

The following changes are necessary to comply 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> ; striketrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
1	Section 3.1.A Shoreline Jurisdiction Page 28	A. This Program shall apply to all of the shorelands and waters within Pacific County that fall under the jurisdiction of RCW 90.58. This includes: <ol style="list-style-type: none"> 1. All marine waters; 2. Rivers and streams with more than twenty (20) cubic feet per second mean annual flow (cfsmaf); 3. Lakes and reservoirs greater than 20 acres <u>or larger</u> in area; 4. ... 	Comment C-2 identified a need to more accurately define those lakes and reservoirs that are shorelines of the state. It is clear in the statutory definition (RCW 90.58.030(2)(e)) and in WAC 173-20-030, that shorelines exclude lakes and reservoirs less than 20 acres. This change clarifies that shoreline jurisdiction extends to those waterbodies 20 acres or greater . Ecology acknowledges the need to correct the Ecology web page which the county's response noted as the source of the language.
2	Section 3.1.B Table 3-1 Waterbodies in shoreline jurisdiction Pages 28-29	<p>Shoreline Rivers and Streams</p> <p>Mailboat Slough Seal Slough (T12N R10W S28)</p> <p><u>Cedar River, North Fork</u> <u>Unnamed Tributary to North River</u> <u>Smith Creek (3)</u> North Fork-Naselle River</p> <p>Moss Creek, Robinson Creek, Schlick Creek, Walker Creek</p>	<p>Changes are necessary for internal consistency and consistency with WAC 173-26-201 and WAC 173-27-044.</p> <p>Mailboat Slough and Seal Slough are not independent shoreline waterbodies as defined in RCW 90.58.030(2)(e) and should be deleted. Both are in shoreline jurisdiction because they are located within the OHWM of Willapa Bay.</p> <p>Cedar River, North Fork - shown on page 1 of the Shoreline Environment Designation (SED) map but not listed in the table</p> <p>Unnamed tributary to North River – Shown on page 1 of the SED map but not labeled and not listed in the table. This tributary has a 20 cfs point per the USGS study.</p> <p>Smith Creek – Labeled on page 1 of the SED map, the creek is located downstream of 20 cfs point on Elkhorn and Clearwater creeks.</p> <p>North Naselle River - Revision consistent with the naming on the map</p> <p>These four creeks are listed in the table but not shown on the SED maps. It's unclear if these are located downstream of a 20 cfs point or not. None are listed as having a 20 cfs point in either WAC 173-18 or in the 1998 USGS study: <i>Determination of Upstream Boundaries on Western Washington Streams and Rivers Under the Requirements of the Shoreline Management Act of 1971 (Water-Resources Investigations Report 96-4208)</i>.</p>
3	Section 3.4 Official Shoreline Maps Page 42	A. The Official Shoreline Maps at the time of SMP adoption , which illustrate the delineation of shoreline jurisdiction and environment designations, <u>are part of the SMP.</u> Maps are available for review from the county as either hard copy or computer-generated images of the County's Geographic Information System....	For consistency with WAC 173-26-191(2)(a) and WAC 173-26-211(2)(b). These changes clarify that the map is part of the shoreline master program.
4	Section 3.4 Official Shoreline Maps and Unmapped or Undesignated Shorelines Page 43	D. The actual location of the ordinary high water mark, highest astronomical tide, floodplain, floodway, and wetland boundaries, where applicable, must be determined at the time a development is proposed. Wetland boundary and ordinary high water mark determinations and field survey locations of highest astronomical tide are valid for five years from the date the determination is made. Ordinary high water mark determinations along the Pacific Coast shall be conducted during winter months. Floodplain and floodway boundaries should be assessed using FEMA maps or the most current technical information available.	The Ordinary High Water Mark (OHWM) is used to both establish the extent of shoreline jurisdiction on a site or area and to measure setbacks and/or buffers for a particular project. Unlike highest astronomical tide, which is a tidal datum based on a 19 year tidal epoch at a specific tide station (as defined by NOAA), the OHWM is not a static line or elevation and can shift in a highly variable manner, and on occasion, in a relatively short timeframe – such as a flood event that causes a river channel to move or on shorelines with episodic erosive events such as areas along the Pacific Ocean coast.

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			<p>Ecology recognizes that in practice, a technically-sound OHWM determination documented during a permit process is valid upon issuance of a permit which will typically extend for five years. However, there may be circumstances where either an applicant, Ecology, or the county may find ordinary high water determinations should be revised. This clarifying change ensures the county does not inadvertently limit the ability to revise previous determinations when, or if, the OHWM has changed, particularly in circumstances where people and property are put at risk.</p>
5	<p>Section 5.5.B Aquaculture Page 74</p>	<p>B.4. In freshwater environments, net-pens shall be allowed for the purpose of salmonid enhancement only provided that artificial feeding is prohibited.</p>	<p>This clarifying change is for internal consistency with allowances for shoreline habitat and natural systems enhancement projects and Table 5-1 which shows enhancement net pens as a Conditional Use in the Freshwater Aquatic and a permitted use in the Willapa Bay and Columbia River estuaries.</p> <p>Salmonid enhancement efforts may sometimes include the use of net pens where fish may be held for limited periods of time with supplemental feeding.</p>
6	<p>Section 6.2.A General Ocean Uses – Policies Page 109</p>	<p><u>12. The county will revisit policies and regulations regarding aquaculture in the Coastal Ocean environment to address new information and technology, including analyses and recommendations resulting from the marine spatial planning process per RCW 43.372, during scheduled periodic reviews of this Program under RCW 90.58.080.</u></p>	<p>Ecology received public comments from the aquaculture industry expressing concerns related to the prohibition on all forms of aquaculture (except live tanks and sink floats) in the Coastal Ocean SED. Because the policy of the state is to plan for and foster all reasonable and appropriate uses, and aquaculture is called out as a preferred water-dependent use, Ecology shares these concerns about broad areal prohibitions on this activity within a Shoreline of Statewide Significance.</p> <p>While the county included a rationale supporting a prohibition on net pens (Memorandum: Supplementation of the Record, dated October 26, 2016) which points to high energy conditions off the Pacific Ocean coast presenting “an unacceptable risk of failure and resulting escape of salmon, which would result in unintended adverse impacts to native fish populations (through potential competition and inter-breeding).” The record does not indicate the scientific basis for these conclusions nor is there any discussion related to the prohibition on other forms of aquaculture such as algae cultivation or shellfish-related activities. See Attachment C, recommended change 7 which recommends the aquaculture prohibitions in the Coastal Ocean SED be replaced by a requirement for a shoreline conditional use permit.</p> <p>In light of the significant ongoing effort to develop a Marine Spatial Plan under RCW 43.372, Ecology agrees that a prohibition could be allowed at this time, provided there is a clear commitment by the county to revisit this issue. Also see discussion of this issue in Attachment A.</p> <p>NOTE: Comments received from members of the aquaculture industry expressed concern that the proposed prohibition on fixed structures would affect aquaculture activities in Willapa Bay. It appears the only fixed structure prohibition in the Willapa Bay SED relates to ocean energy production. Ecology believes this concern is addressed in Table 5-1, under Aquaculture: “All other shellfish facilities” which are permitted (P) in the Willapa Bay Estuary. Under In-water Structures: “permanent fixed structures” are also permitted (P) in this SED.</p>