

## **ATTACHMENT D - SUMMARY OF PUBLIC COMMENTS & GRAYS HARBOR COUNTY RESPONSE**

Grays Harbor County (County) adopted Resolution No. 2018-034 on April 9, 2018 authorizing submittal of the updated Shoreline Master Program (SMP) to the Department of Ecology (Ecology) for review. The County formally submitted the updated SMP to Ecology in September 2018 and it was determined to be complete by Ecology in a letter dated October 9, 2018.<sup>1</sup> Ecology accepted public comments on the updated SMP between October 29 and December 3, 2018. Notice of the comment period was provided to individuals listed as state, regional or local interested parties. Ecology received written comments from three individuals or organizations as summarized in Table 1.

Table 2 provides a summary of issues raised during the comment period and the County's response, pursuant to WAC 173-26-120(6).<sup>2</sup>

**Table 1** (below) lists all the individuals or organizations that provided comment and reference to each particular topic/issue as summarized in Table 3 beginning on page 8.

COMMENT NO.	ORGANIZATION - COMMENTER NAME (DATE RECEIVED)
1.	Randy Dutton, 11/5/2018
2.	Friends of Grays Harbor (FOGH), Futurewise, & Surfrider Foundation (FOGH et. al.), 12/3/2018
3.	Quinault Indian Nation, 12/3/2018

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<sup>1</sup> Materials were initially submitted September 17, 2018 with additional materials received October 5, 2018.

<sup>2</sup> Copies of the comment letters were transmitted to the County on December 4, 2018. Attachments to the FOGH et. al. letter were not forwarded as the County confirmed they were sent a copy of all the attachments. Nearly all these documents are referenced in the footnotes of the letter and accessible via hyperlinks. The index of files on the CDs and one referenced report were included in the transmittal of Ecology's comment summary to the County.

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The statements below are not the opinions or comments of Ecology, but rather a summary of comments received during the State public comment period. Some comments have been paraphrased and grouped by topic.

TABLE 2: COMMENT SUMMARY/RESPONSE TABLE				
LINE	COMMENT TOPIC	COMMENTS	COMMENT SUMMARY	GRAYS HARBOR COUNTY RESPONSE <sup>3</sup>
<b>General Comments</b>				
A-1	Tsunami hazards	Dutton	Tsunami hazards in Grays Harbor County are significant and could result in large scale impacts to people, property and the environment, including major fuel and chemical spills. The commenter suggests mitigating the hazard by installing a continuous geotextile tube barrier along the high dune line extending from a spot south of Ocean City down to Grayland. Included is a suggestion to raise the south jetty.	Grays Harbor County appreciates Mr. Dutton's comments and concerns. The continuous geotextile tube barrier that he outlines is a project that could be proposed in the shoreline environment if funding were available. Specific projects are not contemplated by the Shoreline Master Program Guidelines which are binding state agency rules to which the update must comply.
A-2	SMP update	FOGH et al.	The letter expresses strong support for the updated SMP and provides suggestions for improvement.	
A-3	Public Participation	FOGH et al.	Concern is expressed over the lack of public participation in the past nine months, specifically as this relates to the incorporation of the current Critical Areas Ordinance (CAO) into the SMP rather than the updated CAO. There has been significant work done updating the CAO but the County appears to be relying on the current CAO for the SMP without public involvement in the decision.	On February 6, 2018 the GHC Planning Commission held a public hearing of Case 2017-0400, in order to make a decision to forward the draft 2018 CAPO update to the Board of County Commissioners. A member of the public raised concerns about the effect that a proposed increase in the buffer width to certain Category III wetlands would have on development. The Planning Commission voted to continue the hearing as staff sought further guidance from ECY. The hearing was re-convened on October 9, 2018 with the ECY July 2018 Modifications for Habitat Score Ranges incorporated into the draft. The decision to circulate the Shoreline Update with the current Critical Area Protection Ordinances (CAPO) reference was made in order to prevent further delay in adopting the SMP update. The SMP will be amended to reference the 2018 CAPO update once that document is adopted.
A-4	Sea Level Rise and coastal erosion	FOGH et al.	During the update, the Shoreline Planning Committee agreed the potential impacts of sea level rise (SLR) are a serious concern and incorporated language into the SMP. The intent for including SLR into the SMP "is to ensure that	Grays Harbor County Commissioners determined that the terms "flood events", "past flood events", "tidal influences" "storm events" and "coastal flooding" to be adequate at this time. Staff anticipates model ordinance

<sup>3</sup> Where the County provided suggested language in their response to comment, Ecology reviewed the proposed language against the language in the locally adopted SMP and revised the underline/strikeout, where necessary, to accurately reflect the proposed changes.

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			<p>planners and developers are using the latest science to avoid developing is areas that will see regular flooding in the coming decades.”</p> <p>All the relevant policies in the current draft SMP have been revised to either replace the use of SLR with weaker language (e.g. ‘flood events’, ‘tidal influences’) or removed all together. “Flood events” does not convey the increasing threat of future coastal flooding. It’s recommended that all the previous references to sea level rise be included in the SMP.</p>	<p><i>guidance with actionable standards for both policy and regulation to be available from Ecology in the near term with likely best available science based on the <u>Projected Sea Level Rise in Washington State – A 2018 Assessment</u> and its appendices.</i></p>
A-5	Climate change and Sea Level Rise	QIN	Climate change and SLR are not discussed at all in the SMP and is a major oversight and missed opportunity. Failure to plan for this jeopardizes structures built too close to the shoreline.	See response to A-4
A-6	SLR, Floodplains, CMZs	QIN	Altered weather patterns are resulting in increased flood flows and higher floods. The SMP should better balance between development needs and protecting shoreline floodplain areas. QIN believes there are some sensitive areas such as floodplains, CMZs and areas predicted for SLR where development should be prohibited for human safety and environmental protection.	See response to A-4
A-7	Consistency with the Shoreline Management Act (SMA)	QIN	<p>The QIN February 2017 letter<sup>4</sup> to the County includes key recommendations for inclusion into the SMP. The County’s proposed SMP falls short and could be improved to provide clarity and consistency with the SMA.</p> <p>The QIN request Ecology not approve the SMP until these issues are resolved between the QIN and the County.</p>	<p><i>Grays Harbor County responded in detail to QIN’s February 22, 2017 comment letter with a letter and technical response dated June 5, 2017. This letter is appended here for reference as it makes detailed, SMP Guidelines-based responses to many of the concerns expressed in the December 3, 2018 letter.</i></p>

<sup>4</sup> The 2017 referenced letter was enclosed with the QIN comment letter received by Ecology. This letter is not summarized in this Comment Summary table but the County’s appended response is included with Ecology’s formal approval document as Attachment E.

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A-8	QIN Treaty Interests	QIN	<p>“Treaty rights are not granted to tribes, but rather are “grants of rights from them – a reservation of those not granted.” It is these Treaty rights, and the QIN’s inherent sovereign authority to regulate its people and its lands within the Reservation that provide the basis of [the Tribe’s] interests in the GHC SMP and its impact to [QIN] rights and interests on- and off-Reservation.”</p>	<p><i>Grays Harbor County SMP jurisdiction does not apply to “Lands held in trust by the United States for Indian Nations, tribal governments, or individuals.” This includes that area of Lake Quinault waterward of the ordinary high water mark. As noted in the June 5, 2017 response to QIN’s February 22, 2017 comment letter, “jurisdiction of the Quinault Indian Nation through the Treaty of Olympia has always been recognized by Grays Harbor County, which can be verified by reviewing the county’s code regarding critical area protection.”</i></p> <p>...</p> <p><i>“There are other more nuanced exclusions to the county’s SMA jurisdiction that need to be recognized, especially to lands under US Forest Service and Olympic National Park. These are of special interest to the Nation given their proximity to Lake Quinault.”</i></p> <p><i>“For federal lands under US Forest Service jurisdiction, state rules require the county to assign a shoreline environment designation to those shorelines that fall under the oversight of the SMA. These designations essentially become effective only when there is a transfer of land ownership from the federal government to another entity. Such land transfers do occasionally happen, although such a transfer along the south shore of Lake Quinault is highly unlikely. The only time the county could theoretically exert SMP jurisdiction along the south shore would be for a nonfederal development action occurring on US Forest Service lands that required a county shoreline permit. The county has yet to encounter such a situation and does not anticipate one in the future.</i></p> <p><i>The State of Washington ceded exclusive jurisdiction within the boundaries of the Olympic National Park under RCW 37.08.210 with limited exceptions. Building, environmental health, and land use regulations are not included within these exceptions. Therefore, the county has no authority to regulate any shoreline development within the boundaries of the park, including private inholdings. While the county may consult with the Olympic National Park on such matters, the park is under no obligation to do more than listen.”</i></p>

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A-9	Lake Quinault	QIN	<p>QIN has several concerns about land uses within and surrounding Lake Quinault. The bed of the lake to the Ordinary High Water Mark (OHWM) is held in trust by the U.S. for the QIN. The lake is an important cultural and economic resource.</p> <p>Comments express concern over exemptions for single family residences and residential docks while the QIN has imposed a moratorium on new docks on the Lake. The SMP should clearly state that the County does not have any authority to permit docks or other structures below the OHWM of the lake.</p> <p>QIN is also concerned that increased residential development will result in eutrophication and harmful cyanobacterial blooms which will jeopardize sockeye habitat and productivity.</p> <p>QIN requests prohibition of forest practice and mining activities surrounding the lake within county jurisdiction.</p>	<p><i>As Grays Harbor County asserts no jurisdiction to the area of Lake Quinault waterward of the ordinary high water mark it would not authorize or be in a position to authorize a dock which is clearly waterward of OHWM. As a means to underscore this to the public Grays Harbor County proposes to add a footnote Table 2 to the Coastal Community and Shoreline Residential Environment Designations to clarify that uses allowed in these environments below Ordinary High Water at Lake Quinault are completely within the jurisdiction of the Quinault Indian Nation and will not be authorized by Grays Harbor County.</i></p>
A-10	No Net Loss	QIN	<p>QIN is skeptical that a no net loss standard can be met by the SMP as written. It does no more than suggest avoiding areas. Due to the cumulative effects of shoreline bulkheads (particularly on Lake Quinault), they should not be exempt, nor should activities within the 100-year floodplain and channel migration zones. These should be thoroughly reviewed by the County and QIN for adequate shoreline protections.</p> <p>Meeting the no net loss standard relating to habitat impacts retains the existing degraded condition, which along may shorelines in the County is severely degraded.</p>	<p><i>The Shoreline Management Act (RCW 90.58) sets forth activities and land uses that are exempt from the requirement to obtain a shoreline substantial-development permit as outlined by RCW 90.58.147 and WAC 173-27-040(2)(b). These uses are NOT exempt from compliance with the Grays Harbor County Shoreline Management Master Program, nor any other regulatory requirements (WAC) 173-27-040(1)(b). Per WAC 173-26-171(3)(a) “the local governments (have) substantial discretion to adopt master programs that reflect local circumstances” and this localization is primarily reflected in the goals and policy statements. The document is otherwise regulatory in nature defining what uses may occur and where they may be located.</i></p>
A-11	Chehalis Basin Strategy	QIN	<p>Washington State has recently committed to the Chehalis Basin strategy which aims to reduce flood damage and restore aquatic habitat. It is essential that the management of shorelines support this effort.</p>	<p>[See County response in June 5, 2017 letter]</p>

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A-12	Permit Exemptions	QIN	QIN is concerned the County is allowing permit exemptions for activities that are causing environmental harm. By not requiring an application or permits, the County gives consent for these actions. One example is the 2017 timber harvest within 30 feet of the Humptulips River near Copalis Crossing. The activity caused considerable and irreparable harm to the shoreline environment with no environmental review and no required mitigation. These types of activities should be rare and should require review by the County when within their jurisdiction. The draft SMP would not prevent this type of activity in the future.	See response to A-10.
<b>Chapter 1: Introductory Provisions</b>				
B-1	1.5 Adoption of critical area protection regulations by reference	FOGH et al.	Adopting the updated Critical Areas Ordinance (CAO) by reference into the SMP is recommended. The County is in the process of updating the CAO which contains significant improvements over the current CAO Ordinance #393, adopted by reference into the SMP in Section 1.5.1.	See response to A-3
B-2	1.7 Agreements for regional shoreline planning and implementation	QIN	QIN is developing its own Shoreline Management Plan (QIN SMP). Due to the complexity of land ownership on the Reservation, there are multiple land uses in conflict within shoreline areas. The proposed County SMP fails to address these conflicts (see page 5 of the Feb. 22, 2017 letter for examples).  QIN expects to pursue an Interlocal agreement with the County, where the County will not authorize uses within the Reservation, but defers to the Quinault SMP (upon adoption) and its applicable codes and regulations.	<i>Grays Harbor County is currently in the process of developing draft Interlocal Agreement language and expects to hold a government to government meeting in the near future. Given the timeframe, this document may be executed prior to or shortly after adoption of GHC's Final SMP.</i>

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<b>Chapter 2: Shoreline Jurisdiction and Environments</b>				
C-1	2.9.2 Natural Environment Designation Criteria	FOGH et al.	<p>Improve the designation criteria in 2.9.2 (A) for consistency with the criteria in WAC 173-26-211(5)(a)(iii). A focus on intact native vegetation is important. Natural areas are meant to protect ecosystem-wide processes, not just irreplaceable functions.</p> <p>The following revisions are recommended to the designation criteria:</p> <p>A. Shorelands and shoreline areas that <u>are largely ecologically intact and therefore perform an important, irreplaceable function or an ecosystem-wide process either of which is susceptible to damage by human activity. Ecologically intact means that the shorelines is largely vegetated with native vegetation;</u></p> <p>Shoreline environment maps should be updated to ensure the areas meeting this revised criterion are included.</p>	<p><i>Grays Harbor County concurs with the suggested language and will propose the edit to Section 2.9.2 as written:</i></p> <p><i>2.9.2 Designation Criteria:</i></p> <p><i>A. Shorelands and shoreline areas that <u>are largely ecologically intact and therefore perform an important, irreplaceable function or an ecosystem-wide process either of which is susceptible to damage by human activity. Ecologically intact means that the shorelines is largely vegetated with native vegetation;</u></i></p>
C-2	2.9.3 Natural Environment Management Policies	FOGH et al.	<p>None of the proposed management policies directly address vegetation. Additional policies are recommended to address this concern:</p> <p><u>E. Prohibit new development or significant vegetation removal that would reduce the ability of vegetation to perform normal ecological functions including shading shorelines, providing food sources for fish and wildlife, providing structure to shorelines, reducing erosion, or providing habitat.</u></p> <p><u>F. Do not allow the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. Each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.</u></p>	<p><i>Grays Harbor County concurs with the suggested language and will propose the edit to Section 2.9.3 as written:</i></p> <p><i>2.9.3 Management Policies:</i></p> <p><i>E. Prohibit new development or significant vegetation removal that would reduce the <u>ability of vegetation to perform normal ecological functions including shading shorelines, providing food sources for fish and wildlife, providing structure to shorelines, reducing erosion, or providing habitat.</u></i></p> <p><i>F. Do not allow the subdivision of property in a configuration that, to achieve its intended <u>purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. Each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.</u></i></p>

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C-3	2.10 Shoreline Use and Modification Tables	FOGH et al.	Table 1 only includes uses and Modifications are listed in Table 2. For clarity, revise the title of the table:  Table 1: Uses and Modifications by Environment Designation	<i>Grays Harbor County will propose the suggested edit, changing the title of Table 1 to "Uses by Environment".</i>
C-4	Table 1 Aquaculture	FOGH et al.	Prohibit net pen aquaculture for nonnative species in the Aquatic and Natural environments, consistent with RCW 77.125.050 which restricts the leasing of state-owned aquatic lands to those activities in effect on June 7, 2018.	<i>GHC acknowledges the need to update the draft to reflect RCW 77.125.050(1) which was adopted after the Shoreline Committee finished its work on the update. GHC proposes to add footnotes to Table 1 Uses by Environment to Aquatic Environment Aquaculture and Natural Environment Aquaculture to read "net pen aquaculture for nonnative marine finfish species is prohibited". Additionally, GHC proposes edits of Section 4.3.2 for clarity and also make the addition of new 4.3.3 (C) "Per RCW 77.125.050(1) Net pen aquaculture for nonnative marine finfish species is prohibited."</i>  <i>4.3.2 Policies:</i>  <i>C. Design and locate aquacultural facilities to avoid the potential to spread disease to native aquatic life. <u>Ensure that establishment</u> of new nonnative species <del>that</del> <u>does not</u> cause significant ecological impacts, or significantly affect the aesthetic qualities of the shoreline.</i>  <i>See related change to policies in E-1</i>
C-5	Table 1 Commercial Uses	FOGH et al.	Limit non-water dependent commercial uses in the Aquatic environment to legal preexisting overwater buildings consistent with the management policy in WAC 173-26-211(5)(c)(ii)(A) which limits new overwater structures to water-dependent uses, public access and ecological restoration.	<i>GHC recognizes this inconsistency. Water-related commercial development in the Aquatic environment (which is over-water by definition) will be edited from Permitted (P) to Not Permitted (X).</i>
C-6	Table 1 Instream structures	FOGH et al.	Prohibit instream structures in the Natural environment. These uses have significant environmental impacts and interfere with boating and other shoreline priority uses.	<i>Grays Harbor County and the Shoreline Committee intentionally specified "Instream Structures" as allowed by Conditional Use permit. A proposals of an instream structure must demonstrate that the every element of the project is consistent with purpose of the environment and necessary at the specific location. GHC sees no inherent conflict with WAC 173-26-211(5)(a) as it is impossible to anticipate every conceivable instream structure.</i>

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C-7	Table 2 Fill	FOGH et al.	Prohibit fill below the Ordinary High Water Mark in the Natural environment except for restoration.	<i>GHC and the Shoreline Committee which developed the draft intentionally selected "Conditional Use" for fill activities below ordinary high water. The Shoreline Master Plan cannot anticipate every conceivable project or necessity. Proper administration and agency review could authorize with conditions (which may be additionally conditioned or denied by ECY) or deny a Shoreline Conditional Use permit application in this environment. GHC sees no conflict with WAC 173-26- 211(5)(a) which would be administered at the County level and issued by Ecology.</i>
C-8	Tables 1, 2 and 3 Protection of in water habitats	FOGH et al.	Highly functioning in-water habitats must be protected. To protect these high quality aquatic areas it is recommended that highly functioning upland environments (Natural and Rural Development) serve as a proxy for the highly functioning aquatic areas.  Tables 1, 2 and 3 should be revised to ensure a use or activity is allowed in the Aquatic environment only when also allowed in the adjacent upland Natural or Rural Development designation.	<i>Grays Harbor County and the Shoreline Committee intentionally specified Permitted and Conditional Uses by environment. We will propose a few specific changes based on concerns raised elsewhere in the FOGH et al. letter.</i>
<b>Chapter 3 General Policies and Regulations</b>				
D-1	3.2 Archeology, Historic, and Scientific Resources	FOGH et al.	The SMP should require site investigations for sites that the Department of Archaeology and Historic Preservation predictive model rates as: survey recommended: moderate risk, survey highly advised: high risk, and survey highly advised: very high risk. The investigation should be carried out in consultation with affected tribes.	<i>Grays Harbor County concurs with the suggested language and will propose the edit as:  3.2.3 Regulations:  A. The Administrator shall review all permit applications for shoreline development or statements of exemption on any project site <del>within 200 feet of a known or mapped area of an archeological, historic, or scientific site. that is shown on the Washington State Department of Archeology and Historic Preservation's current predictive model rates as "survey recommended: moderate risk", "survey highly advised: high risk", and "survey highly advised: very high risk".</del></i>
D-2	3.3 Protection of Shoreline Ecological	FOGH et al.	To protect shoreline functions, additional regulations to protect vegetation within shoreline jurisdiction generally, not just within buffers, are recommended consistent with WAC 173-26-221(5)(b) and (c).	<i>Grays Harbor County concurs with the suggested language and will propose the edits as suggested.</i>

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	Functions Vegetation protection		<p>Adding the following regulation to 3.3.3 is suggested:</p> <p><u>L. Minimize the permanent clearing of native vegetation in shoreline jurisdiction. If vegetation clearing would potentially adversely impact shoreline functions, mitigate those impacts.</u></p> <p>Revision to regulation 3.3.3 (F) is suggested:</p> <p>Before granting a shoreline permit or exemption, the Administrator shall review site plans to determine that the removal of native shoreline vegetation within a shoreline buffer <u>or critical area or critical area buffer</u> will not result in a net loss of ecological function. When a proposed development will result in the removal or disturbance of native vegetation within a required shoreline buffer <u>or critical area or critical area buffer</u>, the Administrator may require a critical area protection study as provided in GHCC 18.06.020. The study shall evaluate the following factors:</p>	
D-3	3.3 Protection of Shoreline Ecological Functions Vegetation protection	FOGH et al.	<p>Provide better protection to critical areas by revising to 3.3.3 (l)(v) to clarify that single-family residences are not allowed in any critical area or buffer:</p> <p><b>I.</b> <u>v. Accessory to a single-family residence, a private dock or pier, a six-foot pedestrian pathway leading to the shoreline, and a cleared recreation area may locate in a buffer for a pond, river, stream, lake or marine buffer if (i) the impacts are mitigated and (ii) the within a required shoreline buffer a private dock and/or pier, a six-foot pedestrian pathway leading to the shoreline, and a cleared recreation area that does not exceed 15% of the total area of the pond, river, stream, or lake, or marine shoreline buffer or 200 square feet whichever is greater. If there is a category 3 or 4 wetland between the water body and the uplands, a path may be constructed through the wetland if there is no alternative route and the impacts are mitigated.</u></p>	<p><i>Grays Harbor County concurs with the spirit of the suggested language generally and will propose a rewrite to clarify and simplify the language as follows:</i></p> <p><b>v.</b> <i>A private dock or pier; a six-foot pedestrian pathway leading to the shoreline; and a cleared recreation area may be permitted as accessory to a single-family residence provided that impacts are fully mitigated. Cleared recreation areas may not be located in a landslide hazard area. If there is a category 3 or 4 wetland between the water body and the uplands, a path may be constructed through the wetland if there is no alternative route and the impacts are fully mitigated.</i></p>
D-4	3.4 Flood Hazard Reduction Sea Level Rise	FOGH et al.	<p>The SMA and the SMP Guidelines require master programs to address flooding that will be caused by sea level rise. The areas subject to SLR are flood prone just like those within the 100-year floodplain. Projected SLR will substantially increase flooding, is happening now and floods and erosion are increasing.</p> <p>Addition of the following regulations is recommended:</p>	<p><i>Grays Harbor County Commissioners determined that the terms “flood events”, “past flood events”, “tidal influences” “storm events” and “coastal flooding” to be adequate at this time. Staff anticipates model ordinance guidance with actionable standards for both policy and regulation to be available from Ecology in the near term with likely best available science</i></p>

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			<ul style="list-style-type: none"> <li>• <u>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></li> <li>• <u>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 aquatic vegetation will likely migrate during that time.</u></li> <li>• <u>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></li> </ul>	<p><i>based on the <u>Projected Sea Level Rise in Washington State – A 2018 Assessment and its appendices.</u></i></p>
D-5	3.6 Setbacks, heights, and building site provisions Minimum lot widths	FOGH et al.	<p>Concern is expressed that the blanket 75' minimum lot width will lead to fragmented habitat and preclude the movement of wildlife between the uplands and the water areas and will not ensure no net loss of shoreline ecological functions which includes "the presence and movement of fish and wildlife...". The SMP and county zoning have no lot configuration limits preventing long narrow lots. The following revision to 3.6.3 (B) is suggested:</p> <p>B. Minimum lot widths shall be no less than <u>one-third of the lot length with 50-foot wide side yard setbacks 75 feet in width.</u></p>	<p><i>The Shoreline Committee considered this language and declined to change the lot width. Grays Harbor County does not concur with this setback proposal.</i></p>
D-6	3.6 Setbacks, heights, and building site provisions Impervious surface area	FOGH et al.	<p>The Rural Development environment is equivalent to the Rural Conservancy environment in WAC 173-26-211(5)(b). Management policies for Rural Conservancy in the Shoreline Guidelines support limiting lot coverage standards to 10% total impervious surface area within a lot or parcel to maintain the existing hydrologic character of the shoreline. To ensure no net loss of ecological functions, revision to 3.6.3 (C) is recommended:</p> <p>C. Maximum lot coverage shall not exceed 30%. <u>In the Rural Development environment, impervious surfaces shall not exceed ten percent.</u></p>	<p><i>Grays Harbor County concurs with the suggested language and will propose the edits as [shown].</i></p>
D-7	3.6 Setbacks, heights, and building site provisions Setbacks and wildfire danger	FOGH et al.	<p>An increase in required building setbacks from critical area and shoreline buffers is recommended to protect buildings from wildfires and to allow room to fight a fire as well as repair and maintain buildings without intruding into a buffer. The suggested revision to 3.6.3(E):</p> <p>E. There shall be a building setback of <u>30 feet</u> established on the landward edge of any buffer required by this Master Program. The setback shall be an</p>	<p><i>Grays Harbor County does not concur with the proposed language. The Shoreline Committee considered the matter. Local conditions do not merit such regulations at this time.</i></p>

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			open space that may include landscaping and <u>paved surfaces. Buildings and architectural features shall not be constructed in the setback consistent with Section 17.64.010 GHCC.</u>	
D-8	3.8 Water Quality, Stormwater and Nonpoint Pollution	FOGH et al.	Support is expressed for the section and additional measures are recommended to better protect water quality.	<i>Grays Harbor County contends that Section 3.8 adequately addresses WAC 173-26- 221(6).</i>
D-9	3.8 Water Quality, Stormwater and Nonpoint Pollution  Agriculture	FOGH et al.	To protect water quality, the following measures are recommended for new agricultural operations that are not required to comply with the confined animal feeding operation permits: <ul style="list-style-type: none"> <li>• Vegetated buffers provide habitat and help to reduce sediment, nutrient, bacteria and organic matter inputs to watercourses.</li> <li>• Pasture management should be emphasized to encourage good use of the land as a resource for forage production as well as a soil cover/stabilizer.</li> <li>• Livestock water should be provided in a way that does not result in damage to stream banks or allow animals to enter rivers and streams.</li> </ul>	See response to D-8
D-10	3.8 Water Quality, Stormwater and Nonpoint Pollution	FOGH et al.	Setting septic systems and drain fields back from shorelines is important to help improve function of these systems and the proposed regulations are supported. Additionally, it's recommended that septic systems be prohibited in aquatic and wetland buffers to allow them to function correctly and to protect water quality.	See response to D-8
D-11	3.8 Water Quality, Stormwater and Nonpoint Pollution	FOGH et al.	In addition to repairing septic systems, additional local programs for education/outreach, financial assistance or enforcement are necessary to address the water quality problems in the county. The following additional policy is recommended: <p style="margin-left: 40px;"><u>E. Continue to fund and seek state and federal funding for health department programs to help homeowners properly maintain their on-site septic systems – including local programs for education and outreach, financial assistance, and enforcement.</u></p>	See response to D-8
D-12	3.8 Water Quality, Stormwater and	FOGH et al.	Support is expressed for the regulations supporting low impact development techniques for subdivisions of more than four lots.	See response to D-8

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	Nonpoint Pollution			
D-13	3.8 Water Quality, Stormwater and Nonpoint Pollution	FOGH et al.	Riparian buffers and riparian enhancement in already developed areas are necessary to address water quality problems on county shorelines. Adequate shoreline buffers and a policy encouraging plantings along shorelines is recommended.	See response to D-8
<b>Chapter 4: Shoreline Uses and Development</b>				
E-1	4.3 Aquaculture	FOGH et al.	<p>WA DNR may not authorize or permit marine net pens for nonnative marine finfish aquaculture unless under a lease of state-owned aquatic lands in effect on June 7, 2018. The SMP should limit allowances to net pens for native finfish or delete the reference to net pens.</p> <p>The following revision to 4.3.3(C) is recommended:</p> <p>C. Aquaculture mussel rafts, oyster floats, net pens <u>for native finfish</u>, and similar development may intrude into or over critical saltwater habitats when meeting the following criteria: ...</p>	<p><i>GHC acknowledges the need to update the draft to reflect RCW 77.125.050(1) which was adopted after the Shoreline Committee finished its work on the update. ... GHC proposes edits of Section 4.3.2 for clarity and also make the addition of new 4.3.3 (C) "Per RCW 77.125.050(1) Net pen aquaculture for nonnative marine finfish species is prohibited."</i></p> <p><i>4.3.2 Policies:</i></p> <p><i>C. Design and locate aquacultural facilities to avoid the potential to spread disease to native aquatic life. <u>Ensure that establishment</u> of new nonnative species <del>that does not</del> cause significant ecological impacts, or significantly affect the aesthetic qualities of the shoreline.</i></p> <p>See related change to Table 1, Aquaculture in item C-4</p>
E-2	4.7 Industrial Development	FOGH et al.	<p>Correct apparent typographical error in 4.7.3 (A)(i):</p> <p>A. The order of priority for locating industrial development within shoreline jurisdiction is as follows:</p> <p>i. Water-dependent <del>commercial</del> industrial development is encouraged over nonwater-dependent commercial <u>or industrial</u> development; and</p>	<p><i>Grays Harbor County acknowledges issues with this section. Furthermore, this language is not regulatory and should be repositioned as 4.7.2 E (Policies). The edits will be proposed as follows:</i></p> <p><i>E. The order of priority for locating industrial development within shoreline jurisdiction is as follows:</i></p> <p><i>i. Water-dependent commercial industrial development is encouraged over nonwater-dependent commercial <u>or industrial</u> development; and</i></p> <p><i>ii. Water-related industrial development is encouraged over nonwater-oriented industrial development.</i></p>
E-3	4.7 Industrial	FOGH et al.	Hazardous materials should not be located within tsunami and liquefaction hazard areas when not accessory to a manufacturing use. A new regulation is	<i>Grays Harbor County finds that the suggested language is not sufficiently</i>

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	Development Hazardous materials storage		recommended: <u>G. Hazardous bulk storage that is not accessory to a manufacturing use, including nuclear materials, shall be located outside areas likely to be inundated by tsunamis during a probable Cascadia Subduction Zone earthquake and outside areas identified by the State Department of Natural Resources as having a liquefaction susceptibility of “moderate,” “moderate to high,” “high,” and,” and “peat deposit.”</u>	<i>precise for use in regulation nor related specifically to the shoreline environment. Grays Harbor County will look to model ordinance guidance from Ecology to address these concerns. The Critical Area Ordinance may be a more appropriate document for policy and regulation on this matter as earthquake and tsunami impacts will not be limited to Shoreline Jurisdiction.</i>
E-4	4.9 Mining	FOGH et al.	Adequate standards for mining in floodplains, floodways, and channel migration zones are required. Gravel mining in these areas has the potential to adversely impact rivers and streams. Addition of the following new regulation in 4.9.3 is recommended: <u>G. Mining in the 100-year floodplain, floodway, or channel migration zones shall meet the following standards:</u> <u>i. Mines should be located outside the channel migration zone unless there is no feasible alternative site.</u> <u>ii. Mines shall be no deeper than the bottom of the nearby streams and rivers.</u> <u>iii. The mine reclamation plan shall have a design so that when the river or stream moves into the mine it is not so wide that the captured sediments destabilize the river or stream or increase erosion risks on upstream properties.</u>	<i>The permitting of surface excavation projects in Shoreline Jurisdiction is the subject of a zoning conditional use permit per Grays Harbor County Code 17.60.090, a Shoreline Substantial Development with Conditional Use permit, a Flood Development Permit which addresses FEMA regulations, and SEPA Review with oversight and additional permitting by Washington Department of Fish &amp; Wildlife and Washington Department of Natural Resources. Proposals that meets the requirements of Section 4.9.3 C are adequate assurance that the Shoreline Environment is protected.</i>
<b>Chapter 5: Shoreline Modifications</b>				
F-1	5.3 Beach and Dune Management Dune modification	FOGH et al.	Given SLR and storm surges that will increase the frequency and severity of flooding and erosion, along with tsunami hazards, removing material and vegetation from dunes to protect views is no longer defensible from a public safety standpoint. We recommend deleting proposed 5.3.3.D, which allows for dune modification and vegetation removal to protect water views. <del>D. Dune modification and vegetation removal to protect views of the water shall occur only on properties subdivided and developed before the adoption of this Master Program under the following circumstances:</del> <del>i. The view is completely obstructed for a residence or water-</del>	<i>The Shoreline Committee gave considerable attention to this section. Section 5.3.3E prohibits removal of vegetation from the foredune. Removal of vegetation east of the foredune (primary dune) in order to preserve view and/or mitigate fire danger was considered reasonable by the Shoreline Committee.</i>

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			<p>enjoyment use; and</p> <p>ii. <del>There is evidence that the dunes did not obstruct views at the time of original occupancy.</del></p>	
F-2	Critical salt water habitats	FOGH et al.	<p>The SMP only addresses critical salt water habitats for floating aquaculture facilities and shoreline stabilization structure replacement. Other uses and activities can adversely impact these habitats.</p> <p>It's recommended a new section be added to improve protection for critical salt water habitats.</p> <p>NEW Section:</p> <p><u>5.10 In and Overwater Structures</u></p> <p><u>A. Except as otherwise provided in this shoreline master program, in-water and overwater structures shall not be approved unless the following requirements are met:</u></p> <p><u>i. The structure is necessary to achieve the policy of RCW 90.58.020;</u></p> <p><u>ii. The structure will not interfere with the public trust doctrine;</u></p> <p><u>iii. All impacts on critical saltwater and freshwater habitats are capable of being mitigated and are mitigated according to the sequence in 3.3.3(C);</u></p> <p><u>and</u></p> <p><u>iv. There will not be any adverse water quality impacts after the mitigation measures are applied.</u></p>	<p><i>Grays Harbor County concurs with the suggested language and will propose addition of this section.</i></p>

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<b>Chapter 8: Master Program Amendments</b>				
G-1	8.2 Periodic Review	FOGH et al.	<p>Adopt regulations to document all project review actions in shoreline areas and periodically evaluate the cumulative effects of authorized development on shoreline conditions. The annual review required in 8.2(A) is appreciated but is not the systematic cumulative evaluation process required.</p> <p>The documentation mechanism or process for evaluating the cumulative effects of development is unclear in the SMP. It's recommended regulations be added consistent with the requirement in WAC 173-26-191(2)(a). The cumulative impacts evaluation should be done during each periodic review of the SMP.</p>	<p><i>As Ecology shifts to implementation of the new Shoreline Master Programs Grays Harbor County expects to receive specific on guidance documenting and evaluating cumulative impacts, possibly in the form of an accepted methodology for periodic evaluation. As the SMP is a living document, GHC would anticipate making an interim update as periodic evaluation is refined in state law and/or by legal decisions. GHC would expect to catalog and quantify permitted and exempted projects in the shoreline environment (including Voluntary Stewardship Program projects) and compare to baseline data in the Shoreline Analysis Report for Shorelines in Grays Harbor County prepared by The Watershed Company et al.</i></p>
<b>Critical Area Regulations (CAO) – Recommended revisions to Ordinance #393 if the SMP does not incorporate the updated CAO</b>				
H-1	CAO 18.06.095 Geologically hazardous areas	FOGH et al.	<p>Areas subject to coastal and river and stream erosion should be identified as geologically hazardous areas in the CAO. New development should be required to locate outside areas subject to erosion.</p>	<p><i>As stated initially, Grays Harbor County does intend to adopt the 2018 Critical Areas Protection Ordinance reviewed in public workshops and public hearings in 2017-2018.</i></p>
H-2	CAO 18.06.095 Geologically hazardous areas Tsunami inundation zones	FOGH et al.	<p>Support the designation of tsunami inundation zones as geological hazards. However, there are no standards which apply in these areas. The following standards are recommended:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• If a part of the site has a lower tsunami risk, development should be clustered on that part of the site.</li> <li>• 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.</li> <li>• Where developments are allowed in tsunami hazard areas, require an</li> </ul>	<p>See response to H-1</p>

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			<p>evaluation to determine if a tsunami resistant structure can be required to allow residents, customers, and employees to shelter in place.</p> <ul style="list-style-type: none"> <li>• Locate and configure new development that occurs in tsunami run-up areas to minimize future tsunami losses.</li> <li>• At a minimum, require subdivisions, commercial, and recreational uses 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 community evacuation plans.</li> </ul>	
H-3	CAO 18.06.140 Fish and wildlife conservation areas	FOGH et al.	The most recent Priority Habitat and Species (PHS) list was updated in 2018 along with some of the management recommendations. It's recommended the language in 18.06.140 generally reference the most recent PHS list and Department of Fish and Wildlife management recommendations, rather than specifically listing a dated version.	See response to H-1
H-4	CAO 18.06.145 Critical Aquifer Recharge areas Saltwater intrusion	FOGH et al.	<p>Revise this section to protect aquifers from salt water intrusion and to protect ground water quantity, quality, and senior water rights holders.</p> <p>To address limited water availability, salt water intrusion problems and to comply with state law, it's recommended the following provisions be added:</p> <p><u>C. Access to potable water.</u></p> <p><u>1. If a State of Washington Department of Health (DOH) approved public water system is available, all new lots, buildings, or uses must connect to the system. In that case, the water purveyor shall provide the applicant with a letter stating the purveyor has the ability to provide water. This letter must be submitted with an application for a division of land or a building permit application.</u></p> <p><u>2. If a DOH-approved public water system is not available, an applicant shall provide the following information with an application for a division of land or a building permit application:</u></p> <p><u>i. Documentation that the source includes sufficient water to serve the proposed use and any necessary fire flows.</u></p> <p><u>ii. Documentation that the applicant has the legal right to use the water. This</u></p>	See response to H-1

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			<p><u>requirement shall not apply to residential permit-exempt wells.</u></p> <p><u>iii. If a permit-exempt well is proposed for the water source, the applicant shall identify all land in a common ownership currently and before any land divisions and document that the proposed use and any other uses of the land currently or formerly in a common ownership will not exceed the daily maximum withdrawal authorized by a permit-exempt well.</u></p> <p><u>D. Mitigation of salt water intrusion. In addition to the requirements of GHCC 18.06.145C, the following requirements apply within areas mapped by the State of Washington Department of Ecology as susceptible to salt water intrusion or within 100 feet of a groundwater source with chloride concentrations above 100 milligrams per liter (mg/l) of water:</u></p> <p><u>1. If a DOH-approved public water system is not available, the following requirements must be met too use a well as a water source:</u></p> <p><u>i. The proposed use shall incorporate the water conservation measures from the list maintained by the administrator applicable to the proposed development.</u></p> <p><u>ii. The chloride concentration from a laboratory-certified well water sample shall be submitted with building permit application or land division application.</u></p> <p><u>iii. The applicant must provide a scientific report prepared and stamped by a hydrogeologist documenting and providing evidence that there will not be further salt water intrusion because of the proposed withdrawal. The administrator may hire a hydrogeologist to review the report, its data, and the methodology at the applicant's expense.</u></p> <p><u>iv. If the sample does not meet the U.S. Environmental Protection Agency secondary standard for chloride (250 mg/l) under the National Secondary Drinking Water Regulations, then it cannot be used as a water source for a land division or a building permit other than a single-family home on an individual lot.</u></p> <p><u>v. If the sample does not meet the U.S. Environmental Protection Agency secondary standard for chloride (250 mg/l) under the National Secondary Drinking Water Regulations, then it may be used as a water source for a building permit on an individual lot only if the following requirements are</u></p>	

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			<p><u>met:</u></p> <p>a. <u>The applicant obtains a variance from WAC Title 173 standards granted by Ecology per WAC 173-160-106 for a new groundwater well; or for an existing groundwater well not subject to an Ecology variance, applicant must provide a hydrogeologic assessment as part of an aquifer recharge area report, which shall be transmitted to Ecology for review, demonstrating that use of the well does not cause any detrimental interference with existing water rights and is not detrimental to the public interest;</u></p> <p>b. <u>The property owner shall record a restrictive covenant that indicates a chloride reading exceeded the U.S. Environmental Protection Agency secondary standard for chloride (250 mg/l) under the National Secondary Drinking Water Regulations.</u></p> <p>c. <u>A source-totalizing meter shall be installed and reported to the Administrator annually.</u></p> <p>d. <u>The well water shall be tested for its chloride concentration each year, with the results reported to the Administrator annually.</u></p> <p>2. <u>If a DOH-approved public water system is not available, a qualifying alternative system that meets the requirements of the DOH and the Department of Ecology may be used as proof of potable water.</u></p>	