

Public Comment Summary: Clallam County Locally Approved SMP Ecology Public Comment Period, January 14 - February 28, 2019

*Prepared by Michelle McConnell, WA Dept. of Ecology, April 10, 2019
Clallam County Response (see last column), prepared June 4, 2019*

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

| COMMENT # | SMP SECTION/ COMMENT TOPIC | COMMENTER | COMMENT SUMMARY* | CLALLAM COUNTY RESPONSE & RATIONALE |
|-----------|-------------------------------|--|--|--|
| 1. | General | <i>Futurewise, Washington Environmental Council, Olympic Environmental Coalition, Protect Peninsula's Future, and North Olympic Group of Sierra Club</i> – Tim Trohimovich, Rein Attemann, Darlene Schanfald, Steve Koehler, Bill Volmut (Futurewise et. al.) | <p>The SMP update is important because of past significant damage to shoreline habitat and resources in WRIAs 17, 18, 19, and 20, including alteration/degradation to:</p> <ul style="list-style-type: none"> • Nearshore marine & estuarine environments; • Water quality; • Currents and sediment processes; • Riparian vegetation, forest cover and large woody debris recruitment; • In-/vertebrate food sources for salmon; • Sedimentation, and mass wasting; • Floodplain encroachment, channelization, scour, and seasonal flow regimes; and • Southern resident orcas and Chinook salmon. <p>Strongly supports SMP update as opportunity to significantly improve protections for the Strait, lakes, rivers and larger streams.</p> <p>The SMP update has many excellent provisions, including the inclusion of useful photographs and illustrations.</p> | Clallam County concurs with the importance of the SMP update. Thank you for the supporting comment. |
| 2. | General | Futurewise et. al. | <p>To allow wildlife access corridors between water bodies and upland areas, the SMP should establish minimum lot widths. Two alternative methods would achieve this:</p> <ul style="list-style-type: none"> • A simple lot ratio of 3:1; or | <p>The SMP contains standards and provisions that together will benefit retention of wildlife access corridors between water bodies and upland areas. Examples of these provisions include, but are not limited to:</p> <ul style="list-style-type: none"> • Approximately 96% of the County's shoreline jurisdiction is within |

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| | | | <ul style="list-style-type: none"> A 300-foot minimum lot width for the Shoreline Residential – Conservancy, Resource Conservancy, and Natural SEDs. | <p>the Natural SED or one of two conservancy SEDs—Resource Conservancy and Shoreline Residential Conservancy. These SEDs and overlapping existing County land use regulations (zoning, critical areas) limit the type and density of new development that benefits retention of wildlife access corridors. For example, the Resource Conservancy (ReC) SED covers ~65% of the County shoreline areas, with most reaches (>99%) located within the over 630,000 acres of zoned commercial forest lands (CF) lands characterized by large, contiguous tracts of federal, state and private forest lands that exhibit predominantly undeveloped riparian habitat corridors that connect to thousands of acres of upland and other wildlife habitats outside of the shoreline jurisdiction.</p> <ul style="list-style-type: none"> The SMP prohibits new lot creation by subdivision within the Natural SED (SMP Section 3.8.4.(1)). The SMP requires that new land divisions creating lots for development must demonstrate adequate building area in all SEDs (including access and utilities) suitable for development outside of 100-year floodplain, landslide hazards, aquatic areas, wetlands and their associated buffer areas (SMP 7.3.8). The SMP establishes minimum standard shoreline and critical area buffers (SMP Chapters 6 and 7). County zoning establishes minimum lot widths and lot width/depth ratios, and the SMP establishes minimum lot width of at least 150-foot and maximum width to depth ration is 1:4 in the Resource Conservancy and Shoreline Residential—Conservancy SEDs (SMP Section 3.8.4.(4)). |
| 3. | General | <p><i>Jamestown S’Klallam Tribe – Randy Johnson (JST)</i></p> | <p>The SMP fails to adequately protect treaty resources in several regards, especially relating to buffers, no net loss (NNL), and mitigation.</p> | <ul style="list-style-type: none"> See response to the comments related to shoreline buffers (SMP Chapter 6) and NNL topics in this table. |

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

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| 5. | General | JST | <p>Ecology should remand the SMP Update to the County to:</p> <ul style="list-style-type: none"> • strengthen the no net loss discussion; • update the restoration plan; and • provide clear administration procedures that illustrate monitoring will be conducted in an intensive and timely way as to measure whether the net decline in shoreline function is abated. <p>It is essential that the SMP employs criteria that are quantifiable and specific enough to provide concrete performance standards in relation to salmon habitat protection.</p> | <ul style="list-style-type: none"> • The SMP in all its parts addresses the state SMP Guideline requirement under WAC 173-26-186(8b) to include regulations and mitigation standards to ensure that new development will not cause a net loss of shoreline ecological functions. In accordance with WAC 173-26-201(3)(d), the County prepared a Final Cumulative Impacts Analysis and No Net Loss (CIA/NNL) Report (June 2017) on the SMP that provides an analysis of cumulative impacts of reasonably foreseeable future shoreline development and how the County will achieve no net loss of shoreline ecological functions through the implementation of the SMP. • The County recognizes that the shoreline restoration plan will need to be periodically updated, particularly in respect to ongoing salmon recovery and other habitat restoration planning and related funding and project implementation efforts being done by the County and its partners and through a number of organizations as noted in the restoration plan. • Administrative procedures are covered in Chapter 10 of the SMP. • Project specific monitoring where required is addressed under SMP Section 8.4. The SMP includes policies related to monitoring gains and losses of shoreline functions based on specific indicators where baseline levels are documented in the County’s 2012 Shoreline Inventory and Characterization Report (e.g., see SMP Policy 8.2.3). One monitoring tool (see SMP Policy 8.2.4) is to identify and track the implications of new shoreline use/development on ecological functions and processes at the shoreline reach and watershed scales based on the Shoreline Checklist & Statement of Exemption Form found under Exhibit B of the SMP. Evaluating overall gains and losses of shoreline ecological functions would also be part of periodic reviews and updates of the SMP (SMP 1.10.3). |

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| 6. | General | JST | It is most effective (and much less expensive) to protect existing habitat and the ecological processes that create habitat. The political pressure to allow impacts and then attempt restoration are overwhelming at the local level. The State’s role is to test for assurances and accountability. | The County concurs that overall it is more effective to protect existing habitat and the ecological processes. The SMP as a whole is designed to first to avoid and minimize impacts to existing habitat and ecological processes related to future shoreline development, while allowing for appropriate and preferred shoreline uses consistent with state policy under RCW 90.58.020. |
| 7. | General | Quileute Indian Tribe - Douglas Woodruff (Quileute Tribe) | <p>The Tribe:</p> <ul style="list-style-type: none"> • commends the numerous SMP improvements; • appreciates that BoCC adopted many recommendations from the Tribe’s past comment letter; • appreciates the time, effort and expertise invested by the Planning Commission, County staff, and the BoCC in bringing the proposed SMP update to Ecology for final adoption. | Thank you for the supporting comments. |

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

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

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

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

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| 15. | General | WDFW | <p>WDFW appreciates many aspects of the proposed SMP comprehensive update, and:</p> <ul style="list-style-type: none"> • Commends the commitment to restoration efforts; • Appreciates the priority for protection of existing resources over remedying impacts after they occur; • Fully supports a preventative approach; • Supports the restrictions on new development and removal/relocation of at-risk structures within floodplains and bluffs ensure future shoreline ecology functions & values while ensuring public safety. <p>WDFW remains a willing partner, happy to provide assistance, and has more detailed ideas and notes on ways to continue improving this SMP.</p> <p>WDFW has questions/concerns about the role of restoration in achieving no net loss and about protection of riparian areas.</p> | <p>Thank you for the supporting comments for the County’s SMP update. See also County response to other WDFW comments in this table.</p> |

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| 16. | General – Climate Change | Quileute Tribe | <p>Climate change will likely impact:</p> <ul style="list-style-type: none"> • annual and seasonal precipitation; • snowpack; • storm frequency/storm surge; • streamflows and flood risk, including: <ul style="list-style-type: none"> ○ extreme low summer flows that limit upstream salmon migration; ○ extreme fall, winter and spring flows that disrupt spawning activity; ○ spawning bed scour, ○ stream morphology; ○ side channel habitat and other refugia; • freshwater and marine water temperatures; • sea level rise; and • ocean acidification. <p>While addressed at 1.4 SMP Update Vision, at 3.9.1 Restoration – Policies (#6), at 3.11.1 Transportation – Policies (#8), and in the CIA-NNL Report (for future assessments), the SMP should include a more meaningful response to climate changes & these impacts to achieve NNL.</p> | <p>There are no current state requirements for addressing climate change and sea level in SMPs. The SMP contains policies and regulations that explicitly reference climate change, sea level rise and related storm surge concerns. SMP Goals 1.5.(14,15) set forth goals to inform and increase public awareness of sea level rise projections, including informing citizens and property owners about current information on potential sea level rise impacts along County shorelines. Other SMP provisions referencing climate change impacts (e.g., sea level rise, storm surge) are under: SMP Update Vision (Section 1.4); SED Policies [Sections 2.5.3(h), 2.6.3(h), 2.7.3(f), 2.8.3.(g)]; Residential Regulation 3.8.2.7; Restoration Policy 3.9.1.6; Transportation Policy 3.11.1.8; Shoreline Stabilization Regulation 4.6.2.14; Shoreline Buffer Policies 6.2.1 & 6.2.4; and Critical Area Policy 7.2.2(f).</p> <p>The potential impacts of climate change cover a wide-range of issue areas that extend to areas well-beyond the narrow extent of the SMP jurisdiction. The County continues to be involved in climate change discussions. For example, this spring the County Commissioners have sponsored a series of public events intended to highlight the impacts of climate change on industries and communities throughout the County. These workshops are to be followed by a formal series of events to engage County citizens in a conversation about what kind of climate change policy priorities should be focused on in the future. Another example related to climate change issues is the County and other project partner’s effort to construct a multi-million dollar Dungeness Off-Channel Reservoir to store water to supplement Dungeness River steam flow during low summer flow periods.</p> <p>Ecology previous review of County SMP update efforts did not identify any additional provisions were needed related to climate change and sea level rise, and noted that the current update is not the only opportunity to address climate change issues in the SMP in the future. See also response to Comments #17, 18 and 59 in this table.</p> |

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| 17. | General – Climate Change | Quileute Tribe | The SMP should better address climate change at Chapters 3 (Specific Uses), 4 (Modifications), and 5 (General) so that each includes a policy similar to language at 3.9.1(6) and 3.11.1(8) to “take into account the implications of climate change to ensure the resiliency and sustainable of the use or development and its ability to achieve no net loss of ecological functions and other aspects of this Program”. | <p>See response to Comments #16, 18 and 59 in this table. In addition, the SMP establishes buffers and other provisions that influence the type, location, and intensity (e.g., density) of new shoreline uses. Examples:</p> <ul style="list-style-type: none"> • SMP Chapter 6, Shoreline Buffer and Vegetation Conservation. The potential effects of climate change include increased flooding, storm surges, and sea level rise. The SMP overall increases minimum standard shoreline buffer widths for new development throughout most of the shoreline jurisdiction. Wider buffers help to mitigate climate impacts on people and property. • SMP Chapter 7, Critical Areas within Shoreline Jurisdiction, contains policies and regulations that protect environmentally-sensitive areas. For example, these provisions protect shoreline wetlands and associated buffers, and direct new development away from marine bluffs and landslide hazard areas. The SMP increases standard buffer widths (150 feet wide) from the edge of highly erosive, marine feeder bluffs that present hazards and also provides important sediment supply for habitats. Land divisions creating lots for development demonstrate adequate building sites (including access and utilities) that is suitable for development and not within a wetland, aquatic habitat, floodplain, landslide hazard area or there associated buffers (SMP 3.8.4.4 and 7.3.8). • SED Designations: The SMP Shoreline Environmental Designations (SED) establishes policies and regulations for the types and intensity of new uses and development allowed in the shoreline jurisdiction. Approximately 96% of the County’s shoreline jurisdiction is within the Natural SED or one of two conservancy SEDs—Resource Conservancy and Shoreline Residential Conservancy. These SEDs limit the type and density of new development in shoreline area that are more prone to potential climate change impacts such as sea level rise and related increased flooding and storm surges. |

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| 18. | General – Climate Change | Quileute Tribe | <p>The SMP should require that the potential impacts of climate change be addressed in every:</p> <ul style="list-style-type: none"> • geotechnical report; • technical report/professional judgment regarding a: <ul style="list-style-type: none"> ○ geological hazard; ○ channel migration zone; ○ floodway determination,; ○ bluff or stream bank erosion and armoring; and ○ other such issues. <p>For example, 7.13 Regulations – Geologically Hazardous Area Buffers, #4(d) “A geotechnical report prepared by a qualified professional indicates that the development site will be stable for the life of the development, assumed to be at least seventy-five (75) years, even if the buffer is reduced” should address potential impacts of climate change and sea level rise, not merely existing conditions.</p> | <ul style="list-style-type: none"> • Geotech Report/Geological Hazard: The SMP geotechnical report requirements require analysis of slope stability factors under SMP Section 7.14.7. In addition, the SMP requires a 150-foot wide (a 50% increase) standard buffer width for classified highly erosive and unstable marine feeder bluffs (SMP Section 7.13). • Channel Migration Zones: The current available channel migration zone (CMZ) maps for County shorelines are general assessments suitable for planning purposes. They do not factor potential changes to CMZs based on potential climate change impacts. The SMP addresses requirements for site-specific CMZ assessments for new development under SMP Section 7.14.10 that cannot avoid or propose new shoreline development in the potential CMZ mapped areas. • Floodway Determination: Clallam County adopts the floodplain (includes floodway) maps and related studies prepared by the Federal Emergency Management Agency (FEMA) to support the federal National Flood Insurance Program. The FEMA floodplain maps are in the process of being updated by FEMA, and anticipated to be released for public comment in 2019. The SMP utilizes the FEMA maps for determining floodplain and floodway areas and applicable protection standards under SMP Sections 7.15 and 7.16. • Shoreline Armoring: The SMP requires that new shoreline stabilization projects take into account sea level rise and storm surges under SMP Regulation 4.6.2. • See also response to Comments #16, 17 and 59 in this table. |

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| 19. | General – Climate Change | Makah Tribe | <p>Climate change will affect Clallam County with changes in precipitation and less snowpack, which will affect streamflows, flooding, and stream temperatures, and sea level rise.</p> <p>The SMP at Chapters 3 (Specific Uses), 4 (Modifications), and 5 (General) should:</p> <ul style="list-style-type: none"> • include climate change in decisions about new use & development and restoration; • consider how climate change will affect water availability for habitat and municipal needs and how water resources and associated habitats will be protected; • consider climate change impacts for each use & development to ensure long-term resilience and ensure that NNL is achieved; • require that geotechnical report address climate change impacts for geological hazards, CMZs, bluff or stream bank erosion and armoring. | See response to Comments #16, 18 and 59 in this table. |
| 20. | General - NNL | Quileute Tribe | The proposed SMP represents significant improvement over the existing SMP but still fails to meet NNL. | The SMP in all its parts from SEDs, policies, and regulations (e.g., use regulations, buffers, etc...), mitigation and NNL requirements, and permitting provisions combined with supporting documents (e.g., shoreline inventory and characterization report, shoreline restoration plan) is designed to help achieve NNL of shoreline ecological functions over- time as new shoreline uses and development occur. NNL over- time will need to be achieved through a combination of regulatory and non-regulatory (e.g., restoration) means. |
| 21. | General - NNL | Quileute Tribe | The SMP should require compensatory mitigation or programmatic restoration to address impacts of all use & development, not just a subset, in order to achieve NNL. | The recognition that some future development will occur within the shoreline jurisdiction is basic to the NNL standard. The challenge is maintaining shoreline ecological functions while planning for appropriate areas of shoreline preferred uses (e.g., single-family |

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| | | | | <p>residential), water dependent/related uses, and public access as required under the state Shoreline Management Act (SMA) and state SMP Guidelines (WAC 173-26) .</p> <p>The SMP as a whole is designed to help achieve NNL through appropriate SMP shoreline environmental designations (SED) and related use limitations, use specific regulations, policies and regulations (e.g., buffers) to protect shoreline functions, and regulating individual shoreline development proposals to ensure they mitigate adverse impacts. Together these SMP provisions are intended to first avoid and minimize impacts from new shoreline development and uses so that compensatory mitigation is not needed to replace, enhance or provide substitute resources. This is consistent with accepted mitigation sequencing actions and priorities.</p> <p>Not every use and development in the shoreline jurisdiction will result in adverse impacts or cause a net loss of shoreline ecological functions. Where unavoidable adverse impacts occur, the SMP requires compensatory mitigation—e.g., see SMP Chapter 8 and SMP General Principle 1.13.7.</p> |
| 22. | General - NNL | Quileute Tribe | The required buffer widths are inadequate to achieve SPTH and NNL. | <ul style="list-style-type: none"> • See response to the comments related to shoreline buffers (SMP Chapter 6) and NNL topics in this table. |
| 23. | General - NNL | Makah Tribe | <p>Opposes the NNL standard as effective to protect species & habitats and improve degradation, because the standard is based on an assumption that existing conditions are adequate, thereby only maintaining the status quo and allowing restoration that is intended to improve degraded conditions to stand-in as mitigation for new impacts.</p> <p>The standard allows a shifting baseline for counties to measure NNL, when the aim should be to restore conditions above the baseline at the time of</p> | <p>The Shoreline Management Act (SMA) provides a broad policy framework for protecting the natural resources and ecology of the shoreline environment. The state SMP Guidelines establishes the standard of “no net loss (NNL) of shoreline ecological functions” as the means of implementing that framework through local SMPs. WAC 173-26-186(8) directs that SMPs include policies and regulations designed to achieve NNL of those ecological functions.</p> <p>The NNL requirement is intended to ensure that over time the existing condition of shoreline ecological functions should remain the same as</p> |

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

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| 24. | General - NNL | Makah Tribe | The SMP should require compensatory mitigation or programmatic restoration to address impacts of all use & development, not just a subset, in order to achieve NNL. | See response to Comments #20-23 and 25 in this table. |
| 25. | General - NNL | WDFW | WDFW is not clear whether the SMP intends to use restoration efforts designed to provide net increase in ecological function as compensatory mitigation offsets for unavoidable harm associated with implementing the SMP. | <ul style="list-style-type: none"> • Consistent with WAC 173-26-201(2)(f) the County has prepared a Countywide Shoreline Restoration Plan to establish goals, policies and actions for restoration of impaired shoreline ecological functions. SMP Section 3.9 also contains policies to support implementing the restoration plan and to guide restoration efforts within the shoreline jurisdiction. It is anticipated that shoreline restoration projects by the County, its partners and others will contribute to achieving NNL of shoreline ecological functions over-time and in some shoreline reaches result in net functional gains. The SMP requires that adverse impacts of new shoreline use and/or development be identified and mitigated on a project-by-project basis. Where unavoidable adverse impacts occur, the project proponent is responsible for compensatory mitigation (e.g., see SMP Chapter 8 and SMP General Principle 1.13.7). • See also response to Comments #20-23 and #130 in this table. |
| 26. | General - Restoration | Makah Tribe | Supports the clarification that new development should avoid conflicts with any restoration projects, not just restoration projects in the vicinity of, and to establish provisions for developers and County staff to identify potential conflicts is an improvement from the existing SMP. | Thank you for the supporting comment. |
| 27. | 1.3 How to Use This Document | Futurewise et. al. | Supports this section as useful for SMP implementation. | Thank you for the supporting comment. |

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

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

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

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| 34. | 2.9 Allowed Uses in Each SED | Futurewise et. al. | Supports Table 2-1 prohibition of non-native finfish net pen aquaculture as consistent with NNL requirement. | Thank you for the supporting comment. |
| 35. | 2.9 Allowed Uses in Each SED | Futurewise et. al. | <p>To protect shoreline ecological functions, the SMP should ensure that the permitted, conditional, and prohibited uses of Table 2-1 Residential and Table 2-2 Non- Residential are fully-consistent with SMP Guidelines, including:</p> <ul style="list-style-type: none"> • Resource Conservancy SED – <ul style="list-style-type: none"> ○ commercial & industrial development should not be allowed; ○ new structural shoreline stabilization should only be allowed to protect an existing structure or ecological functions; ○ flood control structures should only be allowed as part of a restoration project or to protect an existing structure; ○ in-stream structures should only be allowed for restoration projects; ○ dams and power generating structures should not be allowed; • Shoreline Residential Conservancy SED – <ul style="list-style-type: none"> ○ only low-intensity water-dependent and water-related commercial & industrial uses should be allowed; ○ flood control structures should only be allowed as part of a restoration project or to protect an existing structure; ○ in-stream structures should only be allowed for restoration projects; ○ dams and power generating structures should | <p>Commercial Uses: The state SMP Guidelines allow for low-intensity, water-oriented commercial and industrial uses within “conservancy” environments where those uses have located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the use (WAC 173-26-211(5)(b)). Commercial and industrial uses proposing to locate within the these two conservancy SEDs are limited to “low intensity land use”, must be a permitted use under County zoning, and require approval of a shoreline conditional use permit (see SMP Table 2-2). Typical commercial uses that exist or likely to be proposed in these two SEDs include home-based businesses, bed and breakfasts, vacation rentals, and outdoor-oriented recreation.</p> <p>New Structural Stabilization/Flood Control: The SMP Guidelines direct that “construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied, consistent with WAC 173-26-231” (WAC 173.26-211(5)(b)). SMP Sections 4.6, Shoreline Stabilization and SMP Section 4.4, Flood Hazard Management and Flood Control Structures, meet this state guideline (e.g., SMP Sections 4.4.2 and 4.6.5). The SMP requires consideration of non-structural measures and soft shoreline stabilization prior to hard shoreline stabilization measures (SMP 4.6.2.2). In addition, new or expanded hard structural shoreline stabilization measures requires a shoreline conditional use (SMP Table 2-2) and is prohibited along feeder bluffs (SMP 4.6.5.3).</p> <p>In-stream structures: The SMP requires a shoreline conditional use for new in-stream structures located within conservancy SEDs, where consistent with the SMP and when associated with and necessary for an ecological restoration project, a fish passage project, or a permitted</p> |

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

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

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| | | | | <p>authorizations and permits for net pens for native species.</p> <p>Consistent with state law changes the County SMP Update prohibits new in-water, marine net pens for nonnative fish. SMP Section 3.2 contains policies, regulations, and application requirements to regulate in-water, net pens proposals for native species in County waters that are consistent with the state SMP Guidelines. These facilities are also subject to a shoreline conditional use permit approval public process and related approval criteria (see SMP Section 10.2.2) intended to further consider environmental impacts and public interests based on the specific project type, scope (e.g., size, scale, etc...), type of operation, and location. In addition, such in-water uses will be subject to state and federal regulations and permit approvals.</p> <p>See also response to Comment #54 of this table.</p> |
| 41. | 3.2 Aquaculture | FOE | <p>Supports SMP improvement to prohibit Atlantic salmon net pens (& other non-natives), but even allowing as a conditional use is insufficient to truly protect the ocean ecosystem from significant environmental and socio-economic harms associated with net pens.</p> | <p>See response to Comment #40 and 54 in this table.</p> |
| 42. | 3.2 Aquaculture | FOE | <p>The SMP’s allowance of marine finfish aquaculture/industrial ocean fish farming conflicts with the County’s statement of intent “to improve protection of the shoreline environments and ensure their continued use and enjoyment;” does not comply with local, state, and federal laws and regulations; and the SMA that mandates:</p> <ul style="list-style-type: none"> • “protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life;” and • “permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, | <p>At state and federal levels, marine finfish aquaculture is allowed consistent with current state and federal regulations and provided required permits are obtained.</p> <p>See also response to Comments #40 and 54 in this table.</p> |

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

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

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

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| | Fin Fish Aquaculture | | violation of operating permits, regulations, and state and local law. | policies and regulations addressing compliance with state and federal permit requirements. For example, SMP 3.2.1(14) references requirement that applicants must obtain required state and federal approvals as part of any County authorization. |
| 54. | 3.2.4 Aquaculture Regulations – Fin Fish Aquaculture | FOE | <p>Regulation #14’s requirement to use best available science (BAS) is insufficient for permit decisions. The SMP should identify clearly defined objectives to determine what science is relied upon as BAS, such as peer-reviewed studies of:</p> <ul style="list-style-type: none"> • long-term impacts of direct discharges on the ocean ecosystem, seabed and water columns near proposed site; • variability in water currents, including seasonal and drought impacts, surrounding each proposed site; • resiliency of ocean ecosystem and potential for seabed and water column recovery; and • wildlife populations and habitats near the proposed facility site that may be impacted by fish aggregation devices, predator attraction and entanglement. | <p>The SMP contains policies, regulations, and application requirements to regulate in-water, net pens proposals for native species in County waters consistent with the state SMP Guidelines under WAC 173-26-241(3)(b). The applicable SMP policies, regulations and application requirements for net pens address environmental issues in the comment based on current science and state guidance.</p> <p>Under EHB 2957 adopted in 2018, Ecology and other state agency partners in consultation with Northwest Indian Fisheries Commission, National Centers for Coastal Ocean Science (part of NOAA), tribal governments, and academic institutions are working on updating science-based guidance and informational resources to assist with planning and permitting commercial marine net pen aquaculture. Ecology anticipates publishing the written guidance and launching a related spatial screening tool designed to contain data layers useful for screening new commercial marine net-pen proposals by local, state, and federal regulators and the aquaculture industry. State agencies are to report their findings to the Legislature by November 1, 2019.</p> |
| 55. | 3.2.4 Aquaculture Regulations – Fin Fish Aquaculture | FOE | Reasonable alternatives to net pen systems exist, including land-based recirculating fish farms, and offshore 3-Dimensional ocean farms that utilize the entire water column to intersperse sea vegetation with shellfish. The Vancouver Island (BC) Namgis First Nation’s Atlantic salmon operation demonstrates the availability and success of the former approach. | The SMP supports land-based fish farms consistent with the applicable SMPs policies, regulations, application, and permitting requirements. Such facilities would be a permitted use in the Marine Waterfront SED and a shoreline conditional use permit in the Shoreline Residential – Conservancy and Resource Conservancy SEDs (SMP Table 2-2). Land based fish farm facilities may also be possible outside of the County SMP jurisdiction such as in City or County zoned industrial areas or on Tribal Reservation/Trust lands. |

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| 56. | 3.2.4 Regulations – Fin Fish Aquaculture | Makah Tribe | Supports the prohibition on non-native finfish net pen aquaculture. | Thank you for the supporting comment. |
| 57. | 3.5.3 Mining Regulations | Futurewise et. al. | Supports prohibition of mining activities that involve fracking to help protect water quality and water quantity. | Thank you for the supporting comment. |
| 58. | 3.12.3 Regulations – Dams & Hydroelectric Generating Facilities | Quileute Tribe | Supports specific clause of regulation #4 that does not allow dams and associated power generating facilities to locate in “Protected Areas” designated by the Northwest Power and Conservation Council or equivalent program. | Thank you for the supporting comment. |
| 59. | 4.4.2 Flood Hazard Management and Flood Control Structures - Regulations | Futurewise et. al. | <p>Areas subject to sea level rise are flood prone areas similar to areas along bays, rivers, or streams. The SMP should require new lots and new buildings to locate outside the area of likely sea level rise, or if not possible, buildings should be elevated above the likely sea level rise.</p> <p>Proposed text revision:</p> <ul style="list-style-type: none"> • <u>“8. New lots shall be designed and located so that the buildable area is outside the area likely to be inundated by sea level rise in 2100 and outside of the area in which wetlands will likely migrate during that time.”</u> • <u>“9. Where lots are large enough, new structures and buildings shall be located so that they are outside the area likely to be inundated by sea level rise in 2100 and outside of the area in which wetlands and</u> | <p>SMP Sections 7.15 and 7.16 adopts FEMA floodplain maps and regulations consistent with participation in the National Flood Insurance Program. FEMA is in the process of updating the County’s coastal flood hazard and risk maps. Although the federal update does not incorporate sea level rise projections, the coastal flood hazard risks will be based on updated sea level information and models. These maps and related flood construction standards under the building code will continue to help reduce flood hazards and damage.</p> <p>There are no current state requirements for addressing sea level rise in SMPs. The SMP does contain a number of policies and regulations pertaining to sea level rise. For example, SMP Goals 1.5.(14,15) set forth goals to inform and increase public awareness of sea level rise projections, including informing citizens and property owners about current information on potential sea level rise impacts along County shorelines (SMP 1.5.(14,15)).</p> |

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| | | | <p><u>aquatic vegetation will likely migrate during that time.</u></p> <ul style="list-style-type: none"> • <u>“10. New and substantially improved structures shall be elevated above the likely sea level rise elevation in 2100 or for the life of the building, whichever is less.”</u> | <p>Considering standards to utilize sea level rise projections for regulating location and type of building location in addition to FEMA floodplain maps will require a comprehensive approach and public process that is beyond the scope of the current SMP update effort. The County continues to be involved in climate change discussions as most recently evidenced by a series of community discussions sponsored by the County Commissioners this spring that is intended to be followed up by a more formal series of events to engage County citizens in the conversation about what kind of climate change policy priorities should be focused on in the future.</p> <p>See also response to Comments #16 – 18 in this table.</p> |
| 60. | 4.6 Shoreline Stabilization | Cahill, Steve | This section should address erosion caused by recreational watercraft wakes on Lake Sutherland – eliminating the waves would reduce the need for stabilization and retain ecological functions. | Waves generated by recreational watercraft on Lake Sutherland do impact shoreline erosion. Rules regarding boat speeds and operations on Lake Sutherland and other navigable waters of Clallam County are found under Clallam County Code (CCC) Chapter 15.04, Boating and Water Safety. |
| 61. | 5.2.2 Clearing, Grading & Filling - Regulations | Quileute Tribe | Supports improved provisions for control of invasive weeds, such as regulation #3 requiring clean fill materials certified as free of invasive weeds and prohibiting use of contaminated materials. | Thank you for the supporting comment. |
| 62. | 5.2.2 Clearing, Grading & Filling - Regulations | Makah Tribe | Supports the improvements made regarding invasive weeds, requiring that fill materials, topsoil and mulch be weed-free. | Thank you for the supporting comment. |
| 63. | 5.2.2 Clearing, Grading and Filling - Regulations | Futurewise et. al. | To better protect shorelines, the SMP should limit #4.b “Development or maintenance of essential public infrastructure and facilities that demonstrates requires a waterfront location” only to those that <i>require</i> a waterfront location. | SMP Regulation 5.2.2.4(b) addresses this comment in that it already contains the limitation “...that demonstrates <i>requires</i> a waterfront location”, as written. |

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

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

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| 69. | 6. Shoreline Buffers and Vegetation Conservation | JST | <p>To ensure effective buffers, the SMP should apply the following in all SEDs so that no reduction of buffer widths is allowed:</p> <ul style="list-style-type: none"> • Delete 6.4 Regulations – Shoreline Buffer Averaging so that no buffer averaging is allowed; • Delete 6.7 Regulations – View Protection Common Line Buffer so that no common-line setbacks are allowed; • Do not allow any commercial or residential structures to locate in the buffer, including attachments or out-buildings. • Except the Marine Waterfront SED from these limitations where a small percentage of existing lots would become too constrained for a building envelope, and encourage a method to buy-back ‘the development rights’ or the property outright. | <ul style="list-style-type: none"> • Buffer Averaging/Common Buffer: It is not possible to create a set of standard buffer widths that fits all possible existing lot configurations and site conditions. Ecology guidance supports some flexibility in regulating buffers including use of buffer averaging and common line setbacks/buffers. To account for various lot configurations and existing development patterns, the SMP also provides for shoreline buffer averaging and common line buffer requirements—see SMP Sections 6.4 and 6.7, respectively. Buffer averaging standards require a no net loss of buffer area and limit reduced portions to retain buffer functions. <p>The view protection common line buffer standards (SMP Section 6.7) are tailored to local conditions and are intended to help protect views of existing shoreline residences and to allow for new homes to have views of the shoreline similar to adjacent residences. This provision is limited to single-family residential uses and only within the Marine Waterfront and Shoreline Residential-Intensive SEDs that represent less than 4% of the County’s shoreline jurisdiction. These two SEDs are substantially developed by existing homes, businesses, roads and/or other associated uses in close proximity to the shoreline and characterized typically by small lots where significant conversion of natural vegetation within 100-feet of the water body has previously occurred. Parcels located in mapped channel migration zones or landslide hazard areas are not eligible for the common line buffer option, and the common line buffer option cannot be used to deviate from SMP wetland buffers. Where there are no adjacent established residences on either side, the shoreline setback line must comply with the applicable SMP standard shoreline buffer width in SMP Section 6.3.</p> <ul style="list-style-type: none"> • Residential structures and outbuildings (e.g., garages) that are a permitted use under both the applicable County zoning regulations |

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| | | | | <p>(Title 33 CCC) and SED (see SMP Section 2.9) are subject to shoreline buffer requirements in Chapter 6.</p> <ul style="list-style-type: none"> Commercial structures and outbuildings (e.g., garages) that would be a permitted use under both the applicable County zoning (Title 33 CCC) and SMP SED regulations (see SMP Section 2.9) are subject to shoreline buffer requirements in Chapter 6. The exception would be for allowed water-dependent/water-related shoreline uses subject to compliance with SMP Section 6.6 and other applicable provisions of the SMP (e.g., Chapter 8, Mitigation and No Net Loss). Most commercial uses in the County’s shoreline jurisdiction will generally be limited to the Marine Waterfront SED where such uses exist and are permitted by zoning such as along areas of the Clallam Bay-Seki Urban Growth Area waterfront. |
| 70. | 6. Shoreline Buffers and Vegetation Conservation | JST | <p>Table 6-2 Critical Area Buffers - Along marine feeder bluff shorelines, in order to 1) provide long-term sediment supply for beaches, spits, and other shoreforms and to 2) protect development from harm, the SMP should:</p> <ul style="list-style-type: none"> Measure buffer widths from the top edge of the bluff; Establish 100-foot minimum buffer width on non-exceptional feeder bluffs; Establish 150-foot minimum buffer width on exceptional feeder bluffs; Increase the buffer width to a minimum width equaling 100 years of the documented bluff retreat rate where documented bluff retreat rates equal or exceed: <ul style="list-style-type: none"> 1-foot per year on non-exceptional feeder bluffs; and 1.5-foot per year on exceptional feeder bluffs. | <ul style="list-style-type: none"> As recommended by the comment, the SMP does measure buffer widths from the top edge of the bluff and establishes a standard buffer width of 100-feet for non-exceptional feeder bluffs and 150-feet for exceptional feeder bluffs—see SMP 7.13.1 and Table 7-7. The SMP provisions for Geotechnical Reports under Section 7.14.7 requires analysis of bluff and slope erosion and recession rates; analysis of bluff slope stability for both existing and developed conditions, including when proposed new development or use would be threatened; and other analysis. The Report must also address buffers and building setbacks. In addition, SMP Section 7.13.7 provides authority for the Administrator to require a Geotechnical Report to determine need for increased buffers for development within 200-feet of exceptional, marine feeder bluffs and other landslide hazard areas. |

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| 71. | 6. Shoreline Buffers and Vegetation Conservation | JST | <p>Table 6-1 Shoreline Buffer Widths by SED - Along non-feeder bluff marine shorelines, in order to conserve ecological functions and values by 1) retaining native vegetation, 2) protecting development from harm, and 3) avoiding the need for new bulkheads, the SMP should:</p> <ul style="list-style-type: none"> • Measure buffer widths from OHWM; • Establish 100-foot minimum buffer width for minor new development; • Establish 150-foot minimum buffer width for major new development. | <p>As recommended by the comment:</p> <ul style="list-style-type: none"> • The SMP measures shoreline buffer widths from the OHWM along non-feeder bluff marine shorelines—see SMP Section 6.3.1. • The SMP establishes buffers of at least 100-feet for minor new development along non-feeder bluff marine shorelines within the Shoreline Residential-Conservancy, Resource Conservancy, or Natural SEDs. Most of Clallam County’s jurisdiction along its Strait of Juan de Fuca shoreline is in one of these three SEDs [SMP Table 6-1]. <p>Standard shoreline buffers less than 100 feet are limited to minor new development within the Marine Waterfront (MWf) and Shoreline Residential-Intensive (SRI) SED. These two SEDs are limited in extent along County marine shorelines and are already characterized by more intensive shoreline development with most portions of the shoreline reach characterized by development significantly closer than 100-feet to the OHWM. The minor new development standard buffers of 50 to 75 feet reflect this existing land use pattern.</p> <ul style="list-style-type: none"> • The majority of County’s marine shoreline jurisdiction establishes a standard shoreline buffer of at least 150-foot width from the OHWM for major new development [SMP Table 6-1]. The exception is for the limited areas of MWf and SRI SEDs in coastal areas that are predominantly characterized with homes, businesses, roads and/or other uses in close proximity to the shoreline and characterized typically by small lots where significant conversion of natural vegetation within 100-feet of the water body has occurred. The major new development standard buffer in the MWf and SRI SED is 100-feet. |

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| 72. | 6. Shoreline Buffers and Vegetation Conservation | JST | <p>Tables 6-1 Shoreline Buffer Widths by SED and Table 6-2 Critical Area Buffers – Along freshwater streams, in order to conserve ecological functions and values by 1) retaining native vegetation, 2) protecting development from harm, and 3) avoiding the need for new bulkheads, the SMP should:</p> <ul style="list-style-type: none"> • Measure buffers from OHWM or from the edge of the CMZ, whichever is further landward; • Establish 200-foot minimum buffer width for ESA critical habitat streams at elevations lower than 2,000’, based on SPTH general average (estimated by reference to a percentage of Snohomish County figures); • Establish 150-foot minimum buffer width for non-ESA critical habitat streams, based on 75% of the SPTH general average. | <ul style="list-style-type: none"> • New development and uses within critical habitat of endangered species are subject to submittal, approval and implementation of a habitat management plan—SMP Sections 7.10.1, 7.11.1, & 8.6. • See also response to Comments #68, 77, 81 and 97 in this table. |
| 73. | 6.3 Regulations – General Shoreline Buffer and Vegetation Requirements | Quileute Tribe | <p>Opposes regulation #2 because it does not require compensatory mitigation for clearing, land disturbance and impervious surface increases for minor new development (single-family residential and low-intensity water-dependent recreation).</p> | <ul style="list-style-type: none"> • Minor new development buffers of 50 to 75-feet are limited to only ~4% of the County’s shoreline jurisdiction where existing vegetated buffers are already generally highly-altered and narrow or non-existent. Where vegetative conditions are degraded, one of the requirements to qualify for the minor new development buffer is enhancement of such conditions (SMP Section 6.3.2). • Minor new development is still subject to SMP policies and regulations for clearing, grading and filling (SMP Section 5.2) and water quality and water management (SMP Section 5.4). • See also response to Comment #77 in this table. |

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| 74. | 6.3 Regulations – General Shoreline Buffer and Vegetation Requirements | Quileute Tribe | Opposes regulation #4 because it does not require compensatory mitigation for lawns substituted for functioning riparian vegetation, unless a designated Critical Area is measurably impacted. The SMP should not allow 20% or any buffer area to be eliminated for any reason. | This shoreline buffer condition standard is intended to protect buffer and ecological functions while also recognizing and allowing for limited use areas (e.g., trails, view corridors) within the buffer that are consistent with SMP Sections 6.5 and 6.6 and other applicable use and development regulations of the SMP. Where such uses are identified as likely having adverse buffer impacts, compensatory mitigation is required (SMP Section 6.5 – 6.6). |
| 75. | 6.3 Regulations – General Shoreline Buffer and Vegetation Requirements | Quileute Tribe | Table 6-1 Shoreline Buffer Widths by SED - Opposes the standard buffer widths as not based on WDFW’s PHS science and site potential tree height (SPTH) management recommendation, and not measured from the CMZ. These widths are inadequate, and 20% the required buffer area will be lost to the Chapter 6.3 allowance. | <ul style="list-style-type: none"> • See response to Comment #68, 74, 77 and 81 in this table. |
| 76. | 6.3 Regulations – General Shoreline Buffer and Vegetation Requirements | Quileute Tribe | Opposes regulation #1 because it measures the buffer distance from OHWM, rather than from the edge of the channel, CMZ, or floodplain, per WDFW’s science & management recommendations, and counter to State forest practices rules that establish riparian management zones measured from ‘bankfull width’ or the CMZ, with the first 50’ as the ‘core zone’. The SMP should establish a minimum default 50-foot buffer from the outer edge of bankfull width or CMZ, whichever is greater. | <ul style="list-style-type: none"> • See response to Comment #97 in this table. |
| 77. | 6.3 Regulations – General Shoreline Buffer and Vegetation Requirements | Futurewise et. al. | Table 6-1 Shoreline Buffer Widths by SED, and Table 6-2 Critical Area Buffers - To protect species such as Chinook salmon and southern resident orcas, to maintain riparian functions, and to ensure NNL of forest cover, the SMP should establish 137-foot stream/river buffers based on SPTH measured from the channel, CMZ or floodplain, per the WDFW PHS science synthesis. | <ul style="list-style-type: none"> • The County’s shoreline jurisdiction includes the 100-year floodplain (SMP Section 1.8.1(e)). • WDFW recommended riparian habitat areas and buffers are based on retaining a full range of habitat functions to support riparian-associated fish and wildlife across at the landscape and watershed scale. This is not possible across the entire landscape due to existing |

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| | | | <p>The SMP should expand shoreline jurisdiction to include the 100-year floodplain.</p> | <p>development and patterns. The SMP as a whole and in combination with the County other development regulations (e.g., zoning) benefit riparian habitat areas by supporting retaining large, contiguous corridors of riparian and upland habitats at the landscape and watershed levels throughout the majority of the shoreline jurisdiction consistent with WDFW recommendations.</p> <ul style="list-style-type: none"> • The SMP standard shoreline buffers substantially meets or exceeds a 137-foot riparian buffer (SMP Section 6.3): <ul style="list-style-type: none"> ○ ~8% of the County’s shoreline jurisdiction is located within the Natural SED that requires standard shoreline buffer widths of at least 175-feet for new development. These shoreline reaches are also predominantly associated with public lands and/or bordered by critical areas (e.g., marine bluffs, ravines, wetlands) that effectively result in undeveloped riparian habitat areas exceeding 200-feet along many of these shoreline reaches. ○ ~65% of the County’s shoreline jurisdiction is located within the Resource Conservancy SEDs that require a standard shoreline buffer width of at least 150-feet, with most reaches (~99%) located within or adjacent to over 630,000 acres of designated and zoned forest lands. These marine, lake and river shoreline reaches are predominantly characterized by large, contiguous tracts of federal, state and private forest lands and undeveloped riparian habitat areas exceeding 200-feet in width in most areas. In 2016, there were only 105 developed residential lots scattered throughout the 630,000 acres of these designated commercial forest (CF) lands. SMP buffer standards and SMP and County use limitations combined with other factors such as predominant large public and private ownerships, forest management, infrastructure limitations (e.g., access, utilities), and environmental constraints (e.g., landslide hazards) will benefit |

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| | | | | <p>retaining riparian habitat areas that meet or exceed WDFW recommendations throughout most of the Resource Conservancy SED.</p> <ul style="list-style-type: none"> ○ ~23% of the County’s shoreline jurisdiction is located within the Shoreline Residential-Conservancy that requires a standard shoreline buffer width of at least 150-feet for major new development (includes new residential land divisions) and 100 to 125-feet for single-family development and low intensity water-dependent recreational use/development that meets the criteria of minor new development (SMP Section 6.3). ○ Only approximately 4% of the County’s shoreline jurisdiction located within the Shoreline Residential-Intensive and Marine Waterfront SEDs allows for buffers between 50 to 100 feet. These shorelines are associated with highly altered riparian areas that are already substantially developed (homes, roads, etc...) and characterized by small lots or otherwise constrained lots where existing vegetated buffers are generally highly-altered or non-existent. |
| 78. | 6.3 Regulations – General Shoreline Buffer and Vegetation Requirements | Futurewise et. al. | Table 6-2 Critical Area Buffers – To better protect development from erosion per WAC 173-26-221(2)(c)(ii)(B), the SMP should establish 150-foot Landslide Hazard Area buffers for all marine bluffs (including ‘feeder bluffs’ and ‘feeder bluffs talus’), not only those that are ‘Feeder Bluff Exceptional’. | <p>Not all marine bluffs are subject to the same erosion and bluff regression rates due to geology, landscape position, height and other factors. The County’s Shoreline Inventory and Characterization Report (ICR) (March 2012) assessed marine bluff physical and bluff erosion characteristics. This analysis was done by Coastal Geological Services (CGS).</p> <p>The County’s bluff assessment resulted in classification of marine feeder bluffs into three categories (exceptional, talus and other feeder bluff) based on erosion, bluff recession and importance to sediment input in the drift cell. Other County marine bluffs are composed of bedrock that are significantly less prone to failure, exhibit significantly slower erosion/bluff regression rates, and have no appreciable contributions of</p> |

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

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| 80. | 6.3 Regulations – General Shoreline Buffer and Vegetation Requirements | Makah Tribe | <p>Opposes the proposed buffer widths as inadequate, and 20% of required buffer area will be lost to the Chapter 6.3 allowance.</p> <p>The SMP should establish:</p> <ul style="list-style-type: none"> • River/stream buffers of 137-feet based on the 200-year SPTH (WDFW-PHS), and measured from the channel, CMZ or floodplain, whichever is greater – not OHWM. • 200-foot minimum buffer width for ESA critical habitat streams. • 150-foot minimum buffer width for non- ESA critical habitat streams. | <ul style="list-style-type: none"> • See response to Comments #68-74, 77 and 81 in this table. |
| 81. | 6.3 Regulations – General Shoreline Buffer and Vegetation Requirements | WDFW | <p>Riparian area protections should include the CMZ and be based on WDFW’s 2018 science synthesis. Strict avoidance of harm within the 200-year SPTH area is not practical across the entire landscape, and should be informed by Best Available Science. The SMP should outline ways which achieve NNL of shoreline and riparian functions within this area while being flexible about how to achieve that.</p> | <p>SMP Section 7.14.10 contains specific CMZ protection standards for channel migration zones (CMZ). The SMP requires that land divisions creating lots for development must demonstrate adequate building envelope (including access and utilities) that is suitable for development outside of landslide hazard areas (includes CMZs).</p> <p>See also response to Comments #2, 68, 70-73, 77, 81, 94 and 97 in this table.</p> |
| 82. | 6.3 Regulations – General Shoreline Buffer and Vegetation Requirements | WDFW | <p>#6. Lake Sutherland Standard Buffer – The 35-foot buffer width may not achieve NNL, based on several factors:</p> <ul style="list-style-type: none"> • Documented presence of federally-listed bull trout, and other species such as kokanee; • Anticipated Lake access for anadromous fish after a pending barrier culvert replacement; • Portions of the shoreline remain well vegetated with intact native buffer, providing valuable fish habitat; <p>The standard shoreline buffer for Lake Sutherland, and other County shorelines, should be consistent with Best Available Science to ensure the SMP meets GMA goals of</p> | <p>The main shoreline use along Lake Sutherland shoreline is single-family residential and associated uses (e.g., docks). The proposed 35 foot shoreline buffer width for Lake Sutherland is the same as the current SMP setback for such uses that has been in place since the mid-1970s. The lake shoreline is relatively densely developed with residences. There is very minimum potential for creation of new waterfront lots along the lake shore under County zoning.</p> <p>The proposed retention of the 35-foot buffer width standard is somewhat wider than the existing setbacks on many of the developed waterfront lots. Based on the County’s shoreline inventory and characterization, most existing home setbacks are narrow (ranging from</p> |

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| | | | No Net Loss. | <p>approximately 0 to 40 feet). Existing vegetated buffers immediately adjacent to the lakeshore are generally highly-altered and narrow or non-existent, so a wider standard buffer requirement would not necessarily result in better ecological functioning.</p> <p>Retaining a 35-foot, standard shoreline buffer width on the Lake Sutherland waterfront for new development and redevelopment will not result in a significant decrease in shoreline vegetation that would result in a net loss of ecological functions.</p> |
| 83. | 6.3 Regulations - General Shoreline Buffers & Vegetation Requirements | Futurewise Supplement | The SMP should establish river/stream buffers of 137 feet, based on the 200-year SPTH calculations of the May 2018 WDFW – PHS <i>Draft Riparian Ecosystems Volume 2: Management Recommendations</i> . This buffer distance should be wider based on soils/growing conditions, and be measured from the channel, CMZ or floodplain, whichever is greater. | <ul style="list-style-type: none"> • See response to Comments #68, 70-73, 77 and 97 in this table. |
| 84. | 6.3 Regulations - General Shoreline Buffers & Vegetation Requirements | Futurewise Supplement | The SMP should establish minimum buffers of 200-feet (or wider) for all water bodies designated as critical habitat for ESA listed species, and 150-feet (or wider) for all streams not designated as such. | <ul style="list-style-type: none"> • See response to Comments #68, 70-73, 77 and 81 in this table. |
| 85. | 6.5 Regulations – Shoreline Buffer Clearing | Quileute Tribe | Supports improved provisions for control of invasive weeds, such as the deletion of former regulation #4 in entirety. | Thank you for the supporting comment. |
| 86. | 6.5 Regulations – Shoreline Buffer Clearing | Quileute Tribe | Supports regulation #3 that limits hazard tree removals in the buffer and requires mitigation. | Thank you for the supporting comment. |

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| 87. | 7.6 Critical Areas Regulations - Wetland Protection Standards | Futurewise et. al. | Supports wetland avoidance criteria to protect wetlands and reduce mitigation costs. | Thank you for the supporting comment. |
| 88. | 7.8 Regulations – Aquatic Habitat Conservation Area Buffers | Quileute Tribe | Table 7-6 Aquatic Habitat Conservation Area Buffers for Type S, F, Np, and Ns Waters – Opposes the standard buffer widths as not based on WDFW’s PHS science and site potential tree height (SPTH) management recommendation, and not measured from the CMZ. These widths are inadequate, and 20% the required buffer area will be lost to the Chapter 6.3 allowance. | <ul style="list-style-type: none"> • See response to Comments #68, 70-72, 74, 77 and 97 in this table. |
| 89. | 7.11 Regulations – Class I and II Terrestrial Habitat Conservation Areas Protection Standards | Futurewise et. al. | <p>Opposes regulation #2 Class II Terrestrial Habitat Conservation Areas based on two problems:</p> <ul style="list-style-type: none"> • it only applies to ‘major new development’ not all development & activities that can harm terrestrial habitat; • requirement for a Habitat Management Plan is at the sole discretion of Administrator with no standards to consider. <p>In order to comply with WAC 173-26-221(2)(a), the SMP should require protection for all priority species and habitats and Class II terrestrial habitat conservation areas, not allow case-by-case administrative decisions</p> | <p>In addition to the requirements in SMP Section 7.11.2, the SMP as a whole helps protect Class II habitat conservation areas. For example:</p> <ul style="list-style-type: none"> • Use limitations within the Aquatic SED. • Only approximately 4% of the County’s shoreline areas subject to the SMP associated with the Shoreline Residential-Intensive and Marine Waterfront SEDs allow for more intensive residential or mixed use developments. These areas are already substantially developed with homes, businesses, roads and other uses in the shoreline jurisdiction. • SMP and zoning use limitations, public land ownership, and land management (e.g., forestry, conservation) associated with the |

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| | | | without any criteria. | <p>Resource Conservancy and Natural SEDs that cover approximately 73% of County’s shoreline jurisdiction.</p> <ul style="list-style-type: none"> • Required shoreline and critical area buffers in SMP Chapters 6 and 7 that also help to protect habitat and fish and wildlife corridors associated with Class II habitats. • Protected critical areas (e.g., wetlands, marine bluffs) in Chapter 7 are also priority habitats. |
| 90. | 7.12 Regulations – Geologically Hazardous Areas Designation, Classification, and Mapping | Futurewise et. al. | <p>Regulation #4. Classification - Seismic Hazard Areas – While noted in the first clause, the SMP should include the following as listed classifications for designation as a seismic hazard area:</p> <ul style="list-style-type: none"> • tsunami hazard areas, as mapped by the State or County; and • liquefaction susceptibility/site class, as mapped by WA DNR. <p>Liquefaction - The SMP should designate liquefaction susceptibility areas classified as “moderate,” “moderate to high,” “high,” and “peat deposit” as geological hazards.</p> <p>Shaking – The SMP should designate areas classified as site class “D,” “D to E,” “E,” and “F” as geological hazards.</p> | <p>All of Clallam County is at risk to earthquakes and related seismic hazards. Structures in seismic hazards must conform to applicable analysis and design criteria of the state and county building codes. The SMP further classifies and designates seismic hazards under SMP Section 7.12.4 and also contains additional protection standards under SMP Section 7.14(3,9) related to development within seismic hazard areas.</p> <p>Under the SMP, only a limited area of coastal shoreline reaches along the Strait of Juan de Fuca associated with the Shoreline Residential-Intensive and Marine Waterfront SEDs allows for new more intensive development and infill (SMP Shoreline Maps, Exhibit A). These shoreline areas are already substantially developed with homes, businesses, roads and/or other uses.</p> <p>The rest of the coastal areas along the Straits are in the Natural SED (~8%) or one of two conservancy SEDs—Resource Conservancy (~65%) and Shoreline Residential Conservancy (~23%)—where the SMP and other County land use regulations (zoning, critical areas) limit new development types and densities in these shoreline areas.</p> <p>See also response to Comment #91 below in this table.</p> |

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| 91. | 7.12 Regulations – Geologically Hazardous Areas Designation, Classification, and Mapping | Futurewise et. al. | <p>To better protect people and property from tsunami hazards, the SMP should establish these specific standards:</p> <ul style="list-style-type: none"> • Avoid new development in tsunami hazard areas. Where a site is large enough to develop outside of a tsunami hazard, development within the tsunami hazard should be prohibited. Prohibiting development in tsunami hazard areas is the safest approach. • If a part of the site has a lower tsunami risk, development should be clustered on that part of the site. • Where tsunami hazard areas are outside cities and limited areas of more intense rural development, zone them for low density uses such as one dwelling unit per 10 acres. • Where developments are allowed in tsunami hazard areas, require an evaluation to determine if a tsunami resistant structure can be required to allow residents, customers, and employees to shelter in place. • Locate and configure new development that occurs in tsunami run-up areas to minimize future tsunami losses. • Require subdivisions, commercial, and recreational uses to prepare and maintain an evacuation plan including evacuation routes and provide for warnings and training for employees, residents, and those who will use the development on when and how to evacuate. These evacuation plans should be reviewed by the county for effectiveness and consistency with the community evacuation plans. | <ul style="list-style-type: none"> • All Clallam County coastal areas are at risk from tsunamis. One of the County’s SMP Goals is to increase public awareness of tsunami hazard areas and evacuation route maps available for County coastal areas (SMP Section 1.5.14). Tsunami evacuation maps are currently available on the County’s Emergency Management Web Page at: http://www.clallam.net/Maps/evacuation.html • All shorelands along the County’s Pacific Coast shoreline that are especially vulnerable to Tsunami risk are located within Olympic National Park or on Tribal Reservations/Trust land and not subject to the SMP. • See also response to Comment #90 above in this table. |

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| 92. | 7.13 Regulations – Geologically Hazardous Area Buffers | Futurewise et. al. | Table 7-7 Landslide Hazard Areas Standard Buffers – Same as 6.3 Table 6-2 comment above; To better protect development from erosion per WAC 173-26-221(2)(c)(ii)(B), the SMP should establish 150-foot Landslide Hazard Area buffers for all marine bluffs (including ‘feeder bluffs’ and ‘feeder bluffs talus’), not only those that are ‘Feeder Bluff Exceptional’. | See response to Comment #78 in this table. |
| 93. | 7.13 Regulations – Geologically Hazardous Area Buffers | Quileute Tribe | Supports regulation #6 that limits hazard tree removals in landslide hazard areas and requires mitigation. | Thank you for the supporting comment. |
| 94. | 7.14 Critical Area Regulations – Geologically Hazardous Areas Protection Standards | JST | #10. Channel Migration Zone Protection Standards – This provision includes only a single method for establishing a CMZ buffer by administrative decision at the end of a tortuous CMZ checklist and assessment report process; this approach is inadequate for conserving crucial vegetation that may soon be standing on the edge of a river. | <ul style="list-style-type: none"> • The limitations of existing CMZ maps for regulating development in the shoreline jurisdiction was a significant issue of review and deliberations throughout the County’s SMP process. For example, the application of Ecology’s generalized CMZ maps for prohibiting development in CZMs or for relying solely on them to require a landowner to hire consultants to perform CMZ assessment was a major concern especially related to the mapping for west-end rivers. The CMZ standards and assessment process in SMP Section 7.14.10 were adopted by the County as the preferred approach given the limitations of existing CMZ mapping. These standards were tailored based on an approach suggested by Ecology taken from another jurisdiction that had similar generalized CMZ mapping. • See also response to Comment #97 in this table. |
| 95. | 7.14 Geologically Hazardous Areas | Schroman-Wawrin, Lindsey | The SMP should prohibit development in locations at risk for geological hazards such as tsunamis, landslides, flooding, and seismic soils. | <ul style="list-style-type: none"> • SMP critical area regulations in Sections 7.12-7.14 protect landslide hazard areas. Shoreline use and development (e.g., residential) are directed away from landslide hazard areas and associated protective buffers (see Section 7.13.1). • All of Clallam County is at risk to earthquakes and seismic hazards. |

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| | | | | <p>Structures in seismic hazards must conform to applicable analysis and design criteria of the state and county building codes. The SMP contains additional protection standards under SMP Section 7.14(3,9) related to development within seismic hazard areas.</p> <ul style="list-style-type: none"> • The SMP limits new development within 100-year floodplain areas (e.g., SMP Chapter 6, SMP Sections 7.15, 7.16), including shoreline buffers (SMP Chapter 6) and associated floodplain wetlands and buffers (SMP Section 7.5). Floodplain development must also comply with building code flood construction standards (SMP 7.16.1). • Proposed land divisions to create new lots must demonstrate adequate building area (including access and utilities) suitable for development outside of 100-year floodplain, landslide hazards, aquatic areas, wetlands and their associated buffer areas (SMP 7.3.8). • See also response to Comments # 90 and 91 in this table. |
| 96. | 7.14 Geologically Hazardous Areas | Schroman-Wawrin, Lindsey | The SMP should provide financing mechanisms to purchase properties in those locations. | The SMP recognizes that its goals/policies that encourage and direct development away from hazardous areas will need to be achieved thru a combination of regulatory and non-regulatory (e.g., acquisition) means (SMP Section 1.13.2). |
| 97. | 7.14 Regulations – Geologically Hazardous Areas Protection Standards | Quileute Tribe | Supports the CMZ Protection Standards regulation #10(e) because it prohibits or limits activities within a CMZ that would likely be at risk of channel migration, require shoreline stabilization, or interrupt the channel migration process. However Chapter 6.3 establishes buffers are measured from OHWM not the CMZ, counter to State forest practices rules that establish riparian management zones measured from ‘bankfull width’ or the CMZ. | <ul style="list-style-type: none"> • Currently available stream channel migration assessments and related CMZ mapping by Ecology and others to support the County’s SMP update are recognized as potential channel migration zones (pCMZ). These maps are general, coarse-scale assessments that are intended to be used for planning purposes and to act as guidance for where more detailed studies may be needed. According to Ecology the pCMZ maps do not provide adequate level of detail at the parcel scale for most project/permitting purposes. • The SMA and state SMP Guidelines do not require establishing a buffer from the edge of the CMZ. In fact, it would not be appropriate to require a buffer based on current pCMZ maps and related |

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| | | | | <p>assessment at the project site scale due to their generalized nature.</p> <ul style="list-style-type: none"> • The pCMZ maps include an “erosion hazard buffer” factor to account for potential future mitigation areas based on soil erodibility, channel meander geometry, and topography near the stream. For example, on the Ecology pCMZ maps the erosion hazard area buffer that is part of the CMZ outer boundary includes one channel width for entrenched streams, 50 to 100% of the width of the meander amplitude, and other factors. • SMP Section 7.14.10, Channel Migration Zone Protection Standards, establishes criteria for when a CMZ site assessment is required. Based on the results and recommendations of a CMZ site assessment or a habitat management plan (SMP Sections 7.11 and 8.6) a buffer from the edge of a field delineated CMZ edge may be required (SMP Section 7.14.10(e)). Based on existing CMZ data and mapping, Ecology has previously indicated that this approach is reasonable and acceptable. • Other provisions of the SMP and underlying zoning will preclude or limit new development within the CMZs. For example: <ul style="list-style-type: none"> ○ Only approximately 4% of the County’s shoreline areas subject to the SMP associated with the Shoreline Residential-Intensive and Marine Waterfront SEDs allow for more intensive residential or mixed use developments. These areas are already substantially developed with homes, businesses, roads and other uses in the shoreline jurisdiction. Many of these areas are associated with developed marine or lake shorelines and not within potential CMZs. ○ The other ~96% of the shoreline jurisdiction is in the Natural SED (~8%) or one of two conservancy SEDs—Resource Conservancy (~65%) and Shoreline Residential Conservancy (~23%)—where the SMP and other County land use regulations (zoning, critical |

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| | | | | <p>areas) limit new development and uses in shoreline areas. This is especially the case within the Resource Conservancy and Natural SEDs covering ~73% of County SEDs that are predominantly undeveloped and the combination of County SMP and zoning regulations, public land ownership, and predominant large private land ownerships and management (e.g., forestry, conservation) will limit future new development in potential CMZ areas.</p> <ul style="list-style-type: none"> ○ Proposed land divisions to create new lots must demonstrate adequate building area (including access and utilities) suitable for development outside of 100-year floodplain, landslide hazards, aquatic areas, wetlands and their associated buffer areas (SMP 7.3.8). <p>• See also response to Comment #94 in this table.</p> |
| 98. | 7.14 Regulations – Geologically Hazardous Areas Protection Standards | Futurewise et. al. | Supports measures to prevent development of landslide hazards, buffers, and runout areas, especially regulation #7(s)(i) Geotechnical Report (non CMZ) Site Plan requirement to identify “The type and extent of geologic hazard areas, any other critical areas, and buffers on, adjacent to, or that are likely to impact or influence the proposal or be influenced by the proposal, including properties and critical areas upslope and downslope of the subject site”. | Thank you for the supporting comment. |
| 99. | 7.14 Regulations – Geologically Hazardous Areas Protection Standards | Futurewise et. al. | <p>Table 7-7 Landslide Hazard Areas Standard Buffers - Because the 50-foot standard buffer for ‘Other Landslide Hazard Area (non CMZ) may not be adequate to protect & property, the SMP should require site-specific identification of:</p> <ul style="list-style-type: none"> • landslide top of slope; • slope faces subject to failure and sliding; • toe of slope areas subject to impact from down | Landslide hazard area minimum standard buffer widths range from 50 to 150-feet and are from the top, toe and all edges of hazard areas (SMP Section 7.13.1). In addition, SMP Section 7.13.7 requires a geotechnical report be prepared within 200-feet of highly-erosive, feeder bluff exceptional and other landslide hazard areas based on site conditions. SMP Section 7.14.7 contains the minimum geotechnical report contents and includes addressing these site-specific issues noted in the comment and recommending minimum buffer and building |

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| | | | slope run-out; and <ul style="list-style-type: none"> • buffers for areas subject to landslide hazards. And construction should be prohibited in these areas. | setback areas. See also response to Comment #78 in this table. |
| 100. | 7.14 Regulations – Geologically Hazardous Areas Protection Standards | Futurewise et. al. | Regulation #10 CMZ Protection Standards – Effective channel migration evaluation requires time scales of at least 50 years so relying on such recent photos is too short a time period; Proposed text revisions: <ul style="list-style-type: none"> • (b)(iii) “Review whether any significant channel movement has occurred between available County aerial orthophoto data layers since Year 2000.” • (c)(ii) “The proposed use or development site has minimal risk of channel migration as indicated by the existing channel type, land cover (and low likelihood of future alterations in land cover); surficial geology, low soil erosion potential; lack of evidence of likely avulsion pathways (including areas upstream of, but proximate to, the site); low inundation frequency(ies); whether channel movement has occurred between <u>an aerial photo series spanning at least 50 years</u>; and other available information...” Opposes 100-year assumption for single-family homes; Proposed text revision: <ul style="list-style-type: none"> • “(c)(ii) “...The determination of minimal risk shall also consider the typical lifespan of the proposed use and development (e.g., 100 years for a single family home)...” | Agree that review of only aerial photos since the Year 2000 is too limiting if earlier aerial photos exist for the subject property(s). Support revisions as follows: <p>7.14.10(b)(iii): <u>“Review whether any significant channel movement has occurred between available County aerial orthophoto data layers since Year 2000 photo series spanning at least 50 years where available.”</u></p> <p>7.14.10(c)(ii): “The proposed use or development site has minimal risk of channel migration as indicated by the existing channel type, land cover (and low likelihood of future alterations in land cover); surficial geology, low soil erosion potential; lack of evidence of likely avulsion pathways (including areas upstream of, but proximate to, the site); low inundation frequency(ies); whether channel movement has occurred between <u>an aerial photo series spanning at least 50 years where available</u>; and other available information...”</p> The County supports retaining current language that is requested to be revised in sub-part (c) (ii) that the typical lifespan of a proposed use be a factor in the CZM assessment of risk. See also response to Comments #94 and 97 in this table. |
| 101. | 7.17 Regulations – Critical Aquifer Recharge Areas | Futurewise et. al. | Proposed regulations fail to protect aquifers from saltwater intrusion, to meet NNL, and to protect existing ecological functions and ecosystem-wide processes. The SMP should designate areas susceptible to saltwater | The report referenced is titled: Seawater Intrusion Control in Coastal Washington: Department of Ecology Policy and Practice, Tibbot, 1992. The Report prepared for the U.S. Environmental Protection Agency notes that all Washington State coastal areas are prone to seawater |

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

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| | | | <p>process, straining already thin resources, and 4) will make monitoring, adaptive management, and tracking of NNL more difficult and expensive.</p> | <p>procedures are covered in Chapter 10 of the SMP.</p> <p>Mitigation plans that the Administrator will review must be prepared by qualified professionals (SMP Regulation 8.3.8) and address the applicable requirements in SMP Sections 8.3 thru 8.8 as well as applicable protection standards in the SMP. In addition, development within and near landslide hazard areas is subject to Geotechnical Report (SMP Section 7.14.7); Channel Migration Assessments are to be prepared by qualified professionals (SMP Section 7.14.10); and Cultural Resource Site Assessments are to be prepared by professional archaeologist (SMP Section 5.5.2). See SMP definitions for 11.31, professional archeologist; 11.260, qualified professional or qualified consultant; and 11.261, qualified geotechnical engineer.</p> <p>Project specific mitigation monitoring where required is addressed under SMP Section 8.4. The SMP includes policies related to monitoring gains and losses of shoreline functions based on specific indicators where baseline levels are documented in the County’s 2012 Shoreline Inventory and Characterization Report (e.g., see SMP Policy 8.2.3). One monitoring tool (see SMP Policy 8.2.4) is to identify and track the implications of new shoreline use/development on ecological functions and processes at the shoreline reach and watershed scales based on the Shoreline Checklist & Statement of Exemption Form found under Exhibit B of the SMP. Evaluating overall gains and losses of shoreline ecological functions would also be part of periodic updates of the SMP.</p> |
| 103. | 8.3 Regulations – General Mitigation Requirements | Futurewise et. al. | <p>Opposes regulation #3 because it doesn’t require mitigation for adverse impacts to sediment transport or to functions damaged by loss of vegetation outside critical areas and buffers; and does not require mitigation for damage that cannot be quantified or for cumulative impacts.</p> <p>Proposed text revisions:</p> <ul style="list-style-type: none"> • #3(b) “Result in measurable damage, loss and/or | <p>Support amending as follows:</p> <ul style="list-style-type: none"> • #3(b) “Result in measurable damage <u>adverse impacts</u>, loss and/or displacement of <u>shoreline ecological functions including</u> a wetland, aquatic habitat conservation area, terrestrial habitat conservation area, flood storage or conveyance area, or critical aquifer recharge area, <u>or geologic and hydraulic processes...</u>” • #3(c) “Result in measurable damage <u>adverse impacts</u>, loss and/or displacement of kelp beds, eelgrass beds...” |

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| | | | <p>displacement of <u>shoreline ecological functions</u> including a wetland, aquatic habitat conservation area, terrestrial habitat conservation area, flood storage or conveyance area, or critical aquifer recharge area, <u>or geologic and hydraulic processes...</u></p> <ul style="list-style-type: none"> • #3(c) "Result in measurable damage, loss and/or displacement of kelp beds, eelgrass beds..." | <p>Retaining the term "measurable" is appropriate. Support adding term "adverse impact" as shown above to clarify intent and address comment. Adverse impact is defined under SMP 11.11 as well as the term "substantially degrade" (see SMP 11.328) that is part of the definition of "adverse impacts."</p> |
| 104. | 8.3 Regulations – General Mitigation Requirements | Quileute Tribe | <p>Opposes regulation #3 because it does not require compensatory mitigation for use and development that "conform to one or more of the dimensional requirements, performance standards, and/or design criteria in the SMP"</p> | <p>Compensatory mitigation is not required for every new development or use in the shoreline jurisdiction. It is required where unavoidable adverse impacts occur that will result in a net loss of shoreline ecological functions. Where the SMP allows for a new development or use to occur within the applicable SED, SMP requirements and standards (e.g., buffers) as a whole are intended to avoid a net loss of shoreline ecological functions. See also response to Comments #21, 23 and 25 in this table.</p> |
| 105. | 8.3 Regulations – General Mitigation Requirements | Quileute Tribe | <p>Supports regulation #8(b) because it requires mitigation plans to consider the guidance of WDFW's PHS management recommendations in order to protect wildlife habitat conservation areas; but the SMP should require compliance with these recommendations.</p> | <p>Consideration and of WDFW PHS management recommendations and guidelines in preparation of mitigation plans by qualified professionals is appropriate. The WDFW PHS guidance does not provide for a bright line mitigation approach applicable to all types of projects and site conditions. It is also not practical to fully implement PHS riparian recommendations the same across the entire landscape given the varied nature of existing development patterns along shorelines.</p> <p>See also response to Comment #77 in this table.</p> |
| 106. | 8.3 Regulations – General Mitigation Requirements | Makah Tribe | <p>Opposes regulation #3 because it does not require compensatory mitigation for use and development that "conform to one or more of the dimensional requirements, performance standards, and/or design criteria in the SMP"</p> | <p>See response to Comments #21, 23 and 104 in this table.</p> |

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| 107. | 8.4 Regulations - Compensatory Mitigation Plan Contents | Quileute Tribe | Supports improved provisions for control of invasive weeds, such as regulations: #1(a)(ii) that requires an invasive plant inventory for the mitigation site; #1(c) that requires measures for removal invasive plants as a performance standard; #1(d) that requires detailed construction plans including the source of plant materials, propagules, or seeds; and #1(e)(i) that requires tracking invasive plant species as part of a monitoring program. | Thank you for the supporting comment. |
| 108. | 8.4 Regulations - Compensatory Mitigation Plan Contents | Quileute Tribe | Supports regulations #1(f) and (h) that strengthen mitigation site monitoring requirements and prohibit premature release of mitigation performance bonds. | Thank you for the supporting comment. |
| 109. | 8.4 Regulations - Compensatory Mitigation Plan Contents | Makah Tribe | Supports the improvements made regarding invasive weeds, requiring that mitigation projects include invasive plant inventory, removal and monitoring. | Thank you for the supporting comment. |
| 110. | 8.4 Regulations - Compensatory Mitigation Plan Contents | Makah Tribe | Supports requiring monitoring of mitigation sites and prohibiting mitigation performance bonds from being released prematurely. | Thank you for the supporting comment. |
| 111. | 10. 1 Administrative Authority and Responsibility | Quileute Tribe | Supports provision #1(l) that authorizes County staff to research the state HWS and PRISM databases to identify and avoid potential conflicts with restoration projects. | Thank you for the supporting comment. |
| 112. | 10.3.0 Minimum Permit Application Requirements | Quileute Tribe | Supports requirement #1(m) that applicant must identify potential conflicts with proposed, in-progress, or completed restoration efforts at/near the project site. | Thank you for the supporting comment. |

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

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

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

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| 123. | CIA-NNL Report | Futurewise et. al. | The report’s conclusion that “SMP provides reasonable assurances that there will be only a few areas that would experience forest cover loss outside of required buffer areas ...” at page 179 does not reflect the analysis for forest cover loss on pages 133 through 45. And Chapter 8.3 3 does not require mitigation for the loss of forest cover or the development of impervious surfaces outside buffers and critical areas. The SMP buffers widths need to be corrected to maintain shoreline vegetation ecological functions. | <ul style="list-style-type: none"> • See response to Comments #20 – 23, 25, and 122 related to NNL in this table. • See response to Comments #68-84 related to shoreline buffers. |
| 124. | CIA-NNL Report | Quileute Tribe | <p>This report was completed more than a year prior to the County’s local approval of the SMP and seems to be based on a presumption that whatever policies and regulations the County might ultimately adopt will be sufficient to avoid cumulative impacts and achieve NNL, rather than be based on an analysis of the policies and regulations actually adopted. Ecology should perform an independent analysis of the adequacy of the proposed buffers. This report has the following deficiencies:</p> <ul style="list-style-type: none"> • 1.2 Scope of the Analysis notes each project must mitigate adverse effects, including replacement of damaged resources through compensatory efforts, but fails to note that SMP 8.3 Regulations – General Mitigation Requirements #3 does not require compensatory mitigation for each project and waives the requirement for certain uses & development; • Does not include any independent analysis of the final proposed buffers or the cumulative impacts to riparian functions; • Does not address the cumulative impacts and loss of ecological function that will occur when streams/rivers | <ul style="list-style-type: none"> • The Final Cumulative Impacts Analysis and No Net Loss (CIA/NNL) Report (June 2017) for the County SMP Update was prepared by Environmental Science Associates (ESA) with support from Kramer Consulting, Coastal Geologic Services, and others. • See also response to Comments #20 – 23, 25 and 122 related to NNL in this table. • See also response to Comment #97 related to CMZ buffers in this table. |

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| | | | <p>migrate to the edge of the CMZ with no buffer in place;</p> <ul style="list-style-type: none"> • Does not assess the cumulative impacts or loss of function due to SMP's failure to address climate change; • It is unclear if/how the cumulative impacts and loss of function related to buffer clearing are assessed; • Does not explicitly identify its assumptions. | |
| 125. | CIA-NNL Report | Quileute Tribe | <p>5.2 Potential for New Development in WRIA 20 – For the nine (9) analysis areas with the highest potential for development, the report lists ‘potential impacts associated with anticipated development’ and ‘necessary restoration activities to account for potential impacts’, but fails to clarify if the impacts are pre- or post-mitigation, and fails to <i>require</i> the necessary activities; this will result in cumulative impacts and net loss of shoreline ecological functions. The SMP should require each & every project use the mitigation sequence to achieve NNL, and require all the ‘necessary activities’ be implemented.</p> | See response to Comments #21, 23, 25 and 122 in this table. |
| 126. | CIA-NNL Report | Quileute Tribe | <p>The report does not include analysis of cumulative impacts and net loss of riparian function that might result from the Administrator’s failure to exercise discretionary authorities under 7.14(10)(e) to require buffers from the edge of the CMZ.</p> | See response to Comments #94 and 97 in this table. |

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

*See original comment submittal for complete verbiage.

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

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

*See original comment submittal for complete verbiage.

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| | | | | seeking additional funding for completing the Dungeness River Floodplain Restoration and Levee Setback project in partnership with Tribes, state agencies and others. |
| 131. | Restoration Plan | Quileute Tribe | <p>The Plan does a good job of identifying restoration goals and activities and the many entities working to restore habitat and shoreline ecological functions. But, except for a stated intention to implement at least one restoration project within the first five years, all the other activities are voluntary.</p> <p>The Plan fails to meet the requirements of WAC 173-26-201(2)(f):</p> <ul style="list-style-type: none"> • identify restoration projects that are reasonably assured of being implemented; • identify prospective funding to ensure the identified projects and programs will be implemented; and • provide timelines and benchmarks for implementation to achieve local restoration goals. <p>The Quileute Tribe strongly encourages the County to make binding commitments of staff and resources, including dedicated funding, to implement the Restoration Plan in support of the SMP.</p> | See response to Comment #130 in this table. |
| 132. | Restoration Plan | Makah Tribe | <p>The Plan identifies the restoration goals and activities but nearly all of these restoration goals are voluntary.</p> <p>The SMP should establish binding commitments to implement restoration projects and programs.</p> <p>The Plan fails to identify restoration projects that are reasonably assured of being implemented per WAC 173-26-201(2)(f).</p> | See response to Comment #130 in this table. |

*See original comment submittal for complete verbiage.

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