



Don Hoch
Director

STATE OF WASHINGTON

WASHINGTON STATE PARKS AND RECREATION COMMISSION

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February 4, 2016

TO: Pacific County Planning Commission

FROM: Alexandra Wunsch, SW Region Environmental Planner, Washington State Parks and Recreation Commission (State Parks)

RE: State Parks Follow-up comments on the November 2015 draft Pacific County Shoreline Master Program

Thank you for the opportunity to provide additional comments on the November 2015 draft Shoreline Master Program. These comments expand upon the preliminary comments provided to the county planning commission in a letter from Christine Parsons dated January 7, 2016. We welcome the opportunity for further discussion of these comments with county planning staff. For questions or clarifications, please contact Alexandra Wunsch at (360) 725-9755, or alexandra.wunsch@parks.wa.gov.

Following are State Parks comments:

- 1. Page 9. Definitions, Dock.** Please refer to the previous comment regarding the community dock definition. If recreational docks are not intended to be labeled community docks, we recommend adding recreational use to the dock definition.

“A pier or secured float or floats for boat tie-up or other water-use, often associated with a specific land use on the adjacent shoreland, such as a residence, or water oriented commercial, recreational use or industrial use.”
- 2. Page 15. Definitions, Institutional Use.** Does the definition mean to include public recreational facilities? We recommend that it be clarified that public recreational uses are not institutional uses.
- 3. Page 25. Definitions, Transportation.** For clarity, we recommend that trails (motorized and non-motorized) be added to the examples of transportation facilities included in the definition.

4. **Page 28-29. Shoreline Environment Designations. A. Natural.** See previous comments regarding the proposed SED change for Cape Disappointment. Natural designation is intended for “*low-intensity recreational purposes*”. The areas proposed for SED change from Natural to Coastal Conservancy are incompatible with the Natural SED desire for low-intensity recreation.
5. **Page 29. Shoreline Environment Designations. B. Rural Conservancy. 1.** The term “*low-impact outdoor recreation*” is not consistent with the term “*low-intensity recreation*” that is used throughout the SMP. Are these terms synonymous?
6. **Page 32-33. Shoreline Environment Designations. Coastal Conservancy E.3.** Is there any desire to include management policies related to public recreation or the SCA within the Coastal Conservancy SED? Existing public recreational developments in this environment designation include campgrounds (Grayland State Park & Cape Disappointment State Park), trails, ocean beach approaches and related parking/restroom facilities.
7. **Page 33. Shoreline Environment Designations. Willapa Bay Conservancy. F.1.** Recommend that recreational uses be added to the purpose of the Willapa Bay Conservancy environment.
8. **Page 35. Shoreline Environment Designations. Coastal Ocean. G.3.** Similar to comment #6 above, is there any desire to include management policies related to public recreation or the SCA within the Coastal Ocean SED?
9. **Page 36. Shoreline Environment Designations. Willapa Bay Estuary. F.1.** Similar to comment #7, recommend that recreational uses be added to the purpose of the Willapa Bay Estuary environment.
10. **Page 36. Shoreline Environment Designation. Coastal Ocean High Intensity. H.** The Coastal Ocean High Intensity designation fronts Cape Disappointment State Park (including tidelands on the coastal ocean side). Impacts to public recreation from high intensity uses should be analyzed during the permitting process; including coordination with State Park’s when impacts to recreation are anticipated. Unavoidable impacts should be mitigated.
11. **Page 38. Shoreline Environment Designations. Colombia River Estuary. 3.d.** Consider adding the reference to WAC 173-26-211(5)(e)(ii)(C) [“*Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated*”] to the management policies for the Natural, Rural

Conservancy, Coastal Conservancy, Coastal Ocean, Coastal Ocean High Intensity, Willapa Bay Conservancy, and Willapa Bay Estuary SEDs.

12. **Page 40. Historic/Cultural/Scientific/Educational. 4.1.A.3. & B.5.** How will sites with scientific and educational value be identified and defined? Additionally, who are the “*appropriate authorities*” for identifying sites having scientific or educational value? Public recreational developments can be used for scientific or educational purposes and are often developed with natural/cultural/scientific/educational interpretation in mind. We are concerned about the ambiguity in defining and identifying scientific/educational sites, as well the subjectivity in applying regulation 5 to public recreational development projects. A definition for scientific and educational values or sites, and identification of the “*appropriate authorities*” would help alleviate these concerns.
13. **Page 43. Environmental Protection and Critical Areas. 4.2.B.2.e.** Public recreational trails and informational signs should be allowed in FWHCA buffers and setbacks.
14. **Page 56. Table 5-1 Permitted Shoreline Uses and Modifications by Environment Designation.**

Table 5-1 Permitted Uses and Modifications by Environment Designation

Use or Modification	Shoreline Environment Designation											
	Natural	Rural Conservancy	Shoreline Residential	High Intensity	Coastal Conservancy	Willapa Bay Conservancy	Freshwater Aquatic	Coastal Ocean	Coastal Ocean High Intensity	Willapa Bay Estuary	Columbia River Estuary	
Agriculture	P	P	P	P	P	P	NA	NA	NA	NA	NA	NA
• Ag activities, agricultural facilities, and aquaculture accessory uses												
Aquaculture												
• New commercial geoduck aquaculture	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• Hatcheries, shellfish	C	P	C	P	C	P	NA	NA	NA	NA	NA	NA
• Hatcheries, finfish	C	P	C	P	C	P	NA	NA	NA	NA	NA	NA
• Net-pens, temporary holding for finfish	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• Net-pens, salmonid enhancement	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• Net-pens, growing fish to harvest size	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• Fixed horticultural pens/racksheds (e.g., kelp, seaweed)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• Live tanks and sink floats, temporary holding for alternative to <u>floating holding systems (FLUPS)</u>	C	X	C	P	X	P	NA	NA	NA	NA	NA	NA
• Shellpiles, clam and oyster	X	P	X	P	X	P	NA	NA	NA	NA	NA	NA
• Shellpiles, crab and shrimp	X	X	X	X	X	X	NA	NA	NA	NA	NA	NA
• All other <u>accessories, related to aquaculture</u>	C	P	C	P	C	P	NA	NA	NA	NA	NA	NA
• <u>Accessories, related to aquaculture</u>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Boating Facilities and Other Overwater Structures												
• Community marina or public dock	X	X	X	X	X	X	Upland	X	X	Upland	X	Upland
• Fixed structure to facilitate divergo spoil excavations	X	X	X	C	X	X	Upland	X	X	Upland	X	Upland
• Residential dock, single-family or joint-use	C	P	P	X	X	X	Upland	X	X	Upland	X	Upland
• Recreational float	X	P	P	P	X	X	Upland	X	X	Upland	X	Upland
• Boat launch, community, commercial, or new public	C	P	P	P	X	X	Upland	X	X	Upland	X	Upland

Table Key:
 P = Permitted Use (SMP or Exemption) subject to policies and regulations of this SMP
 C = Shoreline Conditional Use subject to policies and regulations of this SMP
 X = Prohibited
 NA = Not Applicable
 Upland = Regulated consistent with the upland environment designation

Shoreline Uses and Modifications:

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Commented [TB27]: ECV questions broad prohibition of net-pens in aquatic environments, SPC cites concerns about downstream/estuary pollution. Public comments have indicated a desire for more allowances for temporary/seasonal net-pens, particularly for salmonid enhancement.
Commented [TB28]: Suggested revision in response to ECV concerns. Does not change actual implementation – per public comment at PC meeting, this only happens due to spill-over.
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Commented [TB29]: ECV questions prohibition of aquaculture (with exception of live tanks and sink floats) in Coastal Ocean.
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Comment [aw11]: State Parks highlighted areas of concern in green.
 Do recreational docks fall under “public dock”? If so, existing facility at Cape Disappointment will be permitted in the upland designation but conditional in the aquatic designation. How does that work for a structure that goes from the upland to the aquatic? See comment below.
 State Parks Comment: Existing boating facilities at Cape Disappointment are located within the aquatic Columbia River Estuary designation. Is it possible to have public recreational docks, floats, and boat launching permitted in this environment designation. Any alteration to the existing structures (e.g. for ADA access improvements or habitat enhancements) would require the conditional use process.

Use or Modification	Shoreline Environment Designation										
	Natural	Rural Conservancy	Shoreline Residential	High Intensity	Coastal Conservancy	Willapa Bay Conservancy	Freshwater Aquatic	Coastal Ocean	Coastal Ocean High Intensity	Willapa Bay Estuary	Columbia River Estuary
Table Key:											
P =											
C =											
X =											
NA =											
Upland =											
• Boat launch, private residential (motorized, paved)	X	X	X	X	X	X	Upland	X	X	Upland	X
• Boat launch, private residential (non-motorized, non-paved)	X	C	C	X	X	X	Upland	X	X	Upland	X
Breakwaters, Jetties, Groins											
• Lakes	X	X	X	X	NA	NA	Upland	NA	NA	NA	NA
• Marine/River – Fixed	X	X	X	P	C	X	Upland	Upland	Upland	Upland	Upland
• Marine/River – Floating	X	C	X	P	X	X	Upland	Upland	Upland	Upland	Upland
• Grains/Pile dikes	X	C	X	P	C	C	Upland	Upland	Upland	Upland	Upland
Commercial Development											
• Water-dependent	X	C	C	P	X	P	C	C	C	C	P
• Water-related	X	C	C	P	X	C	C	C	C	C	P
• Water-enjoyment	X	X	C	P	X	C	C	C	C	C	P
• Non-water-oriented	X	X	X	P	X	X	X	X	X	X	C
• Outdoor advertising and signs	X	C	C	P	C	C	X	X	X	X	X
Dredging and Dredge Material Disposal											
• Dredging	NA	NA	NA	NA	NA	NA	C	C	C	C	C
• Dredge material disposal, in-water	NA	NA	NA	NA	NA	NA	C	C	C	C	P
• Dredge material disposal, upland	X	X	C	C	C	X	NA	NA	NA	NA	NA
• Dredging or dredge material disposal associated with restoration	P	P	P	P	P	P	P	See Ocean Disposal	See Ocean Disposal	P	C
Dune Modification											
• Modification	X	C	NA	C	C	C	NA	NA	NA	NA	NA
• Ecological Restoration	P	C	NA	C	C	C	NA	NA	NA	NA	NA
Fill and Excavation											
• Fill	C	P	P	P	C	C	C	C	C	C	C
• Placement of gravel/shell material for	P	X	C	P	X	P	X	X	X	P	X

Commented [TB30]: Mapping of Jetty A to be revised to Coastal Conservancy (from Natural).

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Comment [law 2]: The 2/4/15 PAC agenda notes that changes were made for allowances of signs associated with permitted recreational development. We will withhold further comment until those changes can be reviewed.

Comment [law 3]: Concern with the maintenance needs of Ocean Beach Approaches (OBA) in the Coastal Conservancy and Coastal Ocean SED. Fill is required to maintain the roads. Can a footnote be added to permit maintenance fill of existing OBAs without a conditional use permit?

Comment [alw4]: Mining of beach sand within the SCA and State Park Properties requires approval from State Parks.

NOTE: Pacific County is currently issuing sand removal permits under the authority of WAC 352-37-070(5)(b) which states: "in accordance with RCW 79A.05.655(4)," the City of Long Beach or Pacific County "may issue permits for the removal of sand on the ocean beach during periods of closure to vehicular traffic." If read in isolation, paragraph (5)(b) seems to suggest that the City or County can issue permits for sand removal. However when read appropriately in the context of the rule as a whole, it's clear the permits issued are for the use of motorized vehicles in an area otherwise reserved for pedestrians only for purposes of sand removal. The WAC in its entirety concerns restrictions on motorized use and exceptions to those restrictions. The first clause of WAC 352-37-070 states: "Unless specifically accepted in the description of the times during which motor vehicles are not allowed for each exclusive pedestrian/non-motorized vehicle use area, motor vehicles may be used in the pedestrian/non-motorized vehicle use areas under the following circumstances"

Simply stated, the WAC does not give Pacific County authority to allow the removal of sand, only the right to issue permits for motorized use for the purposes of sand removal; sand removal that would need to be authorized in advance by State Parks.

Comment [alw5]: Why is water-oriented development conditional in these environment designations? There must be some level of recreational development that could be permitted without the need for a conditional use permit in these shoreline areas (low intensity facilities like picnic shelters, trailheads, wildlife viewing platforms, small campgrounds)

(Consider the SCA and developments at Cape Disappointment State Park, Grayland State Park, Leadbetter Point State Park that would now be conditional uses).

Use or Modification	Shoreline Environment Designation										
	Natural	Rural Conservancy	Shoreline Residential	High Intensity	Coastal Conservancy	Willapa Bay Conservancy	Freshwater Aquatic	Coastal Ocean	Coastal Ocean High Intensity	Willapa Bay Estuary	Columbia River Estuary
Table Key:											
P = Permitted use (SSDP or Exemption) subject to policies and regulations of this SMP											
C = Shoreline Conditional Use subject to policies and regulations of this SMP											
X = Prohibited											
NA = Not Applicable											
Upland = Regulated consistent with the upland environment designation											
Excavation and grading	C	P	P	P	C	C	NA	NA	NA	NA	NA
Flood Hazard Structures	X	C	C	C	X	X	Upland	NA	NA	X	C
Dike, levee											
Forest Practices	C	P	P	P	P	P	NA	NA	NA	NA	NA
All											
Industrial Development	X	C	X	P	X	C	Upland	X	X	Upland	C
Water-dependent	X	C	X	P	X	C	Upland	X	X	Upland	X
Water-related	X	C	X	P	X	C	Upland	X	X	Upland	X
Non-water-oriented	C	C	C	P	C	C	X	X	X	X	C
Water-oriented	X	C	C	C	C	C	X	X	X	X	C
Non-water-oriented	X	C	C	C	C	C	X	X	X	X	C
In-water Structures											
Aids to navigation	NA	NA	NA	Upland	NA	NA	C ¹	P	F	P	P
Navigation	NA	NA	NA	Upland	NA	NA	C ¹	X ¹	C	P	C
Beach sand	X	X	X	X	C	X	X	See Admin Mining	See Ocean Mining	X	C
All other mining	X	P ¹	X	X	X	X	X ¹	See Ocean Mining	See Ocean Mining	X ¹	X ¹
Recreational Development											
Water-oriented	P	P	P	P	C	C	P	P	P	P	P
Non-water-oriented	X	C	C	C	C	C	X	X	X	X	X
Residential Development											
Single-family	C ¹	P	P	X	X	P	X	X	X	X	X
Multi-family	X	C ¹	C ¹	C ¹	X	X	X	X	X	X	X
Overwater, floating, and live-aboards	X	X	X	P ¹	X	X	X ¹	X	X	Upland	Upland

Commented [TB31]: Per SPC.11/4/15: Change to P in response to ECY question

Commented [TB32]: From Rick, 7/21/15: Is it unforeseeable that certain in-water structures, i.e. weirs, floodgates, dams, power line towers; could be proposed on any lakes or rivers in the County, even for fish restoration?

TWC: Suggest "C"

Commented [TB33]: This is a broad prohibition on in-water structures. Through conversations with SPC & ECY, revisions made to allow single-anchor structures and temporary structures (defined in footnote) as a conditional use. See TWC memo 11/17/15

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Use or Modification

Shoreline Environment Designation

Use or Modification	Shoreline Environment Designation										
	Natural	Rural Conservancy	Shoreline Residential	High Intensity	Coastal Conservancy	Willapa Bay Conservancy	Freshwater Aquatic	Coastal Ocean	Coastal Ocean High Intensity	Willapa Bay Estuary	Columbia River Estuary
Shoreline Placard and Natural Systems Enhancement Projects											
• All	P	P	P	P	P	P	P	C	C	P	P
• Shoreline Stabilization	X	C	C	C	X	X	Upland	Upland	Upland	Upland	Upland
• New hard	C	P	P	P	P	C	Upland	Upland	Upland	Upland	Upland
• New soft	C	P	P	P	P	C	Upland	Upland	Upland	Upland	Upland
• Replacement hard with hard	C	P	P	P	P	C	Upland	Upland	Upland	Upland	Upland
• Replacement hard with soft	C	P	P	P	P	C	Upland	Upland	Upland	Upland	Upland
Transportation and Parking											
• Roads	C	P	P	P	C	C	C	NA	NA	C	C
• Railroads	C	P	C	P	X	X	NA	NA	NA	NA	NA
• Parking	C	P	P	P	C	C	NA	NA	NA	NA	NA
• Airports, Heliports	X	C	X	X	X	X	NA	NA	NA	NA	NA
• Landing fields	X	C	X	X	X	X	NA	NA	NA	NA	NA
• Flood plains/terminals/docks	X	C	C	C	C	C	X	C	C	C	C
• Ferry terminals	X	C	X	C	X	X	Upland	Upland	Upland	Upland	Upland
• Bridges or culverts	C	P	P	P	C	C	C	C	C	C	C
• Trails paved	C	P	P	P	C	C	NA	NA	NA	NA	NA
• Trails, unpaved	P	P	P	P	C	C	NA	NA	NA	NA	NA
Utilities											
• Small primary utilities, new	X	P	P	P	CX	CX	C	C	X	X	C
• Large primary utilities, new	X	C	C	C	C	C	C	C	X	X	C
• Hydropower facilities (micro, run-of-river), new	X	C	C	C	C	C	C	C	C	C	C
• Hydropower facilities (macro, with dam), new	X	C	C	C	C	C	C	C	X	X	C
• Wind, tidal, and wave energy facilities, new	X	C	C	C	C	C	C	C	C	C	C
• Utility cables, conduits, conduits entering and crossing shorelines	X	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC
• Solid waste disposal	X	X	X	X	X	X	X	X	X	X	X

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 Upland = Regulated consistent with the upland environment designation

Commented [VZK34]: Do you expect rail any longer or is this an artifact of the old SMP?

Commented [TB35]: Precludes new development. Consider conditional use.

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Commented [TB36]: Revised as "C" in upland environments for consistency with existing development.

Commented [TB37]: SPC 11.4/15: Consistent with Willapa Bay Estuary SED, where we must prohibit new ditching and digging for cables. Temporary structures permitted as a conditional use (same approach as for in-water structures).

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Comment [alw6]: Ocean Beach Approaches should be permitted in the Coastal Conservancy and the Coastal Ocean SED. Consider adding a footnote permitting existing OBAs. This comment goes along with the fill comment above.

Comment [alw7]: Paved trails should be permitted in the Rural Conservancy environment. Thinking here of the Willapa Hills Trail and desire to pave sections for reduced maintenance and ADA access improvements.

Is there a desire for permitting paved trails in the Coastal Conservancy environment – i.e. the Discovery Trail?

A well sited and maintained paved trail concentrates use and will reduce the development of social trails

Comment [alw8]: Is there a way to permit public recreational trails in the Coastal Conservancy SED? Properly sited, designed, and maintained public recreational trails (paved and unpaved) will be less impactful than the development of multiple social trails or residential trails.

Use or Modification	Shoreline Environment Designation											
	Neutral	Rural Conservancy	Shoreline Residential	High Intensity	Coastal Conservancy	Willapa Bay Conservancy	Freshwater Aquatic	Coastal Ocean	Coastal Ocean High Intensity	Willapa Bay Estuary	Columbia River Estuary	
• Permitted use (SSDP or Exemption) subject to policies and regulations of this SMP	X	X	C	C	X	X	X	X	X	X	X	X
• Shoreline Conditional Use subject to policies and regulations of this SMP	X	X	X	C	X	C	C	C	C	C	C	C
• Prohibited	X	X	X	P	X	X	P	P	P	P	P	P
• Not Applicable	X	X	X	C	X	X	X	X	X	X	X	X
• Regulated consistent with the upland environment designation	P	P	P	P	P	P	P	P	P	P	P	P
• All	C	C	C	C	C	C	C	C	C	C	C	C
Ocean Disposal												
• Bally dump	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• Explosives / fireworks / Ammonium nitrate	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• Ocean disposal for restoration	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• All other	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ocean Transportation												
• Transporting or transporting of petroleum products	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• All other	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Oil, Gas, LNG, Chemical Uses												
• Exploration	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• Development	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• Production	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• Transfer and storage terminals associated with ocean use	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• Pipelines associated with ocean use	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ocean Mining												
• Ocean Energy Production	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• Fixed structure uses	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
• All other	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

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Commented [TB38]: Prohibition of belly dump vs. other disposal methods moved to footnote; definitions to be added.

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Commented [TB39]: SPC. Consider change to "P"

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Commented [TB40]: Internal inconsistency between this blanket prohibition and Section 6.4.B.2, which permits transport of oil and gas via pipeline as a conditional use. Revised for COHI X → C. For PC consideration.

Commented [TB41]: Revised as "C" based on regulations in Section 6.6.B, Ocean Mining, which specify it as prohibited in areas with adverse impacts.

Commented [TB42]: Same approach as taken for in-water structures. See TWC memo 11/17/15 & policy 6.2.A

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Use or Modification	Shoreline Environment Designation										
	Natural	Rural Conservancy	Shoreline Residential	High Intensity	Coastal Conservancy	Willapa Bay Conservancy	Freshwater Aquatic	Coastal Ocean	Coastal Ocean High Intensity	Willapa Bay Estuary	Columbia River Estuary
P = Permitted use (SSDP or Exemption) subject to policies and regulations of this SMP	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA
C = Shoreline Conditional Use subject to policies and regulations of this SMP	NA	NA	NA	NA	C	NA	NA	P	P	NA	NA
X = Prohibited	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA
NA = Not Applicable	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA
Upland = Regulated consistent with the upland environment designation	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA
Ocean Research	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA
Ocean Salvage	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA

Commented [TB43]: Added per public comment

1. Structure from and discharge to Willapa Bay for aquaculture is permitted as part of this SMP.
2. ~~Fixed structures supporting aquaculture activities are prohibited in the Coastal Ocean environment.~~

2 Shellfish in Willapa Conservancy are expected to spill over into Willapa Bay Estuary.

3 In-water placement of grave/shell material to support aquaculture is an allowed use.

4 In-water dredge material disposal using enhanced/rainbow/Alamo dumping methods is a conditional use.

5 Permitted to protect the jetty and at approved dredged material disposal sites.

6 Commercial uses which are consistent with underlying zoning are coded "P". All non-water-dependent commercial users shall be associated with a water-dependent use.

7 Overwater advertising is prohibited except where directly tied to the operation located at the site.

8 Dune modification, including ecological restoration, shall be allowed only where it will not result in decreased protection of inland development from damage caused by storm surge, tsunamis, windblown sand, or flooding.

9 Fill waterward of the DHWM for the purpose of ecological restoration is coded "P".

10 Temporary structures may be permitted as a conditional use for a period of up to two years, with an option for a one year extension. Single-anchor systems are coded "P" in all aquatic environments.

11 From ocean beaches in a quantity of up to five hundred (500) pounds per week shall be exempt from the permit requirements of this Master Program.

12 Mining within a floodway or channel migration zone requires a conditional use permit.

13 Mining waterward of the DHWM is prohibited, unless it meets the criteria in 5.15.B.7, in which case it may be approved as a conditional use.

14 Per WAC 173-26-211(5)(a)(ii)(C), as amended, single-family residential development may be allowed as a conditional use within the Natural environment if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.

15 Must be consistent with underlying zoning.

16 Live-aboard vessels allowed in marinas, consistent with provisions in 5.18.B.10.C.

17 Existing floating homes on North River are allowed to be maintained. New floating homes are prohibited.

Comment [ah9]: What is "recreational mining of sand"?
 See comment above regarding the sale of sand in the SCA/Park property.

Commented [SS44]: Added per SPC direction to address ECT concern over broad prohibition for fixed structures.
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15. **Page 82. Dune Modification 5.10.A.7.** Please refer to Table 5-1 comments regarding permitting fill for the maintenance of Ocean Beach Approaches. Will the SMP allow for the location of recreational parking and sanitary facilities within setbacks and buffers? Permitting these facilities rather than having them be conditionally approved or require variances will help Parks achieve policy #7.
16. **Page 90. Institutional Development. 5.14.** Please see the comment on the definition for institutional development. If public recreation facilities are considered institutional developments, Parks will want to further review this section and provide comment.
17. **Page 32. Mining. 5.16.B.8.** What does “*recreational mining of sand*” refer to? Please reference earlier comments regarding beach sand removal in the SCA and State Park property.

NOTE: Pacific County is currently issuing sand removal permits under the authority of WAC 352-37-070(5)(b) which states: “*in accordance with RCW 79A.05.655(4),*” the City of Long Beach or Pacific County “*may issue permits for the removal of sand on the ocean beach during periods of closure to vehicular traffic.*” If read in isolation, paragraph (5)(b) seems to suggest that the City or County can issue permits for sand removal. However when read appropriately in the context of the rule as a whole, it’s clear the permits issued are for the use of motorized vehicles in an area otherwise reserved for pedestrians only for purposes of sand removal. The WAC in its entirety concerns restrictions on motorized use and exceptions to those restrictions. The first clause of WAC 352-37-070 states: “*Unless specifically accepted in the description of the times during which motor vehicles are not allowed for each exclusive pedestrian/non-motorized vehicle use area, motor vehicles may be used in the pedestrian/non-motorized vehicle use areas under the following circumstances*”

Simply stated, the WAC does not give Pacific County authority to allow the removal of sand, only the right to issue permits for motorized use for the purposes of sand removal; sand removal that would need to be authorized in advance by State Parks.

18. **Page 93. Outdoor Advertising, Signs, and Billboards 5.16.** Do the regulations outlined in this section apply to recreational signs? Signs associated with recreational development include interpretive signs for scientific and educational purposes, signs related to user fees, park rules and regulations, ocean beach closures, and various trail markings and roadway signs. The installation of recreation related signs will include some level of construction and/or development (i.e. installing wooden or metal posts with

concrete footings). It is unclear if recreation related signs will be regulated under this section of the SMP, or if they will be regulated under another section (i.e. Recreational Development section). Parks would be supportive of keeping recreation signs within this section, so long as the number of signs and restrictions on size and construction techniques are flexible enough to support public recreation signage needs. This could be accomplished by establishing regulations differences between acceptable public recreational signage and private commercial signage.

19. **Page 97. Recreational Development. 5.18.B.6.c.** What development proposals will trigger the requirement for the applicant to “*estimate growth projection and evaluate level-of-service standards*”? We assume that this requirement would only apply to projects where a significant expansion in service is proposed and not for smaller improvement projects intended to meet current demand. For example, the projections could be required for development of new campgrounds but not for upgrading existing tent sites to RV sites. Or for the development of new parking areas but not for minor expansions or upgrades to existing parking areas. Clarification is needed.
20. **Page 103. Transportation and Parking. 5.22.** It is unclear from the transportation section how boardwalk trail development will be reviewed under the SMP. Are these types of trails to be considered unpaved or paved trails? There are existing boardwalk trails located in the Natural and Coastal Conservancy SEDs at Cape Disappointment and Leadbetter Point State Parks. Parks has an interest in seeing the existing boardwalk trails and future expansions to boardwalk trails permitted within these environment designations. Please refer to the trail comments on Table 5-1 above.
21. **Page 109. Coastal Ocean Uses and Modifications. 6.2.B.4.** An analysis of recreation and transportation impacts should be included in the permit application package. If an ocean development project needs to cross the SCA to meet on-shore facilities, it is foreseeable that there could be recreation and/or transportation impacts to the SCA and/or adjacent State Park properties.
22. **Page 118. Preexisting Structures and Uses. 7.2.** Allowances should be made for renovating existing public facilities to meet ADA accessibility requirements. Renovating existing facilities to meet current accessibility design standards often results in an increase in the size of the existing facility. Examples of accessibility design needs include enlarging existing building footprints in order to increase the size of restroom stalls or adding ADA compliant sidewalks to existing building footprints. We find that the going through the CUP and variance processes for accessible design is expensive and without added value to the project. Is there a way to stream-line permitting or exempt these types

of accessibility improvement projects? Recommend adding the following language to section 7.2:

Renovating existing structures for compliance with applicable accessibility regulations shall not trigger a CUP or variance.



January 29, 2016

Faith Taylor-Eldred
Pacific County Department of Community Development
1216 W. Robert Bush Dr.
South Bend, WA 98586

Subject: Pacific County Shoreline Master Program Update

Dear Ms. Taylor-Eldred:

Thank you for reaching out to the Department of Natural Resources (DNR) this week. We have enjoyed the collaborative process between us and Pacific County as you move through the update on your Shoreline Master Program (SMP). We also appreciate the time you have allotted to us so we can share the issues DNR would like to resolve in the SMP update.

When we met with you and Tim Crose on March 19, 2014 to discuss the SMP update process and the issues in the North River we were delighted with the reception we felt from the County. As you may recall in that meeting Matt Niles, our Assistant Division Manager at the time, talked with you about creating an Open Water Moorage Area (OWMA) for the floating homes in North River. This option would allow the floating homes to remain and Pacific County would assume the responsibility of managing the OWMA. At the time, you were just beginning the update process and we all decided we would talk in more detail as SMP drafts were completed.

Upon reviewing the current draft in October of 2015, DNR noted that the OWMA was missing. At the Critical Areas Ordinance meeting in Long Beach on October 14, 2015 it was mentioned that the item was missing from the draft and that we were willing to help draft language or offer assistance to include this item any way we can.

We were very pleased to receive your email on January 26, 2016 asking for a meeting to discuss in detail the OWMA. I believe Rick Schwartz has already reached out to you about a meeting in mid-February and we look forward to meeting with you. If you think of anything else you would like to include in that meeting, or any other way we can help, please let us know.

Sincerely,

Heather Gibbs
Environmental Planner
Aquatic Resources Division
Washington State Department of Natural Resources
360-902-1676
Heather.gibbs@dnr.wa.gov

Kristine Nevitt, CPA Inactive
545 Ballentine
Raymond, WA 98577
360-942-3112
kristinenevitt@gmail.com

2/4/2016

Re: Planning Commissioners recommendation to the Board of Commissioners regarding the Historic Preservation language in the draft Shoreline Master Program.

Dear Planning Commission Members:

As a member of the public, I have participated in this SMP Update for Pacific County to the best of my ability, attending as many of the Planning Commission and Committee meetings as possible. In that capacity, I've come to the conclusion that the SMP document, as it is currently drafted, systematically causes our historic footprint to melt away. Is this the only way to achieve protection for critical habitat, to eventually lose the use of our historic sites and buildings?

Our people want to identify with and have access to our historical resources into the future. But, with this SMP update, we are losing our opportunity to creatively adapt in our own way, and invent our own future. If the resources for exploring ideas with the community were made available, perhaps we could effectively identify and use the best science available to maintain use of our historic environment, while protecting our waterways.

As an addendum at the end of this letter, I have included excerpts of suggested SMP language from the Department of Archeology and Historic Preservation (DAHP). Where we have similar language, I ask that we use the DAHP constructed language.

It is in everyone's best interest to strive for greater economic wellbeing for Pacific County. We all want the best science to be used in this SMP from every discipline, including the social sciences, which implore us to start crossing paths and talking. Communication is essential to a fully integrated environmental plan that we can take pride in.

We can maximize desired outcomes by having a *public* process that will result, not only in public awareness, but in public buy-in. It is the people who will have to abide by these increased regulations on their land. They will be much more likely to do so without protest if, and only if, they do not feel blind-sided by new regulations thrust on them seemingly without warning or input. When community interests are aligned, the defense of our Shoreline Management Plan will be inviolable. A proper Public Process would help us to arrive at a community "identity" that will focus our efforts so that we all work together toward the same goals.

The Goal of Protecting Our Historic Heritage:

We state in the SMP goals a worthy intention to protect our heritage, but do not support it specifically otherwise in this Master Program.

1.5 Goals

B. For shorelines of the state, protection and management priorities are to:

9. Preserve the county's shoreline heritage by acknowledging the historical context and preserving those structures and uses that created it.

1.7 Relationship to Other Codes and Regulations

C. When any provision of this Master Program or any other federal, state, or local provision conflicts with this Master Program, the provision that is most protective of shoreline resources shall prevail, except when constrained by federal or state law, or where specifically provided otherwise in this Master Program.

The following provision from our current SMP has been removed from the Draft SMP and I think its removal serves to weaken our goals and intentions in protecting our historical structures:

C. Rural Environment (current SMP)

*...Permitted developments include but are not limited to: **commercial uses in restoration of historical structures.***

I believe that commercial uses in historic structures should continue to be permitted across designations. Our historic sites are our historic sites, we cannot pick and choose. We need the broad community to contribute their knowledge to determine the relevance and significance of each site, while embracing the goal of protection of critical habitat. The threat of the systematic removal of our historic footprint has never been upon us as a community before. It should be taken up firmly in this SMP process with the involvement of the community.

In our current SMP we need to specify that commercial uses in restored historical structures will be considered as the highest and best use when water quality issues have been addressed, regardless if the use is water dependent. The nature of any business is not static, it is continually evolving. The government cannot limit use and activities in a building and have the underlying structure survive, unless it is subsidized.

4 GENERAL POLICIES AND REGULATIONS [current SMP Section 3.B.7]

4.1 Historic/Cultural/Scientific/Educational

A. Policies

- 1. Identify, protect, preserve, and restore important archaeological, historical, and cultural sites located in shorelines.*
- 2. Encourage educational projects and programs that foster a greater appreciation of the importance of shoreline management, maritime activities, environmental conservation, and maritime history.*
- 3. Prevent public or private uses and activities from destroying or damaging any site having historic, cultural, scientific or educational value without appropriate analysis and mitigation.*

I would like to add:

4. Develop a county-wide sense of identity by the promotion of our culturally and historically significant sites and heritage, including our Native American sites and heritage. Consider all built sites and previous places of gathering for their significance before major changes or regulations prevent their use in our attempts to build community identity.

What wording has been put into this document that will effectively override our attempts to preserve our historic resources. Perhaps the word "use" itself is problematic.

***VARIANCE** - To grant relief from the specific bulk, dimensional or performance standards set forth in this Master Program and not a means to vary a use of a shoreline. "USE" - The end to which a land or water area is ultimately employed."*

7.2 Preexisting Structures and Uses

A. A structure and/or related use activity which was lawful before this Master Program was passed or amended but which is not in conformity with the provisions herein may be continued subject to the following conditions:

- 1. No such structure **or use** activity shall be expanded, changed, enlarged, or altered unless an enlargement or structural alteration does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction **or use** would not be allowed for new development or uses. [WAC 173-27-080(2)]*
- 2. If any such structure is destroyed, or removed, every **future use** of the land on which the structure was located shall conform to the provisions herein.*
- 3. If any such structure is damaged or partially destroyed by fire, explosion or other casualty or act of God to the extent of not more than 75% of its replacement cost at the time when the damage occurred, such structure may be restored and the previous use activity continued subject to all other provisions of this section, provided that application is made for the permits necessary to restore the development within one year of the date the damage occurred and all permits are obtained and the restoration is completed within two years of permit issuance, EXCEPT, the provisions of Section 4.6:*

4.6 Water Quality

A. Policies [current SMP Section 3.B.12]

- 1. Locate, design, construct, and maintain shoreline uses and activities to minimize adverse impacts to water quality and fish and wildlife resources.*
- 4. If a use is discontinued for twelve (12) consecutive months or more, any future use of the premises shall conform to this Master Program.*

I can see 4. above eroding the current uses of our historic structures. As they are not used for their current purpose for a year, the owners can never return to that use, and perhaps they are never again able to find a viable commercial use that is allowed. In that case, the building falls into disuse and disrepair.

I thought it was the job of policy makers to alert those property owners who will be subject to the ramifications of conforming to this Master Program in the event they should attempt to "change their property's use". However, I do not know that any notice is planned to be sent to property owners, beyond perhaps a public notice in the papers, which virtually no one reads.

7 NONCONFORMING USES AND STRUCTURES

7.1 Purpose and Applicability

*A. Purpose. On shorelines of the state there exist structures and **related use activities** which are lawful before this Master Program was passed or amended, but which would be prohibited, regulated or restricted under the provisions herein or future amendment. It is the intent of this section to generally permit these non-conformities to continue until they are removed, **unless otherwise specified under other provisions herein**. It is further the intent of this section that nonconformities shall not be enlarged upon, expanded or extended, and shall not be used as grounds for adding other structures **and related use activities which are prohibited, regulated, or restricted under the provisions herein, except when allowed under the terms of a permit or variance.***

New uses for these historic structures must be allowed to evolve in order to keep the properties maintained.

The SMP Effective Date Provides Insufficient Time

1.8 Effective Date

This Master Program and all amendments thereto shall take effect fourteen (14) days after written notice of final action from the Department of Ecology (Ecology) and shall apply to new applications submitted on or after that date and to applications that have not been determined to be fully complete by that date.

That bar is very high for property owners that fall into non-conforming status. People do not know that they should be making applications for permits now. The wait times for applications are increasing. This is totally unfair to those who have little knowledge of these proceedings. There is insufficient time from the issuance of the Final Draft for them to then carefully consider if they need to make application. It is an un-natural evolution of how people and families plan their building decisions. It causes an unnecessary rush. There are more thoughtful and civilized ways to do things.

Historic Preservation in the Cumulative Impacts Report

I believe that addressing these issues in the Cumulative Impacts Report is key to preserving our heritage. However, there is no mention of "historic preservation" in the Cumulative Impact Report. As if to say, no restoration of historic properties is reasonably foreseeable in the future.

CUMULATIVE IMPACTS - The impacts of development within the reasonably foreseeable future.

Forecasting cumulative impacts within the shoreline jurisdiction is a part of the shoreline master program update.

Additionally, these are very long term issues. Should we include a longer period of time, such as "one hundred years into the future" perhaps, rather than only the "reasonably foreseeable future?"

The SMP as part of the Growth Management Act and/or Comprehensive Plan

8 ADMINISTRATION

8.1 Applicability of Policies and Regulations [current SMP Section 24.C.1]

*C. While the regulations of this Master Program apply only within shoreline jurisdiction, **the goals and policies of this Master Program that are approved under RCW 90.58 shall be considered an element of the County's comprehensive plan, and therefore apply to activities outside shoreline jurisdiction that affect water quality within shoreline jurisdiction.** [SIAC recommendation]*

*D. Administrative interpretation. **Pacific County shall require consultation with Ecology to insure that any formal written interpretations are consistent with the purpose and intent of chapter 909.58 RCW and the applicable guidelines.***

I suggest in the draft SMP, to specifically point to the Growth Management Act and/or the Comprehensive Plan for a more detailed explanation of the connection between careful growth management and historical resources.

The Comprehensive Plan is defined as "The guiding policy document for all land use and development regulations...." Would it be prudent to update this plan before completing this SMP Update process?

Definitions to be included in the SMP Goals and/or Definitions sections:

The following definitions provide a feel good response. However they are only specified in the "Goals" or "Definitions" section and not in the body of the document, that seeks to guide interpretation.

HISTORICAL RESOURCE - *Those districts, sites, buildings, structures, and artifacts which have a relationship to events or conditions of the human past.*

HISTORIC SITE - *Those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places or any developed historic registry formally adopted by a local government.*

PRESERVATION - *Actions taken to ensure the permanent protection of existing, ecologically, culturally, or historically important areas, structures, or species that a local government has deemed worthy of long-term protection.*

Conclusion

We have to figure out a way to get everyone to respect each other and our collective place in this community so that everything we do – every new development and policy – is carefully considered through the lens of our community identity.

Using beneficial building techniques is a must in order to achieve the goal of no net loss to functioning water bodies. For best results and public buy-in, economic interests, cultural pursuits, and scientific institutions will need to involve the Broad Community when deciding a historic site's highest and best use. We have not yet achieved a mechanism for that in this process. As written, I strongly feel that this SMP update over time will cause the erosion of Pacific County's historical resources. Implementing the specific measures outlined above will help protect and preserve our rich heritage for future generations.

Sincerely,

Kristine Nevitt, CPA Inactive

Addendum

[Suggested SMP language from the Department of Archeology and Historic Preservation (DAHP) for
Island County]

ARCHAEOLOGICAL, HISTORICAL, and CULTURAL RESOURCES

The archaeological, historical, and cultural resources element provides for protection and restoration of buildings, structures, sites, districts, objects, and areas, hereinafter referred to as “sites”, having known or potential archaeological, historical, cultural, or scientific value or significance.

Objectives:

- (a) Sites should be protected in collaboration with appropriate tribal, state, federal, and local governments. Cooperation among public and private parties is to be encouraged in the identification, protection, and management of cultural resources.
- (b) When or where appropriate, access to such sites should be made available to parties of interest. Access to such sites must be designed and managed in a manner that gives maximum protection to the resource.
- (c) Opportunities for education related to archaeological, historical, and cultural features should be provided when or where appropriate and incorporated into public and private management efforts, programs, and development.

Site development activity in shoreline areas shall be subject to the policies and regulations of this section and the Island County Comprehensive Plan policies related to such resources.

Island County and the DAHP preservation have entered in to a Memorandum of Understanding relative to the sharing of archaeological and historic data and to promote intergovernmental coordination.

OPTIMUM USE

Island County will work with tribal, state, federal, and local governments and special districts as appropriate to maintain an inventory of all known significant local historic, cultural, and archaeological sites while adhering to applicable state and federal laws protecting such information from public disclosure. As appropriate, such sites should be preserved, rehabilitated, or restored for study, education, or public enjoyment to the maximum possible extent.

Provisions for historic, cultural, and archaeological site preservation, restoration, and education should be incorporated in site development plans whenever compatible and possible.

Cooperation among involved private and public parties is encouraged to achieve this Program's Archaeological, Historical, and Cultural Element Goals and Objectives.

Definitions:

“Significant” is that quality in American history, architecture, engineering, and culture that is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- a. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. That are associated with the lives of significant persons in our past; or

- c. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. That have yielded or may be likely to yield, information important in history or prehistory.

"Historic Preservation Professional" means those individuals who hold a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

- a. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
- b. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

"Historic Site" means those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places or any locally developed historic registry formally adopted by the [jurisdiction] Council.

Table 5.1 Note 6	Note 6 states: “Commercial uses which are consistent with underlying zoning are coded “P”. All non-water dependent commercial uses shall be associated with a water dependent use”. What does associated mean?
Table 5.2	Are the buffers in Table 5.2 the CAO buffers or are they in addition to critical areas buffers?
	Why are there minimum shoreline frontage widths?
	Property owners should be given the choice of using the HAT or the OHW vegetation line to establish shoreline jurisdiction on the east side of the Long Beach peninsula. The justification for HAT is that it is easier to locate the HAT line because it is a fixed known elevation. A property owner willing to retain a qualified consultant to identify the OHW should be allowed to do this.
5.13.B.4 Industrial Dev.	Non-water oriented industrial development should not be restricted on High Intensity shorelines.
6.7 Ocean Energy Production	Future alternative energy production facilities should not be prohibited in Section 6.7 or Table 5.1.
7.2 Pre-Existing Structures & Uses	Section 5.8.B.3 states that non-water dependent commercial uses shall be prohibited over water except in existing structures.
	This would indicate that pre-existing structures can be used for non-conforming uses.
	Section 7.2 should allow flexibility in the uses and reconstruction of existing shoreline and over-water structures, when there is demonstrably no demand for a water dependent or conforming use.
7.2.A.7 & 8	Structures or uses permitted through a conditional use or variance process should not be considered non-conforming.

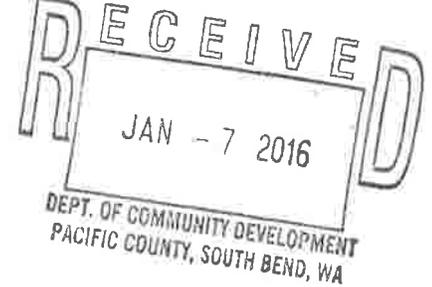


Don Hoch
Director

STATE OF WASHINGTON

WASHINGTON STATE PARKS AND RECREATION COMMISSION

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January 7, 2016

TO: Pacific County Planning Commission

FROM: Christine Parsons, AICP representing the Washington State Parks and Recreation Commission (State Parks)

RE: State Parks comments on the November 2015 draft Pacific County Shoreline Master Program

Thank you for this opportunity to provide preliminary comments on the county's November 2015 draft Shoreline Master Program (SMP). These comments address a proposed change to the Shoreline Environment Designation (SED) for Cape Disappointment, some definition changes or clarifications, and some preliminary comments related to recreational and natural resource issues. We are also intending on providing additional comments shortly on the policies and regulations sections.

State Parks owns or manages over 5,600 acres of recreation lands in Pacific County, including the Seashore Conservation Area (SCA) encompassing over 650 acres along the Pacific Ocean in Pacific County. Recreational use of the SCA is governed by RCW 79A.05.600 and through local government and State Parks Commission adopted "ocean beach recreation management plans" developed under RCW 79A.05.605. Adopted in 1989, these recreation management plans help State Parks to manage ocean beach access and regulate beach driving and other activities important to the community. State Parks welcomes the opportunity to review and update these plans if there is a need to address public access and use of the SCA.

Following are our preliminary comments on the draft SMP:

1. **Page 8. Definitions, Community Dock.** Do **public recreational docks** fall under the definition of a "*community dock*"? The community dock definition includes "docks intended to facilitate the general public's access to the water"; however, the definition does not specifically state that public recreational docks are considered to be community docks. Please clarify.
2. **Page 11. Definitions, Exemptions.** The "*exemptions*" definition states that certain exemption developments must obtain a letter of exemption. This definition implies that

not all developments in the shoreline will require a letter of exemption from the County. A list of developments requiring a letter of exemption from the County should be included in the SMP.

3. **Page 21. Definitions, Recreation, High-Intensity.** The statement “*requires specially built facilities*” in the “*recreation, high-intensity*” definition does not adequately define a high-intensity recreational use or development. A trail with a wildlife viewing platform will require a specially built facility, yet this type of recreational use or development should not be considered a high-intensity land use in terms of resource impacts and long-term sustainability. We recommend that this definition be redrafted to provide more detail so that future public recreational projects are appropriately placed within the shoreline jurisdiction. Suggested definition:

“**Recreation, High Intensity-** Recreation facilities and associated utility and infrastructure improvements that are designed and managed to serve large numbers of people participating in camping, picnicking, trail use, swimming, water sports, group field games, golf, boating, or other active shoreland recreation.”

4. **Page 21. Definitions, Recreation, Low-Intensity.** The 500 square foot area limitation on low-intensity structures included in the definition of “*recreation, low-intensity*” appears to be arbitrary. There are no corresponding SMP policies or regulations that reference a 500 square foot area limitation on recreation structures. It is unclear why the size of a structure would be included when defining a low-intensity use?

Size of a structure alone is not indicative of a high-intensity use. It is not unreasonable to assume that a wildlife viewing platform or a boardwalk trail could be larger than 500 square feet in total area; yet, these types of recreational developments are low-intensity in their impacts to ecological resources. If the SMP wishes to restrict the size of recreational structures, the specifics of this restriction would be better suited in the regulations section of the SMP and not the definitions section. We recommend that an alternative definition of “*recreation, low-intensity*” be used. Suggested definition:

“**Recreation, Low Intensity-** Recreation that can be accommodated with minor site improvements in shoreland areas such as trails, viewing platforms, picnic pads and tables, trail and recreation signs, tent pads, fire rings, kayak and canoe racks and that serve shoreland activities as: picnicking, primitive camping, hiking, interpretive facilities, nature observation, photography, kayaking, and other individual or small group outdoor activities.”

5. **Page 21. Definitions.** We request that the following jurisdictional definition be added to the SMP:

“Seashore Conservation Area – Defined in RCW 79A.05.605, the seashore conservation area (SCA) is an area managed by the Washington State Parks and Recreation Commission that is established for the recreational use and enjoyment of the public. The SCA includes all state-owned non-trust accreted lands along the ocean, including the area between the line of ordinary high tide and the line of extreme low tide established by a survey of the line of extreme low tide and all lands under state ownership or control lying between Cape Disappointment and Leadbetter Point; between Toke Point and the South jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation. “

6. **Page 51. Vegetation Management. 4.5 .B. 5.** Native tree removal or thinning of dense concentrations of trees may be required for forest health purposes or to improve habitats of conservation concern. Replacing these trees as mitigation may not have the best outcome for the intended benefit. State Parks recommends revising this section to read:

“Native tree removal in shoreline jurisdiction must be mitigated by installation of a similar native tree at a 2:1 impact to mitigation ratio, unless otherwise stated in a County approved habitat enhancement plan or with the approval of the Administrator. Non-native tree removal in shoreline buffers must be mitigated by installation of a native or suitable non-native tree at a 1:1 impact to mitigation ratio. All mitigation trees shall be preferentially placed in the shoreline buffer, unless the trees provide connectivity to upland habitats or other critical areas, and shall be held to a 75% survival standard at the end of three years.”

7. **Page 51 Vegetation Management. 4.5. B.6.** The county should consider prohibiting the creation of single residential lot trails to the ocean beaches. This situation would create a proliferation of trails through fragile beach dunes that could impact dune stability. State Parks does support the language in this section allowing for private access trails, but we recommend requiring that any new residential trail be a multi-use trail that serves two or more properties for non-motorized trail use. We also request that there be a county permit issued for shoreline trail construction to ensure that environmental impacts be avoided, or mitigated if the situation is warranted during the permitting process. State Parks also requests that the Cape Disappointment State Park manager be notified of the issuance of a new trail construction permit, so that our park staff can monitor the trail uses and potential impacts to the Seashore Conservation Area and upland dune systems.

“On residential waterfront properties, one non-motorized multi-use trail that serves two or more properties will be permitted to access the shoreline. Where it can be demonstrated that a community or a joint-means of access is not possible and that no public means of improved access exists within 5,000 feet of a

proposed facility, the county may allow only one non-motorized trail. The trail shall be limited to a pervious trail at grade with a maximum width of six (6) feet. If the new residential trail is located along the ocean beach shoreline, Washington State Parks shall be notified by the county of this permitted use."

8. **Page 51 Vegetation Management. 4.5. B.7.** Will removal of hazard trees be subject to the replanting rations described in regulation 6 of this subsection? If so, it should be clarified that mitigated tree installation may occur anywhere within the shoreline jurisdiction on the subject property so as to not create future hazard trees if replanted within the same location as removed. State Parks recommends the following revision to this section:

"Where a tree poses a safety hazard, ~~and the target cannot be removed,~~ if the tree may be removed or converted to a wildlife snag if the hazard cannot be eliminated by pruning, crown thinning, or other technique that maintains some habitat function. If a safety hazard cannot be easily determined by the County, a written report by a certified arborist or other qualified professional is required to evaluate identity potential safety hazards."

9. **Page 92. Recreational mining of sand.** This section attempts to regulate the "recreational" mining of sand within the Seashore Conservation Area of the beach noted in 9.b. The term "recreational mining" is not defined, so it is not clear how the mining of sand can be "recreational" in nature. This is not allowed by State Parks and should not be included in this SMP.

While WAC 352-37-340 does allow for small-scale beach prospecting and placer mining recreational gold is allowed within this area, a miner must first obtain a hydraulic permit approval from the Washington Department of Fish and Wildlife and comply with the terms contained in this administrative code and issued permit.

10. **Proposed change to Shoreline Environment Designation for Cape Disappointment State Park area**

In reviewing the latest proposed shoreline environment designation (SED) map, we discovered that existing developments within Cape Disappointment State Park would make the "Natural" SED incompatible. We are recommending that this area, identified in the attached map be changed to Coastal Conservancy or Rural.

11. SED change request (See map)

RECEIVED

FEB - 4 2016

DEPT. OF COMMUNITY DEVELOPMENT
PACIFIC COUNTY, SOUTH BEND, WA

*

Tonight I discussed "shall" under regulations, and the weakness of the chain of policies previously submitted to Mr. Cross. The policies shift to "should" and specifically allow "latitude". This terminology, combined with inadequate and non-existent tool such as maps:

- a) guarantees cumulative and not losses of ecological function
- ~~will~~ b) guarantees that these losses ^{P&B} would be unmeasured and not mitigatable. The policy needs language sufficient, and tools sufficient, to comply with the regulation, and they do not.

I would be glad to assist or review staff efforts to remedy this serious situation.

"shall" is on p. 42 of the draft, under "B. Regulations" (RCW 90.58.020)

Our industry is at risk of shutdown without resolving the above deficiencies.

Ross P Barkhurst
South Bend, WA
2/4/16

RECEIVED

FEB - 4 2016

DEPT. OF COMMUNITY DEVELOPMENT
PACIFIC COUNTY, SOUTH BEND, WA

*

Tonight I discussed "shall" under regulations, and the weakness of the chain of policies previously submitted to Mr. Cross. The policies shift to "should" and specifically allow "latitude". This terminology, combined with inadequate and non-existent tool such as maps:

- a) guarantees cumulative and not losses of ecological function
- ~~will~~ b) guarantees that these losses ^{P&B} would be unmeasured and not mitigatable. The policy needs language sufficient, and tools sufficient, to comply with the regulation, and they do not.

I would be glad to assist or review staff efforts to remedy this serious situation:

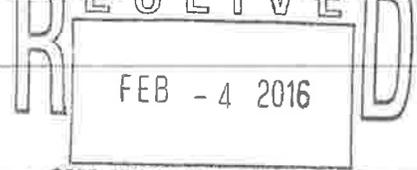
"shall" is on p. 42 of the draft, under "B. Regulations" (RCW 90.58.020)

Our industry is at risk of shutdown without resolving the above deficiencies.

Ross P Barkhurst
South Bend, WA
2/4/16



Jim Karnofski <jmkarnofski@gmail.com>



Re: Pacific County SMP Public Input

1 message

DEPT. OF COMMUNITY DEVELOPMENT
PACIFIC COUNTY, WA
Feb 4, 2016 at 2:57 PM

Jim Karnofski <jmkarnofski@gmail.com>

To: "Mraz, Richard A. (ECY)" <rmra461@ecy.wa.gov>

Cc: Tim Crose <tcrose@co.pacific.wa.us>, "Taylor-Eldred, Faith (DOHi)" <ftaylor@co.pacific.wa.us>, "Van Zwalenburg, Kim (ECY)" <kvan461@ecy.wa.gov>

Bcc: Fritzi <nahcotta2@aol.com>, Larry Warnberg <warnberg@pacifier.com>, Jason Knott <electricknott@gmail.com>

2/4/16

To: Richard Mraz
From: Jim Karnofski
Re: Shoreline Master Plan

Dear Mr. Mraz, et al,

My SMP thoughts are outlined below, please consider them with a common goal of having a better world for the next generation.

Almost everything we have witnessed going wrong with the environment locally is due to local impacts. These local impacts are not the dock built over the water nor the home built properly or even the boat launch or road near the water. Nature adapts to those clean intrusions.

The most damaging inputs in the ruination of the health of our ecosystem is the present methods of industrial agriculture. Forestry still clearcuts great swaths but on top of that it is common practice to spray the cleared area with unsafe combinations of herbicides. These herbicides not only kill nearly the whole spectrum of diverse plant-life, but along with that it acts as a broad spectrum antibiotic, killing off the natural microbes in the guts of ruminants. The herbicides chelate minerals, especially those needed for the manufacture of proteins in the plant, so the fodder is of low quality. The reason for the broad failure of the ecosystem to support life comes down to this chemical warfare we have put upon our lands. Also, the foresters, in their quest to get the proper growth rates out of our dead soil, fertilize with the soil-killing urea. The urea breaks down molecules otherwise stable in the soil. One pound of Nitrogen applied in this form gasses off 100 pounds of Carbon in the form of CO₂. The multinational companies, for their profit motivated fund managers, are mining the last vestiges of goodness out of our forest lands.

The foresters must be challenged by the SMP to show a legitimate plan of regenerative forest practices at the risk of not getting a permit to harvest.

The Oyster industry, which presently has the right to use the common resource of the nutritive tide, in an effort towards efficiency and profit need the bay floor to be the texture of the landing strip at PDX. Nature does not grow Oysters like that. Oysters grow in natural rolling hills or mounds, not on a flat plain. The flowing tidewater has provided for clean areas for the Oysters to flourish and other areas where they do not. To further defile nature, the Oyster industry has the audacity to even suggest they put a broad spectrum neurotoxin in the public waters for the narrow minded view of their own convenience.

The SMP must challenge the Oyster industry to set a plan that is in harmony with Nature and not at odds with it.

The Cranberry industry, probably the most foul and polluting of all the edible commodities grown on earth, puts bags and bags of water soluble chemicals onto a sand based medium that runs directly into the Willapa Bay, creating toxic and acidic conditions inhospitable to life. These chemicals are also polluting the groundwater in and around the bogs. The bogs are dead zones. Very little life survives the barrage of multiple pesticides thrown at the plants for profit sake with no concern for the life of the soil and the local ecosystem that is presently overwhelmed with all the chemical inputs.

The SMP must challenge, if not demand, the Cranberry industry clean up their practices and fix this ecological horror show.

The Fisheries Industry, with all their complex rules and regulations, is broken beyond compare. Look at the natural runs of Chum and Sturgeon that have been wiped out. Those were the fish that ate the shrimp that are causing the Oystermen so much trouble.

The SMP must demand clarity from the vested interests in the Fisheries to bring back the natural runs of fish if possible.

In summary, the technological know-how exists to live in a regenerative manner with nature. It is about time the SMP demand creative solutions towards the end of guaranteeing they leave a better world for an infinite number of generations. The common water, soil and air are not big ag's to spoil. The ruination of the commons is not theirs to abuse and spoil and should be spelled out in the SMP.

Sincerely,

Jim Karnofski
Ilwaco, WA

On Tue, Nov 3, 2015 at 8:59 AM, Mraz, Richard A. (ECY) <rmra461@ecy.wa.gov> wrote:

Thanks Faith.

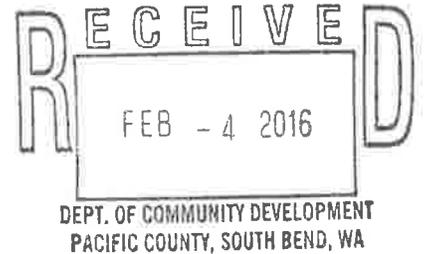
Mr. Karnofski,

As Faith describes, the County process has been open and ongoing for more than a year, and continues now. Please provide comments to them regarding the draft Shoreline Master Program, as their local update process is the proper venue for such input at this time. If you have general questions about the Shoreline Management Act or Ecology's role in the update process, please feel free to contact me.

Rick Mraz, PWS
Wetlands/Shorelands Specialist
Shorelands and Environmental
Assistance Program
Southwest Regional Office
(360)407-6221
rmra461@ecy.wa.gov

From: Faith Taylor [mailto:ftaylor@co.pacific.wa.us]
Sent: Monday, November 02, 2015 8:36 AM
To: Jim Karnofski
Cc: Tim Crose; Mraz, Richard A. (ECY)
Subject: RE: Pacific County SMP Public Input

Karen Tully
852 Fowler St.
Raymond, WA 98577
360-942-5377
karentully@comcast.net



2/4/16

Public Participation in the SMP Update.

Thank you for all your time and effort to do this update. I know it's not easy. People are busy. Everyone is busy. I've asked friends and family "Do you know what's happening with the SMP here in Pacific County?" They don't know what I'm talking about. So, I explain what I understand, which admittedly is a layperson's amount of knowledge. There is so much detail to this thing, I don't have time to delve into it. But, I know the buffers and setbacks from any body of water, including small streams that go dry in the summer, will increase, and that will make it harder for people to use or build on their land soon and into the future.

I'm a mom of two small children and an author. I work at home with as much time as I have, promoting my first book, editing my second, and eventually, soon, writing my third. My job isn't typical, but the amount of time I have leftover *is* typical for adults working a full-time job and raising kids, or pursuing their dreams and goals. Or, just trying to get by. And one thing I've learned trying to promote a book. If you want people's attention, you've got to earn it.

We're bombarded in this society with news and information. You all know, there are so many things to care about. I could easily spend all my time volunteering, or keeping up with politics, or world news - or just farting around. Something has to be in front of me to gain my attention, and it has to be eye-catching enough to keep my attention. It has to make the case immediately for *why* I should care.

The SMP update has that case. This is going to affect nearly every property owner in Pacific County. "Planning to build in Pacific County? Sell your land? At *anytime* in the future? You need to know what's going on with the SMP update." That's your headline. But I haven't seen that case made, and the people I've spoken with haven't either. Yes, it's there, if you know where to look. But, I've already talked about how busy people are and how many other things take their attention. A website is only good if people know to look there.

A few months ago, I went in and talked with Tim at DCD - baby in tow. We had a nice conversation and he answered all my questions. However, I was not and I am not satisfied with the answer that these twelve or fifteen people at the table *are* the public. I've seen that message from Faith as well, so I'm not just throwing Tim under the bus here. The public does not know what's coming down here. They don't know to put in applications to build now, if they have any inkling to, or that the application queue is filling up, so it might not matter if they did.

I suggested to Tim using facebook to advertise what's happening, with the stat that 70% of adults online are on facebook. That's one way people are getting local news. DCD has a facebook page. I saw there were notices of meetings on it. Now, those posts needed two things: a punchy headline and picture - yes - to catch people's attention, and to be boosted. For \$10-\$20, a business, or other non-personal page, can boost a post to a chosen audience. Yes, you can specify the audience to be people in the towns and cities of Pacific County, and it will tell you how many people have seen it. That's not very much money,

especially when you consider each public notice in a newspaper is between \$30-\$50, and then it's buried under the rock of the public notice section. How many people read the public notice section of the newspaper? How many people still *take* a newspaper anymore? Facebook is just one suggestion, there are others. Advertise where people are, not under a rock. Hire someone who knows about this stuff.

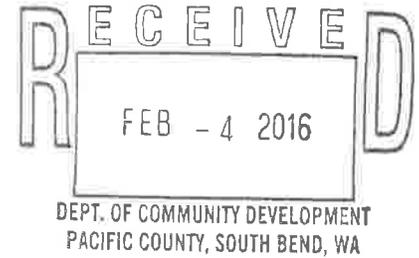
In summary, people should know what's going on here and how it will affect them into the future. And it's not that **eye roll** people are apathetic or people just want to play video games. People are *busy*, and I don't think the general public knows enough about the SMP to know that they should care. If you actually want people to pay attention, and maybe attend a meeting, you have to a) make the case for *why* they should take the time, and b) advertise where they *are*. OR, if you really don't want to bother with the masses being informed (until it's too late, and they're angry), well, continue on.

Sincerely,

A handwritten signature in cursive script that reads "Karen Tully". The signature is written in black ink and is positioned above the typed name.

Karen Tully, Raymond

To: Eric deMontigny, Pacific County Planning Commission Chair
Jim Sayce, Vice-chair
Bill Kennedy
Mike Nichols
Kelley Rupp
Stan Smith
Scott Turnbull
Nichol Gray, Clerk



RE: SMP Draft Review by Planning Commission, February 4, 2016

Dear Planning Commission Members:

Overall I think that the SMP is shaping into a good document. However since this draft is the first thorough revision of the 1974 document I believe it is essential that it forms a good foundation for any subsequent amendments. I'd like to comment on what I see as unresolved issues.

Section 5.10. Dune Modification:

Primary dune. Ecology would prefer the county to use a definitive measurement like the previous SMP (100 feet east of the OHWM) and remarked in an earlier draft that the proposed descriptive language was too imprecise due to the natural seasonal variations in the dunes. The Planning Commission January 7 agreed that the language is imprecise but it wasn't made clear what to do about it. So it stands.

The primary dune is important for several important reasons. Currently it usually delineates the seaward edge of the 100 foot protective strip by a measurement from the vegetation line. Historically and even more significantly today, it serves as a first line of defense against high tides and storms, harmful effects of windblown sand and tsunami threat. In defining the dune it seems more realistic to recognize that the primary dune is a system of duneland rather than a single ridge. I think the definition should reflect this. Consider the level of protection by duneland is dependent on not only the height of the dune but its breadth.

This westernmost system of dunes is now a part of the FEMA Coastal High Hazard Zone shown on new flood maps that were adopted by the county last year. Mapping shows this zone coincides with the 200 foot shoreline jurisdiction in almost all coastal areas. The in-process draft Critical Areas Ordinance acknowledges this zone.

Besides the CHHZ, the CAO draft does or will include other language having to do with dune erosion, accretion, 100 foot protective strip, marram grassland, foredune and the land that lies between the building setback and shorelines jurisdiction. These elements are inexorably connected with shorelines jurisdiction.

I have been told that we can just adopt by reference the CAO with the SMP. I don't think it is that simple; the SMP will need to acknowledge in text that these zones overlap the CAO.

Table 5-2. Dimensional Matrix:

I have already written the county that I believe the dimensional matrix needs a closer look as to shoreline lot minimum widths and how they relate to upland zoning, including nonconformity. It makes sense to sample this now.

SMP and the Coastal Zone Management Act:

The shoreline "Coastal Zone" includes inland waters as well as ocean shorelines in Pacific County. There seems to be some inconsistency between the federal, state and local policies. In the licensing of energy projects or other types of permits, it is my understanding that federal agencies can proceed over the state's objections but it isn't clear what the relationship is between the SMP and the CZMA and where local public process fits in. Throughout the SMP process the shoreline planning committee has advocated for local control when realistic, which includes adequate public notice and review.

Finally I would like to formally thank the Planning Commission for upgrading draft Ordinance 177 through the addition of language that allows a more reliable method of public notice for land use permits. The SMP is a significant document but equally important is that we have good public policy for its administration.

Thank you for considering these comments.

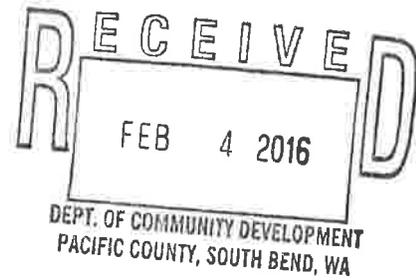
Ann LeFors, SMP Committee Member

January 4, 2016

To: Pacific County Planning Commission

From: Brian Sheldon, Northern Oyster Company

Re: Input to the Shoreline Master Plan Revision/Update



Dear Planning Commission Members,

Thank you for the opportunity to provide this additional testimony into the draft Shoreline Master Plan (SMP) update process. This testimony is in addition to the other verbal and written testimony I've provided over the past several years into the drafting of the current draft SMP document, and is based on what is listed as the November 2015 draft now residing on the County SMP Website.

- 1) The High Intensity designation was proposed to cover only Port District property in the unincorporated areas of the County. The rationale for doing this was so that Port could pursue commercial and other work per the basic reason for the District to exist under the guidance of an elected Board of officials. In an attempt to pursue unlimited commercial development on the shoreline and over water, a few individuals requested that this designation be expanded to include several private properties not managed by any Port authority. Most if not all of these private properties already exist as working water fronts in support of the multiple marine industries, and are in compliance. The attempt here to expand the allowed use of these facilities to any and all commercial uses is a transparent attempt to convert these water dependent based facilities into other uses inconsistent with the long standing and current focus on protecting working water fronts, and water quality. The High Intensity designation should be limited to only properties owned by the Ports, and this designation should not be allowed to expand beyond currently owned Port properties. The properties in question that are outside the Port ownerships are all in compliance with existing uses, and there are allowances already built into the SMP that allow them to continue, be replaced, and expand as necessary in this use pattern. Expanding commercial uses on the shorelines of Willapa Bay acts to threaten water quality, as has been demonstrated time and again in other US estuaries where encroachment on the shorelines has resulted in tens of thousands of acres of marine areas being closed to shellfish harvest due to increased pollution from upland runoff.
- 2) A primary focus of the current SMP is to restrict uses in overwater structures to only water dependent uses. While there are some limitations built into the current draft, these act to open loopholes that will allow several levels of non-water dependent commercial and other uses to move into overwater structures. The current restriction includes existing facilities that lie mostly within the Port areas, and this restriction needs to be retained. There is no data or demonstrated need that supports opening up these and future overwater structures to essentially unlimited commercial development. Throughout the history of the SMP it has been understood and interpreted that the existing water dependent marine uses directly associated with that water dependency are allowed to occur. However, in this revision exercise it seems to be implied that the County will now begin to reinterpret this long standing definition as a basis to open up over water structures to full out commercial development. It's unfortunate that one

or two shellfish growers have pursued this end with a clear intent to provide benefit to their personal interests above and beyond that of Willapa Bay. However, the formal position of the shellfish growers was clearly laid out in a letter submitted many months ago that opposes the expansion of the High Intensity use designation outside of Port owned property. This was also the input of the SMP Aquaculture Sub-Committee.

- 3) The Willapa Estuary designation contains allowance for Conditional Use permits to be issued in this designation. This area includes the water below the high tide line, which is completely inappropriate for commercial development. There is language within the SMP document that provides some restriction, but this action opens up loop holes that will allow areas below the high tide to be commercially developed. For table-5, foot note-6 states that “Commercial uses which are consistent with underlying zoning are coded “P.” All non-water-dependent commercial uses shall be associated with a water-dependent use. Foot note -6 needs to be added for Water Related and Water Enjoyment activities within the Willapa Bay Estuary designation. This will better align with the long existing restriction to water dependent uses only being allowed in over water structures, while assuring activities without any relationship to water dependency are disallowed in over water structures.
- 4) Horticultural activities are placed within the Aquaculture section in Table 5-1, and horticulture is not aquaculture. These should be moved to a separate section, or the act of growing plants in the water should simply be included as an aquacultural activity.
- 5) There are several off bottom cultivation techniques implemented in shellfish aquaculture that clearly meet the definition of a fixed structure. While some are mostly benign and likely do not meet the definition of a structure, others severely impact several aspects of the estuary. For example, the latest “flip bag” technology is off the bottom approximately 2.5’ during low tide, and extends 5 or more feet into the water column when the tide rises. These are significant structures that affect water flow, significantly impact long existing navigation lanes, cause erosion to occur in the tideland areas, act to shade the tidelands beneath, alter shellfish feeding characteristics, etc. There are clearly plans to greatly ramp up installation of this off bottom technique, and it is clearly impacting existing sustainable bottom culture farms, which produce approximately 95% of shellfish coming from Willapa Bay. As a shellfish grower I have seen the drastic impact when off bottom culture is installed without any regard to good practices near our long existing bottom culture beds. I have heard much testimony from other shellfish growers as to the multiple negative impacts these off bottom installations can have on long established neighboring farms. It is in the basic economic interest of Pacific County to assure responsible practices are implemented when citing, operating, and maintaining off bottom farm techniques. There has been some inference that off bottom culture techniques can somehow be used to farm around pests such as burrowing shrimp, and that is an incorrect assertion unsupported by any actual data. The fact is that all on and off bottom techniques require the control of pests, including burrowing shrimp. A part of the SMP is to address structures placed in the water, and it’s clear that some culture techniques represent significant fixed structures in the water column. The flip bag culture technique clearly fits in a class of its own as far as the definition of a structure. Given the clear movement to greatly increase the overall acreage and

density of these off bottom structures, there must be some form of oversight to Protect and Preserve Existing Sustainable uses, which is a cornerstone of Washington's Marine Spatial Planning (MSP) statute and policy. The Willapa shellfish growers are working to develop a set of Off Bottom Best Management Practices (BMPs). The SMP should reference these BMPs as a required document in regard to clarifying the parameters around off bottom culture issues. The SMP should refer to these BMPs in some way to assure they are completed and put in place so as to provide guidance in regard to industry adopted practices. This will help the County to meet the requirement to address significant structure placed in the waterway, and will help address the large increase in activity seen the past few years to rapidly expand off bottom culture in Willapa Bay. Flip bags and other significant off bottom techniques are considered new or expanded uses, and the goal of Marine Spatial Planning is to assure these new uses do not damage existing uses. Off bottom culture is a completely valid, safe, and responsible approach to shellfish farming if implemented appropriately. It is essential for shellfish growers to be able to utilize different culture methods so as to respond to market and other demands, and to be able to utilize practices aligned with available farm lands. However, these methods must be implemented responsibly and based on the best available information. Referencing a solid set of BMPs within the SMP will not only assure the County complies with SMP statute and recommended guide lines, but will also help to assure the economic base provided by the shellfish industry, along with the many ecological service contributions, are maintained into the future.

- 6) Most if not all shellfish farms are made up of both tidelands and uplands. The upland portion of a shellfish farm is used to support farm activities the same as some portions of an upland farm are used to support the actual production of the crop or livestock on that farm. Many times, but not always, the upland portion of the farm will abut the tideland crop producing portion. In reviewing the definitions associated with Agricultural lands, there is not recognition of these type lands that act to serve aquaculture. These lands are used in most ways the same as any agricultural support lands for activities such as material storage, workshops, and uses exactly aligned with any farm no matter if the farm produces milk, cranberries, or shellfish. There needs to be clarification within the agricultural definitions that aquacultural support activities may be carried out on these agricultural uplands.

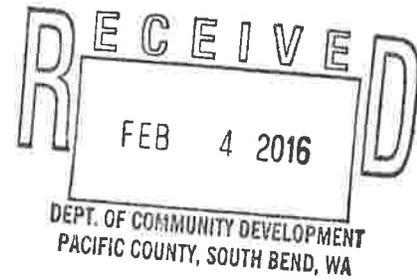
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January 4, 2016

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From: Brian Sheldon, Northern Oyster Company

Re: Input to the Shoreline Master Plan Revision/Update



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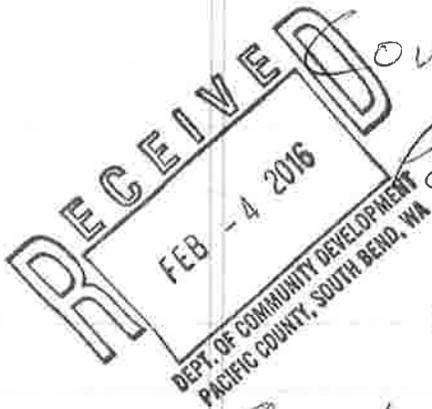
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Thank you again for the opportunity to participate and provide comment into the SMP revision process.

Feb. 4, 2016

Paul Philpot

Paul Philpot



Comments to Pacific Co. Planning Commission
regarding the 2016
Shoreline Master Program update

X

~~1~~ Purpose - to advocate, once more, for the SMP to protect shorelines in Pacific County and to protect those who live, make a living, or simply want to enjoy the waters and shorelines that are associated with Pacific County. Balancing these competing interests - an environmental versus an economic perspective, if you will, is a difficult prospect for anyone, let alone members who have a diverse set of personal and professional backgrounds, so your efforts are to be noted and appreciated.

①

Position of the Pacific County Economic Development Council:

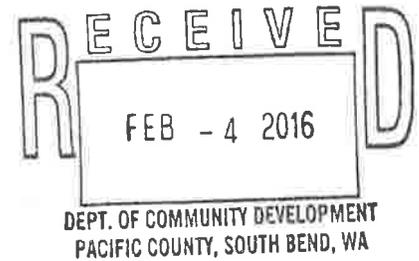
The Pacific Co. EDC (EDC) represents a diverse set of members, some who support the SMP in its current form, some who are opposed, and we have encouraged both groups to get involved in the process.

such views, Thus, the EDC understands that we have members who have taken ^{them} and have provided comments that support ~~these~~ those views. Therefore, we are not taking one or the other position on specific issues.

That said, we would encourage the Planning Commission to consider both existing uses of the shorelines and waters of Pacific County, as well as those uses that may become available to us, and those that may someday be required, based on future conditions or circumstances, such as economic shifts, ~~and~~ natural disasters, and the like.

February 3, 2016

To: Pacific County Planning Commission
1216 W. Robert Bush Drive
PO Box 68
South Bend, WA 98586



From: Dick Sheldon
Willapa Resources
PO Box 365
Ocean Park, WA 98640

I am submitting these requests for clarification, additions, and changes in the ongoing Pacific County SMP revision based upon my personal and professional involvement in Willapa Bay Shoreline environmental issues for over sixty years.

My intent is to deal with these issues practically, as they apply to Willapa Bay conditions, not as an extract from other counties conditions or objectives.

Access to Aquaculture Bedlands:

Natural, rural shorelands Section 3.1. Separating aquaculture from agriculture, as Dept. of Ecology (DOE) insists upon, takes away the farm exemption to establish hardened pathways from our beds to uplands. Accessing beds from shore is a real problem for shellfish growers. Boat access from ports in winter or night time conditions is an extremely dangerous process. To avoid this, our company has spent several hundred thousand buying shoreline parcels, solely for access to our bedlands. Pathways, not roads, should be exempt for our crews and equipment over these parcels with strict controls over materials and elevations.

Allowing Utility Cables/Conduits/Corridors in Willapa Bay:

The existing Shoreline Master Plan (SMP) discourages shoreline placement for all utilities for solid social, economic, and environmental reasons. These reasons are far more valid within Willapa Bay's environment and bedlands. Burying cable crossing through private shellfish beds, public lands, shipping channels and shifting sand bars is an unbelievably expensive and logistical nightmare. This will be opposed at every level. If completed, maintenance will involve digging it back up on private beds and there is presently no facility on the west coast to do any of this. Gifting the PUD, the leverage by establishing utility corridors over Willapa's bedlands is completely outside the intent of this SMP. The last powerline route over Willapa's badlands was removed in 1958 near long island.

Willapa Bay Conservancy 3.D and Buffer Setback Line Deleted:

The only stable defined true flood plain is Willapa Bay's Extreme High Tide line (HAT). To ignore this fact in this SMP is not only compromising Willapa's water quality protection but endangering future homes safety under known rising sea level with corresponding marine flooding. The base on all bay shorelines for both setback and wetland fill must be established at HAT this line will get higher with rising sea levels however the buffer on existing setbacks should cover this. Ordinary high water represents little in flood protection. On steep banks or slopes it's OK. On Willapa's shoreline, both east and west it defeats this SMP's intent.

Willapa Bay Estuary 3.e:

Rewrite to say "...uses that proven to adversely impact the ecological function of critical saltwater habitats ~~should~~ will not be allowed

Environmental Designation Interpretation – C:

Change OHW to HAT for Willapa Bay Estuary

4.2 Environmental Protection and Critical Areas Mitigation Sequence 5.i:

Allow no raised fill below HAT except for exempt road uses as stated in present SMP. Add "exempted fill will be kept 6" below HAT elevation and consist of natural degradable (example oyster shell) or site comparable (sand) materials with width restriction per stated usage.

4.4 B.d: Include aquaculture with agriculture

2.1 Shoreline Stabilization: Willapa Conservancy

Change the new hard bulk heading from "X" to "P" or "C" on shoreline riprap. Reasoning: Existing permitted buildings were done with county approval. A number should not have been but that's the county's fault. In other cases, County actions actually caused bank erosion problems. Soft control is not a fix for all shoreline erosion. It can be costly to install and costlier to maintain. Existing sites should not have to battle County and State agencies through an enhanced permit process to install permanent hard or soft bulk heading to protect their homes.

Page 61:

#1 "fixed structures" was removed from regulations section. Since ocean and bay regulation is considered together I assume this exclusion also affects Willapa. As I have testified in my submission of January 7, 2016 there is a real and valid concern by downplaying the impacts of newer off bottom techniques in Willapa Aquaculture field. It is my understanding that your Planning Department and Commission put off dealing with requests from larger more industrialized shellfish corporations to lower the standards on placement of built structures and general regulation dealing with the impact of these installations. To date I haven't seen any action. This issue must be addressed with in this SMP. It potentially will have a huge impact on the fate of shellfish production and overall environmental future of far more that the farmed

shellfish stocks and the traditional shellfish industry that this bay has historically supported. This issue must be a part of this SMP and dealt with openly.

5.5 Aquaculture A.b:

Add "stable nutrient supply" after "water quality".

Add "consideration of shoreline aesthetics – distance to and size of plantation".

General Shoreline Uses:

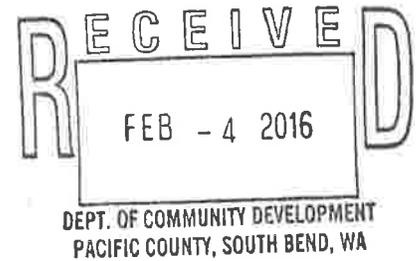
Subjective regulation – example 10 "Give preference first to water dependent uses then to water related uses and then to water enjoyment uses". There are very few, in fact a rarity of sites accessible to deep water at lower tide. Commission action has all but eliminated salvage of these sites for their intended use at the request of their few owners and local port staffs. The question is who then will judge how future needs of actual water dependent uses will be accommodated? Will you hold a Planning Commission hearing and boot first the water enjoyment out? Then followed by outing the water related? If there were more sites like in the area this regulation was copied from, that's another story, but there are none in rural Willapa Bay for spares.

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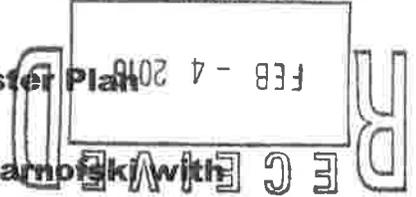
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I share the comments below of Jason Knott and Jim Karnofsk with whom I am in

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From Jason Knott:

- Treating agricultural spraying the same way as terrestrial spraying.
- A lack of public access and a plan for public access to aquatic resources on Willapa Bay.
- Unfair taxation policies for the Oyster growers, I am willing to bet the oyster growers would not sell their quality tide lands for 10x the value. This is corporate welfare and hurts our population.
- A lack of independent study resources, one literally has to talk someone into buying a tideland to conduct research.
- Lack of clarity as to state jurisdiction in access to existing tidelands, such as at Leadbetter Point. We need to affirm that no transfer of county lands to any other agency does not affect existing and established ingress and egress.
- The process lacked any delivery requirement from the hired consultants and the boiler plate we received and the commissioners want does not fit our county. I want a new contract with a new vendor that is competent.
- No requirement for county DPW to acquire permits for significant shoreline changes, as have occurred and destroyed beach habitat on the approaches. We require an enforcement option and process

Jason's primary objections to the SMP are as follows-

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Comments of Jim Karnofski

Dear Mr. Mraz, et al,

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The foresters must be challenged by the SMP to show a

legitimate plan of regenerative forest practices at the risk of not getting a permit to harvest.

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The SMP must challenge the Oyster industry to set a plan that is in harmony with Nature and not at odds with it.

The Cranberry industry, probably the most foul and polluting of all the edible commodities grown on earth, puts bags and bags of water soluble chemicals onto a sand based medium that runs directly into the Willapa Bay, creating toxic and acidic conditions inhospitable to life. These chemicals are also polluting the groundwater in and around the bogs. The bogs are dead zones. Very little life survives the barrage of multiple pesticides thrown at the plants for profit sake with no concern for the life of the soil and the local ecosystem that is presently overwhelmed with all the chemical inputs.

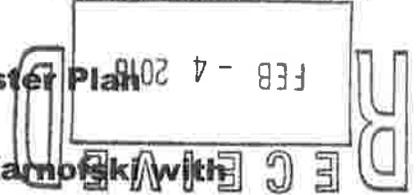
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In summary, the technological know-how exists to live in a regenerative manner with nature. It is about time the SMP demand creative solutions towards the end of guaranteeing they leave a better world for an infinite number of generations. The common water, soil and air are not big ag's to spoil. The ruination of the commons is not theirs to abuse and spoil and should be spelled out in the SMP.



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