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GRAYS HARBOR COUNTY

STATE OF WASHINGTON

February 19, 2019

Ms. Kim Van Zwalenburg
Washington Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775

VIA EMAIL

Subject: *Response to formal comment on Grays Harbor County Shoreline Master Program Update*

Dear Ms. Van Zwalenburg:

The Grays Harbor County Planning Division has completed its review of the letters received during the Department of Ecology's formal comment period which ended December 3, 2018. The issues raised in each letter will be briefly summarized with the full text of the letters incorporated in this response by reference. Grays Harbor County's response to each follows:

Friends of Grays Harbor, Futurewise, and Surfrider Foundation responded in a joint letter dated December 3, 2018. Their concerns will be outlined in the order raised in their letter with the County response to follow.

1) **Public Participation Concerns**¹

"The Grays Harbor County Shoreline Master Program (SMP) Update began with an inclusive and well run public participation program. However, in the last nine months, there has been no effective public participation. Originally, the updated SMP was going to rely on an updated Critical Areas Ordinance and the County has done a significant amount of work updating the Critical Areas Ordinance and involving

¹ FOGH et al. p.2

the public. But the County apparently changed its mind, with no public involvement, decided to rely on the current Critical Areas Ordinance..."

GHC Response:

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 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.

2) Improve the Natural shoreline environment designation criteria. Please see Section 2.9.2 on page 15.²

GHC Response:

Grays Harbor County concurs with the suggested language and will propose the edit to Section 2.92 as written:

2.9.2 Designation Criteria:

- A. Shorelands and shoreline areas that 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;

3) Improve the Natural shoreline environment management policies. Please see Section 2.9.3 on page 16.³

GHC Response:

Grays Harbor County concurs with the suggested language and will propose the edit to Section 2.9.3 as written:

2.9.3 Management Policies:

- ...
- 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.

² FOGH et al. p.2

³ FOGH et al. p.2-3

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.

4) Modify the (title of) Table 1 to reflect that it now only includes uses, please see page 17.⁴

GHC Response:

Correct. Grays Harbor County will propose the suggested edit, changing the title of Table 1 to “Uses by Environment”.

5) Modify Tables 1, 2, and 3 to better protect important water environments.⁵

GHC Response: 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.

6) Limit non-water dependent commercial uses in the Aquatic environment to legal, preexisting overwater buildings. Please see the Shoreline Use and Modification Table page 17.⁶

GHC Response:

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).

7) Prohibit net pen aquaculture for nonnative species in the Aquatic and Natural environments. Please see the Shoreline Use and Modification Table page 17.⁷

GHC Response:

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”

Table 1

4.3.2 Policies:

...

⁴ FOGH et al. p.4

⁵ FOGH et al. p.4

⁶ FOGH et al. p.5

⁷ FOGH et al. p.5

C. Design and locate aquacultural facilities to avoid the potential to spread disease to native aquatic life. Ensure that establishment of new nonnative species that does not cause significant ecological impacts, or significantly affect the aesthetic qualities of the shoreline.

8) Prohibit fills below the ordinary high-water mark in the Natural environment except for restoration. Please see Table 2 page 18.⁸

GHC Response: 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.

9) Prohibit instream structures in the Natural environment. Please see the Shoreline Use and Modification Table page 17.⁹ *“In-stream structural uses should not be allowed in the Natural environment. These uses have significant environmental impacts and interfere with boating and other shoreline priority uses.”*

GHC Response: 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.

10) The SMP update should require site investigations for sites that the Washington State Department of Archeology and Historic Preservation predictive model rates as “survey recommended: moderate risk,” “survey highly advised: high risk,” and “survey highly advised: very high risk.” Please see the Grays Harbor County Shoreline Master Program update pages 19 and 20 ¹⁰

GHC Response: 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 ~~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”.

⁸ FOGH et al. p.5

⁹ FOGH et al. p.5

¹⁰ FOGH et al. p.6

11) Provide additional regulations to protect vegetation in shoreline jurisdiction in proposed 3.3.3.

Please see pages 22 to 24.¹¹ “WAC 173-26-221(5)(b) and (5)(c) require that:

Master programs shall include: Planning provisions that address vegetation conservation and restoration, and regulatory provisions that address conservation of vegetation; as necessary to assure no net loss of shoreline ecological functions and ecosystem-wide processes, to avoid adverse impacts to soil hydrology, and to reduce the hazard of slope failures or accelerated erosion.

This is more than protecting vegetation in buffers and critical areas, it also includes conserving vegetation in shoreline jurisdiction generally. However, proposed 3.3.3 does not include any regulations to protect shoreline vegetation outside of buffers. This will not protect shoreline functions. We recommend adding the following new regulation to proposed 3.3.3:

- L. Minimize the permanent clearing of native vegetation in shoreline jurisdiction. If vegetation clearing would potentially adversely impact shoreline functions, mitigate those impacts.

“In addition, Section 3.3.5F on page 23 should require a critical area protection study and mitigation for vegetation removal in critical areas or buffers. This is necessary to maintain shoreline functions. Our recommended additions are double underlined.”

- F. 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 or critical area or critical area buffer 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 or critical area or critical area buffer, the Administrator may require a critical area protection study as provided in GHCC 18.06.020.

GHC Response: Grays Harbor County concurs with the suggested language and will propose the edits as suggested.

12) Clarify 3.3.31.v and provide better protection for critical areas. See page 24.¹²

“Proposed 3.3.31.v. can be read as allowing a single-family residence in any critical area or any buffer, presumably even a landslide hazard area or a bog, which we believe is not what is intended. Further allowing the path and clearing through a bog or a nesting area of endangered,

¹¹ FOGH et al. p.6

¹² FOGH et al. p.7

threatened, or sensitive species, or a large clearing in any critical area will have significance adverse impacts. We recommend the following modifications with our additions double underlined and our deletions double struck through to address these issues.”

- v. Accessory to a 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 critical area ~~buffer a private dock and/or pier, a six-foot pedestrian pathway leading to the shoreline, and a~~ if (i) the impacts are mitigated (ii) and the cleared recreation area ~~that~~ does not exceed 15% of the total area of the pond, river, stream, or lake, or marine and 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.

Response: 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:

- v. 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.

13) Require Protective Minimum Lot Widths. Please see the Grays Harbor County Shoreline Master Program update proposed 3.6.3B on page 31

“The proposed shoreline master program sets a 75-foot-wide minimum lot width in all shoreline environments. WAC 173-26-186(8) requires that shoreline master program updates are to assure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources. WAC 173-26-201(2)(c) provides that the “[p]rotection of ecological functions of the shorelines ... depends on sustaining the functions provided by ... [among others] the presence and movement of fish and wildlife ...” More intact areas with lots as narrow as the proposed SMP Update allows will experience extensive impacts when homes are built cheek-by-jowl along the water – which is the historic practice of cramming as many water-access lots in as possible – cutting the wildlife in the uplands off from the water areas and vice-versa. The shoreline master program and the county zoning have no lot configuration limits preventing long narrow lots that can meet area and narrow width requirements and still place houses close together. Lot widths need to allow wildlife to pass through residential areas to use shoreline and upland areas. A simple lot length to width ratio of 3:1 can address this problem with a 50-foot wide side yard setback.

So, we recommend that proposed 3.6.3B on page 31 be modified to read as follows with our additions double underlined and our deletions double struck through:"

- B. Minimum lot widths shall be no less than one-third of the lot length with 50-foot-wide side yard setbacks~~75 feet in width.~~

GHC Response: The Shoreline Committee considered this language and declined to change the lot width. Grays Harbor County does not concur with this setback proposal.

14) Include a requirement for a maximum of ten percent total impervious surface area in the Conservancy Environment. Please see the Grays Harbor County Shoreline Master Program update page 31

WAC 173-26-211(5)(b)(ii)(D) provides that in the Rural Conservancy ? environment:

(D) Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the environment. As a general matter, meeting this provision will require density, lot coverage, vegetation conservation and other provisions.

Scientific studies support density or lot coverage limitation standards that assure that development will be limited to a maximum of ten percent total impervious surface area within the lot or parcel, will maintain the existing hydrologic character of the shoreline. However, an alternative standard developed based on scientific information that meets the provisions of this chapter and accomplishes the purpose of the environment designation may be used.

Master programs may allow greater lot coverage to allow development of lots legally created prior to the adoption of a master program prepared under these guidelines. In these instances, master programs shall include measures to assure protection of ecological functions to the extent feasible such as requiring that lot coverage is minimized and vegetation is conserved.

"We were unable to find any regulations meeting this requirement for the Rural Development environment, the county shoreline environment equivalent to the Rural Conservancy environment. This is necessary to achieve "no net loss of shoreline ecological functions and systems. See RCW 90.58.020; WAC 173-27-241(3)(j)." So, we recommend that proposed 3.6.3C on page 31 be modified to read as follows with our additions double underlined and our deletions double struck through."

- C. Maximum lot coverage shall not exceed 30%. In the Rural Development environment, impervious surfaces shall not exceed ten percent.

GHC Response: Grays Harbor County concurs with the suggested language and will propose the edits as above.

15) Require wider setbacks between development and critical areas in areas subject to wildfire danger. Please see the Grays Harbor County Shoreline Master Program update page 31

GHC Response: 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.

16) Address sea level rise and increased coastal erosion in the frequently flooded area regulations

As part of the public participation program for the SMP update, a diverse group of Grays Harbor County citizens was organized as a "Shoreline Planning Committee" and met scores of times to review and provide input on the updated draft plan...

GHC Response: 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 based on the Projected Sea Level Rise in Washington State – A 2018 Assessment and its appendices.

16) We support Section 3.8 Water Quality, Stormwater, and Nonpoint Pollution, and recommend additional measures to protect water quality. Please see pages 45 and 46

"Water quality is a serious problem in Grays Harbor County shorelines. We support Section 3.8, but recommend that additional measures to better protect and improve water quality be adopted."

GHC Response: Grays Harbor County contends that Section 3.8 adequately addresses WAC 173-26-221(6).

17) Require that the bulk storage of hazardous materials be located outside tsunami and liquefaction hazards. Please see 4.7.3 on page 45

"So, we recommend that these materials be located outside tsunami inundation zones and significant liquefaction hazards when not accessory to a manufacturing use. We recommend that new regulation "G" below be added to Section 4.7.3."

- 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 “peat deposit.”

GHC Response: Grays Harbor County finds that the suggested language is not sufficiently 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.

18) Clarify proposed 4.7.3A.i. on page 44.

“Proposed 4.7.3A.i. is in the industrial development section and includes priorities for industrial development in shorelines jurisdiction. However, proposed 4.7.3A.i. includes commercial uses. This appears to be a typographical error and we recommend that proposed 4.7.3A.i. be modified to read as follows with our additions double underlined and our deletions double struck through.”

4.7.3 Regulations:

- A. The order of priority for locating industrial development within shoreline jurisdiction is as follows:
 - i. Water-dependent ~~commercial~~ industrial development is encouraged over nonwater-dependent ~~commercial~~ or industrial development; and
 - ii. Water-related industrial development is encouraged over nonwater-oriented industrial development.

GHC Response: 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:

- E. The order of priority for locating industrial development within shoreline jurisdiction is as follows:
 - i. Water-dependent ~~commercial~~ industrial development is encouraged over nonwater-dependent ~~commercial~~ or industrial development; and
 - ii. Water-related industrial development is encouraged over nonwater-oriented industrial development.

19) Adequate standards for mining in flood plains, floodways, and channel migration zones are required. Please see Section 4.9 Mining pp. 46 – 47.

GHC Response: 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 & 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.

20) Given sea level rise and the storm surges that will increase the frequency and severity of flooding and erosion and our current knowledge of tsunami hazards, removing material and vegetation from dunes to protect views is no longer defensible from a public safety standpoint. We recommend that proposed 5.3.3.D on page 53 be deleted.

GHC Response: 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.

21) Improve protection for critical salt water habitats.

WAC 173-26-211(5)(c)(ii)(E) provides in full that:

(E) Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.

“The proposed shoreline master program only addresses critical salt water habitats for aquaculture mussel rafts, oyster floats, net pens, and similar development and the replacement of shoreline stabilization structures. But other uses and activities, such as marinas, docks, fills, dredging, and overwater construction, can adversely impact critical salt water habitats. We recommend generally applicable regulations to protect critical salt water habitats as WAC 173-26-211(5)(c)(ii)(E) requires.

We recommend that a new Section 5.10 “In and Overwater Structures” be adopted and that the following new regulation be included in that section.”

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:

- i. The structure is necessary to achieve the policy of RCW 90.58.020;
- ii. The structure will not interfere with the public trust doctrine;

- iii. All impacts on critical saltwater and freshwater habitats are capable of being mitigated and are mitigated according to the sequence in 3.3.3C; and
- iv. There will not be any adverse water quality impacts after the mitigation measures are applied.

GHC Response: Grays Harbor County concurs with the suggested language and will propose addition of this section as above.

- 22) Adopt regulations to document all project review actions in shoreline areas and periodically evaluate the cumulative effects of authorized development on shoreline conditions in proposed 8.2.

“The Growth Management Hearings Board has concluded that that WAC 173-26-191(2)(a) includes a requirement for a “mechanism for documenting all project review actions in shoreline areas” that must be included in shoreline master programs. “In addition to this mechanism, the Guideline goes on to require local governments to identify ‘a process for periodically evaluating the cumulative effects of authorized development on shoreline conditions.’”...

GHC Response: 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.

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. The draft 2018 GMA Update was forwarded to the Department of Commerce on February 14, 2019 for formal review.

The Quinault Indian Nation (QIN) responded in a letter dated December 3, 2018. Their concerns will be outlined in the order raised in its letter, with the County response to follow.

- 1) In addition to the perspectives in this letter, I invite you to review QIN's February 22, 2017 comment letter to Grays Harbor County concerning an earlier version of the Draft SMP, as those concerns are still valid to QIN's concerns.¹³

GHC Response: 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.

- 2) We expect to pursue an interlocal agreement...wherein Grays Harbor County (does) not authorize uses within the Quinault Indian Reservation, but instead defers to the Quinault SMP...¹⁴

GHC Response: 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.

- 3) ...QIN has several concerns about land uses within and surrounding Lake Quinault, the bed of which is held for the QIN in trust by the United States to the ordinary high water mark....¹⁵

GHC Response: 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." This response goes on to state:

"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."

"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,

¹³ QIN, p. 2

¹⁴ QIN, p. 2

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.

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.”¹⁶

- 4) ...Section 7.2.3(G) and (H) allows single family residences and residential docks whereas QIN has imposed a moratorium on new docks on the Lake.¹⁷

GHC Response: 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.*

- 5) QIN is skeptical that with current policies in the SMP that a no net-loss standard can be met. The SMP is required to follow the Shoreline Management Act in RCW 90.58, and act as the implementation document for interpretation and use by the public. QIN believes that the SMP does no more than to suggest avoiding areas and requesting low intensity equipment (?) and uses, residential development within floodplains and CMZs, and with this, a no net loss standard cannot be met.¹⁸

GHC Response: 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 reflecting local circumstances” and this localization is primarily reflected in

¹⁶ GHC Commissioners to President Sharp, June 5, 2017, p. 4

¹⁷ QIN, p2.

¹⁸ QIN, p.3.

the goals and policy statements. The document is otherwise regulatory in nature defining what uses may occur and where they may be located.

Randy Dutton, a Grays Harbor County resident, responded in an undated letter received by Ecology during the comment period. 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.

Sincerely,



Jane W. Hewitt
Principal Planner

Planning and Building Division

Enclosures:

Letter dated June 5, 2017, GHC to President Sharp with attachment
cc: File

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