

Attachment D – Mason County SMP Comprehensive Update - Responsiveness Summary (State Comment Period 5/22/2107 to 7/14/2017)

ITEM	Topic or Section Number (cite)	Commenter	Specific Comment	Local Government Response and Rationale
1	Page 6, Definitions	Futurewise	Do not exclude the siting of a piece of equipment on the ground or platform from the definition of development.	<p>We have amended the provision to address storage containers and similar structures.</p> <p>Such activity is case specific. Ecology and Mason County have actively enforced shoreline regulations where structures like storage containers or park model RVs are placed and constitute development. See Robin Hood vs. Ecology for example.</p> <p>Ecology comment: Ecology has reviewed the change and found it consistent with the intent of the SMA.</p>
2	Section 17.50.040A	Futurewise	Modify proposed MCC 17.50.040A to be consistent with RCW 90.58.080(4)(a)	<p>Change made.</p> <p>Ecology comment: Ecology has reviewed the change and found it consistent with the intent of the SMA.</p>
3	Table 17.50.090-A	Futurewise	Improve Table 17.50.090-A: project classification on pages 35-40 for certain uses (Commercial).	<p>Change made.</p> <p>Ecology comment: Ecology has reviewed the change and found it consistent with the intent of the SMA.</p>
4	Table 17.50.090-A	Futurewise	Improve Table 17.50.090-A: project classification on pages 35-40 for certain uses (Flood control structures), fills below OHWM).	<p>Comment noted. No change made.</p> <p>WAC 173-26-211(5)(b)(E) This passage contemplates flood control measures in the Conservancy SED. Any new proposal must meet No Net Loss requirements and address mitigation sequencing and qualify for a conditional use permit, which includes a cumulative effects analysis.</p>

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5	Table 17.50.090-A	Futurewise	Improve Table 17.50.090-A: project classification on pages 35-40 for certain uses (Fills below OHWM).	Comment noted. No change made. Fill is heavily restricted; see SMP text. The regulations are consistent with the WAC.
6	17.50.105B.1	Futurewise	Recommend that consultations and archaeological investigations be required for sites identified by DAHP's predictive model.	Comment noted. We have incorporated this into our critical areas ordinance process and procedures.
7	17.50.240B	Futurewise	Standards for mining in flood plains, floodways and channel migration zones should be included.	No change made. Mining is considered "Development" within the FDPO. Development is regulated within flood plains, floodways and channel Migration zones under MCC14.22.
8	17.50.400C.2	Futurewise	Clarify MCC 17.50.400.2.e, specifically that Ecology approval is required for conditional use and variance permits.	No change made. Clarified in section 17.50.400C.2.e.ii.
9	17.50.400C.4	Futurewise	Correct text references addressing SHB vs. SSHB	Change made. Ecology comment: Ecology has reviewed the change and found it consistent with the intent of the SMA.
10	8.52.170B	Futurewise	Require protection of all FWHCA's, not just 'listed species point locations'.	Change made. Ecology comment: Ecology has reviewed the change and found it consistent with the intent of the SMA.
11	8.52.120	Futurewise	SMP or Resource Ordinance should include policies and regulations addressing critical aquifer recharge areas/saltwater intrusion	Mason County relies on the Environmental Health Department regulations related to CARAs and Saltwater intrusion.
12	SMP	Futurewise	Include regulations to address sea level rise	Potential sea level rise is referenced in the Policies under Shoreline Stabilization.
13	8.52.220 – Variance	WDFW	We would prefer that there be a requirement that if given an exemption from the standard marine buffer that hard armoring not be allowed in the future. This can be accomplished through language added to deeds of single family residences or other structures built within the standard buffer.	Under 17.50.340 B.1., the siting of residential development shall be done to avoid the need for future stabilization. If a Variance is required and approved to site a residential structure closer than the standard setbacks, it may become necessary over time to stabilize the shoreline to protect the upland structure.

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14	17.50.230 – Instream Structures	WDFW	Add “fish passage” to no adverse effects.	Change made. Ecology comment: Ecology has reviewed the change and found it consistent with the intent of the SMA.
15	17.50.230 – Instream Structures	WDFW	Who determines “adverse effects”?	The County Administrator, using all necessary and required scientific and technical information available.
16	17.50.120	WADNR	Does the provision include mooring buoys	Yes.
17	17.50.120	WADNR	Define “lawfully constructed or established”	Having obtained the necessary permits or having been placed prior to the need for such permits.
18	17.50.235 – Marinas	WADNR	Recommend prohibition of marinas.	Marinas are a water-dependent use and, as such, a preferred use, provided they are consistent with control of pollution and damage to the natural environment. As such, projects should be evaluated individually and in context. Per the SMA: “alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority ... to parks, marinas , piers, and other improvements facilitating public access to shorelines of the state, ...that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.” RCW 90.58.020.
19	17.50.235	WADNR	New boathouses and covered moorage are not allowed on State-owned aquatic lands. Mason County should be aware of this standard.	Comment noted. No change made.
20	P. 74	WADNR	Mining is not allowed on State-owned aquatic lands except where required for navigation, trade and commerce, flood control, maintenance of water intakes, or other public health and safety purposes.	Comment noted. No change made. SMP is consistent with this approach, see MCC 17.50.240 B. 8.

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21	p. 82 B. Residential Regulation 1	WADNR	DNR asks clarification of Mason County interpretation of regulations addressing floating homes.	Residential development is prohibited waterward of the OHWM. Floating homes that are licensed as vessels and are not considered development are treated the same as "live-aboards." Mason County gives marinas flexibility under state law to allow live-aboards, consistent with limitations in the SMP marina regulations. Ecology comment: New residential developments including floating homes are prohibited waterward of the ordinary high water mark and within floodways.
22	p. 94 C. Breakwater, Jetty and Groin regulations	WADNR	New fixed breakwater will not be authorized on State-owned aquatic lands. If breakwaters are critical to safety or protection of a facility, floating breakwaters may be authorized. Mason County should be aware of this standard.	Comment noted. No change made.
23	p. 98, 1.j.i	WADNR	Consider including light penetration conditions for boat house repairs.	Change made. Ecology comment: Ecology has reviewed the change and found it consistent with the intent of the SMA.
24	p. 100.B Docks...2.d.	WADNR	Consider citing WAC 332-52-155 in place of existing language.	Change made. Ecology comment: Ecology has reviewed the change and found it consistent with the intent of the SMA.
25	p. 102 Table 17.50.320 – B	WADNR	Should this be a minimum depth at MLLW?	No, this provision limits length to a depth considered necessary to moor a vessel ~(-7' MLLW). Considering this depth a minimum would allow for longer docks to reach greater depths.
26	p. 103. B. Docks...2.f.(d)	WADNR	Consider revising to include the intent of the regulation. Grating is typically installed over floatation but not counted as part of the open space.	Change made. Ecology comment:

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				Ecology has reviewed the change and found it consistent with the intent of the SMA.
27	p. 104. B. Docks...3. Mooring Buoys c.	WADNR	DNR suggests clarifying buoy system design.	Change made. Ecology comment: Ecology has reviewed the change and found it consistent with the intent of the SMA.
28	p. 104 B. Docks...3. Mooring Buoys	WADNR	WAC 246-282 does not define how mooring buoys will cause closure to adjacent shellfish beds for harvest. DNR suggests describing DOH interpretation of marinas to facilitate this.	Change made. Ecology comment: Ecology has reviewed the change and found it consistent with the intent of the SMA.
29	General question	WADNR	How will stormwater outfalls be regulated and permitted?	Under MCC Title 14, Stormwater Management.
30		Monica Harle	Comments on SMP update process	N/A
31	Section 17.50.210 B	Monica Harle	In section 17.50.210 B. Aquaculture regulations new language and 'strike-throughs' contradict and weaken the protection for this critical habitat. Section B. 1. d. is structured to remove the 5 year dormancy protections for native species repopulating a former 'farm' and in section i. ii., strike outs clearly obliterate the protection. The text with strike out is the following: "As required by MCC 8.52.170(g), all activities in saltwater shall avoid impacts to eelgrass and kelp beds to the maximum extent practicable. Recommendation: Remove strikeouts, restore protective language.	No change made. This change was brought to the BOCC on December 6, 2016 at a public hearing. After hearing testimony, the BOCC voted to approve the change as presented with "strike-throughs" and "additions". Ecology comment: The reference to MCC 8.52.170 (g) is no longer applicable due to changes in format. The requirement still exists per the need for a Habitat Management Plan, which includes the provision to address mitigation sequencing. Per the SMP, sequencing begins with avoidance.

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32		Monica Harle	Conversion from other aquaculture species to geoduck increases the intensity of the impact upon the affected and adjoining habitat areas... In essence, it leaves ecological impact oversight, habitat assessment, etc. up to commercial interests as opposed to Key Parties such as WDFW, DNR, Department of Ecology, or County oversight. CUP must be required for all geoduck aquaculture which uses farming techniques	See WAC 173-26-241 3(b)(iv)(A): Conditional use permits are required for new commercial geoduck aquaculture only. Where the applicant proposes to convert existing nongeoduck aquaculture to geoduck aquaculture, the requirement for a conditional use permit is at the discretion of local government.
33		Monica Harle	<p>Any aquaculture (other than natural) especially the concept of farming geoduck in a ‘natural environment’ designated area is completely inconsistent and incompatible with the very definition of ‘Natural Designation’ in this SMP, itself. Please see pg.30, 17.50.080 A.1., a, b. The obvious potential result of farming geoduck (using PVC pipes, netting, aquatic chemicals, disturbance to the soils, etc.) in a natural designation is to immediately result in ‘net loss’ of ecological functions and habitat availability, bumping the environmental designation down to the ‘conservancy’ level. 17.50.080 A., 2, pg. 31.</p> <p>Put an “X” in the column for aquaculture farming in Natural Environmental designations, unless it is completely natural farming.</p>	<p>No change made. New geoduck aquaculture is required to obtain a Conditional Use Permit (CUP), which must take into account cumulative impacts and no net loss. Also requires Ecology final approval.</p> <p>Aquaculture conversions to geoduck do not require CUP.</p>
34	Section 17.50.210 B.1.d	Hood Canal Environmental Council & West Sound Environmental Council	<p>The proposed change in Section 17.50.210 B.1.d would strike out the following “As required by MCC 8.52.170(g), all activities in saltwater shall avoid impacts to eelgrass and kelp beds to the maximum extent practicable.” This strikeout contradicts and weakens the protection elsewhere provided for this critical habitat.</p> <p>Converting from more benign aquaculture activity to commercial geoduck aquaculture is improperly given a priority status over other forms of aquaculture and water</p>	<p>No change made. WAC 173-26-241 3(b)(iv)(A): Conditional use permits are required for new commercial geoduck aquaculture only. Where the applicant proposes to convert existing non-geoduck aquaculture to geoduck aquaculture, the requirement for a conditional use permit is at the discretion of local government.</p> <p>Ecology comment: The reference to MCC 8.52.170 (g) is no longer applicable due to changes in format.</p>

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			<p>dependent activities, in Section 17.50.210 B.3.C in which it is stated that “Conversions from existing non-geoduck aquaculture to geoduck aquaculture within existing farm boundaries do not require a Conditional Use Permit.” Each beach area is unique, and it is only through the mechanism of a Conditional Use Permit do we attach suitable conditions to protect the environment and insure no net loss of habitat and address the incredible increase in intensity of use and conversion to monoculture that may destroy the environmental balance over much of the Mason County shoreline.</p> <p>Rather than being harmonious with SMP updates already adopted by Jefferson and Kitsap Counties along Hood Canal, the Mason County SMP would allow more intense geoduck aquaculture with fewer restrictions and conditions than those jurisdictions, and would unduly impair the overall obligation to preserve and restore salmon habitat, including nearshore habitat.</p> <p>We urge the Department of Ecology to reject this rewrite of the Mason County SMP favoring commercial aquaculture interests over protection of a balanced ecosystem, and restore safeguards assuring no net loss of habitat for all species, including salmon.</p>	<p>The requirement still exists per the need for a Habitat Management Plan, which includes the provision to address mitigation sequencing. Per the SMP, sequencing begins with avoidance.</p>
35	General comments about experience with Shoreline management	Larson	<p>The homeowners with the assistance of Shoreline Management, working together to remedy the issues along their individual waterfront properties is ideal, as well the freedoms to address those concerns independently. Delay brought about by the bureaucracies need to regulate can create a larger issue when there is a need to mitigate a deterioration situation along a waterfront property in an expedited timely fashion.</p>	<p>Although we have no control over third-party interveners, Mason County strives to work with applicants and the other agencies involved in permitting a project prior to project submittal to try and avoid potential conflicts with third-party groups after permits are issued.</p>

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			I appreciated the way my incident was approached and handled by the Government agencies and had wished for the Sound Action people to find someone else's life to interfere in.	
36	Concerns about ability to maintain docks, bulkheads, and boatlifts.	Summers/St. Clair	Support comments made by Reece and Egbert. Revisions to the SMP will seriously affect our ability to maintain and/or make changes to our docks, bulkheads, and boatlifts. We ask that you give careful consideration to the concerns and information presented to you as you review this plan.	Repair and maintenance of existing structures enjoys broad allowance in the SMP. Most activities of this type are exempt from shoreline permitting, provided they remain in the same footprint. Please note that other agencies (WDFW, for example) may require retrofitting with more environmentally friendly materials during repair.
37	Comments about dock width and wake board boats.	Gerry & Mary Bowlby	Wave action by wake board boats is problematic. Boat lifts are necessary. Prefer wider dock than 6' allowance since it limits their property use. Support comments made by Jim Reece.	Boating activity is not regulated by the Shoreline Master Program. 6' width is in compliance with WDFW maximum standards.
38	Not specified	Steve Wiley	Agrees with comments by Reece & Egbert	Boating activity is not regulated by the Shoreline Master Program.
39	Concerned about fees for permits, waves from boats.	Gary & Debbie Gessel	<p>We are new to Mason Lake, and are in the process of building our lake house at 1480 East Mason Lake Drive South, Grapeview, WA.</p> <p>We have an existing old dock which is in dire need of repair, and are wanting to build a boat lift so we can have a safe boat area. Right now our boat is dashed against the dock whenever another boat goes by. We are shocked at the current building permits cost! We are responsible boat owners and will take good care of our lake property on and offshore. We feel we are truly being penalized for arriving "late" to the lake! Please seriously consider the proposed SMP for dock and boat lift construction. It would have to postpone necessary structure for years under the current fees</p>	<p>Fees are not addressed by the SMP and are contained within the Fee Schedule for the Mason County Planning Department.</p> <p>The SMP does allow for boat lifts. The updated SMP allows an additional 10' length to freshwater docks (was limited to 50' since 1975).</p>

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40	Man-made waves Lifts for boats, personal watercraft, planes, etc. Burdensome regulations Docks Grandfathering Bulkheads No Net Loss	John Egbert/Jim Reece	<p>1. Some place in the state (revised regulations?) the subject of large man-made waves needs to be addressed. Further, when property owners need to undertake repairs to docks, bulkheads, and shoreline caused by large man-made waves, an expedited permitting process with reduced fees needs to be established. If a property owner is simply repairing damage and restoring property to its “before” condition, there should be no requirement for costly studies nor for the involvement of a multitude of state agencies</p> <p>2. Lifts for boats, PWC, planes, etc. needs to be recognized and encouraged with minimal fees and regulation. A minimal fee of say \$400 should be approved for these environmentally friendly items. Please see attached exhibits for lifts: advantages and disadvantages, fresh water fees, salt water fees. The fees have been reduced, but not yet low enough.</p> <p>3. Burdensome regulations need to be reduced so that the property owner is not being micromanaged by a multitude of state agencies. This simply results in excessive paperwork, excessive time, and the completion of projects without any state oversight. It seems like everyone loses in the end except the lawyers.</p> <p>4. Docks should be addressed on some type of individual basis as “one size does not fit all”. It seems that docks should be treated just like structures with a common line setback approach to be fully functional and compatible with existing, adjacent, docks.</p> <p>5. Grandfathering is an excellent approach, but we have some concerns that the language needs to be “lawyer</p>	<ol style="list-style-type: none"> 1. Boating activity is not regulated by the Shoreline Master Program. Most repair and replacement activities require a Shoreline Exemption, which is considered an expedited permit and do not require Substantial Development permits, nor any studies (costly or otherwise). Mason County has no jurisdiction over whether State and Federal permitting is required for a project. 2. Fees are not addressed by the SMP. However, boat lifts (unless they exceed \$10,000 valuation) are allowed with a Shoreline Exemption. Shoreline Exemption fees are much less than Substantial Development fees and are issued much quicker than a Substantial Development Permit. 3. Comment noted. MC has no jurisdiction over whether State and Federal permitting is required for a project. 4. Many configurations of docks are available and consistent with the Mason County shoreline master program. If unique circumstances exist, a property owner may seek to obtain a variance from dimensional standards. The updated SMP allows for 10 additional feet for a maximum length of 60’ on freshwater. 5. Comment noted. All “grandfathered” structures are “legal non-conforming”, not all “legal non-conforming” structures are “grandfathered.” 6. Bulkheads are allowed to be repaired and maintained. Repair and maintenance of existing structures enjoys broad allowance in the SMP. Most activities of this type are exempt from shoreline permitting, provided they remain in the same footprint. Please note that other agencies (WDFW, for example) may require retrofitting with more environmentally friendly materials during repair. Capping or increasing height is allowed by the Shoreline Master Program. See Section 17.50.340 (5)(i). 7. Comment noted. Mason County has prepared a number of documents in support of this program that can help a property owner protect the ecological functions of their

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			<p>proof” so as to be understandable and uniform for all property owners.</p> <p>6. In the case of existing bulkheads which are being overtopped on a regular basis. Regulations and polices governing bulkhead repairs, specifically extending the height of bulkheads to prevent the overtopping, needs to recognize the huge costs associated with those repairs and that a property owner should be able to extend the height and make adequate and appropriate repairs and not be limited to some arbitrary increase in height. Again, “one size does not fit all”. Bulkhead repairs require very costly, heavy construction equipment (excavators, cranes, pile drivers) and, in order to be cost effective, a property owner should be able to make appropriate repairs. We suggest language such as “sufficient height” to prevent overtopping.</p> <p>7. “No net loss”: We understand that the whole SMP is being rewritten to prevent any additional reduction in shoreline ecological function. The language seems vague. Most waterfront property owners really want to care for the environment and need some “helpful hints” versus “confiscation of their property (reducing the associated value).</p>	<p>shoreline. Please refer to the Restoration Plan and Common Line Mitigation Manual for examples. In addition, the Mason Conservation District can assist property owners with projects that will protect and stabilize their shorelines, and improve habitat for fish and wildlife.</p>
41		Reece	<p>Comment on “Man Made Waves” and the proposed restrictions to dock size specifically your statement that “one size does not fit all.”</p>	<p>Boating activity is not regulated by the SMP. There are a variety of dock configurations and lengths that can be accommodated through maximum bulk/dimensional standards.</p>
42	Dock dimensions	Richard Johnson	<p>I agree totally with Mr. Reece and Mr. Egbert. There needs to be some rationality in setting parameters involving such a widely varying and in some situations complex scope of establishing docks and</p>	<p>There are a variety of dock configurations and lengths that can be accommodated through maximum bulk/dimensional standards.</p>

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			bulkheads etc. Anyone who thinks that one size fits all clearly doesn't understand the reality of all of the factors that resulted in the length, width, location and maintenance of established structures that currently exist.	<p>Maximum length for docks on freshwater has been 50 feet since at least 1988. It is now 60 feet.</p> <p>Bulkheads are permitted when necessary and should be designed to accomplish stabilization.</p>
43	Wake board boats are a concern.	Guy Earle	<p>As a property owner with a background in aquatic biology, I think your assessment is valid and well presented. Several additional points bear mention. 1) The waves are big enough to swamp paddlers, especially in the narrow end of the lake-risks are drowning, and head/neck trauma for the SUP crowd. 2) The shade argument is spurious. Shade and obstructions CREATE habitat, especially for juvenile fish and waterfowl. They also keep water cooler in summer to preserve oxygen content. GOOD SCIENCE not POLITICS needs to drive these decisions Where is the EVIDENCE as opposed to BUREAUCRATIC OPINION that shade in an aquatic environment is detrimental? 3) A denied permit needs a speedy, fair and reasonably priced appeal process such as a board composed of all stakeholders.</p>	<p>Boating activity is not regulated by the Shoreline Master Program.</p> <p>There is extensive evidence in the County's inventory and characterization report and in supplementary documents that were made available to the Mason County Planning Commission that document the deleterious effect of overwater structures (and the shade they cause) on juvenile salmonids and submerged aquatic vegetation.</p> <p>Appeals of shoreline permits are statutorily directed to the State Shoreline Hearings Board.</p>
44	Concern about man-made waves and excessive fees to repair damage from same.	Pamela Becker/Richard Becker	<p>There ought to be a consideration With the Department of ecology for man-made waves. If you want to accomplish something of value. You ought to consider defending us tax-paying homeowners who are burdened with damages incurred by such for boats and recreational craft. It is sickening for you to add insult to injury. By bureaucratic legislation and excessive regulation, Adding extortion fees to repair such damages. We as property owners, are hard-working people for many years, many close to being on a fixed income. We do indeed respect the lake & natural resources, having a stake in it, is without question.</p>	<p>Boating activity is not regulated by the Shoreline Master Program.</p> <p>Fees are not addressed by the Shoreline Master Program. They are contained with a separate County regulation.</p> <p>MCC 17.50.340 B.3.i. allows for 50% reduction in fees when softshore armoring is proposed.</p>

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			My suggestion is you cease and desist in this insanity. Simply do your supposed intended jobs of protecting our wildlife & our natural resources for starters. These recreational wave inducing boats, I'm certain are not doing anything to promote that end whatsoever. So, why are these real situations not being addressed to protect us property owners & wildlife habitat?										
45	Shoreline Environment Designation map	Kendra James	Shoreline Environmental Designation for residential areas along the Hama Hama River should be Rural, not Conservancy.	Change made. Ecology comment: Ecology has reviewed the change and found it consistent with the intent of the SMA.									
46	Concern about man-made waves from wake board boats.	Mike Jorgenson	Man-made waves are causing the lake front property owners great destruction and repair cost. Wake board boats, wake destroyed our dock steps, washed away most of our beach, and loosened our dock. Bulkheads are being damaged. Supports comments made by Jim Reece.	Boating activity in not regulated by the SMP.									
47	<table border="0"> <tr> <td>Page #</td> <td>Section</td> <td>Text</td> </tr> <tr> <td>112</td> <td>A. 1.</td> <td>Unarmored shorelines should be preserved to the greatest extent feasible to protect the ecological functions that shorelines provide.</td> </tr> <tr> <td>112</td> <td>A. 6.</td> <td>Shoreline stabilization structures should</td> </tr> </table>	Page #	Section	Text	112	A. 1.	Unarmored shorelines should be preserved to the greatest extent feasible to protect the ecological functions that shorelines provide.	112	A. 6.	Shoreline stabilization structures should	NOAA	<p>The term “natural” should be included to distinguish between natural and altered shorelines. “the ecological functions that natural shorelines provide.”</p> <p>Putting into writing that shoreline stabilization structures “should be” permitted promotes the construction of these structures and provides the sense of county approval for this practice.</p>	<p>No change made. In the context of the Shoreline Master Program, the term “Natural” has a specific, defined meaning. Unarmored equates with “unaltered” or the colloquial concept of natural in the context of this regulation.</p> <p>By the use of the word “only” the language reflects the policy of emphasizing those limited circumstances when armoring is permitting.</p>
Page #	Section	Text											
112	A. 1.	Unarmored shorelines should be preserved to the greatest extent feasible to protect the ecological functions that shorelines provide.											
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	<p>be permitted only where protection to upland areas or facilities is provided, not for the indirect purpose of creating land by filling behind the structure.</p> <p>112 A. 8. Structural shoreline stabilization measures, including bulkheads, should be allowed only where evidence is present that one of the following conditions exists;</p> <p>112 A. 8. a. Serious Wave erosion threatens an established sue or existing buildings on upland property.</p> <p>112 A. 8. d. The proposed structure is necessary to replace a</p>		<p>Shoreline stabilization structures should not be permitted where the indirect purpose is to create land by filling behind the structure.</p> <p>Requiring only one of these conditions to approve hard armoring does not take into account any environmental or legal issues. (See 2008 NMFS – FEMA NFIP Biological Opinion, and FEMA’s NFIP compliance checklist)</p> <p>The term “serious” is not quantitative and therefor easily construed and manipulated to show need for shoreline armoring. Refer to FEMA LimWA or WA MSDG to establish less subjective criteria. The term “building” is not well defined. Does it include temporary structures, buildings with no utilities, e.g. boathouses or outbuildings?</p> <p>An action that reestablishes a degraded states prevents restoration and recovery as well as perpetuates the adverse impacts of the existing structure.</p>	<p>Agreed. See 17.50.340 B.3.d.</p> <p>Comment noted. MC is currently a Door 3 community. We are working toward becoming a Door 2 community. Either way we are striving to stay in compliance with the BiOp and the NFIP.</p> <p>This is policy language. The concept is further defined and clarified in the regulations section, which requires demonstration of need through a shoreline geotechnical assessment. Buildings that can be protected are further clarified in the regulations section as existing primary structures. Primary structure means the structure or the only access associated with the principal use of the property that cannot feasibly be relocated. It may also include single family residential appurtenant structures that cannot feasibly be relocated.</p> <p>Any new bulkhead or replacement bulkhead must still meet the regulation section listed below and demonstrate need and achieve no net loss of ecological functions. For example, if the Ordinary High</p>

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	<p data-bbox="424 186 628 321">bulkhead which has failed within the past five years.</p> <p data-bbox="217 402 647 880">112 A. 10. New Development should be located and designed to avoid the need for future shoreline stabilization to the extent feasible. <u>Potential sea level rise should be included in these considerations.</u></p>		<p data-bbox="1008 402 1714 570">To more accurately describe “future need” a reference to sea level rise and climate change should be made. This will make property owners and developers aware that this future need is not limited to development needs, but also includes expected changes in the environment.</p>	<p data-bbox="1736 186 2494 250">Water Mark (OHWM) has migrated landward, the replacement bulkhead must be located at the new OHWM.</p> <p data-bbox="1736 402 2179 430">Change made (see added text in <u>red</u>)</p>

2017 Critical Areas Checklist –Department of Commerce

1. Added “Geologically Hazardous Areas” to the Definitions table consistent with RCW 36.70A.030(9) and WAC 365-190-120.
2. Revised references to 2005 Stormwater Manual for Western Washington to refer to the most current version adopted in 2012 consistent with RCW 36.70A.070(1); RCW 36.70A.172(1); and WAC 365-190-090(3).
3. Revised Table 8.52.170(A) to reflect current listed species. Specifically, Marbled Murrelet are a state endangered species list, Peregrine Falcon are delisted from state sensitive species list, and Bald Eagle are delisted from state sensitive species list, all as of February 4, 2017.