the County's revisions for accuracy.
25.	8.2 Mitigation & No Net Loss - Policies	3. The County should work cooperatively with shoreline property owners and with other local, state, federal, and Tribal resource management agencies to track new development and redevelopment subject to this Program, violations and remediation of violations of SMP permits issued under this Program, and collect information pertaining to environmental indicators. monitor the effects of development and track gains and losses in ecological functions using a set of specific environmental indicators. The following Specific environmental indicators that should be measured tracked on frequent and regular basis at least once every five years and compared to 2012 previous baseline levels	Clarifying edits requested by County staff to better describe the type of data collection anticipated to occur given availability/capacity of staffing resources, new data sets, and permit details. Tracking permits & readily available information is a more reasonably achievable target than the County obligating itself to conducting scientific field surveys to measure on the ground changes in ecological conditions. Ecology supports the change to clarify these actions towards cumulative impacts and no net loss evaluations.

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		when data is reasonably obtainable and publically available from either governmental sources, the scientific community or aerial imagery include: a. Percent of mapped feeder bluffs with armoring (percent classified as modified); b. Status of salmon stocks; c. Status of shellfish beds (frequency of closures); d. Length of stream bordered by/confined by levees, excluding setback levees; e. Number of overwater structures per mile of shore and number of overwater structures per mile of sediment transport zone; f. Number <u>Length</u> of <u>shoreline</u> tidal barriers; g. Percent of aquatic area supporting submerged aquatic vegetation (e.g., kelp, eelgrass); h. Percent closed canopy forest within two hundred (200) feet of the ordinary high water mark; i. Percent impervious surface within two hundred (200) feet of the ordinary high water mark; and j. Area of up developed floodplains/channel migration zone.	
26.	8.3 Regulations – General Mitigation Requirements	3. The Administrator shall require compensatory mitigation for development proposals that: a. Do not fully conform to one or more of the dimensional requirements, performance standards, and/or design criteria in this Program; or b. Result in measurable damage <u>adverse impacts</u>, loss and/or displacement of <u>shoreline ecological functions including</u> a wetland, aquatic habitat conservation area, terrestrial habitat conservation area, flood storage or conveyance area, or critical aquifer recharge area <u>or geologic and hydraulic processes</u>; or c. Result in measurable damage <u>adverse impacts</u>, loss and/or displacement of kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds; mudflats; intertidal habitats with vascular plants; and areas with which priority species have a primary association.	County suggested revisions to address issues raised by Futurewise comments in Comment Response Summary (Attachment D) Item #103. The County's proposed revision is not necessary for consistency with SMA, but is acceptable. In consultation with County staff, Ecology supports the County's revisions.

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CHAPTER 10 ADMINISTRATIVE PROCEDURES			
27.	10.2.5 Exemptions from SSDP	11. No statement of exemption is required for emergency development pursuant to WAC 173-27-040(2)(d) but after the fact permitting and/or removal of temporary structures may be required once the emergency situation is over.	WAC 173-27-040(2.d): <i>Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;</i> Ecology recommends revision for clarity & to aid the reader during implementation
CHAPTER 11 DEFINITIONS			
28.	11. Definitions	Many of the terms and concepts used in this Program have definitions established by the SMA (RCW 90.58) or implementing rules (WAC 173-18, -20, -22, -26, and -27). In the event of a conflict between the definitions provided herein and those established by statute and rule, the RCW and WAC definitions shall prevail.	Because many of the definitions provided at SMP 11 are comparable to but not the exact wording of the RCW/WAC version, Ecology recommends adding text to provide context and clarity.
29.	11.A	16. Agricultural land means those specific land areas on which agriculture activities are conducted as of the date of adoption of this Program pursuant to the state guidelines (WAC 173-26) as evidenced by aerial photography or other documentation. After the effective date of the Program, land converted to agricultural use is subject to compliance with the requirements of the Program. 17. Agricultural products means to includes, but is not limited to, horticultural, viticultural, ... poultry and poultry products, and dairy products. WAC 173-26-020. Upland finfish-aquaculture use and development is subject to the Aquaculture policies and regulations of this Program.	RCW 90.58.065(2)(b) and (d), and WAC 173-26-020(3)(b) and (d): "Agricultural land" means those specific land areas on which agriculture activities are conducted. "Agricultural products" includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products

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			<i>including but not limited to meat, upland finfish, poultry and poultry products, and dairy products;</i> Regulatory clauses are better presented as separate provisions rather than as part of a definition. As written, the added text at #16 and #17 is not part of the RCW/WAC definitions, and is duplicative of other text at SMP 3.1.2 Agriculture: • Regulation #4 that addresses agriculture existing prior to the adoption date of the Program; and • Regulation #7 that addresses upland finfish aquaculture. Ecology recommends text revisions for improved consistency with RCW 90.58.065.
30.	11.A	25. Aquatic Habitat Conservation Areas means the subset of fish and wildlife habitat conservation areas listed in WAC 395-365-190-130(24) that occur in the water.	Ecology recommends text revisions for accuracy and consistency with WAC 365-190-130.
31.	11.C	81. Critical freshwater habitats includes critical areas as designated in CCC 27.12 and this Program that are associated with freshwater shorelines, including streams and associated riparian zones, wetlands, aquatic and wildlife habitat conservation areas, and areas with which priority species, as defined by WAC 173-26-020(31-29), have a primary association.	Incorrect WAC citation, should be -020(31)
32.	11.D	89. Development or Development Activities means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Program at any state of water level. "Development" does not include dismantling or removing structures if there is no other associated development or re-development.	Ecology recommends this revision for added clarity to aid both applicants and practitioners. See also Periodic Review Checklist #2017.b This item also identified by S Gray Feb '19 email re: PR items
33.	11.F	132. Floodway means the area of a river valley that conveys flood waters with reasonable regularity, although not necessarily annually. At a minimum, the floodway is that which has been established in Federal Emergency Management Act flood insurance rate maps or Federal Emergency Management Act floodway maps. The floodway does not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.	Ecology recommends revision for consistency with RCW 90.58.030(2.b) : <i>"Floodway" means the area, as identified in a master program, that either:</i> <i>(i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or</i> <i>(ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of</i>

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			<i>flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.</i> <i>Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;</i> See also Periodic Review Checklist #2007.a
34.	11.T	331. Terrestrial Habitat Conservation Areas means the subset of fish and wildlife habitat conservation areas listed in WAC 365-190-130 that occur on land.	Ecology recommends text revisions for accuracy and consistency with WAC 365-190-130.
APPENDICES			
35.	Exhibit A. Shoreline Environment Designation (SED) Maps	Map 2 - Change the reach of Sequim Bay owned by USFWS from Shoreline Residential-Conservancy to Natural.	County suggested revisions to address issues raised by USFWS comments in Comment Response Summary (Attachment D) Item #117. The County's proposed revision is not necessary for consistency with SMA, but is acceptable. In consultation with County staff, Ecology supports the County's revisions.
36.	Exhibit A. SED Maps	Map 2 – Depict USFWS lands similar to other publicly-owned parcels; inquire with USFWS how this block of USFWS owned land should be referenced on the map.	County suggested revisions to address issues raised by USFWS comments in Comment Response Summary (Attachment D) Item #118. The County's proposed revision is not necessary for consistency with SMA, but is acceptable. In consultation with County staff, Ecology supports the County's revisions.
37.	Exhibit A. SED Maps	Map 7 – Evaluate potential options to better distinguish between separate but similar blue lines depicting shorelines and non-SMP streams.	County suggested revisions to address issues raised by USFWS comments in Comment Response Summary (Attachment D) Item #119. The County's proposed revision is not necessary for consistency with SMA, but is acceptable. In consultation with County staff, Ecology supports the County's revisions.

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38.	Exhibit A. SED Maps	Map 7 - Consider rectifying the green Natural SED boundaries for Dungeness National Wildlife Refuge where the outline of the spit and sand areas shown are based on the 2011 aerial photo. However, the spit is dynamic and the boundary of the sand spit will continue to change over-time.	County suggested revisions to address issues raised by USFWS comments in Comment Response Summary (Attachment D) Item #120. The County's proposed revision is not necessary for consistency with SMA, but is acceptable. In consultation with County staff, Ecology supports the County's revisions.
39.	Exhibit B. Shoreline Checklist & Statement of Exemption Form	Exhibit B Shoreline Checklist & Statement of Exemption Form for Ensuring Consistency with SMP Policies and Regulations and No-Net-Loss Policy If the County accepts this deletion, the following changes are also recommended: 8. Mitigation &>NNL: Note: ... The County has prepared a draft shoreline restoration plan that will also help improve ecological functions such that there is a net gain overall. The County has also prepared a draft approach and strategy (see Exhibit B) to track the effects of shoreline development on a programmatic scale to ensure that the no net loss requirement is met. 8.2 Policies: 4. The County should use a the checklist application form in Exhibit B to track new development proposals against the list of indicators in Section 8.2.3. Changes in indicators should be tracked and monitored at the shoreline reach and watershed scales. 10.2.5 Exemptions from SSDP: #9. All statements of exemption shall be in writing on forms attached to this Program (Exhibit B). As appropriate, statements of exemptions shall contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of the Program and RCW 90.58. The granting of a statement of exemption shall constitute a valid authorization to engage in the activity or development.	This Exhibit B checklist exemption form is referenced at three locations in the SMP: 8. Mitigation &>NNL 8.2 Policies 10.2.5 Exemptions from SSDP: #9 In consultation with County staff, Ecology recommends removing this form from the SMP to use as a separate companion document/application form so that any future edits to the form do not trigger a formal SMP amendment. Upon its removal, we also recommend the above text edits to eliminate references to it.

Public Comment Summary: Clallam County Locally Approved SMP

Ecology Public Comment Period, January 14 - February 28, 2019

Prepared by Michelle McConnell, WA Dept. of Ecology, April 10, 2019

Clallam County Response (see last column), prepared June 4, 2019

During the Ecology Public Comment Period, thirteen (13) comment submittals were received. The issues raised in those comments are summarized below, organized by topic based on the pertinent SMP chapter/section, in numerical order.

COMMENT #	SMP SECTION/ COMMENT TOPIC	COMMENTS	COMMENT SUMMARY*	CLALLAM COUNTY RESPONSE & RATIONALE
1.	General	<i>Futurewise, Washington Environmental Council, Olympic Environmental Coalition, Protect Peninsula's Future, and North Olympic Group of Sierra Club</i> – Tim Trohimovich, Rein Attemann, Darlene Schanfeld, Steve Koehler, Bill Volmut (Futurewise et. al.)	The SMP update is important because of past significant damage to shoreline habitat and resources in WRIAs 17, 18, 19, and 20, including alteration/degradation to: • Nearshore marine & estuarine environments; • Water quality; • Currents and sediment processes; • Riparian vegetation, forest cover and large woody debris recruitment; • In-/vertebrate food sources for salmon; • Sedimentation, and mass wasting; • Floodplain encroachment, channelization, scour, and seasonal flow regimes; and • Southern resident orcas and Chinook salmon. Strongly supports SMP update as opportunity to significantly improve protections for the Strait, lakes, rivers and larger streams. The SMP update has many excellent provisions, including the inclusion of useful photographs and illustrations.	Clallam County concurs with the importance of the SMP update. Thank you for the supporting comment.
2.	General	<i>Futurewise et. al.</i>	To allow wildlife access corridors between water bodies and upland areas, the SMP should establish minimum lot widths. Two alternative methods would achieve this: • A simple lot ratio of 3:1; or	The SMP contains standards and provisions that together will benefit retention of wildlife access corridors between water bodies and upland areas. Examples of these provisions include, but are not limited to: • Approximately 96% of the County's shoreline jurisdiction is within

*See original comment submittal for complete verbiage.

Abbreviations: BoCC = Board of County Commissioners; ESA = Endangered Species Act; NNL = no net loss; OHWM = ordinary high water mark; PHS = Priority Habitats & Species; SED = shoreline environment designation; SPTH = site potential tree height;

Clallam SMP – Public Comment Summary

COMMENT #	SMP SECTION/ COMMENT TOPIC	COMMENTS	COMMENT SUMMARY*	CLALLAM COUNTY RESPONSE & RATIONALE
			A 300-foot minimum lot width for the Shoreline Residential – Conservancy, Resource Conservancy, and Natural SEDs.	the Natural SED or one of two conservancy SEDs—Resource Conservancy and Shoreline Residential Conservancy. These SEDs and overlapping existing County land use regulations (zoning, critical areas) limit the type and density of new development that benefits retention of wildlife access corridors. For example, the Resource Conservancy (ReC) SED covers ~65% of the County shoreline areas, with most reaches (>99%) located within the over 630,000 acres of zoned commercial forest lands (CF) lands characterized by large, contiguous tracts of federal, state and private forest lands that exhibit predominantly undeveloped riparian habitat corridors that connect to thousands of acres of upland and other wildlife habitats outside of the shoreline jurisdiction. - The SMP prohibits new lot creation by subdivision within the Natural SED (SMP Section 3.8.4.(1)). - The SMP requires that new land divisions creating lots for development must demonstrate adequate building area in all SEDs (including access and utilities) suitable for development outside of 100-year floodplain, landslide hazards, aquatic areas, wetlands and their associated buffer areas (SMP 7.3.8). - The SMP establishes minimum standard shoreline and critical area buffers (SMP Chapters 6 and 7). - County zoning establishes minimum lot widths and lot width/depth ratios, and the SMP establishes minimum lot width of at least 150-feet and maximum width to depth ratio is 1:4 in the Resource Conservancy and Shoreline Residential—Conservancy SEDs (SMP Section 3.8.4.(4)).
3.	General	Jamestown S'Klallam Tribe – Randy Johnson (JST)	The SMP fails to adequately protect treaty resources in several regards, especially relating to buffers, no net loss (NNL), and mitigation.	See response to the comments related to shoreline buffers (SMP Chapter 6) and NNL topics in this table.

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4.	General	JST	Salmon recovery is based on the crucial premise that we can protect what habitat remains while we restore previously degraded habitat conditions. Unfortunately, significant investments in recovery may not be realized because the rate of habitat loss continues to outpace restoration. This SMP update does not substantially change the balance of the equation and we are faced with a continued net decline.	The SMP regulates new development and uses within the narrow jurisdictional extent of the shoreline jurisdiction. Achieving SMP goals (SMP Section 1.5) that include salmon recovery and habitat protection will need to be achieved thru a combination of regulatory and non-regulatory (e.g., restoration) means (SMP Sections 1.13.(2) & 3.9)). SMP Section 3.9 contains policies and regulations pertaining to shoreline restoration; including supporting implementation of the Shoreline Restoration Plan developed as part of the SMP update effort—See also response to Comment #130 in this table. Clallam County is an active participant and partner in salmon recovery efforts. Past and current efforts have included restoration of habitat and ecological functions within the shoreline jurisdiction. For example, a major current restoration effort underway by the County and its partners includes the Dungeness River Floodplain Restoration and Levee Setback project. The County is a key participant with organizations addressing salmon recovery efforts across the County such as the North Olympic Peninsula Lead Entity (NOPE), North Pacific Coast Lead Entity (NPCLE), Dungeness River Management Team (DRMT), Strait Ecosystem Recovery Network, Marine Resources Committees, Lake Ozette Steering Committee, and other efforts.

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5.	General	JST	Ecology should remand the SMP Update to the County to: - strengthen the no net loss discussion; - update the restoration plan; and - provide clear administration procedures that illustrate monitoring will be conducted in an intensive and timely way as to measure whether the net decline in shoreline function is abated. It is essential that the SMP employs criteria that are quantifiable and specific enough to provide concrete performance standards in relation to salmon habitat protection.	- The SMP in all its parts addresses the state SMP Guideline requirement under WAC 173-26-186(8b) to include regulations and mitigation standards to ensure that new development will not cause a net loss of shoreline ecological functions. In accordance with WAC 173-26-201(3)(d), the County prepared a Final Cumulative Impacts Analysis and No Net Loss (CIA/NNL) Report (June 2017) on the SMP that provides an analysis of cumulative impacts of reasonably foreseeable future shoreline development and how the County will achieve no net loss of shoreline ecological functions through the implementation of the SMP. - The County recognizes that the shoreline restoration plan will need to be periodically updated, particularly in respect to ongoing salmon recovery and other habitat restoration planning and related funding and project implementation efforts being done by the County and its partners and through a number of organizations as noted in the restoration plan. - Administrative procedures are covered in Chapter 10 of the SMP. - Project specific monitoring where required is addressed under SMP Section 8.4. The SMP includes policies related to monitoring gains and losses of shoreline functions based on specific indicators where baseline levels are documented in the County's 2012 Shoreline Inventory and Characterization Report (e.g., see SMP Policy 8.2.3). One monitoring tool (see SMP Policy 8.2.4) is to identify and track the implications of new shoreline use/development on ecological functions and processes at the shoreline reach and watershed scales based on the Shoreline Checklist & Statement of Exemption Form found under Exhibit B of the SMP. Evaluating overall gains and losses of shoreline ecological functions would also be part of periodic reviews and updates of the SMP (SMP 1.10.3).

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6.	General	JST	It is most effective (and much less expensive) to protect existing habitat and the ecological processes that create habitat. The political pressure to allow impacts and then attempt restoration are overwhelming at the local level. The State's role is to test for assurances and accountability.	The County concurs that overall it is more effective to protect existing habitat and the ecological processes. The SMP as a whole is designed to first to avoid and minimize impacts to existing habitat and ecological processes related to future shoreline development, while allowing for appropriate and preferred shoreline uses consistent with state policy under RCW 90.58.020.
7.	General	Quileute Indian Tribe - Douglas Woodruff (Quileute Tribe)	The Tribe: • commends the numerous SMP improvements; • appreciates that BoCC adopted many recommendations from the Tribe's past comment letter; • appreciates the time, effort and expertise invested by the Planning Commission, County staff, and the BoCC in bringing the proposed SMP update to Ecology for final adoption.	Thank you for the supporting comments.

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8.	General	Quileute Tribe	As a signatory to the 1856 Treaty of Olympia, the Tribe's SMP interests include land use practices and marine activities that impact their protected hunting and fishing rights both on reservation lands and at all usual and accustomed (U&A) areas within some 800 square miles of the Olympic Peninsula region, including the Quillayute River, Sol Duc, Calawah and Bogachiel Rivers, Cedar Creek, Goodman Creek, Lake Ozette, their watersheds, and the Pacific Ocean. The extensive loss and degradation of streamflows, streamside vegetation, and habitat connectivity due to human activities threaten salmon, tribal cultures and tribal treaty rights. The increasing impacts of shoreline use & development are compounded by the effects of climate change.	The County appreciates the Quileute Tribe interests and rights in protection of environmental health, particularly in their U/A areas. Most of the County's shoreline jurisdiction in the Quileute Tribe U/A areas are located under the Resource Conservancy SED. The Resource Conservancy SED purpose, management policies and related implementing use and activity regulations are intended to maintain these shorelines in a predominantly undeveloped, forested and natural condition for sustained timber production, habitat conservation, and recreational uses. Only limited areas of the U/A areas are designated for more intensive shoreline uses associated with the Shoreline Residential-Intensive and Marine Waterfront SEDs that are already substantially developed (SMP Exhibit A, SED Maps). Retaining the majority of the U/A watershed areas and related shoreline area as predominantly forest lands (i.e., versus development) is supported by both the County's SMP and Comprehensive Plan. Timber harvesting is a typical land use throughout the U/A areas. Forest practices are subject to the Forest Practices Act (RCW 76.09) and it's implementing rules. Forest lands converted to non-forestry uses or where timber harvesting occurs within 200 feet of designated shorelines of statewide significance (includes reaches of the Bogachiel, Calawah, Quillayute, and Sol Duc Rivers) requires compliance with the County SMP (SMP Section 3.4). The shoreland areas along the Pacific Coast are not subject to the SMP because they are located within Olympic National Park or on Tribal Trust/Reservation lands. See also response to Comment #12 related to SMP provisions for ocean uses.

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9.	General	Quileute Tribe	The Tribe finds the proposed SMP is a significant improvement over the current SMP but it will still allow negative impacts to shoreline habitat & ecological processes, threaten fish & wildlife populations in the Tribe's U&A, and undermine years of collaborative salmon & steelhead restoration efforts. The protection and restoration of shoreline ecological functions is vital to the exercise of the Tribe's treaty rights and the preservation of tribal culture.	Thank you for the supporting comment that the County's SMP Update is a significant improvement over the current SMP. The County recognizes that its SMP goals/policies that include protection of shoreline habitat and ecological processes and salmon recovery will need to be achieved thru a combination of regulatory and non-regulatory (e.g., acquisition, restoration) means. The County is committed to continue to be an active participant and partner in salmon recovery and other habitat restoration efforts in the Tribe's U/A areas. See also County response to other Quileute Tribe comments in this table.
10.	General	Quileute Tribe	The Quileute Tribe requests that Ecology incorporate the Tribe's recommendations in the final approved SMP. The Tribe looks forward to Ecology's adoption of an improved SMP and to working in partnership with the County to continue to protect and restore the natural resources cherished and depended upon by all.	The County previously incorporated a number of the Quileute Tribes recommendations during the local adoption process. The County has reviewed the Quileute Tribes recent comment letter and recommendations submitted to Ecology. Many of these comments and recommendations are the same or similar to ones previously considered by the County in adopting the October 2018 SMP. See also County response to other Quileute Tribe comments in this table.
11.	General	Makah Tribal Council – John J. Ides Sr. (Makah Tribe)	The SMP directly affects treaty-reserved resources and the habitats they depend on. The Makah Tribal Council finds that, while the proposed SMP is an improvement over the existing SMP, it will not meet the requirements of state law or Ecology's policy guidance to achieve no net loss of ecological functions within shoreline jurisdiction.	Thank you for the supporting comment that the SMP Update is an improvement over the current SMP. See also County response to other Makah Tribe comments in this table.

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12.	General	Makah Tribe	As signatory to the 1855 Treaty of Neah Bay, the Makah Tribe maintains inherent sovereign rights to natural resources and cultural practices along with other services and benefits in exchange for some 470 square miles of ceded lands. These rights include 47 square miles of reservation land, and fishing, whaling, sealing, hunting & gathering in their usual and accustomed areas (U&A). The Tribe's U&A includes the Sekiu, Hoko, Clallam, Pysht, Tsoo-Yess, Wa'atch, Ozette, Sail, and Lyre Rivers and their watersheds, and some 1,550 square miles of marine waters adjacent to the Olympic Peninsula. Habitat degradation is occurring in the Tribe's area, affecting stream vegetation, habitat connectivity, and streamflow; and 32 local waterbodies were recently listed as impaired on the Clean Water Act's 303(d) list, with temperature being the most common pollutant and the Hoh River having 11 miles of temperature impairment. These impairments will only worsen with climate change and continued habitat degradation. The Makah Tribe is heavily dependent on treaty-reserved rights to fish, hunt, and gather in the County and adjacent waters for its economy, subsistence, culture and identity; these rights and resources may be affected by the proposed SMP.	The County appreciates the Makah Tribe cultural interest and rights. Most of the County's shoreline jurisdiction in the Makah Tribe U/A areas are located under the Resource Conservancy (ReC) SED. The ReC SED purpose, management policies and related implementing use and activity regulations are intended to maintain these shorelines in a predominantly undeveloped, forested and natural condition for sustained timber production, habitat conservation, and recreational uses. Only limited areas of the U/A are designated for more intensive shoreline uses associated with the Shoreline Residential-Intensive and Marine Waterfront SEDs that are already substantially developed (SMP Exhibit A, SED Maps). Retaining the majority of the U/A watershed areas and related shoreline area as predominantly forest lands (i.e., versus development) is supported by both the County's SMP and Comprehensive Plan. Timber harvesting is a typical land use throughout the U/A areas. Forest practices are subject to the Forest Practices Act (RCW 76.09) and it's implementing rules. Forest lands converted to non-forestry uses or timber harvesting occurs within 200 feet of designated shorelines of statewide significance requires compliance with the County SMP (SMP Section 3.4). The shoreland areas along the Pacific Coast are not subject to the SMP because they are located within Olympic National Park or on Tribal Trust/Reservation lands. New development uses that may occur in coastal waters to the state boundary (the three nautical-mile limit) are subject to the SMP use limitations and protective standards of the SMP. Such uses would also be subject to compliance with state and federal regulations and permit requirements in these coastal waters. The SMP contains management policies that new uses in marine waters be evaluated for consistency with Chapter 43.372 RCW, Marine Waters Planning and Management, and Chapter 43.143 RCW, Ocean Resources Management Act (SMP Policy 2.3.3.(i)).

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13.	General	Makah Tribe	Makah Tribal Council recommends Ecology incorporate the Tribe's recommendations in the final Clallam County SMP.	See County response to other Makah Tribe comments in this table.
14.	General	Washington Department of Fish & Wildlife, Region 6 Habitat Program – Chris Waldbillig (WDFW)	WDFW acknowledges and appreciates the many years of work by Ecology, the County and stakeholders that went into the significant changes to the existing SMP. Supports the overall update, which will result in better protection of fish and wildlife resources throughout the County. Comments and recommendations are provided in a spirit of collaboration & in keeping with legislative mandate to "perpetuate fish and wildlife". WDFW can only accomplish this mission in partnership with Ecology and local governments who have joint responsibility to conduct SMP comprehensive updates. WDFW staff was not as consistently engaged as they wished but look forward to being a helpful partner to Ecology and the County as SMP moves into implementation phase.	Thank you for the supporting comments for the County's SMP update. See also County response to other WDFW comments in this table.

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15.	General	WDFW	WDFW appreciates many aspects of the proposed SMP comprehensive update, and: • Commends the commitment to restoration efforts; • Appreciates the priority for protection of existing resources over remedying impacts after they occur; • Fully supports a preventative approach; • Supports the restrictions on new development and removal/relocation of at-risk structures within floodplains and bluffs ensure future shoreline ecology functions & values while ensuring public safety. WDFW remains a willing partner, happy to provide assistance, and has more detailed ideas and notes on ways to continue improving this SMP. WDFW has questions/concerns about the role of restoration in achieving no net loss and about protection of riparian areas.	Thank you for the supporting comments for the County's SMP update. See also County response to other WDFW comments in this table.

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16.	General – Climate Change	Quileute Tribe	Climate change will likely impact: • annual and seasonal precipitation; • snowpack; • storm frequency/storm surge; • streamflows and flood risk, including: ○ extreme low summer flows that limit upstream salmon migration; ○ extreme fall, winter and spring flows that disrupt spawning activity; ○ spawning bed scour, ○ stream morphology; ○ side channel habitat and other refugia; • freshwater and marine water temperatures; • sea level rise; and • ocean acidification. While addressed at 1.4 SMP Update Vision, at 3.9.1 Restoration – Policies (#6), at 3.11.1 Transportation – Policies (#8), and in the CIA-NNL Report (for future assessments), the SMP should include a more meaningful response to climate changes & these impacts to achieve NNL.	There are no current state requirements for addressing climate change and sea level in SMPs. The SMP contains policies and regulations that explicitly reference climate change, sea level rise and related storm surge concerns. SMP Goals 1.5.(14,15) set forth goals to inform and increase public awareness of sea level rise projections, including informing citizens and property owners about current information on potential sea level rise impacts along County shorelines. Other SMP provisions referencing climate change impacts (e.g., sea level rise, storm surge) are under: SMP Update Vision (Section 1.4); SED Policies [Sections 2.5.3(h), 2.6.3(h), 2.7.3(f), 2.8.3.(g)]; Residential Regulation 3.8.2.7; Restoration Policy 3.9.1.6; Transportation Policy 3.11.1.8; Shoreline Stabilization Regulation 4.6.2.14; Shoreline Buffer Policies 6.2.1 & 6.2.4; and Critical Area Policy 7.2.2(f). The potential impacts of climate change cover a wide-range of issue areas that extend to areas well-beyond the narrow extent of the SMP jurisdiction. The County continues to be involved in climate change discussions. For example, this spring the County Commissioners have sponsored a series of public events intended to highlight the impacts of climate change on industries and communities throughout the County. These workshops are to be followed by a formal series of events to engage County citizens in a conversation about what kind of climate change policy priorities should be focused on in the future. Another example related to climate change issues is the County and other project partner's effort to construct a multi-million dollar Dungeness Off-Channel Reservoir to store water to supplement Dungeness River stream flow during low summer flow periods. Ecology previous review of County SMP update efforts did not identify any additional provisions were needed related to climate change and sea level rise, and noted that the current update is not the only opportunity to address climate change issues in the SMP in the future. See also response to Comments #17, 18 and 59 in this table.

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17.	General – Climate Change	Quileute Tribe	The SMP should better address climate change at Chapters 3 (Specific Uses), 4 (Modifications), and 5 (General) so that each includes a policy similar to language at 3.9.1(6) and 3.11.1(8) to “take into account the implications of climate change to ensure the resiliency and sustainability of the use or development and its ability to achieve no net loss of ecological functions and other aspects of this Program”.	See response to Comments #16, 18 and 59 in this table. In addition, the SMP establishes buffers and other provisions that influence the type, location, and intensity (e.g., density) of new shoreline uses. Examples: • SMP Chapter 6, Shoreline Buffer and Vegetation Conservation. The potential effects of climate change include increased flooding, storm surges, and sea level rise. The SMP overall increases minimum standard shoreline buffer widths for new development throughout most of the shoreline jurisdiction. Wider buffers help to mitigate climate impacts on people and property. • SMP Chapter 7, Critical Areas within Shoreline Jurisdiction, contains policies and regulations that protect environmentally-sensitive areas. For example, these provisions protect shoreline wetlands and associated buffers, and direct new development away from marine bluffs and landslide hazard areas. The SMP increases standard buffer widths (150 feet wide) from the edge of highly erosive, marine feeder bluffs that present hazards and also provides important sediment supply for habitats. Land divisions creating lots for development demonstrate adequate building sites (including access and utilities) that is suitable for development and not within a wetland, aquatic habitat, floodplain, landslide hazard area or there associated buffers (SMP 3.8.4.4 and 7.3.8). • SED Designations: The SMP Shoreline Environmental Designations (SED) establishes policies and regulations for the types and intensity of new uses and development allowed in the shoreline jurisdiction. Approximately 96% of the County’s shoreline jurisdiction is within the Natural SED or one of two conservancy SEDs—Resource Conservancy and Shoreline Residential Conservancy. These SEDs limit the type and density of new development in shoreline area that are more prone to potential climate change impacts such as sea level rise and related increased flooding and storm surges.

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18.	General – Climate Change	Quileute Tribe	The SMP should require that the potential impacts of climate change be addressed in every: • geotechnical report; • technical report/professional judgment regarding a: ○ geological hazard; ○ channel migration zone; ○ floodway determination,; ○ bluff or stream bank erosion and armoring; and ○ other such issues. For example, 7.13 Regulations – Geologically Hazardous Area Buffers, #4(d) “A geotechnical report prepared by a qualified professional indicates that the development site will be stable for the life of the development, assumed to be at least seventy-five (75) years, even if the buffer is reduced” should address potential impacts of climate change and sea level rise, not merely existing conditions.	• Geotech Report/Geological Hazard: The SMP geotechnical report requirements require analysis of slope stability factors under SMP Section 7.14.7. In addition, the SMP requires a 150-foot wide (a 50% increase) standard buffer width for classified highly erosive and unstable marine feeder bluffs (SMP Section 7.13). • Channel Migration Zones: The current available channel migration zone (CMZ) maps for County shorelines are general assessments suitable for planning purposes. They do not factor potential changes to CMZs based on potential climate change impacts. The SMP addresses requirements for site-specific CMZ assessments for new development under SMP Section 7.14.10 that cannot avoid or propose new shoreline development in the potential CMZ mapped areas. • Floodway Determination: Clallam County adopts the floodplain (includes floodway) maps and related studies prepared by the Federal Emergency Management Agency (FEMA) to support the federal National Flood Insurance Program. The FEMA floodplain maps are in the process of being updated by FEMA, and anticipated to be released for public comment in 2019. The SMP utilizes the FEMA maps for determining floodplain and floodway areas and applicable protection standards under SMP Sections 7.15 and 7.16. • Shoreline Armoring: The SMP requires that new shoreline stabilization projects take into account sea level rise and storm surges under SMP Regulation 4.6.2. • See also response to Comments #16, 17 and 59 in this table.

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19.	General – Climate Change	Makah Tribe	Climate change will affect Clallam County with changes in precipitation and less snowpack, which will affect streamflows, flooding, and stream temperatures, and sea level rise. The SMP at Chapters 3 (Specific Uses), 4 (Modifications), and 5 (General) should: - include climate change in decisions about new use & development and restoration; - consider how climate change will affect water availability for habitat and municipal needs and how water resources and associated habitats will be protected; - consider climate change impacts for each use & development to ensure long-term resilience and ensure that NNL is achieved; - require that geotechnical report address climate change impacts for geological hazards, CMZs, bluff or stream bank erosion and armoring. The proposed SMP represents significant improvement over the existing SMP but still fails to meet NNL.	See response to Comments #16, 18 and 59 in this table.
20.	General - NNL	Quileute Tribe	The SMP in all its parts from SEDs, policies, and regulations (e.g., use regulations, buffers, etc...), mitigation and NNL requirements, and permitting provisions combined with supporting documents (e.g., shoreline inventory and characterization report, shoreline restoration plan) is designed to help achieve NNL of shoreline ecological functions over- time as new shoreline uses and development occur. NNL over- time will need to be achieved through a combination of regulatory and non-regulatory (e.g., restoration) means.	The SMP in all its parts from SEDs, policies, and regulations (e.g., use regulations, buffers, etc...), mitigation and NNL requirements, and permitting provisions combined with supporting documents (e.g., shoreline inventory and characterization report, shoreline restoration plan) is designed to help achieve NNL of shoreline ecological functions over- time as new shoreline uses and development occur. NNL over- time will need to be achieved through a combination of regulatory and non-regulatory (e.g., restoration) means.
21.	General - NNL	Quileute Tribe	The SMP should require compensatory mitigation or programmatic restoration to address impacts of all use & development, not just a subset, in order to achieve NNL.	The recognition that some future development will occur within the shoreline jurisdiction is basic to the NNL standard. The challenge is maintaining shoreline ecological functions while planning for appropriate areas of shoreline preferred uses (e.g., single-family

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				residential), water dependent/related uses, and public access as required under the state Shoreline Management Act (SMA) and state SMP Guidelines (WAC 173-26) . The SMP as a whole is designed to help achieve NNL through appropriate SMP shoreline environmental designations (SED) and related use limitations, use specific regulations, policies and regulations (e.g., buffers) to protect shoreline functions, and regulating individual shoreline development proposals to ensure they mitigate adverse impacts. Together these SMP provisions are intended to first avoid and minimize impacts from new shoreline development and uses so that compensatory mitigation is not needed to replace, enhance or provide substitute resources. This is consistent with accepted mitigation sequencing actions and priorities. Not every use and development in the shoreline jurisdiction will result in adverse impacts or cause a net loss of shoreline ecological functions. Where unavoidable adverse impacts occur, the SMP requires compensatory mitigation —e.g., see SMP Chapter 8 and SMP General Principle 1.13.7.
22.	General - NNL	Quileute Tribe	The required buffer widths are inadequate to achieve SPTH and NNL.	See response to the comments related to shoreline buffers (SMP Chapter 6) and NNL topics in this table.
23.	General - NNL	Makah Tribe	Opposes the NNL standard as effective to protect species & habitats and improve degradation, because the standard is based on an assumption that existing conditions are adequate, thereby only maintaining the status quo and allowing restoration that is intended to improve degraded conditions to stand-in as mitigation for new impacts. The standard allows a shifting baseline for counties to measure NNL, when the aim should be to restore conditions above the baseline at the time of	The Shoreline Management Act (SMA) provides a broad policy framework for protecting the natural resources and ecology of the shoreline environment. The state SMP Guidelines establishes the standard of “no net loss (NNL) of shoreline ecological functions” as the means of implementing that framework through local SMPs. WAC 173-26-186(8) directs that SMPs include policies and regulations designed to achieve NNL of those ecological functions. The NNL requirement is intended to ensure that over time the existing condition of shoreline ecological functions should remain the same as

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			development, to achieve net gain of shoreline functions for salmon recovery. Ecology should perform an independent analysis of the proposed buffers widths, exemptions to determine if NNL is achieved. The Governor's Southern Resident Killer Whale (SRKW) Task Force noted NNL as a key limiting factor for habitat restoration and ESA-listed chinook salmon and SRKW recovery. Ecology should shift the state policy to require net ecological benefit for land-use management regulations.	the SMP is implemented. The existing condition or baseline of shoreline ecological functions is documented in the County's shoreline inventory and characterization reports. The SMP only regulates new development within the narrow extent of the shoreline jurisdiction. Achieving NNL includes the SMPs shoreline environmental designations (SED) to guide and ensure appropriate uses along County shorelines, policies and regulations (e.g., buffers) to protect shoreline functions, and regulating individual shoreline development proposals to ensure they mitigate adverse impacts. There are impacts to shoreline ecological functions that cannot be fully mitigated either because they happened prior to adoption of the updated SMP; are associated with established/grandfathered lots, structures, and uses; and/or will come from impacts outside of the SMP jurisdiction or from factors outside of the County's control (e.g., climate change). Restoring sections of degraded shorelines can help achieve overall NNL of ecological functions at the shoreline reach scale with the objective of some shoreline reaches experiencing a net improvement in ecological functions. SMP Section 3.9, Restoration, includes restoration policies and regulations, to support shoreline restoration. The County prepared a Countywide Shoreline Restoration Plan (Feb. 2016) to identify potential, restoration opportunities, establish goals and priorities of restoration actions, and develop a strategy for implementation in accordance with WAC 173-26-201(2)(f). Implementing restoration actions by the County, its partners and others will help improve shoreline ecological functions in previously degraded shoreline areas and help achieve overall NNL and along some reaches a net improvement. See also related response on the SMP Restoration Plan under Comment #130 in this table.

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24.	General - NNL	Makah Tribe	The SMP should require compensatory mitigation or programmatic restoration to address impacts of all use & development, not just a subset, in order to achieve NNL. WDFW is not clear whether the SMP intends to use restoration efforts designed to provide net increase in ecological function as compensatory mitigation offsets for unavoidable harm associated with implementing the SMP.	See response to Comments #20-23 and 25 in this table. - Consistent with WAC 173-26-201(2)(f) the County has prepared a Countywide Shoreline Restoration Plan to establish goals, policies and actions for restoration of impaired shoreline ecological functions. SMP Section 3.9 also contains policies to support implementing the restoration plan and to guide restoration efforts within the shoreline jurisdiction. It is anticipated that shoreline restoration projects by the County, its partners and others will contribute to achieving NNL of shoreline ecological functions over-time and in some shoreline reaches result in net functional gains. - The SMP requires that adverse impacts of new shoreline use and/or development be identified and mitigated on a project-by-project basis. Where unavoidable adverse impacts occur, the project proponent is responsible for compensatory mitigation (e.g., see SMP Chapter 8 and SMP General Principle 1.13.7). - See also response to Comments #20-23 and #130 in this table.
25.	General - NNL	WDFW		See also response to Comments #20-23 and #130 in this table.
26.	General - Restoration	Makah Tribe	Supports the clarification that new development should avoid conflicts with any restoration projects, not just restoration projects in the vicinity of, and to establish provisions for developers and County staff to identify potential conflicts is an improvement from the existing SMP.	Thank you for the supporting comment.
27.	1.3 How to Use This Document	Futurewise et. al.	Supports this section as useful for SMP implementation.	Thank you for the supporting comment.

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28.	1.4 SMP Update Vision	Quileute Tribe	The text and Figure 1-2 overstate current habitat conditions in western Clallam County, failing to note significant impacts to salmonid populations, streamflow regimes and temperatures, channel modification, loss of side-channel habitat and floodplain refugia, inadequate recruitment of large woody material, and other shoreline ecological functions. Given the resources at stake and the added impacts of climate change, minimizing/slowing down the loss of ecological functions with incremental improvements is not enough – the SMP must achieve NNL. The Tribe offers comments on the SMP with this sense of perspective and gravity, and in the spirit of collaboration.	The County recognizes that there are impacts along western streams and that the SMP has an important role thru regulating new development and uses to maintain shoreline ecological functions. NNL over-time will need to be achieved through a combination of regulatory and non-regulatory (e.g., restoration) means. SMP Section 1.4 is a vision statement and is not intended to address specific shoreline impacts and conditions. The baseline shoreline conditions are found in the County's shoreline inventory and characterization reports. Figure 1-2 is part of the vision statement and represents a picture of a person fly fishing on a reach of the Sol Duc River. It is included in the vision statement as one example of the County vision that the SMP and other efforts (e.g., maintain and expand public access, state management and regulation of forest practices, etc...) will continue to ensure and hopefully improve the experience of such recreational fishing opportunities in the future.
29.	1.5 Shoreline Master Program Goals	Cahill, Steve	This section is confusing with too many goals; revise the SMP to only keep goals #1, 2, and 4 - 7 as consistent with RCW 90.58.020 and WAC 173-26-176, and delete goals #3, and 9 - 15 as duplicative or inconsistent.	These 15 goals were reviewed, developed and amended throughout the SMP planning process and related public process. For example, Goals 14 and 15 were amended or added by the County Commissioners based on public comments received on the recommended Draft SMP update by the Planning Commission.
30.	1.8 Jurisdictional Limits	Futurewise Supplement	The SMP should extend shoreline jurisdiction to include the 100-year floodplain.	Pursuant to Section 1.8.1, the County's SMP update does extend shoreline jurisdiction to include the full extent of the 100-year floodplain as allowed pursuant to RCW 90.58.030 (2) (d) (i).
31.	1.13 Governing Principles	Makah Tribe	#7 requires compensatory mitigation for each use but Chapter 8.3 waives the requirement.	SMP Governing Principle 1.13.7 does not require compensatory mitigation for each use. It does direct that new uses and development shall not cause a net loss of shoreline ecological functions, and requires compensatory mitigation for any unavoidable adverse impacts. Section 8.3 of the SMP Update does not waive compensatory

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				mitigation. Regulation 8.3.2 establishes mitigation sequencing (including compensating for impacts) consistent with state SMP Guidelines under WAC 173-26-201(2)(e) and also sequencing common to state and federal environmental impact mitigation. Regulations 8.3.(3-8) establish additional standards specific to compensatory mitigation and cumulative impacts. SMP Section 8.4 addresses the minimum contents of compensatory mitigation plans. See also response to Comments #21, 23 and 25 in this table.
32.	2.5 Resource Conservancy Designation (ReC)	Futurewise et. al.	The SMP should establish a 10% impervious surface limit for this SED to protect shoreline ecological functions, per WAC 173-26-211(5)(b)(ii)(D). The mitigation and NNL provisions of 8.3.3 General Mitigation Requirements do not require impervious surface mitigation outside of buffers and critical areas so the SMP will not achieve NNL.	The WAC citation provided does not require the application of a 10% impervious surface standard to achieve NNL. It goes on to state that alternative standards that meet the provisions of the WAC and the goals of the environmental designation may be used. The County's Resource Conservancy (ReC) designation is an alternative type of SED. Approximately 65% of County shoreline reaches are designated ReC, with most of these reaches (~99%) located within or adjacent to the over 630,000 acres of designated commercial forest (CF) lands of long-term significance under the County's comprehensive plan and zoning code. The need to establish a 10% impervious surface standard for new development within the ReC SED is not supported particularly in consideration of potential impervious surface coverage within the associated watershed areas. The designated ReC reaches are predominantly associated with large, contiguous tracts of private and public forest land areas that are mostly characterized by undeveloped riparian corridors and associated watershed areas. In 2016, there were only 105 residentially developed lots scattered throughout the 630,000 acres of commercial forest lands, and many of these limited developed sites were not located within the shoreline jurisdiction. Aside that most of the ReC is associated with large private and public forest land ownerships; the County's CF-zoning establishes a maximum residential density of 1 du per 80 acres. This density standard combined

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				with other factors such as predominant large ownerships, current forest management, infrastructure limitations, and environmental constraints will not result in significant impervious area development within designated ReC shoreline areas or associated watershed areas.
33.	2.6 Shoreline Residential – Conservancy Designation (SRC)	Futurewise et. al.	The SMP should establish a 10% impervious surface limit for this SED to protect shoreline ecological functions, per WAC 173-26-211(5)(b)(ii)(D). The mitigation and NNL provisions of 8.3.3 General Mitigation Requirements do not require impervious surface mitigation outside of buffers and critical areas so the SMP will not achieve NNL.	The WAC citation provided does not require the application of a 10% impervious surface standard to achieve NNL. It goes on to state that alternative standards that meet the provisions of the WAC and the goals of the environmental designation may be used. Approximately 23% of the County shoreline reaches are within the Shoreline Residential-Conservancy (SRC) SED. The typical anticipated shoreline use within the SRC SED is low density, single-family residential due to most SRC reaches being designated and zoned rural lands. Except for very limited areas of pre-existing, small lot development, most lots will be of moderate to large sizes where exceeding 10% impervious surfaces will not be an issue for the types and intensity of uses allowed in the SRC SED. In addition, many of these shoreline reaches are characterized by the presence of landslide hazard areas (e.g., marine bluffs, ravines), wetlands, channel migration zones and floodplains, and other critical areas where development footprint is limited by SMP shoreline and critical area buffer and protection standards. The SMP also has an incentive to minimize impervious surfaces in the SRC SED associated with single-family home development on pre-existing lots of record (not part of subdivision subject to larger buffers). To qualify for minor new development buffers, SMP Section 6.3.2 requires that impervious surfaces must be the lesser of 5% of parcel area or 6,500 sf (allows for a minimum of 2,000 sf.). Other requirements include limitations on cumulative footprint of all structures, amount of total clearing/land disturbance, and that the vegetation in the buffer meet buffer vegetation cover and/or density requirements or be enhanced to meet such standards.

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34.	2.9 Allowed Uses in Each SED	Futurewise et. al.	Supports Table 2-1 prohibition of non-native finfish net pen aquaculture as consistent with NNL requirement.	Thank you for the supporting comment.
35.	2.9 Allowed Uses in Each SED	Futurewise et. al.	To protect shoreline ecological functions, the SMP should ensure that the permitted, conditional, and prohibited uses of Table 2-1 Residential and Table 2-2 Non-Residential are fully-consistent with SMP Guidelines, including: - Resource Conservancy SED – - commercial & industrial development should not be allowed; - new structural shoreline stabilization should only be allowed to protect an existing structure or ecological functions; - flood control structures should only be allowed as part of a restoration project or to protect an existing structure; - in-stream structures should only be allowed for restoration projects; - dams and power generating structures should not be allowed; - Shoreline Residential Conservancy SED – - only low-intensity water-dependent and water-related commercial & industrial uses should be allowed; - flood control structures should only be allowed as part of a restoration project or to protect an existing structure; - in-stream structures should only be allowed for restoration projects; - dams and power generating structures should	Commercial Uses: The state SMP Guidelines allow for low-intensity, water-oriented commercial and industrial uses within “conservancy” environments where those uses have located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the use (WAC 173-26-211(5)(b)). Commercial and industrial uses proposing to locate within the these two conservancy SEDs are limited to “low intensity land use”, must be a permitted use under County zoning, and require approval of a shoreline conditional use permit (see SMP Table 2-2). Typical commercial uses that exist or likely to be proposed in these two SEDs include home-based businesses, bed and breakfasts, vacation rentals, and outdoor-oriented recreation. New Structural Stabilization/Flood Control: The SMP Guidelines direct that “construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied, consistent with WAC 173-26-231” (WAC 173-26-211(5)(b)). SMP Sections 4.6, Shoreline Stabilization and SMP Section 4.4, Flood Hazard Management and Flood Control Structures, meet this state guideline (e.g., SMP Sections 4.4.2 and 4.6.5). The SMP requires consideration of non-structural measures and soft shoreline stabilization prior to hard shoreline stabilization measures (SMP 4.6.2.2). In addition, new or expanded hard structural shoreline stabilization measures requires a shoreline conditional use (SMP Table 2-2) and is prohibited along feeder bluffs (SMP 4.6.5.3). In-stream structures: The SMP requires a shoreline conditional use for new in-stream structures located within conservancy SEDs, where consistent with the SMP and when associated with and necessary for an ecological restoration project, a fish passage project, or a permitted

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			not be allowed;	shoreline use/development such as a transportation facility (SMP Table 2-2, SMP Section 4.5.2). Dams & Power Generating Structures: The SMP prohibits new dam and associated power generating facilities except in the rare instances where there is clear evidence that the public benefits outweigh any potential adverse ecological impacts (SMP 3.12.3.3). Dams and associated power generating facilities are not permitted in areas designated as "Protected Areas" by the Northwest Power and Conservation Council or equivalent state-adopted site ranking study (SMP 3.12.1.14 and 3.12.3.4). Where not in a protected area, such facilities require a shoreline conditional use and consistency with SMP policies and regulations (e.g., SMP Section 3.12, Table 2-2). Shoreline Conditional Use Permit. The SMP requires a shoreline conditional use approval for all these uses of concern where not prohibited under the applicable SED. The conditional use review process and approval criteria will address compliance with the SMP (SMP Section 10.2.2) and all applicable SMP policies and regulations for these shoreline uses and modifications.
36.	2.9 Allowed Uses in Each SED	Futurewise et. al.	Table 2-2 Non-Residential - Strongly supports Note #9 that prohibits new or expanded hard structural shoreline stabilization along feeder bluff, feeder bluff-talus, and exceptional feeder bluffs, in reference to Chapter 4.6.5(3).	Thank you for the supporting comment.
37.	3.2 Aquaculture	Robinson, Nichole	Supports marine aquaculture of seaweed, shellfish and finfish and increasing these industries to support healthy, affordable seafood produced in USA.	The SMP supports and allows for marine aquaculture consistent with the policies, regulations, application, and permitting requirements applicable to the type and location of aquaculture use. In-water, marine aquaculture is supported as a permitted or conditional use in the Aquatic SED. Only in-water, non-native finfish (including net pens) is prohibited. (SMP Table 2-2 and Section 3.2).

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38.	3.2 Aquaculture	<i>Taylor Shellfish Farms</i> - Diani Taylor (Taylor Shellfish)	The County, the public, and the industry have cooperated to create policies and regulations based on the best available science and tailored to fit the specific needs of the County.	Thank you for the supporting comment.
39.	3.2 Aquaculture	<i>Cooke Aquaculture Pacific LLC</i> - Kevin Bright (Cooke Aquaculture)	Supports sustainably raised salmon as an important part of national policy/national interest for domestic seafood production, per the National Aquaculture Act of 1980, as reliant on the private sector for increasing production; and as a high-priority, water-dependent use in Washington, per Ecology guidelines and longstanding decisions issued by the Shoreline Hearings Board and Pollution Control Hearings Board.	See response to Comment #37 in this table.
40.	3.2 Aquaculture	<i>Friends of the Earth US</i> - Naudelis Fernandez-Reyes, Hallie Templeton (FOE)	Industrial ocean fish farming harms the environment, public health, and the economy. There is no way to avoid and minimize these adverse environmental, social and economic impacts. The SMP should ban all marine finfish aquaculture, regardless of species.	The state SMP Guidelines recognize aquaculture as a preferred, water-dependent use and an activity of statewide interest: “This activity is of statewide interest. Properly managed, it can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Local government should consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions...” [WAC 173-26-241 (3)(b)(i)] The Department of Ecology informed the County in 2015 during the development of the SMP that an outright prohibition of commercial net pens would not be allowed. This position pre-dated the 2018 legislation under EHB 2957 that prohibited new state use authorizations or permits associated with the use of marine net pens for nonnative marine finfish aquaculture. The changes to state law did not preclude state use

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				authorizations and permits for net pens for native species. Consistent with state law changes the County SMP Update prohibits new in-water, marine net pens for nonnative fish. SMP Section 3.2 contains policies, regulations, and application requirements to regulate in-water, net pens proposals for native species in County waters that are consistent with the state SMP Guidelines. These facilities are also subject to a shoreline conditional use permit approval public process and related approval criteria (see SMP Section 10.2.2) intended to further consider environmental impacts and public interests based on the specific project type, scope (e.g., size, scale, etc...), type of operation, and location. In addition, such in-water uses will be subject to state and federal regulations and permit approvals. See also response to Comment #54 of this table.
41.	3.2 Aquaculture	FOE	Supports SMP improvement to prohibit Atlantic salmon net pens (& other non-natives), but even allowing as a conditional use is insufficient to truly protect the ocean ecosystem from significant environmental and socio-economic harms associated with net pens. The SMP's allowance of marine finfish aquaculture/industrial ocean fish farming conflicts with the County's statement of intent "to improve protection of the shoreline environments and ensure their continued use and enjoyment;" does not comply with local, state, and federal laws and regulations; and the SMA that mandates: • "protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life;" and • "permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize,	See response to Comment #40 and 54 in this table.
42.	3.2 Aquaculture	FOE		At state and federal levels, marine finfish aquaculture is allowed consistent with current state and federal regulations and provided required permits are obtained. See also response to Comments #40 and 54 in this table.

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			in so far as practical, any resultant damage to the ecology and environment of the shoreline area and the public's use of the water."	
43.	3.2 Aquaculture	FOE	Form Letter - Industrial ocean fish farming has been present too long & harms our endangered native salmon and our environment. Supports that marine fish farms for non-native species will be phased out by 2022. Let's make Cooke Aquaculture's August 2017 spill the last and prevent them from expanding to farm a native fish species, and cause much of the same damage to our marine ecosystem. The SMP should ban all marine fish aquaculture/underwater factory farms, regardless of species.	See response to Comment #40 and 54 in this table.
44.	3.2.1 Aquaculture - Policies	FOE	Opposes previous deletion of policy that prohibited aquaculture that would adversely impact eelgrass and macro algae, or significantly conflict with navigation and other water-dependent uses.	See response to Comment #47 in this table.
45.	3.2.1 Aquaculture - Policies	Cooke Aquaculture	Policy #9's prohibition of commercial net pen operations for non-native finfish unnecessarily and imperfectly duplicates state law (RCW 77.125.050), that allows existing Atlantic salmon net pens to continue until phased-out by the expiration of their aquatic lands leases. The SMP's prohibition could become conflicting should the law change. Enacting this local prohibition may exceed County authority for placing additional prohibitions in violation of the statutory phase-out, and could constitute a 'takings'. The SMP's prohibition will also prevent issuance of shoreline permits needed for routine maintenance of existing facilities to ensure safe operations; the SMP	SMP Policy 3.2.1(9), Regulation 3.2.2(2) and related shoreline use table (see Table 2-2) prohibit in-water, non-native finfish net pen aquaculture. This is consistent with state regulations that does not allow nonnative marine finfish aquaculture uses as an authorized use under any new state aquatic lease (or to renew or extend a lease) or other state use authorization (RCW 79.105.170). The state may authorize or permit activities associated with the use of net pens for nonnative marine finfish aquaculture only if such activities are performed under a lease of state-owned aquatic lands in effect on June 7, 2018 (RCW 77.125.050). The County's SMP prohibition will have no effect on issuance of shoreline permits needed for routine maintenance at any existing net pen facilities. The only existing net pen facility located in Clallam County is located in Port Angeles Harbor and is

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			should be revised to allow such permits as consistent with statute.	under the City of Port Angeles shoreline jurisdiction. If state laws change in regards to authorization of nonnative marine finfish aquaculture in Washington State waters, the County would need to review its SMP to determine what updates may be needed at that time.
46.	3.2.1 Aquaculture - Policies	Quileute Tribe	Supports policy #9 that prohibits commercial net pen aquaculture operations for non-native species.	Thank you for the supporting comment.
47.	3.2.1 Aquaculture – Policies	Futurewise et. al.	Opposes deletion of previous clause - Proposed text revision: “#2. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses. Aquaculture facilities should be designed and located so as not to spread disease to native aquatic life, establish new non-native species which cause ecological adverse impacts, or significantly impact the aesthetic qualities of the shoreline. Impacts to ecological functions shall be mitigated according to the mitigation sequence described in Section 8.3 of this Program.”	The County removed this Policy language based on prior Tribal comments that it was duplicative with intent of Policy 3.2.1.(6). These concerns are also addressed in aquaculture regulations and application requirements in SMP Sections 3.2.2 thru 3.2.5.
48.	3.2.2 Aquaculture – Regulations General	FOE	Supports Regulation #2’s prohibition of “New in-water, finfish net pen aquaculture in marine waters involving the culture or farming of non-native species (e.g., Atlantic salmon)”	Thank you for the supporting comment.
49.	3.2.2 Aquaculture, Regulations - General	Taylor Shellfish	Proposed text revision: “15. Where aquaculture use and development are authorized to use public county facilities, such as boat launches or docks, the Administrator shall reserve the right to condition the permit to require the project proponent to pay a portion	Support the requested revision to SMP Regulation 3.2.2.15 as proposed along with additional related amendments as follows: “Where aquaculture use and development are authorized to use public county facilities, such as boat launches or docks, the

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			of the maintenance costs and any required improvements commensurate with the project proponent's use."	Administrator shall reserve the right to condition the permit to require the project proponent to pay a portion of the maintenance costs and any required improvements commensurate with the project proponent's use. <u>The County shall seek comment from the public agency managing any public facility proposed to be used as part of the aquaculture operations on applicable use fees or other use restrictions or requirements.</u> "
50.	3.2.2 Aquaculture, Regulations - General	Taylor Shellfish	Proposed text revision: "18. The County shall require applicants for aquaculture developments provide a bond or similar financial surety to fund the removal of any abandoned or failed aquaculture facility. The amount of the bond shall be determined based upon the cost to remove the facility value of the facility and the gross value of the annual facility production. The County shall waive this requirement where sufficient bond to address the intent of this standard is part of the state Aquatic Land Lease Authorization."	Support the revision to SMP Regulation 3.2.2.18 as proposed.
51.	3.2.4 Aquaculture Regulations – Fin Fish Aquaculture	FOE	Opposes the proposed allowance for native species marine finfish aquaculture net pens – the SMP should prohibit net pens for all species, except tribal operations.	The County SMP would treat proposed finfish aquaculture net pens for native species the same whether managed by public entity, Tribal government, or private organization consistent with the SMPs policies, regulations, application, and permitting requirements. See also response to Comment #40 in this table.
52.	3.2.4 Aquaculture Regulations – Fin Fish Aquaculture	FOE	Supports regulation #3 that "finfish aquaculture facilities shall avoid the release of herbicides, pesticides, antibiotics, fertilizers, non-indigenous species, parasites, viruses, pharmaceuticals, genetically modified organisms, feed, or other materials known to be harmful into surrounding waters."	Thank you for the supporting comment.
53.	3.2.4 Aquaculture Regulations –	FOE	The SMP should require stringent oversight, rigorous inspection and enforcement mechanisms to sufficiently deter future violations, for entities who operate in	SMP Section 10.4 contains enforcement procedures consistent with WAC 173-27. Aquaculture is also regulated under state and federal laws and permit approvals. There are a several SMP aquaculture

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	Fin Fish Aquaculture		violation of operating permits, regulations, and state and local law.	policies and regulations addressing compliance with state and federal permit requirements. For example, SMP 3.2.1(14) references requirement that applicants must obtain required state and federal approvals as part of any County authorization.
54.	3.2.4 Aquaculture Regulations – Fin Fish Aquaculture	FOE	Regulation #14's requirement to use best available science (BAS) is insufficient for permit decisions. The SMP should identify clearly defined objectives to determine what science is relied upon as BAS, such as peer-reviewed studies of: • long-term impacts of direct discharges on the ocean ecosystem, seabed and water columns near proposed site; • variability in water currents, including seasonal and drought impacts, surrounding each proposed site; • resiliency of ocean ecosystem and potential for seabed and water column recovery; and • wildlife populations and habitats near the proposed facility site that may be impacted by fish aggregation devices, predator attraction and entanglement.	The SMP contains policies, regulations, and application requirements to regulate in-water, net pens proposals for native species in County waters consistent with the state SMP Guidelines under WAC 173-26-241(3)(b). The applicable SMP policies, regulations and application requirements for net pens address environmental issues in the comment based on current science and state guidance. Under EHB 2957 adopted in 2018, Ecology and other state agency partners in consultation with Northwest Indian Fisheries Commission, National Centers for Coastal Ocean Science (part of NOAA), tribal governments, and academic institutions are working on updating science-based guidance and informational resources to assist with planning and permitting commercial marine net pen aquaculture. Ecology anticipates publishing the written guidance and launching a related spatial screening tool designed to contain data layers useful for screening new commercial marine net-pen proposals by local, state, and federal regulators and the aquaculture industry. State agencies are to report their findings to the Legislature by November 1, 2019.
55.	3.2.4 Aquaculture Regulations – Fin Fish Aquaculture	FOE	Reasonable alternatives to net pen systems exist, including land-based recirculating fish farms, and offshore 3-Dimensional ocean farms that utilize the entire water column to intersperse sea vegetation with shellfish. The Vancouver Island (BC) Namgis First Nation's Atlantic salmon operation demonstrates the availability and success of the former approach.	The SMP supports land-based fish farms consistent with the applicable SMPs policies, regulations, application, and permitting requirements. Such facilities would be a permitted use in the Marine Waterfront SED and a shoreline conditional use permit in the Shoreline Residential – Conservancy and Resource Conservancy SEDs (SMP Table 2-2). Land based fish farm facilities may also be possible outside of the County SMP jurisdiction such as in City or County zoned industrial areas or on Tribal Reservation/Trust lands.

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56.	3.2.4 Regulations – Fin Fish Aquaculture	Makah Tribe	Supports the prohibition on non-native finfish net pen aquaculture.	Thank you for the supporting comment.
57.	3.5.3 Mining Regulations	Futurewise et. al.	Supports prohibition of mining activities that involve fracking to help protect water quality and water quantity.	Thank you for the supporting comment.
58.	3.12.3 Regulations – Dams & Hydroelectric Generating Facilities	Quileute Tribe	Supports specific clause of regulation #4 that does not allow dams and associated power generating facilities to locate in “Protected Areas” designated by the Northwest Power and Conservation Council or equivalent program.	Thank you for the supporting comment.
59.	4.4.2 Flood Hazard Management and Flood Control Structures - Regulations	Futurewise et. al.	Areas subject to sea level rise are flood prone areas similar to areas along bays, rivers, or streams. The SMP should require new lots and new buildings to locate outside the area of likely sea level rise, or if not possible, buildings should be elevated above the likely sea level rise. Proposed text revision: “8. New lots shall be designed and located so that the buildable area is outside the area likely to be inundated by sea level rise in 2100 and outside of the area in which wetlands will likely migrate during that time.” “9. Where lots are large enough, new structures and buildings shall be located so that they are outside the area likely to be inundated by sea level rise in 2100 and outside of the area in which wetlands and	SMP Sections 7.15 and 7.16 adopts FEMA floodplain maps and regulations consistent with participation in the National Flood Insurance Program. FEMA is in the process of updating the County's coastal flood hazard and risk maps. Although the federal update does not incorporate sea level rise projections, the coastal flood hazard risks will be based on updated sea level information and models. These maps and related flood construction standards under the building code will continue to help reduce flood hazards and damage. There are no current state requirements for addressing sea level rise in SMPs. The SMP does contain a number of policies and regulations pertaining to sea level rise. For example, SMP Goals 1.5.(14,15) set forth goals to inform and increase public awareness of sea level rise projections, including informing citizens and property owners about current information on potential sea level rise impacts along County shorelines (SMP 1.5.(14,15)).

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			aquatic vegetation will likely migrate during that time.” “10. New and substantially improved structures shall be elevated above the likely sea level rise elevation in 2100 or for the life of the building, whichever is less.”	Considering standards to utilize sea level rise projections for regulating location and type of building location in addition to FEMA floodplain maps will require a comprehensive approach and public process that is beyond the scope of the current SMP update effort. The County continues to be involved in climate change discussions as most recently evidenced by a series of community discussions sponsored by the County Commissioners this spring that is intended to be followed up by a more formal series of events to engage County citizens in the conversation about what kind of climate change policy priorities should be focused on in the future. See also response to Comments #16 – 18 in this table.
60.	4.6 Shoreline Stabilization	Cahill, Steve	This section should address erosion caused by recreational watercraft wakes on Lake Sutherland – eliminating the waves would reduce the need for stabilization and retain ecological functions.	Waves generated by recreational watercraft on Lake Sutherland do impact shoreline erosion. Rules regarding boat speeds and operations on Lake Sutherland and other navigable waters of Clallam County are found under Clallam County Code (CCC) Chapter 15.04, Boating and Water Safety.
61.	5.2.2 Clearing, Grading & Filling - Regulations	Quileute Tribe	Supports improved provisions for control of invasive weeds, such as regulation #3 requiring clean fill materials certified as free of invasive weeds and prohibiting use of contaminated materials.	Thank you for the supporting comment.
62.	5.2.2 Clearing, Grading & Filling - Regulations	Makah Tribe	Supports the improvements made regarding invasive weeds, requiring that fill materials, topsoil and mulch be weed-free.	Thank you for the supporting comment.
63.	5.2.2 Clearing, Grading and Filling - Regulations	Futurewise et. al.	To better protect shorelines, the SMP should limit #4.b “Development or maintenance of essential public infrastructure and facilities that demonstrates requires a waterfront location” only to those that require a waterfront location.	SMP Regulation 5.2.2.4(b) addresses this comment in that it already contains the limitation “...that demonstrates requires a waterfront location”, as written.

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64.	5.3.2 Public Access - Regulations	Futurewise et. al.	Supports improvements made to this section, but still does not fully comply with WAC 173-26-221(4.d)(iii and iv); Proposed text revisions: “#2. Subdivisions of more than four (4) lots and residential developments of more than four lots, dwellings, or housing units shall include physical and visual public access to public waters unless...”; “#3. Commercial and industrial development and development by public entities, such as local governments, port districts, state agencies, and public utility districts, shall include physical and visual public access to public waters unless...”; and “#3(c) The cost of providing the access, easement or an alternative amenity is disproportionate to the total long-term cost of the proposed development <u>unless the proposal is not water dependent, water related, or water enjoyment use</u> ”	SMP Regulations 5.3.2.(2, 3) comply with state SMP public access standards under WAC 173-26-221(4)(d). The text in Regulation 5.3.2.(2) that states “Subdivisions of more than four lots” is consistent with WAC 173-26-221(4)(iii) for residential development. The SMP Guidelines do not require that public access must always include both physical and visual public access. For examples, viewpoints and overlooks can provide visual shoreline public access without direct access. Physical public access may not be possible in some areas due to environmental constraints such as a residential subdivision along the top of a marine bluff.
65.	5.4.2 Water Quality & Water Management - Regulations	Quileute Tribe	Supports improved provisions for control of invasive weeds as beneficial to water quality, such as regulation #2(a)(i) that requires organic topsoil amendments to be certified free of invasive weeds. The Tribe considers invasive weeds, including seeds, rhizomes and other parts that could cause infestation, to be biological contaminants. Invasive weeds can effect significant water quality impacts, including temperature, dissolved gas, sediment loads and sediment deposition, and other parameters. Invasive weeds can also have secondary impacts on water quality by outcompeting native plants that would provide superior shading, streambank stabilization, and other ecosystem functions that contribute to water quality.	Thank you for the supporting comment.

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66.	5.5 Archaeological, Historical, and Cultural Resources	Futurewise et. al.	Strongly supports policies and regulations that protect known or suspected sites and resources.	Thank you for the supporting comment.
67.	6. Shoreline Buffers and Vegetation Conservation	Cahill, Steve	It is not clear, but assumed, that the property owner is responsible for maintaining the buffer. This section should also address who is responsible for restoring damage to shoreline buffer vegetation (aesthetics and ecological functions) caused by wildlife, such as beavers at Lake Sutherland. The SMP should provide property owner guidance on this issue.	The SMP does not require that property owners restore buffers caused by damage by wildlife. It is expected that one function of buffers is providing habitat for wildlife to meet their life needs. Beavers need riparian trees as part of their habitat needs.
68.	6. Shoreline Buffers and Vegetation Conservation	JST	Proposed buffers widths are too small, allowed buffer reduction allowances are problematic, and The SMP fails to provide effective channel migration zone buffers.	The state SMP Guidelines direct local jurisdictions to identify and use scientific and technical information available that is applicable to the issue of concern (WAC 173.26.201(2)(a)). The marine and freshwater standard shoreline buffer widths shown in SMP Section 6.3, Table 6-1 considered the scientific literature and the County's shoreline inventory and characterization report as summarized in the County's consultant <i>December 2012 Memorandum: Explanation of Proposed Shoreline Buffer Widths</i> . The 2012 Memorandum explains that the proposed SMP shoreline buffers are based on the range of effective buffer widths for a variety of functions that buffers provide based on the scientific literature. This literature review showed that different buffer widths are needed to achieve different levels of effectiveness and that effectiveness varies depending on site conditions such as soil, slope, vegetation composition and other factors. Depending on the function, the range of recommended widths in the scientific literature can be fairly narrow or quite large—on the order of tens or even hundreds of feet. See also response to Comments #69 – 84 and 97 in this table.

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69.	6. Shoreline Buffers and Vegetation Conservation	JST	To ensure effective buffers, the SMP should apply the following in all SEDs so that no reduction of buffer widths is allowed: - Delete 6.4 Regulations – Shoreline Buffer Averaging so that no buffer averaging is allowed; - Delete 6.7 Regulations – View Protection Common Line Buffer so that no common-line setbacks are allowed; - Do not allow any commercial or residential structures to locate in the buffer, including attachments or out-buildings. - Except the Marine Waterfront SED from these limitations where a small percentage of existing lots would become too constrained for a building envelope, and encourage a method to buy-back 'the development rights' or the property outright.	- Buffer Averaging/Common Buffer: It is not possible to create a set of standard buffer widths that fits all possible existing lot configurations and site conditions. Ecology guidance supports some flexibility in regulating buffers including use of buffer averaging and common line setbacks/buffers. To account for various lot configurations and existing development patterns, the SMP also provides for shoreline buffer averaging and common line buffer requirements—see SMP Sections 6.4 and 6.7, respectively. Buffer averaging standards require a no net loss of buffer area and limit reduced portions to retain buffer functions. - The view protection common line buffer standards (SMP Section 6.7) are tailored to local conditions and are intended to help protect views of existing shoreline residences and to allow for new homes to have views of the shoreline similar to adjacent residences. This provision is limited to single-family residential uses and only within the Marine Waterfront and Shoreline Residential-Intensive SEDs that represent less than 4% of the County's shoreline jurisdiction. These two SEDs are substantially developed by existing homes, businesses, roads and/or other associated uses in close proximity to the shoreline and characterized typically by small lots where significant conversion of natural vegetation within 100-feet of the water body has previously occurred. Parcels located in mapped channel migration zones or landslide hazard areas are not eligible for the common line buffer option, and the common line buffer option cannot be used to deviate from SMP wetland buffers. Where there are no adjacent established residences on either side, the shoreline setback line must comply with the applicable SMP standard shoreline buffer width in SMP Section 6.3. - Residential structures and outbuildings (e.g., garages) that are a permitted use under both the applicable County zoning regulations

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				(Title 33 CCC) and SED (see SMP Section 2.9) are subject to shoreline buffer requirements in Chapter 6. Commercial structures and outbuildings (e.g., garages) that would be a permitted use under both the applicable County zoning (Title 33 CCC) and SMP SED regulations (see SMP Section 2.9) are subject to shoreline buffer requirements in Chapter 6. The exception would be for allowed water-dependent/water-related shoreline uses subject to compliance with SMP Section 6.6 and other applicable provisions of the SMP (e.g., Chapter 8, Mitigation and No Net Loss). Most commercial uses in the County's shoreline jurisdiction will generally be limited to the Marine Waterfront SED where such uses exist and are permitted by zoning such as along areas of the Clallam Bay-Seki Urban Growth Area waterfront.
70.	6. Shoreline Buffers and Vegetation Conservation	JST	Table 6-2 Critical Area Buffers - Along marine feeder bluff shorelines, in order to 1) provide long-term sediment supply for beaches, spits, and other shoreforms and to 2) protect development from harm, the SMP should: - Measure buffer widths from the top edge of the bluff; - Establish 100-foot minimum buffer width on non-exceptional feeder bluffs; - Establish 150-foot minimum buffer width on exceptional feeder bluffs; - Increase the buffer width to a minimum width equaling 100 years of the documented bluff retreat rate where documented bluff retreat rates equal or exceed: 1-foot per year on non-exceptional feeder bluffs; and 1.5-foot per year on exceptional feeder bluffs.	- As recommended by the comment, the SMP does measure buffer widths from the top edge of the bluff and establishes a standard buffer width of 100-feet for non-exceptional feeder bluffs and 150-feet for exceptional feeder bluffs—see SMP 7.13.1 and Table 7-7. - The SMP provisions for Geotechnical Reports under Section 7.14.7 requires analysis of bluff and slope erosion and recession rates; analysis of bluff slope stability for both existing and developed conditions, including when proposed new development or use would be threatened; and other analysis. The Report must also address buffers and building setbacks. In addition, SMP Section 7.13.7 provides authority for the Administrator to require a Geotechnical Report to determine need for increased buffers for development within 200-feet of exceptional, marine feeder bluffs and other landslide hazard areas.

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71.	6. Shoreline Buffers and Vegetation Conservation	JST	Table 6-1 Shoreline Buffer Widths by SED - Along non-feeder bluff marine shorelines, in order to conserve ecological functions and values by 1) retaining native vegetation, 2) protecting development from harm, and 3) avoiding the need for new bulkheads, the SMP should: • Measure buffer widths from OHWM; • Establish 100-foot minimum buffer width for minor new development; • Establish 150-foot minimum buffer width for major new development.	As recommended by the comment: • The SMP measures shoreline buffer widths from the OHWM along non-feeder bluff marine shorelines—see SMP Section 6.3.1. • The SMP establishes buffers of at least 100-feet for minor new development along non-feeder bluff marine shorelines within the Shoreline Residential-Conservancy, Resource Conservancy, or Natural SEDs. Most of Clallam County's jurisdiction along its Strait of Juan de Fuca shoreline is in one of these three SEDs [SMP Table 6-1]. Standard shoreline buffers less than 100 feet are limited to minor new development within the Marine Waterfront (MWf) and Shoreline Residential-Intensive (SRI) SED. These two SEDs are limited in extent along County marine shorelines and are already characterized by more intensive shoreline development with most portions of the shoreline reach characterized by development significantly closer than 100-feet to the OHWM. The minor new development standard buffers of 50 to 75 feet reflect this existing land use pattern. • The majority of County's marine shoreline jurisdiction establishes a standard shoreline buffer of at least 150-foot width from the OHWM for major new development [SMP Table 6-1]. The exception is for the limited areas of MWf and SRI SEDs in coastal areas that are predominantly characterized with homes, businesses, roads and/or other uses in close proximity to the shoreline and characterized typically by small lots where significant conversion of natural vegetation within 100-feet of the water body has occurred. The major new development standard buffer in the MWf and SRI SED is 100-feet.

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72.	6. Shoreline Buffers and Vegetation Conservation	JST	Tables 6-1 Shoreline Buffer Widths by SED and Table 6-2 Critical Area Buffers – Along freshwater streams, in order to conserve ecological functions and values by 1) retaining native vegetation, 2) protecting development from harm, and 3) avoiding the need for new bulkheads, the SMP should: • Measure buffers from OHWM or from the edge of the CMZ, whichever is further landward; • Establish 200-foot minimum buffer width for ESA critical habitat streams at elevations lower than 2,000', based on SPTH general average (estimated by reference to a percentage of Snohomish County figures); • Establish 150-foot minimum buffer width for non-ESA critical habitat streams, based on 75% of the SPTH general average.	• New development and uses within critical habitat of endangered species are subject to submittal, approval and implementation of a habitat management plan—SMP Sections 7.10.1, 7.11.1, & 8.6. • See also response to Comments #68, 77, 81 and 97 in this table.
73.	6.3 Regulations – General Shoreline Buffer and Vegetation Requirements	Quileute Tribe	Opposes regulation #2 because it does not require compensatory mitigation for clearing, land disturbance and impervious surface increases for minor new development (single-family residential and low-intensity water-dependent recreation).	• Minor new development buffers of 50 to 75-feet are limited to only ~4% of the County's shoreline jurisdiction where existing vegetated buffers are already generally highly-altered and narrow or non-existent. Where vegetative conditions are degraded, one of the requirements to qualify for the minor new development buffer is enhancement of such conditions (SMP Section 6.3.2). • Minor new development is still subject to SMP policies and regulations for clearing, grading and filling (SMP Section 5.2) and water quality and water management (SMP Section 5.4). • See also response to Comment #77 in this table.

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74.	6.3 Regulations – General Shoreline Buffer and Vegetation Requirements	Quileute Tribe	Opposes regulation #4 because it does not require compensatory mitigation for lawns substituted for functioning riparian vegetation, unless a designated Critical Area is measurably impacted. The SMP should not allow 20% or any buffer area to be eliminated for any reason.	This shoreline buffer condition standard is intended to protect buffer and ecological functions while also recognizing and allowing for limited use areas (e.g., trails, view corridors) within the buffer that are consistent with SMP Sections 6.5 and 6.6 and other applicable use and development regulations of the SMP. Where such uses are identified as likely having adverse buffer impacts, compensatory mitigation is required (SMP Section 6.5 – 6.6).
75.	6.3 Regulations – General Shoreline Buffer and Vegetation Requirements	Quileute Tribe	Table 6-1 Shoreline Buffer Widths by SED - Opposes the standard buffer widths as not based on WDFW's PHS science and site potential tree height (SPTH) management recommendation, and not measured from the CMZ. These widths are inadequate, and 20% the required buffer area will be lost to the Chapter 6.3 allowance.	See response to Comment #68, 74, 77 and 81 in this table.
76.	6.3 Regulations – General Shoreline Buffer and Vegetation Requirements	Quileute Tribe	Opposes regulation #1 because it measures the buffer distance from OHWM, rather than from the edge of the channel, CMZ, or floodplain, per WDFW's science & management recommendations, and counter to State forest practices rules that establish riparian management zones measured from 'bankfull width' or the CMZ, with the first 50' as the 'core zone'. The SMP should establish a minimum default 50-foot buffer from the outer edge of bankfull width or CMZ, whichever is greater.	See response to Comment #97 in this table.
77.	6.3 Regulations – General Shoreline Buffer and Vegetation Requirements	Futurewise et. al.	Table 6-1 Shoreline Buffer Widths by SED, and Table 6-2 Critical Area Buffers - To protect species such as Chinook salmon and southern resident orcas, to maintain riparian functions, and to ensure NNL of forest cover, the SMP should establish 137-foot stream/river buffers based on SPTH measured from the channel, CMZ or floodplain, per the WDFW PHS science synthesis.	- The County's shoreline jurisdiction includes the 100-year floodplain (SMP Section 1.8.1(e)). - WDFW recommended riparian habitat areas and buffers are based on retaining a full range of habitat functions to support riparian-associated fish and wildlife across at the landscape and watershed scale. This is not possible across the entire landscape due to existing

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		The SMP should expand shoreline jurisdiction to include the 100-year floodplain.	development and patterns. The SMP as a whole and in combination with the County other development regulations (e.g., zoning) benefit riparian habitat areas by supporting retaining large, contiguous corridors of riparian and upland habitats at the landscape and watershed levels throughout the majority of the shoreline jurisdiction consistent with WDFW recommendations. • The SMP standard shoreline buffers substantially meets or exceeds a 137-foot riparian buffer (SMP Section 6.3): ○ ~8% of the County's shoreline jurisdiction is located within the Natural SED that requires standard shoreline buffer widths of at least 175-feet for new development. These shoreline reaches are also predominantly associated with public lands and/or bordered by critical areas (e.g., marine bluffs, ravines, wetlands) that effectively result in undeveloped riparian habitat areas exceeding 200-feet along many of these shoreline reaches. ○ ~65% of the County's shoreline jurisdiction is located within the Resource Conservancy SEDs that require a standard shoreline buffer width of at least 150-feet, with most reaches (~99%) located within or adjacent to over 630,000 acres of designated and zoned forest lands. These marine, lake and river shoreline reaches are predominantly characterized by large, contiguous tracts of federal, state and private forest lands and undeveloped riparian habitat areas exceeding 200-feet in width in most areas. In 2016, there were only 105 developed residential lots scattered throughout the 630,000 acres of these designated commercial forest (CF) lands. SMP buffer standards and SMP and County use limitations combined with other factors such as predominant large public and private ownerships, forest management, infrastructure limitations (e.g., access, utilities), and environmental constraints (e.g., landslide hazards) will benefit

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				retaining riparian habitat areas that meet or exceed WDFW recommendations throughout most of the Resource Conservancy SED. - o ~23% of the County's shoreline jurisdiction is located within the Shoreline Residential-Conservancy that requires a standard shoreline buffer width of at least 150-feet for major new development (includes new residential land divisions) and 100 to 125-feet for single-family development and low intensity water-dependent recreational use/development that meets the criteria of minor new development (SMP Section 6.3). - o Only approximately 4% of the County's shoreline jurisdiction located within the Shoreline Residential-Intensive and Marine Waterfront SEDs allows for buffers between 50 to 100 feet. These shorelines are associated with highly altered riparian areas that are already substantially developed (homes, roads, etc...) and characterized by small lots or otherwise constrained lots where existing vegetated buffers are generally highly-altered or non-existent.
78.	6.3 Regulations – General Shoreline Buffer and Vegetation Requirements	Futurewise et. al.	Table 6-2 Critical Area Buffers – To better protect development from erosion per WAC 173-26-221(2)(c)(ii)(B), the SMP should establish 150-foot Landslide Hazard Area buffers for all marine bluffs (including 'feeder bluffs' and 'feeder bluffs talus'), not only those that are 'Feeder Bluff Exceptional'.	Not all marine bluffs are subject to the same erosion and bluff regression rates due to geology, landscape position, height and other factors. The County's Shoreline Inventory and Characterization Report (ICR) (March 2012) assessed marine bluff physical and bluff erosion characteristics. This analysis was done by Coastal Geological Services (CGS). The County's bluff assessment resulted in classification of marine feeder bluffs into three categories (exceptional, talus and other feeder bluff) based on erosion, bluff recession and importance to sediment input in the drift cell. Other County marine bluffs are composed of bedrock that are significantly less prone to failure, exhibit significantly slower erosion/bluff regression rates, and have no appreciable contributions of

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				sediment to drift cells. Based on these differences, the SMP established standard marine bluff buffer widths of 150-feet (exceptional feeder bluffs, 100-feet (other feeder bluffs), and 50-feet (non-feeder bluffs). Buffers may be required to be larger based on site specific conditions, findings and recommendations of a geotechnical report (see SMP Sections 7.13.7 and 7.14.7).
79.	6.3 Regulations – General Shoreline Buffer and Vegetation Requirements	Futurewise et. al.	Table 6[-2] Critical Area Buffers – In areas at high risk of wildfires, to protect buildings from wildfire and allow firefighter access, the SMP should establish a 30-foot Home Ignition Zone setback between development and critical areas, and shoreline and critical area buffers.	The risk of wildfires in western Washington and Clallam County is a much broader issue than the narrow extent of the shoreline jurisdiction. State and local government implementation of recent 2018 legislation under ESSB 6109 applicable to the state and local building codes adoption of the International Wildland Urban Interface Code and also authorizing state Dept. of Natural Resources (DNR) to establish a program of technical assistance and grants to aid local governments in developing maps of the Wildland-Urban Interface will help address this issue both within and outside of the shoreline jurisdiction. The County's Zoning Code requires defensible spaces for residential development in its commercial forest (CF) zones. The standard requires that all new single-family dwellings located in the CF zone to utilize noncombustible roof materials and to provide at least a 30-foot area around the structure that is clear of all combustible materials (CCC 33.07.020 (8)(b)). Approximately 65% of the County's shoreline jurisdiction is located within CF zones. The County also provides information on its building web page regarding maintaining a "defensible space" with examples of at least 30-feet as a recommended practice at: http://www.clallam.net/Permits/defensiblespace.html

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80.	6.3 Regulations – General Shoreline Buffer and Vegetation Requirements	Makah Tribe	Opposes the proposed buffer widths as inadequate, and 20% of required buffer area will be lost to the Chapter 6.3 allowance. The SMP should establish: • River/stream buffers of 137-feet based on the 200-year SPTH (WDFW-PHS), and measured from the channel, CMZ or floodplain, whichever is greater – not OHWM. • 200-foot minimum buffer width for ESA critical habitat streams. • 150-foot minimum buffer width for non-ESA critical habitat streams.	• See response to Comments #68-74, 77 and 81 in this table.
81.	6.3 Regulations – General Shoreline Buffer and Vegetation Requirements	WDFW	Riparian area protections should include the CMZ and be based on WDFW's 2018 science synthesis. Strict avoidance of harm within the 200-year SPTH area is not practical across the entire landscape, and should be informed by Best Available Science. The SMP should outline ways which achieve NNL of shoreline and riparian functions within this area while being flexible about how to achieve that.	SMP Section 7.14.10 contains specific CMZ protection standards for channel migration zones (CMZ). The SMP requires that land divisions creating lots for development must demonstrate adequate building envelope (including access and utilities) that is suitable for development outside of landslide hazard areas (includes CMZs). See also response to Comments #2, 68, 70-73, 77, 81, 94 and 97 in this table.
82.	6.3 Regulations – General Shoreline Buffer and Vegetation Requirements	WDFW	#6. Lake Sutherland Standard Buffer – The 35-foot buffer width may not achieve NNL, based on several factors: • Documented presence of federally-listed bull trout, and other species such as kokanee; • Anticipated Lake access for anadromous fish after a pending barrier culvert replacement; • Portions of the shoreline remain well vegetated with intact native buffer, providing valuable fish habitat; The standard shoreline buffer for Lake Sutherland, and other County shorelines, should be consistent with Best Available Science to ensure the SMP meets GMA goals of	The main shoreline use along Lake Sutherland shoreline is single-family residential and associated uses (e.g., docks). The proposed 35 foot shoreline buffer width for Lake Sutherland is the same as the current SMP setback for such uses that has been in place since the mid-1970s. The lake shoreline is relatively densely developed with residences. There is very minimum potential for creation of new waterfront lots along the lake shore under County zoning. The proposed retention of the 35-foot buffer width standard is somewhat wider than the existing setbacks on many of the developed waterfront lots. Based on the County's shoreline inventory and characterization, most existing home setbacks are narrow (ranging from

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			No Net Loss.	approximately 0 to 40 feet). Existing vegetated buffers immediately adjacent to the lakeshore are generally highly-altered and narrow or non-existent, so a wider standard buffer requirement would not necessarily result in better ecological functioning. Retaining a 35-foot, standard shoreline buffer width on the Lake Sutherland waterfront for new development and redevelopment will not result in a significant decrease in shoreline vegetation that would result in a net loss of ecological functions.
83.	6.3 Regulations - General Shoreline Buffers & Vegetation Requirements	Futurewise Supplement	The SMP should establish river/stream buffers of 137 feet, based on the 200-year SPTH calculations of the May 2018 WDFW – PHS <i>Draft Riparian Ecosystems Volume 2: Management Recommendations</i> . This buffer distance should be wider based on soils/growing conditions, and be measured from the channel, CMZ or floodplain, whichever is greater.	See response to Comments #68, 70-73, 77 and 97 in this table.
84.	6.3 Regulations - General Shoreline Buffers & Vegetation Requirements	Futurewise Supplement	The SMP should establish minimum buffers of 200-feet (or wider) for all water bodies designated as critical habitat for ESA listed species, and 150-feet (or wider) for all streams not designated as such.	See response to Comments #68, 70-73, 77 and 81 in this table.
85.	6.5 Regulations – Shoreline Buffer Clearing	Quileute Tribe	Supports improved provisions for control of invasive weeds, such as the deletion of former regulation #4 in entirety.	Thank you for the supporting comment.
86.	6.5 Regulations – Shoreline Buffer Clearing	Quileute Tribe	Supports regulation #3 that limits hazard tree removals in the buffer and requires mitigation.	Thank you for the supporting comment.

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87.	7.6 Critical Areas Regulations - Wetland Protection Standards	Futurewise et. al.	Supports wetland avoidance criteria to protect wetlands and reduce mitigation costs.	Thank you for the supporting comment.
88.	7.8 Regulations – Aquatic Habitat Conservation Area Buffers	Quileute Tribe	Table 7-6 Aquatic Habitat Conservation Area Buffers for Type S, F, Np, and Ns Waters – Opposes the standard buffer widths as not based on WDFW's PHS science and site potential tree height (SPTH) management recommendation, and not measured from the CMZ. These widths are inadequate, and 20% the required buffer area will be lost to the Chapter 6.3 allowance. Opposes regulation #2 Class II Terrestrial Habitat Conservation Areas based on two problems:	• See response to Comments #68, 70-72, 74, 77 and 97 in this table.
89.	7.11 Regulations – Class I and II Terrestrial Habitat Conservation Areas Protection Standards	Futurewise et. al.	• it only applies to 'major new development' not all development & activities that can harm terrestrial habitat; • requirement for a Habitat Management Plan is at the sole discretion of Administrator with no standards to consider. In order to comply with WAC 173-26-221(2)(a), the SMP should require protection for all priority species and habitats and Class II terrestrial habitat conservation areas, not allow case-by-case administrative decisions	In addition to the requirements in SMP Section 7.11.2, the SMP as a whole helps protect Class II habitat conservation areas. For example: • Use limitations within the Aquatic SED. • Only approximately 4% of the County's shoreline areas subject to the SMP associated with the Shoreline Residential-Intensive and Marine Waterfront SEDs allow for more intensive residential or mixed use developments. These areas are already substantially developed with homes, businesses, roads and other uses in the shoreline jurisdiction. • SMP and zoning use limitations, public land ownership, and land management (e.g., forestry, conservation) associated with the

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			without any criteria.	Resource Conservancy and Natural SEDs that cover approximately 73% of County's shoreline jurisdiction. • Required shoreline and critical area buffers in SMP Chapters 6 and 7 that also help to protect habitat and fish and wildlife corridors associated with Class II habitats. • Protected critical areas (e.g., wetlands, marine bluffs) in Chapter 7 are also priority habitats.
90.	7.12 Regulations – Geologically Hazardous Areas Designation, Classification, and Mapping	Futurewise et. al.	Regulation #4. Classification - Seismic Hazard Areas – While noted in the first clause, the SMP should include the following as listed classifications for designation as a seismic hazard area: • tsunami hazard areas, as mapped by the State or County; and • liquefaction susceptibility/site class, as mapped by WA DNR. Liquefaction - The SMP should designate liquefaction susceptibility areas classified as "moderate," "moderate to high," "high," and "peat deposit" as geological hazards. Shaking - The SMP should designate areas classified as site class "D," "D to E," "E," and "F" as geological hazards.	All of Clallam County is at risk to earthquakes and related seismic hazards. Structures in seismic hazards must conform to applicable analysis and design criteria of the state and county building codes. The SMP further classifies and designates seismic hazards under SMP Section 7.12.4 and also contains additional protection standards under SMP Section 7.14(3,9) related to development within seismic hazard areas. Under the SMP, only a limited area of coastal shoreline reaches along the Strait of Juan de Fuca associated with the Shoreline Residential-Intensive and Marine Waterfront SEDs allows for new more intensive development and infill (SMP Shoreline Maps, Exhibit A). These shoreline areas are already substantially developed with homes, businesses, roads and/or other uses. The rest of the coastal areas along the Straits are in the Natural SED (~8%) or one of two conservancy SEDs—Resource Conservancy (~65%) and Shoreline Residential Conservancy (~23%)—where the SMP and other County land use regulations (zoning, critical areas) limit new development types and densities in these shoreline areas. See also response to Comment #91 below in this table.

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91.	7.12 Regulations – Geologically Hazardous Areas Designation, Classification, and Mapping	Futurewise et. al.	To better protect people and property from tsunami hazards, the SMP should establish these specific standards: • Avoid new development in tsunami hazard areas. Where a site is large enough to develop outside of a tsunami hazard, development within the tsunami hazard should be prohibited. Prohibiting development in tsunami hazard areas is the safest approach. • If a part of the site has a lower tsunami risk, development should be clustered on that part of the site. • Where tsunami hazard areas are outside cities and limited areas of more intense rural development, zone them for low density uses such as one dwelling unit per 10 acres. • Where developments are allowed in tsunami hazard areas, require an evaluation to determine if a tsunami resistant structure can be required to allow residents, customers, and employees to shelter in place. • Locate and configure new development that occurs in tsunami run-up areas to minimize future tsunami losses. • Require subdivisions, commercial, and recreational uses to prepare and maintain an evacuation plan including evacuation routes and provide for warnings and training for employees, residents, and those who will use the development on when and how to evacuate. These evacuation plans should be reviewed by the county for effectiveness and consistency with the community evacuation plans.	• All Clallam County coastal areas are at risk from tsunamis. One of the County's SMP Goals is to increase public awareness of tsunami hazard areas and evacuation route maps available for County coastal areas (SMP Section 1.5.14). Tsunami evacuation maps are currently available on the County's Emergency Management Web Page at: http://www.clallam.net/Maps/evacuation.html • All shorelands along the County's Pacific Coast shoreline that are especially vulnerable to Tsunami risk are located within Olympic National Park or on Tribal Reservations/Trust land and not subject to the SMP. • See also response to Comment #90 above in this table.

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92.	7.13 Regulations – Geologically Hazardous Area Buffers	Futurewise et. al.	Table 7-7 Landslide Hazard Areas Standard Buffers – Same as 6.3 Table 6-2 comment above; To better protect development from erosion per WAC 173-26-221(2)(c)(iii)(B), the SMP should establish 150-foot Landslide Hazard Area buffers for all marine bluffs (including ‘feeder bluffs’ and ‘feeder bluffs talus’), not only those that are ‘Feeder Bluff Exceptional’.	See response to Comment #78 in this table.
93.	7.13 Regulations – Geologically Hazardous Area Buffers	Quileute Tribe	Supports regulation #6 that limits hazard tree removals in landslide hazard areas and requires mitigation.	Thank you for the supporting comment.
94.	7.14 Critical Area Regulations – Geologically Hazardous Areas Protection Standards	JST	#10. Channel Migration Zone Protection Standards – This provision includes only a single method for establishing a CMZ buffer by administrative decision at the end of a tortuous CMZ checklist and assessment report process; this approach is inadequate for conserving crucial vegetation that may soon be standing on the edge of a river.	- The limitations of existing CMZ maps for regulating development in the shoreline jurisdiction was a significant issue of review and deliberations throughout the County's SMP process. For example, the application of Ecology's generalized CMZ maps for prohibiting development in CZMs or for relying solely on them to require a landowner to hire consultants to perform CMZ assessment was a major concern especially related to the mapping for west-end rivers. The CMZ standards and assessment process in SMP Section 7.14.10 were adopted by the County as the preferred approach given the limitations of existing CMZ mapping. These standards were tailored based on an approach suggested by Ecology taken from another jurisdiction that had similar generalized CMZ mapping. - See also response to Comment #97 in this table.
95.	7.14 Geologically Hazardous Areas	Schroman-Wawrin, Lindsey	The SMP should prohibit development in locations at risk for geological hazards such as tsunamis, landslides, flooding, and seismic soils.	- SMP critical area regulations in Sections 7.12-7.14 protect landslide hazard areas. Shoreline use and development (e.g., residential) are directed away from landslide hazard areas and associated protective buffers (see Section 7.13.1). - All of Clallam County is at risk to earthquakes and seismic hazards.

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				Structures in seismic hazards must conform to applicable analysis and design criteria of the state and county building codes. The SMP contains additional protection standards under SMP Section 7.14(3,9) related to development within seismic hazard areas. • The SMP limits new development within 100-year floodplain areas (e.g., SMP Chapter 6, SMP Sections 7.15, 7.16), including shoreline buffers (SMP Chapter 6) and associated floodplain wetlands and buffers (SMP Section 7.5). Floodplain development must also comply with building code flood construction standards (SMP 7.16.1). • Proposed land divisions to create new lots must demonstrate adequate building area (including access and utilities) suitable for development outside of 100-year floodplain, landslide hazards, aquatic areas, wetlands and their associated buffer areas (SMP 7.3.8). • See also response to Comments # 90 and 91 in this table.
96.	7.14 Geologically Hazardous Areas	Schroman-Wawrin, Lindsey	The SMP should provide financing mechanisms to purchase properties in those locations.	The SMP recognizes that its goals/policies that encourage and direct development away from hazardous areas will need to be achieved through a combination of regulatory and non-regulatory (e.g., acquisition) means (SMP Section 1.13.2).
97.	7.14 Regulations – Geologically Hazardous Areas Protection Standards	Quileute Tribe	Supports the CMZ Protection Standards regulation #10(e) because it prohibits or limits activities within a CMZ that would likely be at risk of channel migration, require shoreline stabilization, or interrupt the channel migration process. However Chapter 6.3 establishes buffers are measured from OHWM not the CMZ, counter to State forest practices rules that establish riparian management zones measured from 'bankfull width' or the CMZ.	• Currently available stream channel migration assessments and related CMZ mapping by Ecology and others to support the County's SMP update are recognized as potential channel migration zones (pCMZ). These maps are general, coarse-scale assessments that are intended to be used for planning purposes and to act as guidance for where more detailed studies may be needed. According to Ecology the pCMZ maps do not provide adequate level of detail at the parcel scale for most project/permitting purposes. • The SMA and state SMP Guidelines do not require establishing a buffer from the edge of the CMZ. In fact, it would not be appropriate to require a buffer based on current pCMZ maps and related

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			assessment at the project site scale due to their generalized nature. • The pCMZ maps include an “erosion hazard buffer” factor to account for potential future mitigation areas based on soil erodibility, channel meander geometry, and topography near the stream. For example, on the Ecology pCMZ maps the erosion hazard area buffer that is part of the CMZ outer boundary includes one channel width for entrenched streams, 50 to 100% of the width of the meander amplitude, and other factors. • SMP Section 7.14.10, Channel Migration Zone Protection Standards, establishes criteria for when a CMZ site assessment is required. Based on the results and recommendations of a CMZ site assessment or a habitat management plan (SMP Sections 7.11 and 8.6) a buffer from the edge of a field delineated CMZ edge may be required (SMP Section 7.14.10(e)). Based on existing CMZ data and mapping, Ecology has previously indicated that this approach is reasonable and acceptable. • Other provisions of the SMP and underlying zoning will preclude or limit new development within the CMZs. For example: ○ Only approximately 4% of the County's shoreline areas subject to the SMP associated with the Shoreline Residential-Intensive and Marine Waterfront SEDs allow for more intensive residential or mixed use developments. These areas are already substantially developed with homes, businesses, roads and other uses in the shoreline jurisdiction. Many of these areas are associated with developed marine or lake shorelines and not within potential CMZs. ○ The other ~96% of the shoreline jurisdiction is in the Natural SED (~8%) or one of two conservancy SEDs — Resource Conservancy (~65%) and Shoreline Residential Conservancy (~23%)—where the SMP and other County land use regulations (zoning, critical

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				areas) limit new development and uses in shoreline areas. This is especially the case within the Resource Conservancy and Natural SEDs covering ~73% of County SEDs that are predominantly undeveloped and the combination of County SMP and zoning regulations, public land ownership, and predominant large private land ownerships and management (e.g., forestry, conservation) will limit future new development in potential CMZ areas. - Proposed land divisions to create new lots must demonstrate adequate building area (including access and utilities) suitable for development outside of 100-year floodplain, landslide hazards, aquatic areas, wetlands and their associated buffer areas (SMP 7.3.8). - See also response to Comment #94 in this table. Thank you for the supporting comment.
98.	7.14 Regulations – Geologically Hazardous Areas Protection Standards	Futurewise et. al.	Supports measures to prevent development of landslide hazards, buffers, and runoff areas, especially regulation #7(s)(i) Geotechnical Report (non CMZ) Site Plan requirement to identify “The type and extent of geologic hazard areas, any other critical areas, and buffers on, adjacent to, or that are likely to impact or influence the proposal or be influenced by the proposal, including properties and critical areas upslope and downslope of the subject site”. Table 7-7 Landslide Hazard Areas Standard Buffers - Because the 50-foot standard buffer for ‘Other Landslide Hazard Area (non CMZ) may not be adequate to protect & property, the SMP should require site-specific identification of: - landslide top of slope; - slope faces subject to failure and sliding; - toe of slope areas subject to impact from down	
99.	7.14 Regulations – Geologically Hazardous Areas Protection Standards	Futurewise et. al.		Landslide hazard area minimum standard buffer widths range from 50 to 150-feet and are from the top, toe and all edges of hazard areas (SMP Section 7.13.1). In addition, SMP Section 7.13.7 requires a geotechnical report be prepared within 200-feet of highly-eroseive, feeder bluff exceptional and other landslide hazard areas based on site conditions. SMP Section 7.14.7 contains the minimum geotechnical report contents and includes addressing these site-specific issues noted in the comment and recommending minimum buffer and building

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			- slope run-out; and - buffers for areas subject to landslide hazards. And construction should be prohibited in these areas.	setback areas. See also response to Comment #78 in this table.
100.	7.14 Regulations – Geologically Hazardous Areas Protection Standards	Futurewise et. al.	Regulation #10 CMZ Protection Standards – Effective channel migration evaluation requires time scales of at least 50 years so relying on such recent photos is too short a time period; Proposed text revisions: (b)(iii) “Review whether any significant channel movement has occurred between available County aerial orthophoto data layers since Year 2000.” (c)(ii) “The proposed use or development site has minimal risk of channel migration as indicated by the existing channel type, land cover (and low likelihood of future alterations in land cover); surficial geology, low soil erosion potential; lack of evidence of likely avulsion pathways (including areas upstream of, but proximate to, the site); low inundation frequency(ies); whether channel movement has occurred between an aerial photo series spanning at least 50 years; and other available information...” Opposes 100-year assumption for single-family homes; Proposed text revision: “(c)(ii) “...The determination of minimal risk shall also consider the typical lifespan of the proposed use and development (e.g., 100-years for a single-family home)...”	Agree that review of only aerial photos since the Year 2000 is too limiting if earlier aerial photos exist for the subject property(s). Support revisions as follows: 7.14.10(b)(iii): “Review whether any significant channel movement has occurred between available County aerial orthophoto data layers since Year 2000 photo series spanning at least 50 years where available.” 7.14.10(c)(ii): “The proposed use or development site has minimal risk of channel migration as indicated by the existing channel type, land cover (and low likelihood of future alterations in land cover); surficial geology, low soil erosion potential; lack of evidence of likely avulsion pathways (including areas upstream of, but proximate to, the site); low inundation frequency(ies); whether channel movement has occurred between an aerial photo series spanning at least 50 years where available; and other available information...” The County supports retaining current language that is requested to be revised in sub-part (c) (ii) that the typical lifespan of a proposed use be a factor in the CZM assessment of risk. See also response to Comments #94 and 97 in this table.
101.	7.17 Regulations – Critical Aquifer Recharge Areas	Futurewise et. al.	Proposed regulations fail to protect aquifers from saltwater intrusion, to meet NNL, and to protect existing ecological functions and ecosystem-wide processes. The SMP should designate areas susceptible to saltwater	The report referenced is titled: Seawater Intrusion Control in Coastal Washington: Department of Ecology Policy and Practice, Tibbot, 1992. The Report prepared for the U.S. Environmental Protection Agency notes that all Washington State coastal areas are prone to seawater

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	Designation, Mapping, and Classification		intrusion, as mapped by Ecology, as areas with high susceptibility to contamination, and should establish regulations to protect these aquifers consistent with Ecology's seawater intrusion policy.	intrusion, but did not identify any high risk areas specific to Clallam County. The Ecology Seawater Intrusion Policy found in Appendix B of the 1992 Report documents the legal authority granted to Ecology to control seawater intrusion as well as Ecology policies and practices regarding water rights administration. This somewhat dated 1992 Report is an Ecology policy analysis document, and does not specify policies or requirements for local governments. SMP Sections 7.17 and 7.18 addresses critical aquifer recharge area designations and regulations. The SMP also limits intensive shoreline development along the marine areas of the Strait of Juan de Fuca under County jurisdiction. This helps to reduce development pressure and new well construction within near shore areas that are prone to sea water intrusion. Overall, only ~4% of the County's shoreline areas under the SMP are associated with the Shoreline Residential-Intensive and Marine Waterfront SEDs that allow for new intensive residential and/or mixed use development and infill, and much of these limited areas are inland away from areas prone to saltwater intrusion in the 1992 Ecology Report. Clallam County also ensures compliance with the Dungeness Water Rule, WAC 173-518, to mitigate for new water uses prior to issuance of building and other land use permits. The Dungeness Water Rule area covers a large area of eastern Clallam County from Bagley Creek to Bell Creek and all associated watershed areas, including the marine shoreline areas and watershed areas of McDonald Creek and Dungeness River that are subject to this SMP.
102.	8.3 Regulations – General Mitigation Requirements	JST	These provisions delegate too much responsibility to DCD staff/Administrator for identifying impacts and prescribing mitigation. This will result in 1) inconsistent implementation, 2) difficulty in training staff, 3) require more staff and applicant time during the application	The County thru the Department of Community Development (DCD) is responsible for administering compliance with the SMP. Pursuant to RCW 90.58.050, the County and Ecology share joint authority and responsibility for the administration of the SMP. Administrative

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			process, straining already thin resources, and 4) will make monitoring, adaptive management, and tracking of>NNL more difficult and expensive.	procedures are covered in Chapter 10 of the SMP. Mitigation plans that the Administrator will review must be prepared by qualified professionals (SMP Regulation 8.3.8) and address the applicable requirements in SMP Sections 8.3 thru 8.8 as well as applicable protection standards in the SMP. In addition, development within and near landslide hazard areas is subject to Geotechnical Report (SMP Section 7.14.7); Channel Migration Assessments are to be prepared by qualified professionals (SMP Section 7.14.10); and Cultural Resource Site Assessments are to be prepared by professional archaeologist (SMP Section 5.5.2). See SMP definitions for 11.31, professional archaeologist; 11.260, qualified professional or qualified consultant; and 11.261, qualified geotechnical engineer. Project specific mitigation monitoring where required is addressed under SMP Section 8.4. The SMP includes policies related to monitoring gains and losses of shoreline functions based on specific indicators where baseline levels are documented in the County's 2012 Shoreline Inventory and Characterization Report (e.g., see SMP Policy 8.2.3). One monitoring tool (see SMP Policy 8.2.4) is to identify and track the implications of new shoreline use/development on ecological functions and processes at the shoreline reach and watershed scales based on the Shoreline Checklist & Statement of Exemption Form found under Exhibit B of the SMP. Evaluating overall gains and losses of shoreline ecological functions would also be part of periodic updates of the SMP.
103.	8.3 Regulations – General Mitigation Requirements	Futurewise et. al.	Opposes regulation #3 because it doesn't require mitigation for adverse impacts to sediment transport or to functions damaged by loss of vegetation outside critical areas and buffers; and does not require mitigation for damage that cannot be quantified or for cumulative impacts. Proposed text revisions: ● #3(b) "Result in measurable damage, loss and/or	Support amending as follows: ● #3(b) "Result in measurable damage <u>adverse impacts</u> , loss and/or displacement of <u>shoreline ecological functions</u> including a wetland, aquatic habitat conservation area, terrestrial habitat conservation area, flood storage or conveyance area, or critical aquifer recharge area, <u>or</u> geologic and hydraulic processes..." ● #3(c) "Result in measurable damage <u>adverse impacts</u> , loss and/or displacement of kelp beds, eelgrass beds..."

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			displacement of <u>shoreline ecological functions</u> including a wetland, aquatic habitat conservation area, terrestrial habitat conservation area, flood storage or conveyance area, or critical aquifer recharge area, <u>or</u> geologic and hydraulic processes..." • #3(c) "Result in measurable damage, loss and/or displacement of kelp beds, eelgrass beds..."	Retaining the term "measurable" is appropriate. Support adding term "adverse impact" as shown above to clarify intent and address comment. Adverse impact is defined under SMP 11.11 as well as the term "substantially degrade" (see SMP 11.328) that is part of the definition of "adverse impacts."
104.	8.3 Regulations – General Mitigation Requirements	Quileute Tribe	Opposes regulation #3 because it does not require compensatory mitigation for use and development that "conform to one or more of the dimensional requirements, performance standards, and/or design criteria in the SMP"	Compensatory mitigation is not required for every new development or use in the shoreline jurisdiction. It is required where unavoidable adverse impacts occur that will result in a net loss of shoreline ecological functions. Where the SMP allows for a new development or use to occur within the applicable SED, SMP requirements and standards (e.g., buffers) as a whole are intended to avoid a net loss of shoreline ecological functions. See also response to Comments #21, 23 and 25 in this table.
105.	8.3 Regulations – General Mitigation Requirements	Quileute Tribe	Supports regulation #8(b) because it requires mitigation plans to consider the guidance of WDFW's PHS management recommendations in order to protect wildlife habitat conservation areas; but the SMP should require compliance with these recommendations.	Consideration and of WDFW PHS management recommendations and guidelines in preparation of mitigation plans by qualified professionals is appropriate. The WDFW PHS guidance does not provide for a bright line mitigation approach applicable to all types of projects and site conditions. It is also not practical to fully implement PHS riparian recommendations the same across the entire landscape given the varied nature of existing development patterns along shorelines. See also response to Comment #77 in this table.
106.	8.3 Regulations – General Mitigation Requirements	Makah Tribe	Opposes regulation #3 because it does not require compensatory mitigation for use and development that "conform to one or more of the dimensional requirements, performance standards, and/or design criteria in the SMP"	See response to Comments #21, 23 and 104 in this table.

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107.	8.4 Regulations - Compensatory Mitigation Plan Contents	Quileute Tribe	Supports improved provisions for control of invasive weeds, such as regulations: #1(a)(ii) that requires an invasive plant inventory for the mitigation site; #1(c) that requires measures for removal of invasive plants as a performance standard; #1(d) that requires detailed construction plans including the source of plant materials, propagules, or seeds; and #1(e)(i) that requires tracking of invasive plant species as part of a monitoring program.	Thank you for the supporting comment.
108.	8.4 Regulations - Compensatory Mitigation Plan Contents	Quileute Tribe	Supports regulations #1(f) and (h) that strengthen mitigation site monitoring requirements and prohibit premature release of mitigation performance bonds.	Thank you for the supporting comment.
109.	8.4 Regulations - Compensatory Mitigation Plan Contents	Makah Tribe	Supports the improvements made regarding invasive weeds, requiring that mitigation projects include invasive plant inventory, removal and monitoring.	Thank you for the supporting comment.
110.	8.4 Regulations - Compensatory Mitigation Plan Contents	Makah Tribe	Supports requiring monitoring of mitigation sites and prohibiting mitigation performance bonds from being released prematurely.	Thank you for the supporting comment.
111.	10.1 Administrative Authority and Responsibility	Quileute Tribe	Supports provision #1(l) that authorizes County staff to research the state HWS and PRISM databases to identify and avoid potential conflicts with restoration projects.	Thank you for the supporting comment.
112.	10.3.0 Minimum Permit Application Requirements	Quileute Tribe	Supports requirement #1(m) that applicant must identify potential conflicts with proposed, in-progress, or completed restoration efforts at/near the project site.	Thank you for the supporting comment.

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113.	11.G - Definitions	Quileute Tribe	Proposed text revision: “#140 Geotechnical report or Geotechnical analysis means a scientific study or evaluation that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, an assessment of how climate change could affect the ground and surface hydrology and the affected land form and its susceptibility to mass wasting, erosion and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed...” #140 “Geotechnical Report/Analysis” should be revised to include requirement for climate change impacts. Supports improved water quality provisions, such as adding term #238 [Note: correct citation is 239] ‘Pollutant/Pollution’ defined per standards of RCW 90.48.	The potential impacts of climate change cover a wide-range of issue areas that extend to areas well-beyond the narrow extent of the SMP jurisdiction. The geotechnical report requirements in SMP Section 7.14.7 require analysis of available information and mapping related to hazard areas and likely mechanisms for slope failure.
114.	11.G - Definitions	Makah Tribe		See response to Comments 16-18, 59 and 113 in this table.
115.	11.P - Definitions	Quileute Tribe		Thank you for the supporting comment. The locally-approved SMP (October 2018) with revisions accepted has correct reference of 11.239 to the pollutant definition.
116.	11.P - Definitions	Makah Tribe		Thank you for the supporting comment.
117.	Exhibit A. Shoreline Environmental Designations (SED Maps)	U. S Fish and Wildlife Service - Lorenz Sollmann (USFWS)	Map 2 – The shoreline environment designation (SED) along a section of Sequim Bay’s southwestern shore should be changed from Shoreline Residential-Conservancy to Natural where restoration efforts were recently completed, removing a home, septic system, armoring and dock.	Support changing this reach of Sequim Bay owned by USFWS from Shoreline Residential-Conservancy to Natural as requested based on restoration and current management.

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118.	SED Maps	USFWS	Map 2 – Map should show USFWS-owned lands similar to State Park and Tribal lands that are depicted.	Due to map scale and purpose, the shoreline and SED maps in SMP Exhibit A do not show and label every publically-owned parcel. For map reference purposes only, they do show and label federal lands associated with the Olympic National Park, Olympic National Forest, and Dungeness Wildlife Refuge. Any federally-owned parcels not within these areas are not specifically delineated on these maps. The USFWS lands noted in comment submittal are mostly located outside of the shoreline jurisdiction. The County will inquire with USFWS what how this block of USFWS owned land should be referenced on the map.
119.	SED Maps	USFWS	Map 7 – The blue line surrounding Dungeness Spit, and shown on other maps, is easily mistaken as indicating a Non-SMP Stream based on the map Legend.	County will evaluate potential options to better distinguish between shorelines and non-SMP streams. The dark blue line surrounding the Spit and other marine shorelines is part of the hydrology layer. The non-SMP streams shown on maps for context are depicted as a lighter blue line on maps. However, based on comment, this distinction appears to vary based on type of printer used.
120.	SED Maps	USFWS	Map 7 – Some areas of the Dungeness National Wildlife Refuge are missing the green color for Natural SED.	This is due to some small areas of discrepancy between the data layer representing the outline of the spit and sand areas shown on the 2011 aerial photo base used on these maps. The County could consider rectifying based on the 2011 aerial photo. However, the spit is dynamic and the boundary of the sand spit will continue to change over-time. In such cases, the Natural SED criteria would apply to the shifting spit areas based on SMP provisions under SMP Sections 2.2.6 and 2.4.1.
121.	Cumulative Impacts Analysis – No Net Loss Report (CIA-NNL Report)	Quileute Tribe	This report does not adequately quantify or address the foreseeable, unmitigated cumulative impacts of minor new development activities that are not required to do compensatory mitigation and will result in a net loss of shoreline function.	See response to Comments #20 – 23 and 25 in this table.

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122.	CIA – NNL Report	The NNL standard itself is insufficient, the Report is inaccurate, and the County needs to provide a more rigorous and comprehensive cumulative impacts analysis. The report was completed more than a year prior to the County's local approval of the SMP. It assumes that "each" use or development will include compensatory mitigation but the SMP does not require the necessary restoration activities for post-mitigation impacts. The failure to require the necessary mitigation of an impact will result in adverse impacts and a net loss of ecological function. The report fails to protect the habitat or the treaty-reserved resources of the Makah Tribe and the SMP fails to meet NNL.	See response to Comments #20 – 23 and 25 in this table. The County's Final Cumulative Impacts Analysis and No Net Loss (CIA/NNL) Report (June 2017) provides an analysis of cumulative impacts of reasonably foreseeable future shoreline development and how the County will achieve no net loss of ecological functions through the adoption and implementation of the SMP in accordance with WAC 173-26-201(3)(d). The County issued a State Environmental Policy Act (SEPA) determination of non-significance (DNS) on the Draft SMP (September 2017) recommended by the Clallam County Planning Commission on October 16, 2017. The DNS was made after review of completed environmental checklist, which included the 2017 Final CIA/NNL Report as an appendix, and also other supporting SMP update documents and information including, but not limited to the Shoreline Inventory and Characterization Report: For Portions of Clallam County Draining to the Strait of Juan de Fuca (March 2012); WRIA 20 Shoreline Inventory and Characterization Report (Revised May 2012); Countywide Shoreline Restoration Plan (February 2016); and Final Consistency Review Report (July 2011). The locally-approved SMP (October 2018) by the County Commissioners did not result in revisions to the Planning Commission recommended SMP that would require a revisions to the Final 2017 CIA/NNL Report. Most revisions made included minor corrections and clarifications of certain policies and regulations. Added provisions or more substantive changes were of the nature not requiring additional CIA/NNL analysis or strengthened protection against NNL. For example, the County added provision to prohibit in-water, net pen aquaculture for non-native species.

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123.	CIA-NNL Report	Futurewise et. al.	The report's conclusion that "SMP provides reasonable assurances that there will be only a few areas that would experience forest cover loss outside of required buffer areas ..." at page 179 does not reflect the analysis for forest cover loss on pages 133 through 45. And Chapter 8.3.3 does not require mitigation for the loss of forest cover or the development of impervious surfaces outside buffers and critical areas. The SMP buffers widths need to be corrected to maintain shoreline vegetation ecological functions.	• See response to Comments #20 – 23, 25, and 122 related to NNL in this table. • See response to Comments #68-84 related to shoreline buffers.
124.	CIA-NNL Report	Quileute Tribe	This report was completed more than a year prior to the County's local approval of the SMP and seems to be based on a presumption that whatever policies and regulations the County might ultimately adopt will be sufficient to avoid cumulative impacts and achieve NNL, rather than be based on an analysis of the policies and regulations actually adopted. Ecology should perform an independent analysis of the adequacy of the proposed buffers. This report has the following deficiencies: • 1.2 Scope of the Analysis notes each project must mitigate adverse effects, including replacement of damaged resources through compensatory efforts, but fails to note that SMP 8.3 Regulations – General Mitigation Requirements #3 does not require compensatory mitigation for each project and waives the requirement for certain uses & development; • Does not include any independent analysis of the final proposed buffers or the cumulative impacts to riparian functions; • Does not address the cumulative impacts and loss of ecological function that will occur when streams/rivers	• The Final Cumulative Impacts Analysis and No Net Loss (CIA/NNL) Report (June 2017) for the County SMP Update was prepared by Environmental Science Associates (ESA) with support from Kramer Consulting, Coastal Geologic Services, and others. • See also response to Comments #20 – 23, 25 and 122 related to NNL in this table. • See also response to Comment #97 related to CMZ buffers in this table.

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			migrate to the edge of the CMZ with no buffer in place; - Does not assess the cumulative impacts or loss of function due to SMP's failure to address climate change; - It is unclear if/how the cumulative impacts and loss of function related to buffer clearing are assessed; - Does not explicitly identify its assumptions.	
125.	CIA-NNL Report	Quileute Tribe	5.2 Potential for New Development in WRIA 20 – For the nine (9) analysis areas with the highest potential for development, the report lists 'potential impacts associated with anticipated development' and 'necessary restoration activities to account for potential impacts', but fails to clarify if the impacts are pre- or post-mitigation, and fails to <i>require</i> the necessary activities; this will result in cumulative impacts and net loss of shoreline ecological functions. The SMP should require each & every project use the mitigation sequence to achieve NNL, and require all the 'necessary activities' be implemented. The report does not include analysis of cumulative impacts and net loss of riparian function that might result from the Administrator's failure to exercise discretionary authorities under 7.14(10)(e) to require buffers from the edge of the CMZ.	See response to Comments #21, 23, 25 and 122 in this table.
126.	CIA-NNL Report	Quileute Tribe		See response to Comments #94 and 97 in this table.

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127.	CIA-NNL Report	JST	The report identifies both 'restoration opportunities and necessary restoration actions to account for potential impacts' but the latter are often duplicates of the former. This is problematic and already-completed restoration efforts shouldn't be allowed as mitigation for future shoreline development actions.	The NNL requirement means the maintenance of the aggregate total of the County's shoreline ecological functions over-time. Already completed shoreline restoration projects along with those in progress and future projects will contribute to the County meeting NNL of shoreline ecological functions with the goal of some reaches experiencing a net improvement. The SMP only regulates new shoreline uses and development. New development is subject to compliance with the SMP that as a whole is structured to mitigate impacts through policies and regulations designed to first avoid and minimize impacts to help achieve the NNL of shoreline ecological functions standard. The NNL standard requires that the impacts of new shoreline use and/or development be identified and mitigated on a project-by-project basis. The County's SMP does not allow for "already-completed" restoration efforts to be credited to individual project new impacts unless such restoration was part of the mitigation for such project impacts.
128.	Inventory & Characterization Report (ICR)	Futurewise et. al.	Supports GIS links to web mapping to aid permit application & review.	Thank you for the supporting comment.
129.	ICR	Futurewise et. al.	Supports CMZ maps and identification of tributary alluvial fans to help protect people, property and salmon habitat.	Thank you for the supporting comment.

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130.	Restoration Plan	JST	Ecology should require both a realistic funding plan and a meaningful incentive be included to ensure implementation without significant delays.	The Clallam County Countywide Shoreline Restoration Plan (February 2016) identifies restoration potential, restoration opportunities, establish goals and priorities of restoration actions, and develop a strategy for implementation consistent with WAC 173-26-201 (2) (f). The purpose of the Plan is to identify where and how shoreline ecological functions need to and can be restored in the future. Implementation of the restoration plan will help address past degradation and support the County in achieving no net loss of shoreline ecological functions. The Plan incorporates and builds upon existing efforts by the County, Tribes, state and federal agencies, and other organizations (e.g., salmon recovery groups) engaged in restoration planning and projects. The Restoration Plan is non-binding. The county does not have the authority or ability to bind others to these actions. For example, many of the restoration opportunities described in the Plan could affect private property. Restoration depends on funding, access, permits, etc. According to state guidelines, SMPs should, along with other regulatory and non-regulatory programs, foster restoration through a combination of public and private programs and actions. Prospective funding sources are noted in the Restoration Plan consistent with state SMP Guidelines. These sources currently help fund active restoration projects and would be pursued to address other restoration opportunities. The County is committed to restoration of shoreline areas through participation and support of the Clallam County Marine Resources Committee (MRC), North Olympic Peninsula Lead Entity, North Pacific Coast Lead Entity, Dungeness River Management Team, Lake Ozette Steering Committee and other efforts. The County has successfully led and partnered to implement various shoreline restoration projects in the past, and is currently active in new shoreline restoration projects. For example, the County has secured millions of dollars of funding and

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				seeking additional funding for completing the Dungeness River Floodplain Restoration and Levee Setback project in partnership with Tribes, state agencies and others.
131.	Restoration Plan	Quileute Tribe	The Plan does a good job of identifying restoration goals and activities and the many entities working to restore habitat and shoreline ecological functions. But, except for a stated intention to implement at least one restoration project within the first five years, all the other activities are voluntary. The Plan fails to meet the requirements of WAC 173-26-201(2)(f): • identify restoration projects that are reasonably assured of being implemented; • identify prospective funding to ensure the identified projects and programs will be implemented; and • provide timelines and benchmarks for implementation to achieve local restoration goals. The Quileute Tribe strongly encourages the County to make binding commitments of staff and resources, including dedicated funding, to implement the Restoration Plan in support of the SMP.	See response to Comment #130 in this table.
132.	Restoration Plan	Makah Tribe	The Plan identifies the restoration goals and activities but nearly all of these restoration goals are voluntary. The SMP should establish binding commitments to implement restoration projects and programs. The Plan fails to identify restoration projects that are reasonably assured of being implemented per WAC 173-26-201(2)(f).	See response to Comment #130 in this table.

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