

Public Comment Summary: City of Olympia SMP Periodic Review
City & Ecology Joint Public Comment Period, December 4, 2020 – January 11, 2021

Number	Comment Topic and Section Number (Citation)	Commenter	Paraphrased Comment (full comments included in Attachment A)	Local Government Response and Rationale
1a	General/SMP	Harry Branch 8/19/2020	This should include the scientific discipline of oceanography, the study of interrelationships between physical, chemical and biological parameters.	Comment noted. The primary purpose of the SMP Periodic Review is to make any necessary revisions to ensure the SMP is current with changes to state laws and adopted updates to local plans. Conducting studies is beyond the scope of the update.
1b	General/SMP	H. Branch 8/19/2020	This should include classical methodology, observation, hypothesis, test, conclusion.	Comment noted. Please see the response to Comment 1a.
1c	General/SMP	H. Branch 8/19/2020	The report should include tributaries that drain directly to Budd Inlet including Ellis, Schneider and Moxlie Creeks. Of particular significance is the combined effect of these estuaries.	Waterbodies that meet the state definition for shorelines under the State’s Shoreline Management Act have been included in the SMP. Other waterbodies are governed by the City’s Critical Areas Ordinance, where applicable. In Olympia, shorelines under the SMP include: Budd Inlet, Capitol Lake, Chambers Lake, Grass Lake (also known as Lake Louise), Ken Lake, Ward Lake, Black Lake Ditch and Percival Creek, including those waters of Budd Inlet seaward of extreme low tide which are shorelines of statewide significance.
1d	General/SMP	H. Branch 8/19/2020	East Bay Waterfront Park is briefly given favorable mention. This Park is an invitation for children to play in dioxin as high as 1100 ppt, which is a problem. A Sediment Characterization of Budd Inlet was prepared. The next steps were to be identification of sources and source control, which never happened.	The referenced study was conducted by the Washington State Department of Ecology. The City of Olympia has worked to improve water quality through updating its Storm and Surface Water Plan, adopting Low Impact Development Stormwater standards, and developing habitat restoration plans and projects.
2a	2.5 - Aquatic Management Policies	WDFW 12/29/2020	Armoring above OHWM can also impact functions such as sediment recruitment, shade, and insect prey fallout. Restoration or replacement using soft approaches above OHWM can be valuable. Suggest removing the	The City agrees with this comment. The previously proposed phrase “waterward of the OHWM” has been removed from new policy 2.5 H. Additionally, the existing phrase “water-ward of the Ordinary High

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			"waterward of the OHWM" to encompass wider range of projects and locations.	<p>Water Mark” has been removed from SMP section 18.20.864 - New or Expanded Shoreline Stabilization Measures, regulation H, as shown below.</p> <p><i>H. Shoreline stabilization measures that incorporate ecological restoration or enhancement through the placement of rocks, sand or gravel, and native shoreline vegetation are strongly encouraged. Soft shoreline stabilization that restores ecological functions may be permitted water ward of the Ordinary High Water Mark.</i></p>
2b	18.20.120 - Interpretation & Definitions – Functional Disconnect	WDFW 12/29/2020	While some shoreline ecological functions may be reduced or eliminated by a shoreline-adjacent road or other infrastructure, many shoreline functions may remain including shade, habitat, and soil stabilization.	Comment noted.
2c	18.20.620 Use and Development Standards Tables	WDFW 12/29/2020	It's important that remaining shoreline functions aren't lost because of existing infrastructure exempting the site from shoreline setbacks. Suggest adding language to define a Functional Disconnect as a situation where all shoreline ecological functions have been lost. Remaining functions should be protected with setbacks. Allowing shoreline setbacks to not apply in areas which may have lost some but not all shoreline functions may result in loss of remaining functions and may impact the viability of restoration projects by increasing the scale and degree of restoration needed.	Comment noted. The City has included a definition for the term Functional Disconnect. The amended Definitions section reads: “Functional Disconnect: An existing, legally established public road or other substantially developed surface which effectively eliminates the capacity for upland areas to provide shoreline ecological functions, as defined in WAC 173-26-201(2)(c).”
3a	General/SMP	H. Branch 01/04/2021	Consider the plight of the Southern Resident Killer Whale and their principal prey Chinook salmon. We're learning about the plight of Walleye Pollock, Pacific Herring, Pacific Cod, 15 species of rockfish, chum and sockeye salmon, steelhead, various mollusks and birds, insects	Comment noted. The City agrees that protection of species and their habitat is of great importance. The SMP establishes the minimum requirements for development or redevelopment adjacent to certain shorelines. It does not preclude nor detract from

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			and invertebrates. Much of the loss has occurred over the past two decades, under current rules.	other local, state, or federal efforts to protect these species or clean up the Puget Sound.
3b	General/SMP	H. Branch 01/04/2021	Allowing a water body to remain physically damaged results in degraded water quality which impacts species composition which degrades water quality which impacts species composition and so on. There is an ongoing net loss caused by existing modifications. A stream in a pipe has no phytoplankton. This is why nitrates travel 18 times farther in a buried pipe than one that sees daylight. And why buried streams are low in dissolved oxygen.	Comment noted.
3c	General/SMP	H. Branch 01/04/2021	The most critical part of any local watershed is its estuary and persistent circulation patterns. In a pipe circulation is restricted. With sunlight we have a mix of phytoplankton and zooplankton and birth of the food web. In the SMP, potential is never a consideration. Restoration potential should be part of every equation, based on that which existed historically.	Comment noted. Restoration considerations are part of project review but are not a requirement under the Shoreline Management Act.
3d	Section 3.1, 18.20.100(B) - Applicability	H. Branch 01/04/2021	The high water mark is the point from which setbacks are measured. The high water mark for the two major streams draining into Budd Inlet lies inside long culverts. The tide flows up a long pipe in both Moxlie and Schneider Creeks. In fact, there are 160 miles of stream-in-a-pipe in Olympia. In regulatory terms they don't exist. Birds, fish and marine mammals have no standing to appeal.	Comment noted. All creeks that meet the state definitions for inclusion in the SMP are included. OMC 18.20.300(B) notes <i>"The City has chosen not to regulate 'optional' shorelands as described in RCW 90.58.030 through this Shoreline Program."</i> Any decision to retain or "daylight" any existing waterbodies that are in pipes is beyond the scope of the periodic review and is not under consideration at this time.
3e	18.32.535(G)	H. Branch 01/04/2021	The most substantive issue brought up by the State in the SMP Periodic Review is the statement "The City's wetland buffers are not current with the State's most recent guidance." The City's response is that recommendations would result in amendments to chapter 18.32 of the Code (Critical Areas) rather than the SMP itself. But revisions to Olympia code 18.32 make no substantive changes to	The proposed change to the Critical Areas Ordinance is to update which version of Ecology's wetland guidance is used. This will ensure the City's CAO is based on the state's Best Available Science for wetland ratings and buffer widths. The amendment results in a reduction of wetland buffer width for certain wetlands with a low habitat score from 100

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			setbacks. It continues to recommend protecting critical areas, aiming at no net loss and providing mitigation for unavoidable impacts through minimizing, rectifying, reducing and compensating for loss.	feet to 80 feet. While the wetland buffer width will be reduced in those circumstances, Ecology's evaluation ensures that the level of protection needed for that type of wetland will be maintained.
3f	General/SMP	H. Branch 01/04/2021	Priority Riparian Areas are listed as the eastern shore of Budd Inlet, including and north from Priest Point Park, long stretches of western shore of Budd Inlet including West Bay Waterfront Park and the Port Lagoon and much of the shore of Capitol Lake. The priority areas are essentially parks. The prevailing assumption seems to be that humans must destroy any place we reside.	How the local SMPs and Critical Areas Ordinances (CAOs) work together has been further refined by the state. Within shoreline jurisdiction, shoreline setbacks and Vegetation Conservation Areas (VCAs, which are similar to buffers in the CAO) are in the SMP. For other types of environmentally sensitive areas such as steep slopes or wetlands, the provisions of the CAO apply within the shoreline jurisdiction. As such, any reference to Type S waters (for streams) or Priority Riparian Areas that pertain to marine waters should be removed from the CAO to reduce confusion.
3g	General/SMP	H. Branch 01/04/2021	The most glaring unspoken conclusion is that we should simply give up on East Bay, the half-mile long embayment south of Priest Point Park. It's been severely modified and has the worst benthic dioxin contamination and the poorest water quality in Budd Inlet. This way of thinking represents a clear violation of the Clean Water Act, the Endangered Species Act and numerous other State and Federal laws and regulations.	Comment noted. The City does not agree that the City or other governmental agencies are giving up on East Bay or are in violation of the Clean Water Act, the Endangered Species Act, or other state and federal laws.
3h	General/SMP	H. Branch 01/04/2021	How about some real changes: Restoration potential should be part of every equation. The potential inherent in a location should never be ignored.	Restoration considerations are part of project review but are not a requirement under the Shoreline Management Act. The most common forms of required restoration are in the form of revegetation in Vegetation Conservation Areas adjacent to shorelines. Larger projects may also include restoration both above and below the ordinary high water mark, such as by providing the type of restoration improvements envisioned within the

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				SMP's restoration plan (appendix A) or the West Bay Park Recreation, Trail, and Restoration Report.
3i	General/SMP	H. Branch 01/04/2021	Under City Code once a stream goes into a pipe in Olympia it no longer exists. Likewise if it's ever day-lighted, rules don't apply. This makes sense where there's currently a structure but not as justification for new construction. We should change the rule in such instances to recognize the existence of streams.	Comment noted. At this time the City does not intend to address waterbodies in the SMP that do not meet the definition of shorelines under the Shoreline Management Act. The critical areas ordinance will be fully reviewed during the next comprehensive update scheduled per the Growth Management Act.
3j	General/SMP	H. Branch 01/04/2021	The best available science should be employed in every study including a clearly stated observation, hypothesis, test and conclusion otherwise the effort can be incomplete, misdirected and conclusions can be buried in data. Sites should be sampled for any contaminants suspected of possibly being at the site, according to established protocols.	Comment noted. Please see the response to Comment 1a.
3k	General/SMP	H. Branch 01/04/2021	We need to take a holistic, ecosystem based approach to our critical areas. The baseline should be that which existed historically. Every effort should be made to determine how physical parameters like structures impact chemical parameters such as dissolved oxygen and biological parameters such as phytoplankton.	Comment noted. Please see the response to Comment 1a.
3l	General/SMP	H. Branch 01/04/2021	We should provide SRKW orcas with legal standing, consistent with the global Rights of Nature movement.	Comment noted. Please see the response to Comment 1a.
4	-	Bob Jacobs	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.
5	-	Walt Jorgensen	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.
6	-	Glen Anderson	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.
7	-	Zena Hartung	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.

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8a	SMP 3.42, 18.20.620 - Table 6.3; CAO 18.32.535	Lisa Riner	The review made the statement "The City's wetland buffers are not current with the State's most recent guidance". This means that the City of Olympia needs to have updated wetland buffer language in their review. We must update to meet the State language. We cannot allow our shorelines to deteriorate further. The City's response is that recommendations would result in amendments to chapter 18:32 of the Code (Critical Areas) rather than the SMP itself. But revisions to Olympia code 18:32 make no substantive changes to setbacks. We need setbacks! Currently setbacks next to Budd Inlet is 30 feet.	Please see the response to Comment 3e.
8b	SMP 3.42, 18.20.620 - Table 6.3; CAO 18.32.535	Lisa Riner	The City Response for a legitimate setback, continues to "recommend protecting critical areas, aiming at no net loss and providing mitigation for unavoidable impacts through minimizing, rectifying, reducing and compensating for loss". This statement is problematic! The loss of habitat for the eel grass, loss of habitat for the salmon, the food stock of the Endangered Orcas, are in the balance at Budd Inlet, Puget Sound.	Comment noted. The proposed change to wetland buffers is based on guidance from the Washington State Department of Ecology and its review of Best Available Science. Wetland buffers will apply to wetlands in the City, whether or not the wetland is within or outside of the shoreline jurisdiction.
8c		Lisa Riner	How about some real changes: In the SMP, "Restoration potential" should be part of every equation. The potential inherent in a location should never be ignored. For example, we cannot have the loss of eel grass. Many aquatic animals need eel grass to live. Putting rocks into the water, along Budd Inlet is not sufficient for rectifying loss. We need WA State language, the recent guidance, that deals with wetland and buffers.	Comment noted. Please see the response to Comment 3h. Restoration considerations are part of project review but are not a requirement under the Shoreline Management Act. Note, there are currently no proposed changes to the Restoration Plan (appendix A of the SMP). In the related amendments to the Critical Areas Ordinance, the City is updating the reference to the WA State language, the recent guidance, that deals with wetlands and appropriate buffer widths (See OMC 18.32.535).
8d		Lisa Riner	Under City Code the "Green Cove Creek" work done by the City in the 1980's was replaced by the "Low Impact Standards". This work deals with Critical areas, and wetlands, wetland buffers. We need to keep the original	Comment noted. Green Cove Creek is not regulated under the SMP. Protections for Green Cove Creek are within the City's Critical Areas Ordinance, based on its stream type. The City's Low Impact Development

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			language of that Green Cove Creek Study. Substituting “Low Impact Standards” language, is unacceptable. We need to have Critical areas safe-guarded, the “Low Impact Standards” put into effect by the City. The SMP deals with Critical Areas. We need the full weight of the City’s work from the 1980’s to protect Budd Inlet. We need Wa State language in the SMP.	standards pertain to stormwater and were adopted as good practice and to implement the City’s Municipal Stormwater Permit. These proposed amendments to the SMP do not alter the stream type for Green Cove Creek nor reduce environmental projections for the Green Cove Basin.
8e		Lisa Riner	The best available science should be employed in every study including a clearly stated observation, hypothesis, test and conclusion otherwise the effort can be incomplete, misdirected and conclusion can be buried in the data. In the SMP, it says, that development sites should be sampled for any contaminants suspected of possibly being at the site, according to established protocols. Without sampling, we have little proof of what is currently at the site. We have old studies, but they are insufficient. We need any developer to conduct a site study on past contamination. Public health and safety demand this for development on past polluted sites. This should be mentioned in the SMP.	Comment noted. Please see the response to Comment 1a. Additionally, the City believes the existing policy and regulatory language is adequate to address issues of soil contamination.
9	-	Kim Dobson	Concur with Harry Branch Comments dated Jan. 4, 2021	Concurrence noted.
10a	-	Debra Jaqua	Concur with Harry Branch Comments dated Jan. 4, 2021	Concurrence noted.
10b	SMP	Debra Jaqua	We cannot continue to kick the can down the road because that will burden our children. Decisions continue to be made that appear to be in the best interest of developers who are more concerned with profits than citizens who depend on a healthy shoreline, which we all need. Olympia can and must do better.	Comment noted. Please see the response to Comment 1a.
11	-	Esther Kronenberg	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.
12	-	JJ Lindsey	Concur with Harry Branch Comments dated January 4, 2021	Concurrence noted.

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13a	2.15 – Public Access Policies; 18.20.450 – Public Access; 18.20.460 – Design of Public Access	Bob Jacobs 01/09/2021	My biggest concern is public access. Shoreline access is a high priority public value. Proposed amendments on pages 16, 50, and 51 attempt to define situations where public access requirements could be waived, which would be unfortunate. Perhaps waterfront developments which have no on-site waterfront access possibilities could contribute to a fund to establish or improve public access elsewhere. It would be beneficial to have a better definition of adequate visual access, which is required where physical access is not possible. Visual access should be defined as providing clear views to the water.	Comment noted. It is common throughout other shoreline master programs to not require public access if adequate public access already exists in the immediate vicinity. Public access will be required unless a waiver is issued by the City consistent with 18.20.450.C. To provide more clarity around what constitutes “immediate vicinity” for public access, additional revisions are proposed to 18.20.450.C.6.
13b	18.20.910 – Alteration of Nonconforming Structures in Shoreline Jurisdiction	B. Jacobs 01/09/2021	Proposed amendments deal with the situation where buildings are or become nonconforming. They replace the word "restored" with "reconstructed". It seems questionable whether nonconforming buildings should be allowed to be replaced because this perpetuates a non-conformity, which by definition is not desirable. Elsewhere in city codes this is not allowed.	The intention of the proposed revision is to use a word other than restored, given that restoration in other parts of the SMP refer to habitat restoration. In this section, staff interprets the language to allow for legally established uses that no longer conform to the current standards to be repaired or replaced in the same location. OMC Chapter 18.37 also addresses nonconforming buildings and uses, including those which are located in critical areas. Changing this word is not critical and will not change the way this language is interpreted or implemented, it is intended to provide greater clarity of the intent.
13c	18.20.300 – Shoreline Jurisdiction	B. Jacobs 01/09/2021	New language is confusing. The first two sentences appear to contradict each other as regards structures.	The proposed language is meant to clarify how development is addressed when the shoreline jurisdiction applies to a portion, but not all, of the property.
14a	General/SMP	H. Wheatley	Olympia has many places where the most functionally important shoreline ecosystems (freshwater and saltwater) are severely compromised. Continuing effects of poor management of the shoreline are leading causes of degradation.	The primary purpose of the SMP is to identify how new development and redevelopment will be addressed. In most cases it does not address existing development. It strives to ensure a balance between environmental protection, public access, and giving priority to uses that require a shoreline location with

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				private property rights and development opportunities. On its own, the SMP will not fix any issues of existing degradation.
14b	2.11 Urban Intensity Environment	H. Wheatley	We need policies that substantially enhance shoreline ecological functions in “urban intensity” zones where much ecological harm to natural shorelines occurs.	Comment noted. The SMP establishes the rules that will apply to future development and redevelopment, in addition to those of other city codes and standards, such as zoning, building, and engineering standards, and requires that, at a minimum, baseline ecological functions are maintained.
14c	2.11 Urban Intensity Environment	H. Wheatley	The shoreline is critical to the resilience of maritime life. For Puget Sound, fixing the urban zone is key to rebuilding resilience.	Comment noted.
14d	General/SMP	H. Wheatley	South Puget Sound shorelines are mapped as priority habitats.	Yes, many areas of the South Puget Sound within the City of Olympia and the urban growth area are mapped as priority habitats.
14e	2.2 Shoreline Ecological Protection	H. Wheatley	Puget Sound is in grave trouble. The “no net loss” approach is a failure. Habitat degradation continues to outpace restoration.	Comment noted.
14f	General/SMP	H. Wheatley	Olympia’s SMP should provide political fortitude at the local level to define clear, consistent goals. It should set meaningful limits based on best available science, not based on past practices and political expedience.	Comment noted.
14g	General/SMA	H. Wheatley	Regional priorities for Puget Sound must be habitat protection and restoration, water quality protection, and salmon recovery. The first priority for revisions should be to make it more protective of these priorities based on what have learned about what works, and what does not. It should be based on principles of adaptive management, strive toward goals set on science, because we are dedicated to social and environmental justice, and because we want to make our waters whole again for all our communities, including finned and winged.	Comment noted. The City’s SMP includes policies and regulations aimed at ensuring no net loss of shoreline ecological functions and a Restoration Plan to help improve ecological functions over time.

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14h	General/SMP	H. Wheatley	One approach to improving the effectiveness of the SMA, so that degraded shoreline is not one of the factors contributing to poor water quality, is to revise the SMP according to the criteria and requirements of the SMA itself.	Comment noted. The City’s SMP was shown to meet all criteria of the Act during the last comprehensive update. This periodic review ensures consistency with all recent legislative actions since the last comprehensive update.
14i	2.1 – Shoreline Master Program Goals and Policies	H. Wheatley	The Draft SMA helpfully provides the language of Section 2.1(A) of the Shoreline Management Act. The Act provides an “order of preference” prioritized as follows: 1. Recognize and protect the statewide interest over local interest. 2. Preserve the natural character of the shoreline. 3. Long term over short term benefit. 4. Protect resources and ecology. 5. Increase public access to publicly owned areas. 6. Increase recreational opportunities for the public. 7. Anything else defined by the Act as “appropriate or necessary.”	Agreed. The City is proposing to add considerations of resilience of shoreline ecosystems, functions and developments in response to sea level rise as well.
14j	Section 2.1 – Shoreline Master Program Goals and Policies	H. Wheatley	Following this “order of preference” could improve the health of Puget Sound. Olympia does not recognize these priorities holistically. Nor are the current proposed revisions intended to correct the SMA’s course so it moves toward prioritization of natural shoreline. SMA’s description of the City’s role in implementing the Act does not even identify goals #1 through #3 listed above, as elements of the SMA’s “purpose and intent.” The emphasis, instead, is on looking inward to city priorities and doing just enough in the current regulatory environment. This trends toward piecemeal regulation when the whole point is to avoid piecemealing the shoreline to functional death.	Comment noted. The City believes the SMP balances the Shoreline Management Act and Growth Management Act requirements for how future development and redevelopment will occur, including the rules and regulations that are in place for shoreline and environmental protection in urban areas.
14k	General/SMP	H. Wheatley	The SMP muddles city interest with the statewide public interest, and largely fails to place the SMP in the urgent context of the 21st century. To build an SMP that works,	The City believes the SMP does address both statewide and local interests, as intended. The City’s SMP is one part of a larger context of efforts aimed at

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			revisions should contribute to the wellbeing of Puget Sound in the face of population growth, pollution, urbanization of the nearshore environment, species decline, and all of the challenges of climate change that affect our waters and shorelines.	improving Puget Sound. Many other efforts by other entities, including state and federal agencies, also apply.
14l	Section 2.9 – Marine Recreation Environment Management Policies; 18.20.120 Definitions	H. Wheatley	Proposed revisions to accommodate the Port’s interest in building an RV park provides an example of the potential hazards of piecemealing. The state has set high and specific standards for the kinds of recreational use that can be permitted on a shoreline. The City has already indicated that it is aware that the state may reject the proposed revisions to build an RV park, on those very grounds. Can the Port show that it is meeting a “demonstrated significant local, state, or national need” for the new proposed use? Is this a use that should be permitted because it cannot be met elsewhere, per Section IV of WAC 127-26-360 (Ocean Management)? Does a tourist RV park, closing off the area to local public use, meet or at least not detract from priorities #5 and #6 listed above? Conversely, could revising the acting definition of shoreline recreational use in order to allow an RV park, have potentially adverse impacts if it is subsequently applied to other shoreline areas in the city once it becomes part of the SMA?	If any kind of recreational camping or lodging is ever proposed by the Port of Olympia, or any other property owner, it must be reviewed and approved for compliance with all zoning and development standards that apply. This would include review under the State Environmental Policy Act (SEPA), critical areas ordinance, and SMP. The intent of the proposed language is to clarify that short term camping is a form of recreation that could be allowed in the Marine Recreation shoreline environment.
14m	General/SMP	H. Wheatley	If there is compelling reason to change the SMP in a way that allows a particular project, it should be framed with general principles. Any particular project, such as an RV Park for the Port or a large scale real estate development on the West Side, should be forced to stand on its own merits and either meet the optimal regulatory criteria, or prove itself to be sufficiently beneficial to earn a variance.	Any proposed development in the shoreline jurisdiction will be reviewed for conformance with all applicable rules and regulations. If the requirements cannot be adequately satisfied the proposal will not be approved.
14n	18.32.535	H. Wheatley	Shoreline contribution to ecological health must be the top priority of the 2020s. There is documentation of both	The SMP Periodic Review does not include the reassessment of the City’s ecological baseline that

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			the economic costs of loss of ecological function, and economic advantages provided by the ecological services of a healthy shoreline. It is not clear that the proposed buffer changes would serve to demonstrably and substantially improve how the SMP meets the priorities of the SMA to protect natural shoreline, or how they would work to lift Puget Sound out of its current crisis rather than drive it deeper. Do the changes increase protection, or reduce it? Is it truly sufficient to meet “no net loss” standards?	was established in 2015 as part of the development of the Shoreline Master Program. The ecological baseline is the threshold from which “no net loss” is measured. While ecological improvements can be made that exceed that level, it is the established minimum threshold and is not proposed to be revised at this time.
14o	General/SMP	H. Wheatley	According to Puget Sound Partnership, habitat degradation is the greatest threat, and restoration is the most important way to realize the “full potential of Olympia’s shoreline”.	Many of the proposed amendments are to encourage soft armoring (above and below the ordinary high water mark [e.g., see policy 2.5.H.]) and to encourage enhancement over the existing condition (e.g., see section 8.20.846).
14p	General/SMP	H. Wheatley	Many proposed revisions appear to be based on an insular, city-centered approach to SMA revision. It would be preferable to propose revisions that encourage making the most of the data and science-based guidance available to the city from a wide range of state agencies. In particular, the Priority Habitat approach of the WDFW should be reflected. It should provide a starting point for the revision process, as WDFW has called for the utilization of PHS as an adaptive management tool.	The City uses Best Available Science for the protection of critical areas both within and outside of the shoreline jurisdiction.
14q	General/SMP	H. Wheatley	A Priority Habitat approach would provide a robust antidote to the greatest immediate failure of the SMA: its approach to Critical Areas. The SMA should not simply adopt the CAO by reference, even where the city code addresses priority species and habitats for streams and shorelines. Priorities of the SMA should prevail.	Comment noted. The City strives to protect the environment, including shorelines, by implementing state laws through development regulations for shorelines (in accordance with the Shoreline Management Act), critical areas ordinance (in accordance with the Growth Management Act), and in state rules and from court cases.
14r	SMA & GMA	H. Wheatley	The SMP should have Critical Area language based on shoreline ecology and guided by the needs of priority	It has been clarified through the state that for shoreline areas, the SMP must govern the regulation of critical areas (such as wetlands and steep slopes) in the shoreline

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			<p>species, especially salmonids. It should not be subordinate to the Growth Management Act. The legislature has made this very clear. The legislature intends that critical areas within the SMA jurisdiction shall be governed by the SMA and that critical areas outside the SMA jurisdiction shall be governed by the GMA. The legislature further intends that the quality of information currently required by the SMA to be applied to the protection of critical areas within shorelines of the state shall not be limited or changed by the provisions of the GMA. (RCW 90.58.030)</p>	<p>jurisdiction. This is why, for regulatory consistency both within and outside of shoreline jurisdiction, the CAO is adopted by reference in the SMP and why, as part of the SMP Periodic Review process, the City is amending the CAO to reference the most recent state guidance on wetlands and wetland buffers. It should be clarified that shoreline setbacks and the Vegetation Conservation Area (VCA) serve as “buffers” for waterbodies meeting the definition of shorelines under the SMA and that critical areas such as wetlands and steep slopes that occur within the shoreline jurisdiction are regulated by the CAO through the SMP. Staff believes there is the potential for confusion because the CAO includes reference to Type S waters, which are shorelines of the state. As such, additional revisions are proposed to remove reference to Type S or marine waters from the CAO. The CAO would still be incorporated by reference to apply to critical areas within the shoreline jurisdiction. Type S waters are governed by the SMP.</p>
14s	General/SMP	H. Wheatley	<p>Protection of productive habitats for salmonids, feeder fish and zooplankton should be at the top of permitting concerns. So too should protection of shoreline vegetation complexes, including remaining forests and wetlands, that support species (bats, wood ducks, herons, ospreys, eagles). Science- and species-based approaches to identifying priority and critical habitat areas would immediately transform the current stream listings in Table 19.200.107(A) (“Streams Subject to the SMP”). The current list does not identify major streams (and their estuary/outflows) such as Indian/Moxlie and Percival Creeks. The SMA should highlight other kinds of priority shoreline habitats already identified and mapped by the State, including small shoreline streams of importance to chum, or estuary shorelines of significance to salmonids</p>	<p>The City believes the goals, policies, and regulations in the SMP do provide for the protection of habitats and species and that the SMP is compliant with requirements of the Shoreline Management Act and Growth Management Act. Surface streams that do not meet thresholds to be considered shorelines of the state are governed by provisions of the Critical Areas chapter, OMC 18.32. Note: Table 19.200.107A is not recognized so staff responses do not pertain to it.</p>

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			and feeder fish, and/or that may be known sources of degrading pollution.	
14t	General/SMP	H. Wheatley	Such an approach, including prioritization of long term over short term benefit, would demand protections from climate change impacts far beyond sea level rise and the geographically limited SLR plan. Conservation and restoration of natural shoreline and shoreline vegetation complexes is the best approach we have to assure protection of Puget Sound and interests in the face of climate change. Standards of environmental justice and heritage protection also point toward prioritization of conservation and restoration.	Comments noted. The City does support and encourage conservation and restoration.
14u	18.20.510 – Water Quality	H. Wheatley	A science-based approach would prioritize stormwater impacts and protection of shorelines from pollution. This would lead in an opposite direction to many of the currently proposed revisions, such as the concept of “functional disconnect” that essentially removes certain areas from protection because they are urban and developed. Prioritization of public access and water-based recreational use should also call this concept of “functional disconnect” into question.	Comments noted. The City adopted Low Impact Development Stormwater standards and works to prevent pollution. Additionally, efforts outside of the SMP occur, such as work on habitat restoration outside of the shoreline environment and through work with the LOTT Clean Water Alliance.
14v	General/SMP	H. Wheatley	The City is aware of potential projects that could have a profound impact on the shoreline during the near-future timeframe covered under this proposed set of revisions. We are now living through an unforeseen and sharply punctuated moment of demographic and economic shifts that may have implications for how shoreline recreation and access issues in Olympia should be addressed fairly and for greatest long term public benefit.	Comment noted. Any and all applications for development review will be reviewed for compliance with the rules and regulations in place at the time a proposal is vested, as is required by state and local codes.
14w	General/SMP	H. Wheatley	The regulatory gap analysis approach which largely framed the revision seems timid. The handful of revisions will not lead Olympia to substantial and measurable improvements in the metrics that truly matter. The	Comment noted. The purpose of the gap analysis was to identify where revisions are required in order to set the minimum scope of the periodic review required under state law. The primary purpose of the

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			proposed revisions seem to lead the charge in the opposite direction from bracing up the “political fortitude” of city regulators.	SMP Periodic Review is to make any necessary revisions to ensure the SMP is current with changes to state laws and adopted updates to local plans.
14x	General/SMP	H. Wheatley	It appears the scope of the task given to the consultants did not lay out a primary task of highlighting the areas of the current SMP that are insufficiently protective or suggesting revisions that could best optimize protectiveness. It appears where the contractor provided helpful advice the analysis may have been minimized or ignored.	Comment noted. The City believes the proposed amendments implement the required updates and highlight changes in local circumstance, such as the City’s adoption of a Sea Level Rise Response Plan. As noted above, the primary purpose of the SMP Periodic Review is to make any necessary revisions to ensure the SMP is current with changes to state laws and adopted updates to local plans. Conducting new studies or assessing environmental conditions is beyond the scope of this update.
14y	General/SMP	H. Wheatley	Every proposed revision should be examined through the lens of whether it brings the city closer to decreasing stress on South Puget Sound. The fundamental question for decision makers is: does this proposed revision help to turn the degradation around?	Comment noted. The majority of amendments are to ensure consistency with state law or improve usability and understanding of the SMP.
14z	General/SMP	H. Wheatley	There should be no revisions that actually carry the SMP further away from the SMA or that stymie the accelerating evolution of state policy in the face of the environmental crisis.	Comment noted. The City does not believe any of the proposed revisions carry the SMP further away from the intent or requirements of the SMA.
14aa	General/SMP	H. Wheatley	There should be reference to environmental justice and recognition of the shoreline’s cultural heritage as a home beyond a century’s legacies of built environment. There should be at least a gesture toward the need to prepare for a significant revamping of the SMP, in the next go-round, in order to adopt science-based adaptive management policies. For the present round of revision, the need to look forward might be addressed by calling for more inclusion of state-based scientific expertise on a regular basis to assure that the permitting process is truly protective. It would help to outline a sound program of	Comment noted. The City looks forward to a future comprehensive update of the SMP and an evaluation of ecological, cultural, and land use conditions. However, such a review is outside the scope of this periodic review.

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			data collection and management in order to establish metrics that can support adoption of adaptive shoreline management going forward.	
14bb	General/SMP	H. Wheatley	While some marginal commentary is made available, the intent of specific revisions to the SMP can be a challenge for the public to parse. Some revisions, such as incorporation of Sea Level Rise, are easy to interpret and sensible on their face. Others, such as revisions to processes related to permitting authority and the role of the hearing examiner, are harder to understand. If comments about specific revisions are off base due to misinterpretation of their scope, effects or intent, then please apply the fundamental criterion upon which these comments are based: the proposed revision should provide better real outcomes in protecting the shoreline than leaving the original language in place.	Comment noted. Additionally, there have been several briefings on the SMP Periodic Review at the Planning Commission during public meetings and staff have responded to questions regarding the purpose of proposed revisions. Additional information, including a detailed gap analysis and contact details for staff, are available on the City webpage at olympiawa.gov/smp .
14cc	Section 1, Purpose and Intent 1.6 Critical areas, Regulation by Reference	H. Wheatley	There appear to be areas where recently revised language of the CAO weakens shoreline protection, meaning that this revision should not be adopted. For example, the CAO appears to remove a prohibition on combining wetland buffer averaging and administrative wetland buffer reductions in shoreline areas. The impacts of changes to the OMC and its inadequacies for shoreline protection should be clearly stated for decision makers as they consider adopting this revision. The Watershed Company states that the OMC itself needs to be updated in many areas to follow state guidance. The SMA is powerless to effect such changes to the Olympia code. This is precisely why the legislature finds that there should be a separation between the SMA, the GMA, and city ordinances. The tables provided by The Watershed Company in its section on "Consistency with the Critical Areas Ordinance" may provide a useful starting point for revision of Critical Area language that brings actual	The existing CAO already contains language which prohibits the combined use of buffer averaging and buffer reduction in OMC 18.32.535. No amendment is proposed to that provision in the CAO or the SMP 18.20.420. State law requires local jurisdictions to regulate critical areas that are present in shoreline jurisdiction via policies and regulations contained in the SMP. For consistency within and outside of shoreline jurisdiction, the City is adopting the most recent CAO by reference in the SMP.

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			improvement, as discussed above in regard to WDFW priority habitats. This also includes the listing/mapping of critical areas. Critical areas under the SMA should look first and foremost to state standards.	
14dd	Table Section 1.2	H. Wheatley	This adds confusion and should be removed. It is oversimplified and may cause members of the public to miss useful elements of other tools and policies by implying that they are absent or not applicable. There is no case to be made that this table improves shoreline protection.	This existing table provides a useful summary of other regulatory and policy tools that apply and is intended to help readers identify other city plans and codes that may also affect development proposals. The only revision proposed at this time is to show that the SMP also addresses sea level rise, in addition to the Comprehensive Plan, the Zoning Code, the Engineering Development and Design Standards, Floodplain Codes, SEPA, and the Capital Facilities Plan currently noted.
14ee	Section 1.3(C) and no net loss	H. Wheatley	From the way it is worded, Section 1.3 (C) implies that RCW 90.58.020 calls for, or at least accedes to a policy of “no net loss of shoreline ecological functions”. This is not true. It should be made clear that the concept of “no net loss” is a City policy formulation at this point. A better revision would call for a net <i>gain</i> of shoreline ecological functions in order to “foster the policy contained in RCW 90.58.020.”	Comment noted. Section 1.3 is not proposed for amendment and is consistent with state guidelines.
14ff	Section 1.3 – Purpose and Intent	H. Wheatley	The statement of “purpose and intent” in Section 1 should set a tone appropriate to the challenges of achieving good shoreline policy in the context of climate change and the ecological collapse of Puget Sound. It should incorporate environmental justice and meeting the city’s obligations to and honoring the cultural heritage of the tribes. It should bolster the regional context of shoreline protection by making specific reference to Olympia’s role as guardian of the shoreline under the SMA.	Comment noted. Section 1.3 is not proposed for amendment and is consistent with state guidelines.

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14gg	Section 2.1 – SMP Goals and Policies	H. Wheatley	It is unclear why #7 is added when it does not appear to be part of the list in the current RCW. This seems to change Section A from an enumeration of priorities under the SMA, to a hybrid of state and city priorities.	Appendix A of the Washington State Department of Ecology’s Shoreline Master Program Handbook is about Addressing Sea Level Rise in SMPs. While not specifically required it is certainly becoming more common as counties and cities work to use the most current, accurate and complete information regarding sea level rise and marine shorelines.
14hh	Sea Level Rise	H. Wheatley	Current SLR planning does not incorporate all six miles of Olympia marine shoreline, or even address impacts of SLR to groundwater. There is no reason to wait for the city and its SLR plan to catch up with the need to regulate the shoreline for SLR and other climate change impacts (long term benefit). Much of this can probably be developed in subsection G.	The City will continue its efforts, over time, to understand and address sea level rise. This is likely to increase the portions of the City and portions of the Urban Growth Area that will be addressed. As Sea Level Rise and Comprehensive Plans are updated, additional amendments to the SMP may be included in the future.
14ii	Section 2.1 F – SMP Goals and Policies	H. Wheatley	For subsection F, it would be appropriate to add a qualifier, give the state’s preference that shoreline management be conducted according to what is optimal for long term and natural shoreline protection over the long term. The policies and regulations should be integrated and coordinated, <i>to the extent practicable</i> , with the other goals, etc.	Comment noted. Section 2.1 F is not proposed for amendment and is consistent with state guidelines.
14jj	Section 2.1 – C & D 18.20.120: Definitions	H. Wheatley	The SMA is inadequate in its definitions. What is the best way to identify a “shoreline of the state”? How does climate change challenge definitions based on tidelines, high and low water marks, 100 year floodplains, and the like? Is the concept of an “urban Intensity” shoreline consistent with what science now tells us about where shoreline should be preserved or even restored? Based on better understanding of salmonid ecology, how should a “segment” of a “natural river” be defined? (Suggestion: include “stems” that flow into a river’s estuary.) This revision period is a good time to present ideas on how to make science happen as policy.	Comment noted. Shoreline jurisdiction is determined based on state law as defined in RCW 90.58.030.

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14kk	Section 2.15 K Public Access Policies	H. Wheatley	Do not accept revision of public access policies that permit new development or redevelopment without on-site public access. Use public input to define “adequate public access” and “immediate vicinity”.	See response to Comment 13a
14ll	Section 2.21 B Agriculture	H. Wheatley	There is no reason to assume that well managed land use for agriculture is worse than other land uses. The prohibition against agricultural uses should be revised.	Comment noted. This is an existing policy that is not proposed for amendment. The prohibition on new agriculture within the city’s shorelines was established at the time of the comprehensive SMP update, if not earlier.
14mm	Section 2.31 F Dredging	H. Wheatley	If it enhances shoreline protection and provides additional environmental safeguards, then revisions to dredging policy are welcome.	Comment noted.
14nn	Section 2.34 M & throughout - West Bay Environmental Assessment Report	H. Wheatley	Restoration and Enhancement Policies and other parts of the SMA should not specifically cite the West Bay Environmental Restoration Assessment Report. Its appearance throughout the SMA has all the appearance of an effort to gain backdoor approval of a specific project. All reference should be removed. The same goes for the Sea Level Response Plan. If there are general policies that can be derived from a referenced report or study (such as the considering the SLR to “determine the minimum necessary size of shoreline stabilization structures,”) then apply the principle, and apply it across the board (for example, to <i>all</i> shorelines affected by SLR). If it doesn’t fit across the board (soft shorelines are preferable to shoreline stabilization structures) then maybe it doesn’t belong at all.	Comment noted. Reference to the West Bay Environmental Restoration Assessment Report and the Sea Level Response Plan have been included in the SMP to add clarity and understanding for how various sections may apply.
14oo	18.20.120 - Definitions	H. Wheatley	May not be necessary if a Port RV park is not deemed an improvement to shoreline policy.	Comment noted.
14pp	Functional Disconnect (various)	H. Wheatley	As previously discussed, this is not a scientifically or socially sound concept. It should be removed throughout. What is not scientific about it: it ignores the	Comment noted. Please see the response to comment 2C. The term functional disconnect has been added to the definitions section and clearly

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	18.20.120 – Definitions, 18.20.450 - Public Access, 18.20.460 – Design of Public Access		existence of groundwater, stormwater or anything else, possibly including pollutants, that may move across the named structural elements. What is not socially sound: The concept appears to be applied largely in terms of public access and impacts. But it is not clear that the concept works even in a limited context. For example, the existence of a road does not functionally disconnect a viewer’s ability to see the shoreline from the upland side of a road or across a public space. A person or other mobile thing can move across space and not subjectively experience it as a “disconnect.” The concept also appears to be applied in regard to setbacks, where again it should not be assumed that the existence of a physical structure will somehow remove the rationale for a setback requirement. In the absence of a persuasive argument that this can or should be implemented as a universal policy without doing potential harm to achieving the optimal protection of the shoreline in all its aspects, the notion of “functional disconnect” should be eliminated, and each permitting situation should be addressed on its merits.	identifies that it applies in situations where an existing intersecting development has eliminated the capacity for ecological function.
14qq	18.20.120, 18.20.450, 18.20.460	H. Wheatley	On the topic of public access, lines of sight, etc: shorelines under the SMA are not limited to saltwater but include lakes and streams. It is not clear that the City of Olympia has given due consideration to optimizing public access along non-marine shorelines.	Comment noted. The public access provisions apply across shorelines governed by the SMP, including all applicable marine and freshwater shorelines.
14rr	Exceptions to Local Review 3.6 (A) 18.20.215	H. Wheatley	Specific meaning is unclear, “environmental excellence” does not necessarily equate to “most protective of the shoreline.” This language probably goes against the priorities of the SMA. The same applies to the Energy Facility Site Evaluation Council process listed elsewhere. Other items in Section A apply to facilities that already exist and are therefore probably not objectionable.	The exception to local review is allowed under the SMA when subject to an environmental excellence program agreement (RCW 90.58.045 and 43.21K). Such projects favor or promote pollution prevention, source reduction, or improvements that are transferable to others or that can achieve better environmental results than required by applicable

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				rules and requirements. These are statutory exceptions per WAC 173-27-044 and -045.
14ss	Section 3.13 Shoreline Permit Procedures 18.20.280(C)	H. Wheatley	This appears to revise the exemption process in order to liberalize permitting in ways that provide no apparent benefit to the shoreline compared to the original language. It may actually broaden the range of permit exemptions. It appears to remove some criteria for exemption, such as: already being exempt from SEPA <i>and</i> being “entirely upland of the Ordinary High Water Mark.” It appears to remove the criterion that an exemption application can’t be decided by an Administrator if a public hearing is requested by an interested party. It appears to broaden the scope of permits and applications that can be decided by a Hearing Examiner. Such proposed revisions do not forward the cause of shoreline protection and should not be included.	This revision is intended to clarify that not all shoreline permits are required to go to the Hearing Examiner, that some lesser proposals can be decided by the Shoreline Administrator in accordance with the SMA.
14tt	Section 3.81 Expansion of Nonconforming Structures, 18.20.900	H. Wheatley	What is the benefit to the shoreline or public in revising the SMA to allow expansion of nonconforming structures? The city should consider whether it wants to encourage this with climate change and sea level rise. This revision has yet to be fully discussed by the community in terms of climate/SLR strategy. The same consideration applies to the revision allowing for reconstruction of nonconforming structures damaged or destroyed by acts of nature. This revision appears counterproductive to encouraging most protective outcomes.	Comment noted. Amendment is intended to add clarity that certain nonconforming structures may be expanded in accordance with the alteration allowances in 18.20.910.
15	-	Sam Merrell, Audubon	Black Hills Audubon endorses the comments submitted by Harry Branch. We agree with his arguments that an ecosystem, science-based approach is needed protect the flora and fauna of Budd Inlet and other waterways.	Concurrence noted.
16	Public Hearing Testimony	Robert Vadas	Concern about the shoreline setback reduction proposed for the West Bay Park area, that it may be an opportunity	Comment noted. The request to reduce the 150-foot shoreline setback and minimum width of the

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		01/11/2021	<p>for businesses to develop closer to the shoreline. Why not limit this so it applies to the park only?</p> <p>Concern about RV park idea and concern about greater living opportunities in marinas since there are oxygen problems in the water. My concern is about the oxygen problem. We need more than the status quo.</p>	<p>Vegetation Conservation Area (VCA) was originally considered to allow for some park improvements at West Bay Park and to reduce the number of privately owned nonconforming structures in the Waterfront Recreation shoreline environment, some of which are approximately 40-feet from the ordinary high water mark.</p> <p>Proposed revisions regarding camping is meant to clarify that camping, including for RVs, would be allowed as a recreational use in the Marine Recreation shoreline environment.</p> <p>Proposed revisions to address live-aboards are meant to provide a cap on the number of slips in a marina that can be used for housing, while accommodating the number of existing live-aboards within the city so as not to create non-conforming marinas. In order to allow live-aboards in marinas, certain facilities must be provided including solid waste and sewer facilities.</p> <p><i>Proposed change: The City has amended Table 6-3, Setbacks and Incentives, located in section 18.26.620, Use and Development Standards Tables, to adjust the proposed setback in the Waterfront Recreation shoreline environment on the west side of West Bay (Reach Budd 3B) to 50 feet rather than the previously proposed 30 feet.</i></p>
17	Public Hearing Testimony	Harry Branch 01/11/2021	<p>Percival Creek is mentioned as having more than 20 cfs of flow. Why aren't Moxlie, Indian, Ellis, or Schneider Creeks included? I am concerned about the condition of streams in Olympia and in particular intertidal culverts, which have serious impacts on water quality. 160 miles of streams run through culverts and pipes. Olympia puts streams in pipes and then denies they ever existed. We need a holistic, ecosystem approach to critical areas and</p>	<p>The City's comprehensive SMP update, approved in 2015, included an in-depth inventory and characterization of shoreline areas. This included assessing data (provided by the USGS) for freshwater streams which meet the 20cfs mean annual flow threshold. The scope of this periodic review does not include a re-evaluation of these findings.</p>

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			the baseline should be that which existed historically. The paradigm of no net loss has failed.	
18	Public Hearing Testimony	Jason Gano 01/11/2021	I am the new Political Director with the Olympia Masters Builders and I am looking forward to working with you over the coming year.	Comment noted.

Several comments submitted raised concerns about the health of the Puget Sound including species protection and water quality issues. Some comments were beyond the scope of the Shoreline Master Program Periodic Review. Below is a high level overview of some of the efforts underway to help improve the health of the Puget Sound.

Health of the Puget Sound

Many of the comments summarized above are related to the health of the Puget Sound. There are several significant efforts underway to address the health of the Puget Sound. Most of these efforts are addressed by state or federal agencies and, while related to the City’s Shoreline Master Program and Critical Areas Ordinance, are beyond the scope of the local SMP. For example, the state’s Puget Sound Partnership, Orca Task Force, and the Salmon Recovery and Puget Sound Acquisition and Restoration program are just some of the entities working to improve habitat and water quality. Several Federal and State agencies are involved in this important work. Some work is focused on particular species like salmon or resident orcas while other work focuses on pollution prevention, recovery, restoration, education and information, and scientific support. The federal government also coordinates with Canada regarding the Salish Sea, which includes Puget Sound.

Laws such as the Endangered Species Act and the Clean Water Act are addressed by both State Agencies (Washington State Department of Fish and Wildlife and the Washington State Department of Ecology) and local governments. For example, the City of Olympia relies on the Priority Habitats and Species maps and guidance from the Dept. of Fish and Wildlife, as well as guidance from the Dept. of Ecology on wetlands, in the regulation of environmentally sensitive areas through the Critical Areas Ordinance. And the City of Olympia has a NPDES Permit from the state regarding stormwater. Other organizations, such as the LOTT Cleanwater Alliance, work with the Dept. of Ecology regarding the treatment of wastewater.

Related Resources

- US Environmental Protection Agency – Puget Sound: <https://www.epa.gov/puget-sound>
 - Washington State Department of Ecology – Puget Sound: <https://ecology.wa.gov/Water-Shorelines/Puget-Sound>
 - Puget Sound Partnership – Puget Sound Recovery: <https://www.psp.wa.gov/puget-sound-recovery.php>
- City of Olympia SMP Periodic Review – Response to Public Comments

Orca Task Force: <https://ecology.wa.gov/Water-Shorelines/Puget-Sound/Orca-task-force>

WA State Recreation and Conservation Office - Salmon Recovery and Puget Sound Acquisition and Restoration: <https://rco.wa.gov/grant/salmon-recovery/>

Washington State Dept. of Fish and Wildlife – Priority Habitats and Species: <https://wdfw.wa.gov/species-habitats/at-risk/phs>

LOTT Cleanwater Alliance – Wastewater Treatment: <https://lottcleanwater.org/about-lott/wastewater-treatment/>

Long-Term Planning for Capitol Lake - Deschutes Estuary: <https://des.wa.gov/about/projects-initiatives/capitol-lake/long-term-planning-capitol-lake-deschutes-estuary>