

The following changes are recommended, to clarify provisions of the SMP, and are consistent with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III)

ITEM	SMP PROVISION	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>striketrough-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE
1	<b>Section 2 Definitions</b> <b>Substantial Development</b>	SUBSTANTIAL DEVELOPMENT - Any development of which the total cost or fair market value exceeds \$ <del>6,416</del> <u>\$7,047</u> , or any development that materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in RCW 90.58.030(3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period...	The Office of Financial Management (OFM) revised the cost threshold above which a development will require a Substantial Development Permit (SDP) to \$7,047. OFM is required to adjust the cost threshold for inflation every five years (from 2012 – 2017 the amount was \$6,416.) The new threshold was effective September 2, 2017. [See State Register announcement: <a href="#">WSR 17-17-007</a> ]
2	<b>Section 3.3.A Environment</b> <b>Designation Interpretation</b> <b>Page 42</b>	A.5. For those shoreline areas in or around Willapa Bay, the upstream extent of <del>tidalwaters</del> <u>tidal waters</u> , and the resulting assignment of Willapa Bay Conservancy environment versus Rural Conservancy environment for upland areas...	Typographical correction consistent with the definition in Section 2.
3	<b>Section 4.1.B Historic, Cultural, Scientific, Educational</b> <b>Page 44</b>	B.2. If any archaeological resources are uncovered during excavations in shoreline jurisdiction, work must be stopped <u>immediately</u> and the developer and property owners must notify the County, the State Department of Archaeology and Historic Preservation, and any affected Indian Tribes.	Comment D-1 suggested this revision to improve clarity. The change is consistent with WAC 173-26-221(1)(c)(i).
4	<b>Section 4.2.B Environmental</b> <b>Protection and Critical Areas</b> <b>Page 46</b>	2.g.i. Those portions of an approved <del>water-oriented</del> development that <u>are water-dependent</u> and require a location waterward of the ordinary high water mark, and/or within their associated buffers and setbacks;	Comment D-5 suggested more specificity be given to the definition of developments that “require a location waterward of the ordinary high water mark.” Based on the intent described in the county’s response to the comment, the recommended revision might help clarify the concern raised.
5	<b>Section 4.3.B Public Access - Regulations</b> <b>Page 50</b>	2. For the purposes of this SMP, the right to public access shall not be construed to include the right to enter or cross private property, except through the use of an <del>existing</del> dedicated public right-of-way or through an <del>existing</del> easement that allows public access.	Comment D-8 suggested this revision to avoid the potential for future misunderstanding around use of the word “existing”. The SMP addresses future uses and activities and the requirement that there be an <u>existing</u> public right-of-way or easement could create unintended conflicts in implementation. Public access may be required as part of a future development, at which time, the easement or dedicated right-of-way will be required.  The revision is consistent with requirements in the SMP Guidelines on public access (WAC 173-26-221(4)) while still being clear that there is no right to access private property unless there are provisions in place (e.g. public right-of-way, easement) that allow for such access.
6	<b>Section 4.5.B Vegetation Management</b> <b>Page 55</b>	B.2. Vegetation within shoreline buffers, other stream buffers, wetlands or wetland buffers, or other critical areas shall be managed consistent with Section 4.2 of this Master Program <del>and reference to Critical Areas in Shoreline Jurisdiction</del> .	Section 4.2 includes adoption by reference to a dated version of the Critical Areas and Resource Lands Ordinance (CARL). To minimize the need for future SMP revisions when amending the CARL, it’s recommended the specific reference here be deleted. In addition, by referencing SMP Section 4.2, consistency with the CARL is addressed – see 4.2.B.2 which states that “critical areas, critical area buffers, and shoreline buffers...” are regulated by the CARL.

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7	<p><b>Section 5.1</b> <b>Table 5-1 - Aquaculture</b> <b>Page 60</b></p>	<p>Table 5-1. Permitted Uses and Modifications by Environment Designation</p> <table border="1"> <thead> <tr> <th>Use or Modification</th> <th colspan="10">Shoreline Environment Designation</th> </tr> <tr> <th></th> <th>Natural</th> <th>Rural Consistency</th> <th>Shoreline Residential</th> <th>High Intensity</th> <th>Coastal Consistency</th> <th>Willapa Bay Consistency</th> <th>Freshwater Aquatic</th> <th>Coastal Ocean</th> <th>Coastal Ocean High Intensity</th> <th>Willapa Bay Estuary</th> <th>Columbia River Estuary</th> </tr> </thead> <tbody> <tr> <td><b>Table Key:</b></td> <td colspan="11"></td> </tr> <tr> <td>P = Permitted use (SSDP or Exemption) subject to policies and regulations of this SMP</td> <td colspan="11"></td> </tr> <tr> <td>C = Shoreline Conditional Use subject to policies and regulations of this SMP</td> <td colspan="11"></td> </tr> <tr> <td>X = Prohibited</td> <td colspan="11"></td> </tr> <tr> <td>NA = Not Applicable</td> <td colspan="11"></td> </tr> <tr> <td>Upland = Regulated 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When consistent with the control of pollution and prevention of damage to the environment, it is a preferred use (WAC 173-26-241(3)(b)). The Pacific Ocean is a Shoreline of Statewide Significance.</p> <p>It is recommended the prohibitions on all types of Aquaculture in the Coastal Ocean SED be replaced by a requirement for a shoreline conditional use permit (X-C). This improves consistency with WAC 173-26-241(3)(b)(i) recognizing the ecological restrictions (water quality, temperature, oxygen content, etc.) on aquaculture and the innovative nature of the industry. The Conditional Use process allows the county to closely scrutinize projects, and provides the ability to deny projects that do not meet conditional use criteria, while also acknowledging that aquaculture practices change over time and new approaches may allow for sustainable expansion of the activity.</p>						
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8	<p><b>Section 5.1</b> <b>Table 5-1 – Boating facilities</b> <b>Page 60-61</b></p>	<p><b>Boating Facilities and Mooring <del>Other Overwater Structures</del></b></p> <ul style="list-style-type: none"> <li>• Community marina or public dock</li> <li>• <del>Fixed structure to facilitate dredge spoil placements</del></li> <li>• Residential dock, single-family or joint-use</li> <li>• Recreational float/<u>recreational mooring buoy</u></li> </ul> <p><b>Dredging and Dredge Material Disposal</b></p> <p>...</p> <ul style="list-style-type: none"> <li>• <u>Fixed structure to facilitate dredge spoil placements</u></li> </ul>	<p>Revising the title is recommended for consistency with the title of Section 5.6.</p> <p>Comment E-17 suggested the SMP lacks regulations for recreational mooring buoys and recommended provisions be added. Ecology generally agrees with the county that there are sufficient regulations to address these facilities in Section 5.6 (which includes them in the applicability statement). However, there is no provision in Table 5-1 that addresses permitting of mooring buoys. Revision is recommended to include mooring buoys in the table and to permit them in the same way as recreational floats.</p> <p>A “fixed structure to facilitate dredge spoil placements” is not defined but is neither a boating facility nor a moorage structure as defined in the master program. The recommended revision relocates the entire line to Dredging and Dredge Material Disposal, prohibiting (X) these in all SEDs except High Intensity, Coastal Ocean High Intensity and Columbia River Estuary where it is a conditional use (C).</p>																																																																																																																																																																																																																																																																																															
9	<p><b>Section 5.1</b> <b>Table 5-1</b> <b>Page 63</b></p>	<p><del>Shoreline Habitat and Natural Systems</del> <u>Restoration and Enhancement Projects</u></p>	<p>Revision is recommended to more closely align with the title of Section 5.20 (see recommended change 21).</p>																																																																																																																																																																																																																																																																																															
10	<p><b>Section 5.1</b> <b>Table 5-1, Use Matrix</b> <b>Pages 60-66</b></p>	<table border="1"> <thead> <tr> <th>Use or Modification</th> <th>Shoreline Environment Designation</th> </tr> </thead> <tbody> <tr> <td>Utilities</td> <td>Coastal Ocean</td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>• Wind, tidal, and wave energy facilities, new</li> </ul> </td> <td>C<sup>22 12</sup></td> </tr> </tbody> </table> <p><sup>22</sup> Only non-anchored, single-anchored, or temporary structures allowed.</p>	Use or Modification	Shoreline Environment Designation	Utilities	Coastal Ocean	<ul style="list-style-type: none"> <li>• Wind, tidal, and wave energy facilities, new</li> </ul>	C <sup>22 12</sup>	<p>The following revisions would improve internal consistency:</p> <p>Table 5-1 (page 63) includes a line under ‘Utilities’ titled: <i>Wind, tidal and wave energy facilities, new</i> and these are allowed with a conditional use permit (limited in the Coastal Ocean SED by footnote 22 to “non-anchored, single-anchored, or temporary structures”).</p> <p>Lower in the use table is ‘Ocean Energy Production’, defined in Section 2 of the SMP as “production of energy in a usable form directly from the energy carried in or on ocean <b>waves, tides</b>, salinity, <b>wind</b>, and ocean temperature differences” (emphasis added). This activity, when using fixed structures, is prohibited (X) in the Coastal Ocean SED. Footnote 12 provides an allowance for temporary structures,</p>																																																																																																																																																																																																																																																																																									
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11	<b>Section 5.1</b> <b>Table 5-1 Footnotes</b> <b>Pages 65-66</b>		<p>For readability, reordering the 29 footnotes, in the order in which they first appear in Table 5-1 is recommended. These footnotes are currently in no particular order. For example, under "Fill" the superscript to footnote 27 appears in the table before the reference to footnote 10.</p>		
12	<b>Section 5.1</b> <b>Table 5-1 Footnotes 3 and 7</b> <b>Pages 65</b>	<p><sup>3</sup> All non-water-dependent overwater uses shall be associated with a water-dependent <del>overwater</del> use. ...</p> <p><sup>7</sup> Commercial uses which are consistent with underlying zoning are coded "P." All non-water-dependent overwater commercial uses shall be associated with a water-dependent <del>overwater</del> use.</p>	<p>Edits to both footnote 3 (shellfish facilities) and footnote 7 (commercial uses) are recommended. Water-dependent uses can be in the water, on the water or overwater.</p>		
13	<b>Section 5.1</b> <b>Table 5-1 Footnote 25</b> <b>Ocean Disposal</b> <b>Page 66</b>	<p><sup>25</sup> Ocean disposal using belly dumping, <u>as defined in this program</u>, is prohibited in the Coastal Ocean Environment and conditionally permitted in the Coastal Ocean High Intensity Environment using U.S. Army Corps of Engineers/Environmental Protection Agency-approved spreading protocols to prevent mound-induced wave amplification over ten percent.</p>	<p>Ecology recommends a minor clarification to ensure the term "belly dumping" is interpreted consistent with the definition in the master program. The definition describes the method of dumping rather than the type of vessel used.</p>		
14	<b>Section 5.1</b> <b>Table 5-1 Footnote 26</b> <b>Page 66</b>	<p><sup>26</sup> Signage associated with a permitted recreational use is coded "P." All signage shall comply with applicable provisions in the Pacific County Zoning Ordinance No. <u>178, or as amended</u> <del>162</del>.</p>	<p>The revision provides a current ordinance number, and clarifies that if the ordinance is amended, the current version will be used. Consider doing a global search for outdated references to any of the county's ordinances.</p>		
15	<b>Section 5.5.A</b> <b>Aquaculture - Policies</b> <b>Page 73</b>	<p>2. Aquaculture uses should maintain no net loss of ecological functions, should not <u>significantly</u> adversely impact the aesthetic qualities of the shoreline, and should not significantly conflict with navigation and other water-dependent uses.</p>	<p>The revision is recommended in response to Comment E-14 (see Attachment D) which suggested aesthetics are subjective and any use, development or activity could have adverse impacts. As written, the provision seems to convey that the county's policy is to have "no aesthetic impacts," which we do not believe was the intent. The county's response suggested the term "significantly" is also subjective and that Policy 2 is followed by a policy that affords some latitude in siting. While generally true, this is the only place aesthetics are discussed in the section. The suggested revision is consistent with Ecology's master program guidelines, which call for aquacultural facilities to be designed and located so as not to "...significantly impact the aesthetic qualities of the shoreline." (WAC 173-26-241(3)(b)(i)(C)).</p>		
16	<b>Section 5.6.B</b> <b>Boating Facilities and Mooring Structures</b> <b>Page 75</b>	<p>1. Applicability.</p> <p>a. This section applies to all in-water and overwater structures and uses that facilitate the launching or mooring of vessels in marine or fresh waters, including all docks, marinas, mooring buoys, launch ramps, and recreational floats.</p> <p>b. This section does not apply to:</p>	<p>Typographical correction to the citation.</p>		

ITEM	SMP PROVISION	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strikethrough-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE
		<ul style="list-style-type: none"> <li>i. Long-term commercial boat storage located landward of the ordinary high water mark, which is regulated under Section 5.8 Commercial Development of this SMP;</li> <li>ii. Net-pens, which are regulated under Section 5.5 Aquaculture of this SMP; or</li> <li>iii. Overwater homes and floating homes, which are regulated under Section 5.189 Residential Development of this SMP. This section does apply to liveaboard boats in marinas.</li> </ul>	
17	<b>Section 5.9.B Dredging and Dredge Material Disposal Page 85</b>	3.g. Ocean disposal shall comply with applicable standards above, as well as Section 6.53 Ocean Disposal	Typographical correction to the referenced section number.
18	<b>Section 5.11.B Fill, Excavation and Grading Page 88</b>	B.1 Fill, excavation, and grading work shall: <ul style="list-style-type: none"> <li>a. Be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration; and <del>[WAC 173-26-231(3)(c)]</del></li> <li>b. Be <u>allowed only in conjunction with an authorized use and be</u> the minimum necessary to accomplish the proposed use.</li> </ul>	Revision is recommended to further clarify that fill, and other land disturbing activities, should only occur when there is a demonstrated need associated with an authorized activity. This also improves consistency with WAC 173-26-231(3)(c) which requires that fills only be allowed when necessary to support defined uses in the master program.
19	<b>Section 5.17.B Outdoor Advertising, Signs, and Billboards Page 96</b>	1. Use and installation of signage in all shoreline environment designations shall be subject to the signage provisions in the Pacific County Zoning Ordinance No. <del>462</del> <u>178, or as amended.</u>	The revision provides a current ordinance number, and clarifies that if the ordinance is amended, the current version will be used.
20	<b>Section 5.19 Residential Development Page 99</b>	Residential beach access structures	It's recommended the county consider more specifically addressing these types of facilities (e.g. stair towers). As the SMP is currently written, these structures would be considered an unclassified Conditional Use. Without standards, it may be challenging to ensure minimization measures to reduce impacts to bluffs/banks, including designs to avoid encroachment beyond the OHWM, the incorporation of decks into the structure and the use of fill and bank hardening.
21	<b>Section 5.20 Restoration Page 100</b>	5.20 Restoration <u>and enhancement</u>	Revision of the section title is recommended to better describe the intent of the policies and regulations (see recommended change 9).
22	<b>Section 6.2, General Ocean Uses Page 112</b>		Typographical corrections: Remove the underline from text in 6.2.B.7.
23	<b>Section 6.7, Ocean Energy Production Page 116</b>		Typographical corrections: Remove the underline from text in 6.7.B.2.
24	<b>Section 7.2.A Nonconforming Uses and Structures Pages 119-120</b>	1. No such structure or use activity shall be expanded, changed, enlarged, or altered unless an enlargement or structural alteration does not increase the extent of nonconformity ... with the exception that improvements to existing structures for compliance with applicable accessibility regulations are not subject to this provision. <del>[WAC 173-27-080(2)]</del>	Global change: Deletion of references to WAC 173-27-080 which show in parentheses throughout Section 7.2 (see example provided) is recommended. Ecology is currently amending this rule and these specific citations will soon be out of date. These references appear to be in place to identify the origin of the county's proposed language and aren't necessary in the final document.

ITEM	SMP PROVISION	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strikethrough-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE
25	<b>Section 8.4.E Permit Application and Review Page 124</b>	E. ... Such appeals are governed by the procedures established in RCW 90.58.180, Chapter 461-08 WAC, and the rules of practice and procedure of the Shorelines Hearings Board, as amended.	As noted in Comment G-1, the suggested revision is a typographical correction to the name of the Board.
26	<b>Section 8.8.A Exemptions and Developments Not Subject to the Act Page 125</b>	2. A substantial development permit is not required for those projects listed in <u>either WAC 173-27-044, "Developments not required to obtain shoreline permits or local review" or WAC 173-27-045, "Developments not subject to the Shoreline Management Act."</u>	Recommended revisions. Ecology has revised WAC 173-27 (effective 9/7/2017) adding a new section WAC 173-27-044 and revising the existing WAC 173-27-045. Ecology's changes respond to recent legislative changes to the statute including boatyard site improvements for stormwater under NPDES requirements (added in 2012) and Washington Department of Transportation projects and activities that meet the conditions of RCW 90.58.356 (added in 2015). Making these revisions will bring the SMP up to date on these recent changes.
27	<b>Section 8.9 Federal Agency Review Page 125</b>	<del>B. A.</del> Whenever a project conducted on the shorelines of Pacific County requires review and approval by federal agencies, or otherwise involves a federal agency, Pacific County shall follow the requirements of WAC 173-27-050 and WAC 173-27-060, as amended.  <del>C. B.</del> The Administrator shall send a letter of exemption...	As noted in Comment G-2, there is a minor formatting error that needs correction. The paragraphs should be A and B, not B and C.
28	<b>Shoreline Environment Designation Map</b>		Global changes: The map has areas with designation letters that don't correspond to the designation color such as an 'N' where the shoreline is orange rather than green. See for example, on page 1 of 7, a stretch of shoreline between Smith Creek and the airport; on page 2 of 7, the area directly north of the outlet for the South Nemah River (there is also an RC along the upper segment of the South Nemah in an area which appears to be designated Natural); and on page 3 of 7 the eastern shoreline along the Naselle River estuary. There are likely others. It's unclear which is in error: the designation letter or the designation color.
29	<b>Global corrections</b>	Final corrections to citations, formatting, and any other typographical errors	For clarity.