

Public Comment Summary: Cowlitz County Locally Adopted SMP

Ecology Public Comment Period, April 4 to May 4, 2017

Prepared by Sarah Cassal, WA Dept. of Ecology, May 15, 2017

Local Government Response and Rationale Prepared by The Watershed Company, Parametrix, Inc., and Cowlitz County, July 19, 2017

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
1	SMP: General	Lexington Flood Control District	The Lexington Flood Control District is concerned the proposed SMP will negatively impact the Districts ability to protect residents and property from flooding.	<p><u>Comment noted</u></p> <p>Flood control works are permitted, either through a substantial development permit or through a conditional use permit, in all shoreline environment designations, with the exception that new or expanded flood control works are not permitted in the Natural shoreline environment designation. Associated provisions in the body of the SMP ensure that such works are constructed, located, and operated to ensure no net loss of ecological functions. This approach is consistent with the Guidelines.</p>
2	SMP: 4.6.2	Lexington Flood Control District	Section 4.6.2 there are statements that maintenance and expansion should be allowed. The District feels that this should be revised to state that maintenance and expansion shall be allowed.	<p><u>Comment noted</u></p> <p>Throughout the document, the SMP uses “should” for policies and “shall” for regulations. The statement mentioned in the comment is a policy statement, and the use of “should” is appropriate. Please refer to Chapter 2 for definitions of “should” and “shall.”</p>
3	SMP: Chapter 6	Lexington Flood Control District	Chapter 6 references no net loss of ecological function. If interpreted in the broad sense this will not allow the District to continue its vegetation management because normal operations such as vegetation control will cause a net loss of ecological function. Controlling vegetation along the Districts	<p><u>Comment noted</u></p> <p>Vegetation maintenance that does not degrade shoreline functions is allowed under the Guidelines. Accordingly, Section 6.6 of the SMP addresses pruning (Section 6.6.H) as</p>

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
			infrastructure is critical for providing flood control for the residents of the District.	well as removal of vegetation from flood control structures and other infrastructure (Section 6.6.I).
4	SMP: 6.1.I.1	Lexington Flood Control District	The District would like to be included in coordination for mitigation requirements with the local government.	<p><u>Comment noted</u></p> <p>This provision is intended to recognize that state and federal agencies require mitigation as a condition of their permits, and coordination can alleviate the overall mitigation requirements on an applicant and prevent redundancy and conflict. Coordination with the District will occur for those projects relevant to the District, particularly for those projects for which the District is the applicant.</p>
5	SMP: Table 7-1	Lexington Flood Control District	The District is concerned that the requirement for conditional use permits for new and expanded flood control structures within most locations will create an arduous permitting process for the District. The District requests that the permit requirement for new and expanded flood control structures be changes to a Shoreline Substantial Development permit.	<p><u>Comment noted</u></p> <p>Given the potential impacts and permanence of new and expanded flood control structures, the County feels that the extra scrutiny of the conditional use process is appropriate and consistent with the Guidelines.</p>
6	SMP: 7.2.8.D	Lexington Flood Control District	7.2.8.D places several restrictions on flood control works that have the potential to make continued improvements to flood control structures difficult if not impossible. For example, subsection 4a does not allow the District the ability to raise the levee any higher than the minimum height to protect adjacent lands from a 100-year flood. However this height changes regularly. The District feels that there needs to be allowances for reasonable exceedance of the minimum	<p><u>Comment noted</u></p> <p>The requirement that new and expanded structures are demonstrated to be necessary and are the minimum size necessary is consistent with the Guidelines, including the requirement for no net loss of shoreline ecological functions and for mitigation sequencing. Provision 4(a) limits dikes and</p>

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
			<p>height to allow for the changes that occur to the FEMA 100-year river level. Currently FEMA requires the District to maintain the flood protection levels higher than for a 100-year flood event along the Cowlitz River below the Toutle River due to the 1980 Mt. St. Helens eruption. Limiting the amount of flood protection citizens can have is not reasonable.</p>	<p>levees to the minimum height “required to protect adjacent lands from the predicted flood stage....” The County would not prevent flood protection where FEMA or, as included in the provision, the USACE, guides required flood protection levels.</p>
7	SMP: Flood control structures	Lexington Flood Control District	<p>The district is concerned that requirements for public access for development has the potential to create conflict with property rights, and construction and maintenance issues. Because most of the District’s flood control structures are built on easements, the District does not have ownership of the land the levees are built on and it remains in private ownership. If a property owner is required to provide access to a levee with a trail a permit from the Army Corps of Engineers (ACOE) will be required. The permit will be denied if the ACOE finds the proposed access will cause maintenance issues or not meet the ACOE construction requirements. These access points could increase the occurrence of trespassing on adjacent properties and in response create a new need for property owners to build gates and fences along the District’s levees. The increased public access will also increase the amount maintenance required for on the levees due to erosion which is costly. The District believes the public has the right to access the shoreline, but safety should also be a consideration.</p>	<p><u>Comment noted</u> The provision mentioned in the comment is required per WAC 173-26-221(3)(c)(iv). The County has made it clear through the public process in developing the SMP that it will not require/facilitate trespass on private property. Please refer to Section 6.5.A.2.e of the SMP.</p>
8	SMP: 7.2.3.F.1	DNR	<p>Early contact with DNR could potentially streamline the permitting process times if additional compliance is required for marinas due to DNR ownership of aquatic lands. The following language is recommended: add in a third</p>	<p><u>Comment noted</u> The SMP specifically calls out coordination with WDNR in cases of covered moorage, boating facilities, extended moorage, and</p>

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
			regulations under F.1: If a proposed marina is to be located on state owned aquatic lands, the applicant shall contact DNR to assess applicability of conservation measures.	filling and excavation, where these use occur on state-owned aquatic lands. While the County appreciates WDNR willingness to be contacted and consulted with, the County does not feel it is necessary to acknowledge the need for/importance of this coordination in every section of the SMP.
9	SMP: 7.2.4	DNR	Water-dependent commerce is an allowed activity on state-owned aquatic lands. However, additional compliance might be required. DNR suggest adding: If a commercial project will require the use of state-owned aquatic lands, the applicant shall contact DNR to assess applicability of conservation measures.	<u>Comment noted</u> See response to comment #8. While the County appreciates WDNR willingness to be contacted and consulted with, the County does not feel it is necessary to acknowledge the need for/importance of this coordination in every section of the SMP.
10	SMP: 7.2.6	DNR	Industrial uses of state-owned aquatic lands are carefully evaluated because of the higher than normal environmental risk. DNR suggests adding the following language at the end of I.4: If an industrial project is located on state-owned aquatic lands, the applicant shall contact DNR to assess applicability of conservation measures.	<u>Comment noted</u> See response to comment #8. While the County appreciates WDNR willingness to be contacted and consulted with, the County does not feel it is necessary to acknowledge the need for/importance of this coordination in every section of the SMP.
11	SMP: 7.2.9	DNR	Log booming and storage is allowed on state-owned aquatic lands. DNR suggests adding the following language: if log storage requires use of state-owned aquatic lands, the applicant shall contact DNR to assess applicability of conservation measures.	<u>Comment noted</u> See response to comment #8. While the County appreciates WDNR willingness to be contacted and consulted with, the County does not feel it is necessary to acknowledge the need for/importance of this coordination in every section of the SMP.

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
12	SMP: 7.2.12	DNR	DNR does not allow new floating homes on state-owned aquatic lands. DNR would request a specific list of improvements related to life safety matters and property rights as used on G (page 7-27).	<p><u>Comment noted</u></p> <p>New floating residences are not permitted under the SMP. The provision mentioned in the comment addresses existing floating homes. If such homes are located on State-owned aquatic lands, coordination with WDNR should occur per existing leases with WDNR.</p>
13	SMP: flood reduction	Alan Engstrom	I am very concerned that the application of the uniform, statewide regulations of the SMA in Cowlitz County's SMP will substantially impede local efforts to restore wetland floodwater protection functions of those shorelines of the Cowlitz and Toutle River systems impacted by the eruption of Mount St. Helens.	<p><u>Comment noted</u></p> <p>The SMP reflects county-specific goals, policies, and regulations that comply with state law. FEMA Flood Insurance Rate Maps published in 1996 were used to determine shoreline jurisdiction boundary in unincorporated Cowlitz County.</p>
14	SMP: flood reduction	Alan Engstrom	Volcanic ash sediment loads of between 10 to 40 million tons continue to flow down these rivers into the Columbia River every year, raising river bed elevations and backing up tributary stream flows to the point where ten year storm event water levels now cause the same amount of flooding damage as formerly caused by one hundred year storm events.	<p><u>Comment noted</u></p> <p>See response to comment #13.</p>
15	SMP: flood reduction	Alan Engstrom	The Federal Emergency Management Agency's floodway (FIRM) maps have not been updated for the Cowlitz/Toutle rivers since the time of eruption even though the debris flow and the subsequent sediment loads have changed the location of the floodways and floodplains of these rivers, and by all estimates, will continue to do so for years to come.	<p><u>Comment noted</u></p> <p>See response to comment #13.</p>

Cowlitz County Locally Adopted SMP: State Public Comment Summary

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16	SMP: flood reduction	Alan Engstrom	The use of ordinary high water marks or mean high water lines to establish shoreline buffer, wetland buffer and riparian habitat buffer width measurements has been rendered meaningless where these lines of demarcation change so frequently.	<p><u>Comment noted</u></p> <p>Per the County’s permitting procedures, the ordinary high water mark must be delineated in the field and is valid during the life of the permit. This is consistent with the Guidelines and has not historically caused issues of code implementation in County experience.</p>
17	SMP: flood reduction	Alan Engstrom	So far state and local planning and funding of projects that restore or enhance floodwater protections for the Cowlitz/Toutle river systems have been lacking. Even though planning and funding for these tasks may seem overwhelming complex, there is absolutely no reason to create regulatory barriers that further hinder and complicate shoreline and associated wetlands restoration efforts. I suggest that you make modifications to the draft Shorelines Master Program to reduce or eliminate regulatory barriers that would hinder recovery of the Cowlitz/Toutle river system's former floodwater storage capacity.	<p><u>Comment noted</u></p> <p>The Shoreline Restoration Plan, prepared as part of the SMP update, is a non-regulatory resource for the County and its restoration partners to implement restoration projects. The plan identifies restoration opportunities and provides an implementation framework that builds on local and regional planning coordination among restoration programs and partners. The plan can be used to help secure funding for restoration projects and ensure that such projects address priority restoration issues in the county, including floodwater storage and capacity.</p> <p>Section 4.4.2.B in the SMP includes a policy to facilitate the projects described in the Restoration Plan. Restoration projects are permitted in all environment designations (SMP Table 7-1).</p>

Cowlitz County Locally Adopted SMP: State Public Comment Summary

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18	SMP:1.4 Governing Principal F4	Alan Engstrom	I recommend the alternate language to Governing Principle F4: By including case specific regulations and regulatory incentives designed to protect shoreline ecological functions and to emphasize the restoration of impaired ecological functions to those rivers and shorelines of the state impacted by debris flow and sediment loads following the 1980 eruption of Mount St. Helens.	<u>Comment noted</u> The governing principles are intended to be broad, guiding policy statements that set the stage for the rest of the SMP. Limiting focus to specific geographic regions or issues, particularly with respect to shoreline restoration, is not appropriate in this section.
19	SMP: Section 4.4 Restoration Policy 4.2.4 B4	Alan Engstrom	I recommend the alternate language to Section 4.4 Restoration Policy 4.2.4 B4: Priority should be given to mitigation projects that provide for the removal of dredge materials disposed of or volcanic sediments deposited within an historic channel migration zone, floodways, floodplains, frequently flooded areas or associated wetlands	<u>Comment noted</u> Thank you for your comment. Mitigation typically focuses on impacts from human use or activity, such as dredge disposal. The issue of removal of volcanic deposits is more appropriately addressed in Section 4.6, Flood Prevention and Flood Damage Minimization. Please refer to policy 4.6.2.C.2.
20	SMP: 4.6.2 C	Alan Engstrom	I recommend the alternate language to 4.6.2.C.1.: Restore the natural floodwater protection ecological functions along the Cowlitz/Toutle River system where the same has been damaged or destroyed by post volcanic eruption sedimentation or debris flow where economically practical to do so.	<u>Comment noted</u> Thank you for your comment. The proposed language is redundant with existing policy 4.6.2.C.2, which reads: "Provide for maintenance dredging of the Cowlitz River and other streams affected by continuing deposition of Mt. St. Helens volcanic deposits to maintain flow capacity and control risk of flooding."
21	SMP: 7.37.E	Alan Engstrom	I recommend the alternate language to 7.3.7.E: Priority shall be given to restoration of dredge spoil sites along the shorelines of the Cowlitz/Toutle river system which prior to the eruption of Mount St. Helens, contained high functioning wetland. The County shall:	<u>Comment noted</u> Please refer to the Shoreline Restoration Plan, prepared and submitted as a component of the SMP update. This plan is

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
			<ol style="list-style-type: none"> 1. Develop a hierarchy of potential restoration projects based upon likelihood of successful restoration of the prior wetland functions of each site. 2. Initially, focus restoration efforts on those wetland areas that previously provided high functioning wetland with flood water retention and stormwater runoff storage capabilities. 3. Create a range of development incentives to restore previous high functioning wetland sites that have been covered with dredge spoils. 4. Allow downstream development projects that require wetland mitigation to perform their mitigation work upstream on wetland mitigation projects providing substantial flood protection benefits. 	<p>non-regulatory, and identifies restoration opportunities in the county by shoreline assessment unit. The plan lists floodplain restoration, “especially in areas affected by dredging and floodplain filling following the 1980 Mt. St. Helens eruption,” as a priority in the Cowlitz River assessment unit. While incorporation of prescriptive restoration planning processes by the County is not appropriate in the SMP, the County and its restoration partners will look to the Shoreline Restoration Plan to inform and direct future shoreline restoration efforts.</p>
22	SMP: 7.37.E	Alan Engstrom	<p>A significant amount of floodwater storage capacity and other important wetland functions of this river system has been lost, buried under the dredge spoil deposits. Unless Cowlitz County is able to permit mitigation projects that include the removal of the dredge spoils and restoration of these former wetland areas, as the Cowlitz River channel continues to fill in from the large sediment loads coming off the eruption zone, widespread flooding will become inevitable.</p> <p>Cowlitz County needs some non ordinary tools within its SMP to allow mitigation activities within the shoreline habitat buffer zones in order to restore the wetland functions of the land lost to flood prevention activity that occurred post eruption. Removal of dredge spoils from former high functioning wetlands will have a high</p>	<p><u>Comment noted</u></p> <p>Please see responses to comments #17 and 21.</p>

Cowlitz County Locally Adopted SMP: State Public Comment Summary

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			restoration success rate and will also provide sorely needed floodwater retention areas.	
23	SMP: General	Futurewise	<p>The following provisions in the SMP are excellent:</p> <ul style="list-style-type: none"> • The Historic/Cultural/Scientific/Educational regulations in Section 6.2B. These regulations will help protect the county’s many cultural sites. • The public access requirements in Section 6.5. • The vegetation conservation regulations in Section 6.6. • That Cowlitz County and the Cities of Castle Rock, Kalama, Kelso, and Woodland worked together on the updates. These local government partnerships can reduce update costs and identify mitigation opportunities on a regional basis, targeting mitigation to the most effective and economical sites. 	Thank you for your comment and support.
24	SMP: Ocean Resource Management Act (ORMA)	Futurewise	<p>The revised SMP should include regulations implementing the requirements of the Ocean Resource Management Act (ORMA). The State of Washington Ocean Resources Management Act (ORMA) in RCW 43.143.030(2) requires that when “uses or activities that require federal, state, or local government permits or other approvals and that will adversely impact renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses,” the uses or activities “may be permitted only if the criteria” in RCW 43.143.030 “are met or exceeded ...”¹ This includes land based facilities that meet the requirements in RCW 43.143.030.2 We recommend that</p>	<p><u>Comment noted</u></p> <p>Per RCW 43.143 and WAC 173-26-360, ORMA applies to “Washington’s coastal waters from Cape Disappointment at the mouth of the Columbia River north one hundred sixty miles to Cape Flattery at the entrance to the Strait of Juan De Fuca including the offshore ocean area, the near shore area under state ownership, shorelines of the state, and their adjacent uplands.” As such, ORMA does not apply in Cowlitz County.</p>

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
			the Revised Shoreline Master Program (SMP) include these requirements including the criteria in RCW 43.143.030.	
25	SMP: Sea Level Rise 6.4, page 6-8	Futurewise	Include policies and regulations to address sea level rise. The Shoreline Management Act and Shoreline Master Program Guidelines require shoreline master programs to address the flooding that will be caused by sea level rise. RCW 90.58.100(2)(h) requires that shoreline master programs “shall include” “[a]n element that gives consideration to the statewide interest in the prevention and minimization of flood damages ...” WAC 173-26-221(3)(b) provides in part that “[o]ver the long term, the most effective means of flood hazard reduction is to prevent or remove development in flood-prone areas ...” The areas subject to sea level rise are flood prone areas just the same as other areas along bays, rivers, or streams subject to periodic flooding.	<u>Comment noted</u> Under the SMA, planning for and regulation of sea level rise is voluntary. While the County considered sea level rise broadly during the shoreline inventory and analysis phase of SMP development, it did not find inclusion of specific policies and regulations appropriate.
26	SMP: Sea Level Rise 6.4, pg 6-8	Futurewise	Sea level rise is a very real problem that is happening now. Sea level is rising and floods and erosion are increasing. In 2012 the National Research Council concluded that global sea level had risen by about seven inches in the 20th Century and would likely rise by 24 inches on the Washington coast by 2100. ³ The Columbia River estuary will be affected by this sea level rise. The general extent of the two feet of sea level rise currently projected for the Columbia River estuary can be seen on the NOAA Office for Coastal Management DigitalCoast Sea Level Rise Viewer available at: https://coast.noaa.gov/digitalcoast/tools/slr	<u>Comment noted</u> Please see response to comment #25
27	SMP: Sea Level Rise, 6-4, pg 6-8	Futurewise	We recommend that new lots and new buildings be located outside the area of likely sea level rise. We recommend the following new regulations be added to the Revised SMP in Section 6-4 on page 6-8.	<u>Comment noted</u> Thank you for your comments. Please see response to comment #25

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
			<p>G. New lots shall be designed and located so that the buildable area is outside the area likely to be inundated by sea level rise in 2100 and outside of the area in which wetlands will likely migrate during that time.</p> <p>H. Where lots are large enough, new structures and buildings shall be located so that they are outside the area likely to be inundated by sea level rise in 2100 and outside of the area in which wetlands and aquatic vegetation will likely migrate during that time.</p>	
28	SMP: Table 7-1	Futurewise	Table 7-1 is generally consistent with the Shoreline Master Program (SMP) Guidelines. ¹⁷ Unfortunately, some of the provisions allow fills and over water structures that are inconsistent with the SMP Guidelines and will damage shoreline functions.	<p><u>Comment noted</u></p> <p>From looking at the original comment, this statement serves to introduce the specific comments regarding flood control structures, over-water structures, and fills, addressed in other comments below.</p>
29	SMP: Use regulations, Flood Control Structures	Futurewise	Flood control structures are inconsistent with the Rural Conservancy environment SMP Guidelines. ¹⁸ So we recommend flood control structures only be allowed as part of a restoration project or to maintain an existing structure.	<p><u>Comment noted</u></p> <p>Per WAC 173-26-211(5)(b)(ii)(C), flood control works are allowed only “where there is a documented need to protect an existing structure or ecological functions and mitigation is applied.... New development should be designed and located to preclude the need for such work.” The approach taken in the SMP, including the provisions in Section 7.2.8.D and Table 7-1, are intended to ensure that flood control works result in no net loss of ecological functions regardless</p>

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
				of shoreline environment designation, and are consistent with the Guidelines.
30	SMP: Use Regulations, Overwater Structures	Futurewise	WAC 173-26-211(5)(c)(ii)(A) provides that new over-water structures are allowed only for water-dependent uses. In addition, WAC 173-26-231(3)(c) provides that: Fills waterward of the ordinary high-water mark shall be allowed only when necessary to support: Water-dependent use, public access, cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan, disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the department of natural resources, expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible, mitigation action, environmental restoration, beach nourishment or enhancement project.	<p><u>Comment noted</u></p> <p>WAC 173-26-211(5)(c) lists management policies for the Aquatic shoreline environment designations, rather than specific regulations that permit or prohibit over-water structures. This management policy is included in the SMP (5.4.6.A), and the regulatory approach in Table 7-1 is consistent with the Guidelines.</p> <p>Regarding fills waterward of the OHWM, the comment omits the final sentence of this paragraph of the WAC, which reads, “Fills waterward of the ordinary high water mark for any use except ecological restoration should require a conditional use permit.” Table 7-1 of the SMP, which requires a conditional use permit for fill/excavation within the Aquatic shoreline environment designation, is consistent with this approach.</p>
31	SMP: Use Regulations, Water-Dependent Uses	Futurewise	The aquatic environment can only allow water-dependent commercial development and water-dependent recreational development waterward of the ordinary high water mark. Other commercial and recreational development cannot be allowed except on existing uplands.	<p><u>Comment noted</u></p> <p>Per SMP Section 7.2.4.F, overwater structures associated with commercial development are only allowed for the water-dependent portions of the development. Per SMP Section 7.2.11.I, new overwater structures for recreation use are allowed</p>

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
				only when they accommodate water-dependent recreation, together with other requirements. These provisions control over the permitting requirements in Table 7-1, and are consistent with the Guidelines.
32	SMP: Use Regulations, Fill	Futurewise	Fills below the ordinary water mark are inconsistent with the SMP Guidelines for the Natural environment and should be prohibited except for restoration. ²⁰ Structural shoreline stabilization is also inconsistent with the Natural environment and should not be allowed. ²¹	<p><u>Comment noted</u></p> <p>Regarding fill below the OHWM, please see the response to comment 30, above.</p> <p>Per Table 7-1, new hard structural stabilization is prohibited in the Natural environment. All new or expanded shoreline stabilization is subject to the provisions of SMP Section 7.3.2, which are consistent with WAC 173-26-231(3)(a).</p>
33	SMP: Table 7-2	Futurewise	<p>The buffers in Table 7-2, Dimensional Standards, on page 7-8 should be wider.</p> <p>The Shoreline Master Program Guidelines, in WAC 173-26-241(3)(j), provide in part that:</p> <p>Master programs shall include policies and regulations that assure no net loss of shoreline ecological functions will result from residential development. Such provisions should include specific regulations for setbacks and buffer areas, density, shoreline armoring, vegetation conservation requirements, and, where applicable, on-site sewage system standards for all residential development and uses and applicable to divisions of land in shoreline jurisdiction.</p>	<p><u>Comments 33 – 36 noted</u></p> <p>The buffers in the SMP were developed based on an assessment of existing shoreline functions (including vegetation conditions), balanced with the need to allow public access and water-dependent/preferred development (including single family residential development) under the SMA. As a result of this analysis, only the Residential, Recreation, and High-Intensity shoreline environment designations have buffers for nonwater-related uses smaller than 150 feet wide. Due to the 200-foot extent of shoreline jurisdiction, buffers larger than 200 feet are</p>
34	SMP: Table 7-2	Futurewise	The Residential and Recreation shoreline environment buffers are not adequate to protect the water quality of the Columbia estuary from residential or commercial	

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
			<p>development.²² A buffer width of 262 feet is needed to protect water quality in estuaries from typical residential and commercial development.²³ Sediment and nutrient removal requires buffers from 100 feet wide to 200 feet wide and wider.²⁴ Protecting other functions, such as shoreline habitats, typically requires buffers of 150 feet or wider buffers.²⁵ To address these impacts, we recommend that the buffers for the Residential and Recreation shoreline environments be increased to 150 feet.</p>	<p>not possible under the SMA. Shoreline buffers are regulated under the County’s Critical Areas Regulations, incorporated by reference into the SMP, which were developed based on best available science and which require strict review and implementation of protective terms requiring demonstration that proposed development will not reduce shoreline functions.</p>
35	SMP: Table 7-2	Futurewise	<p>Allowing a buffer narrower than 150 feet will result in significant removal of native vegetation along Columbia estuary and its tributaries. Allowing the removal of this vegetation to construct new homes will adversely impact the water quality of the estuary and will not maintain the existing shoreline ecological functions.²⁶</p>	<p>Furthermore, new residential development that clears vegetation from within shoreline jurisdiction will be required to implement mitigation sequencing and demonstrate no net loss of shoreline ecological functions.</p>
36	SMP: Table 7-2	Futurewise	<p>The right buffers widths are particularly important because for shorelines of the state development is allowed in the outer 25 percent of the buffers on both sides of the shoreline with less analysis than in other parts of the buffer.²⁷ So the narrower buffers are a significant problem. The relaxed buffer standards should not be allowed in the Urban Conservancy, Rural Conservancy, and Natural Environments as the full 150-foot-wide buffers are needed to protect shoreline ecological functions in those environments as was documented above.</p>	
37	SMP: Use Regulations, Mining	Futurewise	<p>Standards for mining in flood plains, floodways, and channel migration zones should be included. Gravel mining in flood plain, floodways, and channel migration zones has the potential to adversely impact rivers and streams. As the</p>	<p><u>Comments 37 and 38 noted</u> From looking at the original comment, these statements serve to introduce the specific comments regarding mining, addressed in comment 39 below.</p>

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
			<p>Washington State Department of Natural Resources geology staff wrote: Seeking the lowest cost material, gravel miners commonly choose to excavate large, deep ponds adjacent to active river channels ... Wherever a channel shifts into a gravel pit or multiple pits that are large relative to the scale of the flood plain and the river’s sediment transport regime, natural recovery of original flood plain environment and similar channel morphology could take millennia (Collins, 1997). The time for recovery is highly dependent on the availability of sediment, particle size, gradient, and the size of excavations to be filled. Regardless of the best planning and intentions, impacts of flood-plain mining may simply be delayed until the river is captured by the gravel pit. While capture may not occur in the next 100-year flood event, it is likely to occur in the future as development and consequent flood magnitude increase. In the long term, stream capture by gravel pits is a near certainty. Because the gravel pits have a lower base elevation, there is risk of rapid channel change into the pits during high flows, a process termed avulsion. The flooded pits “capture” the stream. The effects of avulsion are similar to those of in-stream mining discussed in Evoy and Holland (1989), Collins and Dunne (1990), Netsch and others (1981), Kondolf and Graham Matthews (1993), Kondolf (1993, 1994), and Williamson and others (1995a,b). They may include:</p> <ul style="list-style-type: none"> • lowering the river bed upstream and downstream of mining operations, causing river bed erosion and (or) channel incision and bank erosion and collapse, 	

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
			<ul style="list-style-type: none"> • eroding of footings for bridges or utility rights-of-way, • changing aquatic habitat, • unnaturally simplifying the complex natural stream system, • increasing suspended sediment, and • abandoning reaches of spawning gravels or damaging these gravels by channel erosion or deposition of silts in spawning and rearing reaches. 	
38	SMP: Use Regulations, Mining	Futurewise	<p>Unfortunately, Section 7.2.10, Mining, does not contain any standards to prevent these adverse impacts on the environment and nearby property owners. If mining is going to be allowed in flood plains, floodways, and channel migration zones, which the Revised SMP allows, then standards are needed.²⁹ We recommend the following regulations.</p>	<p><u>Comments 37 and 38 noted</u></p> <p>From looking at the original comment, these statements serve to introduce the specific comments regarding mining, addressed in comment 39 below.</p>
39	SMP: Use Regulations, Mining	Futurewise	<p>First, mines should be located outside the channel migration zone so that they do not increase the rate of channel migration. Second, mines should be no deeper than the bottom of the nearby streams and rivers so when the river moves into the mine, which is a certainty, the impacts will be reduced. Third the mine reclamation plan should have a design so that when the river or stream is captured by the river or stream the mine it is not so wide that the captured sediments destabilize the river or stream or increase erosion risks on upstream properties.</p>	<p><u>Comment noted</u></p> <p>Per SMP Table 7-1, mining is permitted only in the High-Intensity, Rural Conservancy, and Recreation shoreline environment designations. Mining within the Recreation shoreline environment designation or within a channel migration zone requires a conditional use permit. Further protections are included in the County’s Surface Mining Ordinance. The County feels that this approach is sufficiently protective of impacts associated with mining activities in shoreline</p>

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
				jurisdiction, and is consistent with the Guidelines.
40	SMP: 8.6.6.I	Futurewise	Correct the following typo graphical error. "Shoreline Hearings Board" should read "Shorelines Hearings Board"	<u>Comment noted. Revision proposed.</u> Thank you for your comment. The County will make this typographical correction.
41	SMP: HI SED	Chris Turner	My primary concern has been the Hi Intensity designations that are proposed for the areas around the Kalama River and the Shoreline adjacent to the Kalama Industrial Area. If the proposed Hi Intensity designations are allowed, the future, obviously necessary, flood control measures such as diking the lower Kalama River will be impossible due to the commercial and industrial construction in the wetlands and floodplain that could occur within 10ft of the Kalama River and the shoreline.	<u>Comments 41 and 42 noted</u> The SED assigned to this area was discussed extensively by the Planning Commission in public meetings. The Planning Commission ultimately decided to retain the High-Intensity designation for consistency with planned growth by area landowners. Taken from Parametrix Memorandum dated 6/8/2016 to Department of Ecology:
42	SMP: HI SED	Chris Turner	Seasonal flooding occurs East and West of I5 on the lower Kalama River every year like clockwork. This portion of the river is located within the DOWNSTREAM EXTENT OF FLOWAGE HAZARD ZONE 3 from Mt St Helens volcano. I realize that another lahar from Mt St Helens similar to the one in 1980 is very unlikely. But, there are many reasons for the rise in river levels that would flood Kalama. The sudden melting of snow and ice that have accumulated during the winter months on the mountain, could also cause a sudden significant rise in normal river levels near Kalama. For instance, yesterday the temperature was 60 degrees, today is 80 degrees causing sudden melting of snow that accumulated during the extreme snow events of this winter. It doesn't have to be a volcanic eruption.	"In 1977, the area east of I-5 along the Kalama River was all unincorporated and rural. The 1977 SED map shows it was designated with the Rural SED. This area is now viewed as an area for planned growth and development. The City of Kalama has annexed areas to the north of the Kalama River and two areas of land along the river, and the County has designated this area as Urban in its Draft Comprehensive Plan Map. The proposed designation of this area as High Intensity reflects this planned growth."

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
				Any new development in these areas would be subject to County flood prevention regulations in order to ensure no increase in flood level/risk. The High Intensity designation will not hinder the installation of new flood control measures if such measures are demonstrated to be necessary.
43	SMP: HI SED	Chris Turner	Commercial and industrial development on the lower Kalama River region would eliminate the residential areas that now exist on both sides of the river.	<u>Comment noted</u> Commercial and industrial development would be permitted in the Rural Conservancy SED as well as High-Intensity. Any new commercial or industrial development inside or out of shoreline jurisdiction will need to consider consistency with adjacent uses as part of the permitting process.
44	SMP: HI SED	Chris Turner	Please pay close attention to these Hi Intensity areas that Cowlitz County has proposed. To allow commercial and industrial construction in the wetlands and necessary floodplains is never a good idea, especially at the mouth of the Kalama River.	<u>Comment noted</u> Commercial and industrial development would be permitted in the Rural Conservancy SED as well as High-Intensity. Any new commercial or industrial development inside or out of shoreline jurisdiction will be subject to flood prevention regulations as well as wetland (critical area) regulations.
45	SMP: HI SED	Chris Turner	After reading the final SMP the only thing that is apparent is that Cowlitz County has not succeeded in providing the protection that our shoreline and Rivers deserve. There are only a few Conservancy Districts and Natural areas in the entire County. Most of any residential and water related businesses, already exist.	<u>Comment noted</u> As documented in the Cumulative Impacts Analysis, 91.4% of County shorelines are designated as Rural Conservancy. An additional 2.1% are designated as Natural. High-Intensity SED areas make up 2.7% of

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
				County shorelines, and are located in areas targeted for growth by the County's Comprehensive Plan.
46	SMP: HI SED	Chris Turner	<p>The SMP Comprehensive Amendment Guidelines state:</p> <ol style="list-style-type: none"> 1. Any use that would substantially degrade the ecological function or natural character of the shoreline area should not be allowed. 2. Preserve natural character of shoreline. 3. Protect resources/ecological function of the shoreline. 4. New residential, commercial, or industrial development and uses, including subdivision of land, within shoreline jurisdiction are PROHIBITED, if it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures in the channel migration zone or floodway over the life of the development. 	<p><u>Comment noted</u></p> <p>The County believes that the newly adopted SMP is consistent with the Guidelines as well as with County goals as documented in the Comprehensive Plan.</p>
47	SMP: General	Chris Turner	Cowlitz County has exhibited a lack of enforcement of codes when it comes to our state and local visions and values.	Thank you for your comment.
48	SMP: Buffers	Chris Turner	The county should have wide buffers to protect the environment and ecological functions of the rivers, wetlands, lakes, and tidal lands. The lower portions of the Kalama River and the Cowlitz River should be designated as Urban, Rural Conservancy, or Natural and not allow industrial or commercial infrastructure. These two rivers are designated as Rivers of Statewide Significance. The shoreline where the mouth of a river meets the Columbia River should have at least a 200 foot buffer area which prohibits and development what so ever.	<p><u>Comment noted</u></p> <p>The buffers in the SMP were developed based on an assessment of existing shoreline functions (including vegetation conditions), balanced with the need to allow public access and water-dependent/preferred development (including single family residential development) under the SMA. As a result of this analysis, only the Residential, Recreation, and High-Intensity shoreline</p>

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
				<p>environment designations have buffers for non-water-related uses smaller than 150 feet wide.</p> <p>Re: Kalama River designation, please see response to comment #41.</p>
49	SMP: General	Chris Turner	<p>Cowlitz County has not examined the County well enough to designate additional areas that should be set aside for the future of our County and State. The lack of concern about the health of our environment and therefore our health is inexcusable.</p>	<p><u>Comment noted</u></p> <p>The County completed a countywide inventory and analysis of shoreline functions as a preliminary step in developing the SMP. The vast majority of County shorelines are designated as Rural Conservancy to reflect a balance struck between the three statutory goals of the SMA.</p>
50	SMP: HI SED	Chris Turner	<p>Cowlitz County has listened to the Port of Kalama and placed the Columbia and Kalama Rivers, the wetlands, and the fish and wildlife of this area in danger. High intensity industrial development would be allowed within 10 feet of the lower Kalama River if this update is accepted as written.</p>	<p><u>Comment noted</u></p> <p>The Port of Kalama has been an active participant in the SMP update process. Under the adopted SMP, only water-dependent uses have a zero foot buffer from the ordinary high water mark. Water-related uses have a 50' buffer and all other uses have a 100' buffer in the High Intensity designation. This is consistent with the SMA preference for water-dependent uses on shorelines of the state.</p>
51	SMP: HI SED	Chris Turner	<p>As illustrated by the enclosed photos, the Kalama River is unrestrained has no flood protection. It is frequently flooded several times a year. It often floods out the Kalama River RV Park located east of I-5. All of this flooding is before sea level</p>	<p><u>Comment noted</u></p> <p>Please refer to the responses to comments #41 and 42.</p>

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
			<p>rise predicted for the future. In previous SMPs the area north of the Kalama River was considered Urban Conservancy District as it should with no commercial and industrial development allowed. Changing this property to Hi Intensity Industrial will require the industry to be constructed in the middle of the wetland. No flood control has been attempted for this area of the river.</p>	
52	SMP: HI SED	Chris Turner	<p>Please see the 100-year flood plain maps. This areas is already a frequently flooded area. This area will be totally inundated and under water. The current industrial areas in Kalama will become islands and cut off from their road systems. Industrial and Commercial development in the Urban Conservancy Districts should not be allowed.</p>	<p><u>Comment noted</u> Please refer to the responses to comments #41 and 42.</p>
53	SMP: General	Chris Turner	<p>The SMP should now be reviewed more frequently, thereby allowing the designation to be revisited in the near future, or the Ports can request a change when a viable/reasonable development plan is established.</p>	<p><u>Comment noted</u> Per state law, SMPs are subject to periodic comprehensive review every eight years at a minimum. Limited amendments may be completed for minor revisions in between comprehensive reviews, and must be approved by the Department of Ecology.</p>
54	SMP: HI SED	Chris Turner	<p>Take a look at the minimal and inappropriate amount of Conservatory, Residential, Natural and Public Access of our Shorelines and the uncontrolled building that will occur near our shorelines, wetlands, tidal lands, and the lakes in our County. The additional Hi Intensity areas, especially near Kalama need to be scrutinized.</p>	<p><u>Comment noted</u> Please refer to responses to comments #44 and 45.</p>
55	SMP: HI SED	Chris Turner	<p>Although the County asked for public input, it has been largely dismissed and our County’s natural areas have been taken over by uncontrolled development. The natural areas</p>	<p><u>Comment noted</u> It has not been the County’s intent to ignore public input; on the contrary, the County</p>

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
			for the residents and treasured visitors will be lost forever because the citizen’s vision of our shorelines were ignored.	incorporated significant public input into the document that was ultimately adopted. The County feels the adopted SMP strikes a good balance between environmental protection, allowance for water-dependent uses, and public access, consistent with the goals of the SMA.
56	SMP: HI SED	Chris Turner	Cottonwood Island is now designated as Hi Intensity on the Oregon side and Natural on the Washington side of the Island and a portion of the other island near Longview has been change to Rural Conservancy. Cottonwood Island is still used as a dredge disposal site. It has recently been used to relocate endangered white-tailed deer. There are known bald eagles on this island as well.	<u>Comments 56, 57, and 58 noted</u> The designations on Cottonwood Island are intended to take into account both existing permitted uses (dredge material disposal) as well as the natural condition and presence of wetlands and habitat on the eastern portion of the island. A Natural designation is not appropriate for an active dredge spoil disposal site, and the lack of development on the island and presence of the navigation channel on the western side of the island would preclude any new overwater structures, as mentioned in the comment. Taken from Parametrix Memorandum dated 6/8/2016 to Department of Ecology:
57	SMP: HI SED	Chris Turner	The ESA-list streaked horned lark has been known to nest in the area of Cottonwood Island. It is unreasonable to assume that if the habitat changes at the Kalama Steelscape that the lark will fly three miles away to Howard of Sandy Islands to find nesting areas. They will check the nearest island first, which is Cottonwood Island. Cottonwood Island being in close proximity, may provide appropriate habitat for the endangered lark.	
58	SMP: HI SED	Chris Turner	Cottonwood Island should be left in the Natural designation until that time that dredge disposal has ceased and a reasonable assessment can be made of the wildlife that has established itself on the island, taking into account the current conditions of the Columbia River. Cottonwood Island has no road access or other means of conducting commercial or industrial business on this island. If a dock	“In 1977, when the original SMP was written, Cottonwood Island was made up of one large island and two smaller islands. The larger portion was designated with the Urban SED, the most intensive at the time. The two smaller portions were designated as Natural. These three islands have been filled with

Cowlitz County Locally Adopted SMP: State Public Comment Summary

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
			<p>was built, the vessel would encroach into the shipping lanes of the Columbia River.</p>	<p>dredge spoils over time to create one larger island. The proposed SEDs retain both of the functions of the former SEDs, with High Intensity proposed along the western shore where past and current dredge spoil disposal has altered the landscape. This is an approved and ongoing activity along the western shore. The eastern shore is in a much more natural condition, and is contiguous with potential wetland areas. This area is proposed to be designated with the Natural SED. The draft Comprehensive Plan designation for the entire island is Industrial.”</p>