

# Public Comment Summary: City of White Salmon Locally Adopted SMP

## Ecology Public Comment Period, November 2, – December 2, 2016

*Prepared by WA Dept. of Ecology, July 19, 2016*

*Local Government Response and Rationale Prepared by Leana Johnson, City of White Salmon and Ethan Spoo, BergerABAM, March 23, 2017*

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
1.	1.3.3	Yakama Nation	We suggest rephrasing the following to mirror language from RCW 90.58.020, RCW 90.58.020 to make it consistent with the RCW (text in italics). The draft states that one of the purposes of the SMP is "To provide for the preservation and enhancement of shoreline ecological resources as part of <i>coordinated planning for new development in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest.</i> "	The City recommends making change as suggested.
2.	1.4.2	Yakama Nation	<p>Applicable Shoreline Area in White Salmon -Jewett Creek, is the only anadromous fish-bearing tributary stream within White Salmon city limits, and deserves special protection/consideration. Even if it may not meet the 20 cfs average annual flow threshold for mandatory inclusion in the SMP, it should be covered as a critical area in the SMP or the City's ordinance.</p> <p>The USGS study (or other criteria) used to designate and select shorelines of the state is not cited.</p>	<p>RCW 90.58.030(2)(d)(ii) allows the city to optionally include land necessary for buffers of critical areas as defined in Chapter 36.70A RCW that occur within shorelines of the state. Jewett Creek is located over 1,000 feet east of White Salmon's shoreline minimum jurisdiction and neither the stream nor its regulatory buffers are located within White Salmon's shoreline jurisdiction. Therefore, the City does not have the option of expanding shoreline jurisdiction to include Jewett Creek. Nevertheless, Jewett Creek is protected as a fish wildlife habitat conservation area under the City's critical areas ordinance.</p> <p>Shoreline jurisdiction was determined by applying the definitions in RCW 90.58.030 of "shorelands" and "shorelines." The Columbia River and its shorelands is the only SMA regulated waterbody in White Salmon as confirmed through Ecology review of the <i>City of White Salmon Shoreline Inventory, Analysis and Characterization Report</i> (BergerABAM, 2015).</p>
3.	1.4.3.2	Yakama Nation	Suggest changing 2nd "shorelines" to "shore lands" (see Skamania Co. SMP)	The City recommends making change as suggested noting that shorelands is one word per RCW 90.58.030.
4.	1.5.1	Yakama Nation	Shoreline Program Applicability to Development -General Applicability -- Suggest adding: "If the provisions of the SMP conflict with other applicable local ordinances, policies, and regulations, the requirement that most supports the provisions of the Act as stated in RCW 90.58.020, and that provides the greatest protection of shoreline ecological resources, shall apply, as determined by the Shoreline Administrator."	The City recommends making change as suggested.

5.	1.6	Yakama Nation	Relationship to Other Plans and Regulations -Suggest including Title 18 "Environment" which contains the Critical Areas Ordinance in the list of applicable White Salmon Municipal Code sections. If there is a section that applies to the CRG NSA and how the SMP interfaces with the Scenic Area Act, suggest including it, also.	Within shoreline jurisdiction, the SMP critical areas provisions apply, but the City's critical areas ordinance will no longer apply. This is protocol throughout the state of Washington. The City of White Salmon is a Gorge urban area and the CRGNSA does not apply within White Salmon's City limits landward of the ordinary high water mark, but does apply waterward of ordinary high. Separate Gorge permits are necessary in this area, so it is not necessary to reference specific sections of the CRGNSA Act.
6.	1.6	Yakama Nation	In the 2nd paragraph: Suggest a stronger verb than "should inform": "The City's Shoreline Administrator or designee shall inform applicants for shoreline development of all applicable regulations to the best of the Shoreline Administrator's knowledge..."	The City recommends making change as suggested.
7.	2.2.1	Yakama Nation	Shoreline Administrator -- Does sole authority rest with the Shoreline Administrator? The permit review and approval process for shoreline development applications is unclear.	No. The Shoreline Administrator has responsibility for issuing statements of exemption per 2.2.1(b). The Planning Commission makes recommendations to the City Council on shoreline substantial development, conditional use and variance permits. The City Council makes a final recommendation on shoreline substantial development permits, but forwards conditional use permits and variances to the Department of Ecology. See SMP section 2.4.
8.	2.2 1	Yakama Nation	This section should be marked as 1 (not 3) and next section as 2. (not 4)	Recommend making change.
9.	2.2.1.i	Yakama Nation	Suggest adding: "Providing copies of permit applications to relevant staff, agencies and tribes for review and comment."	Suggest making change, but rewording to "making permit applications publicly available to relevant staff, agencies and tribes for review and comment." In section 2.4.4, the City recommends revising to read: "A notice of application shall be issued for all shoreline permit applications as provided for in WAC 173-27-110" to eliminate any inconsistencies between the City's notice process in 19.10.150-180 and SMP notice requirements.
10.	2.2.1.j	Yakama Nation	Suggest adding:"[...] reviewing other staff, agency <i>and tribal</i> comments [...]"	The City recommends making change as suggested.
11.	2.2	Yakama Nation	Permit Application Requirements -- Suggest explicitly stating that a site plan and narrative for proposals are required of the applicant.	Permit application requirements are contained in SMP section 2.3, so the City assumes this comment pertains to that section. The city recommends that section 2.3.1 be revised to say: "Proposals located within shoreline jurisdiction shall submit a Joint Aquatic Resources Permit Application (JARPA) and all information required by WAC 173-27-180 along with the following:"
12.	2.4.15	Yakama Nation	Permit Process -- Delete "The application of this SM P should be consistent with constitutional and other legal limitations on the regulation of private property." This is inconsistent with RCW 90.58.020 and is addressed by the	Ecology's SMP Checklist and WAC 173-26-191(2)(a)(i) requires such a statement. Therefore, the City recommends that this statement be left as is.

			intent of a variance.	
13.	2.5.2.a	Yakama Nation	Substantial Development Permits and Exemptions -- Suggest adding the italicized: "Only those developments that meet the precise terms of one or more of the listed exemptions <i>in WAC 173-27-040</i> may be granted exemption from the substantial development permit process."	The City recommends making change as suggested.
14.	2.6.3 & 2.7.2	Yakama Nation	Suggest changing "the Department of Ecology who make..." to "the Department of Ecology which makes..."	The City recommends making change as suggested.
15.	2.8.2	Yakama Nation	Nonconforming Development -- Regarding expansions of non-conforming uses: this is not consistent with WAC 173-27-080 which states "Uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded ....."	Per SMP Handbook Chapter 14, pg. 4, WAC 173-27-080 only applies if the local SMP does not address non-conforming development. Since White Salmon's SMP <i>does</i> contain nonconforming use regulations, the overall standard of no net loss is what applies. Section 2.8.2 of the SMP allows existing uses to expand up to 50 percent provided that such expansion is not located within the shoreline setback. Further, such expansions would have to comply with all applicable sections of the SMP to ensure no net loss such as critical areas and vegetation conservation. Thus, WAC 173-27-080 does not mandate that existing uses cannot expand.
16.	3.1.2	Yakama Nation	General Shoreline Goals --Suggest adding the italicized: "Preserve and enhance the shoreline environment by adequately identifying <del>and</del> <i>opportunities, planning for and implementing</i> conservation and restoration <i>projects.</i> "	Restoration projects are voluntary actions taken to improve shoreline. As such, the City recommends making the changes with the following adjustments to the cited goal: "Preserve and enhance the shoreline environment by adequately identifying opportunities, planning and implementing for conservation and restoration projects within the financial resource constraints of the City and its partners."
17.	3.1.3	Yakama Nation	Suggest the following changes: " <del>Promote</del> <i>Evaluate and plan for the full economic potential of White Salmon's shoreline to accommodate water oriented uses that preservefull ecological function.</i> "	The City is under budgetary constraints. For this reason, we recommend the following language: "Promote the full economic potential of White Salmon's shoreline to accommodate water oriented uses that preserve full ecological function."
18.	3.1.4	Yakama Nation	Wording is confusing. What is "concurrent", and what is the "expiration" of a use?	Recommend rewording to: "Allow lawfully established, non-water oriented uses to continue and expand subject to section 2.8 of this SMP while requiring ecological restoration or enhancement consistent with maintaining no net loss of ecological function."
19.	3.1.5	Yakama Nation	Is this a goal or a tactic? What is a "public objective"?	Recommend rewording to: "Coordinate with private and public property owners, such as the County, tribal governments, and the BNSF Railway to implement the goals and policies of this SMP."
20.	3.2.1.2	Yakama Nation	Meaning is unclear. Suggest rewording to be consistent with	The City recommends making change as suggested.

			the no-net-loss standard: "Human uses <del>and values</del> of shoreline critical areas should be <del>promoted</del> encouraged provided <del>they</del> ; those uses do not <del>significantly adversely impact</del> result in a net loss of ecological functions."	
21.	3.2.1.3	Yakama Nation	Wording is vague -"Critical areas <i>with</i> degraded functions should be restored with new development and redevelopment ..." (emphasis added). Does "with" mean that development and restoration should occur concurrently, or that restoration be part of the development project?	Recommend rewording to: Incentivize restoration of critical areas with degraded functions with development and redevelopment projects on private and public properties. Restoration should be consistent with the City's Shoreline Restoration Plan."
22.	3.2.2.1	Yakama Nation	Policies -- Where/by whom is "Critical Freshwater Habitat" defined, designated or mapped? Suggest citing WAC 173-26-221(2)(iv)(A) and listing the relevant habitats, e.g. streams, rivers, wetlands, lakes, their associated channel migration zones, hyporheic zones and floodplains. (There is also no definition provided in Chap. 8-- Definitions).	White Salmon's shoreline extends for approximately ¾-mile along the Columbia River waterfront. Critical freshwater habitats are defined by the state in WAC 173-26-221(2)(iv)(A) which references to RCW 36.70A and are defined as floodplains, wetlands, geologic hazards, fish and wildlife habitat conservation areas, and critical aquifer recharge areas. In White Salmon, critical freshwater habitats include the Columbia River and its associated wetlands, and floodplain. No streams or lakes occur within White Salmon's shoreline jurisdiction. Likewise, because of the dam environment of the Columbia River, there is no channel migration zone. The floodplain is mapped by FEMA. The river is already mapped.  The City recommends inserting a definition of critical freshwater habitats in Chapter 8 as follows: Critical freshwater habitats – Critical areas as defined by RCW 36.70A.030(5) and their associated channel migration zones, and floodplains. .  The City recommends removing references to the channel migration zone in the document since there is no CMZ on this Columbia River reach.
23.	3.2.2.2	Yakama Nation	Suggest including connectivity and space for fish and wildlife migration	Recommend changing to the following: "In compliance with WAC 173-26-221(2), space should be reserved for critical freshwater habitats, including waterfowl concentrations and wetland habitat on White Salmon's waterfront with the priority of maintaining habitat connectivity."
24.	3.2.2.3	Yakama Nation	What are "essential public facilities"?	The City recommends revising SMP section 3.2.2.3 to eliminate reference to essential public facilities so that the policy reads: "Water-dependent uses, including recreational facilities, piers, and docks should be permitted in Critical Freshwater Habitat provided the application demonstrates compliance with mitigation sequencing and no net loss of ecological function."
25.	3.2.2.4	Yakama Nation	Suggest adding the following: "Development should be directed away from <del>geologically hazardous and flood hazard</del> areas including channel migration zones within shoreline jurisdiction in recognition of the dangers	Based on the fact that channel migration zones no longer exist on this portion of the Columbia River, the City recommends this provision be rephrased as; "Development should be directed away from geologic and flood hazard areas within

			these areas present to humans, structures, and property." Natural shoreline along the Columbia River is a scarce and precious asset; suggest adding somewhere to this section: <i>"The natural character of the shoreline and its native vegetation should be preserved as much as possible."</i>	shoreline jurisdiction in recognition of the dangers these areas present to humans, structures, and property."  The City suggests inserting a new policy # 7 in this section that reads: "The natural character of the shoreline and its native vegetation should be preserved." If unavoidable, impacts to the natural character and native vegetation should comply with mitigation sequencing in section 5.1."
26.	3.4	Yakama Nation	Archaeological, Historic, and Cultural Resources. The SMA requires local governments to identify, consider, and use relevant scientific and technical information in developing shoreline master programs. The SMA also requires shoreline master programs to include "an historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values." Taken together, these provisions create a requirement that shoreline master program elements concerning cultural and archaeological resources must identify, use and consider relevant scientific and technical information. The SMP's current Goals and Policies (in Section 3.4), and Regulations (in Section 5.2) do not provide clear policies or procedures for how the City will consider or ensure the use of relevant scientific and technical information about cultural resources in land use planning in the shore lands. DAHP maintains an inventory of known cultural and archaeological resources. Native American Tribes, including the Yakama Nation, also maintain independent internal inventories of known sites. In addition, DAHP has developed a statewide archaeological predictive model that identifies certain areas of Washington State as "high risk" or "very high risk" to contain archaeological resources. The SMP should be revised to include protections and clear regulations consistent with those in the Sample SMP - Cultural Resources Sections (Attached with YN's comment letter.)	The City recommends incorporating many of the Yakama Nation's suggestions with regard to archaeological, historic, and cultural resources including the following key elements: <ul style="list-style-type: none"> <li>• Incorporation of an applicability statement that includes reference to local, state, and Tribal data regarding resources</li> <li>• Adoption of the State's archaeological predictive model for requiring site inspections combined with assessment of potential impacts on a project.</li> <li>• Providing criteria for when an archaeological study is required.</li> <li>• Requiring cultural resource management plans</li> <li>• Instructions for inadvertent discoveries</li> <li>• Requirements for notice and consultation with Tribes and DAHP.</li> <li>• Definitions related to archaeological, cultural, and historic resources</li> </ul> Please see updates in sections 3.4 and 5.2 of the SMP for exact language.
27.	3.5.2.1	Yakama Nation	Suggest adding : "(...) and is consistent with the shoreline character and <i>ecological</i> functions, private rights, and public safety."	The City recommends making change as suggested.
28.	3.5.2.3	Yakama Nation	"The access system should include peripheral connections on private land concurrent with development and redevelopment of private properties through public/ private coordination." The wording here is vague, and it is unclear what is meant.	The City agrees this could be better worded and proposes the following: "Connections on private land, when required consistent with this SMP, should augment or connect to access on public lands."
29.	3.5.2.5	Yakama Nation	Which City and County trail system plans are referenced here?	This does not reference to a specific plan. It's a general reference in case access-specific documents are developed in the future either in County/City parks plans. Recommend

				inserting a reference to the “City of White Salmon Comprehensive Plan Parks, Open Space, and Recreation Element.”
30.	3.5.2.7	Yakama Nation	Suggest adding: "Discourage shoreline uses that curtail or reduce public access unless such restriction is in the interest of the environment, <i>protection of cultural resources or treaty rights</i> , public health, and safety, or is necessary to a proposed water-oriented use."	Per RCW 90.58.350, the SMA (and by extension SMPs) shall not affect treaty rights. Therefore, implementation of the SMP cannot affect treaty rights. No change is necessary.
31.	3.6.1.5	Yakama Nation	"The City should work with BNSF Railway to address safety perceptions concurrent with any development of recreational facilities along the shoreline." Again, not clear what "concurrent" means. Perhaps "perceptions" is not the accurate word here-safety concerns or issues? Suggest rewording for clarity.	The City should work with BNSF Railway to ensure that any development of recreational facilities along the railroad incorporates public safety features for site users.
32.	3.7.1	Yakama Nation	Vegetation Conservation -- Suggest adding: "Shoreline vegetation provides many positive environmental benefits, including riparian shading, providing organic inputs <i>and food critical</i> to aquatic life, stabilizes banks, and improves water quality through filtration and vegetative uptake."  It is unclear what "vegetative uptake" means.	Recommend that change be made, except change “vegetative uptake” to “nutrient uptake”
33.	3.7.1.1	Yakama Nation	Suggest: "Preserve <i>native</i> shoreline vegetation, <del>placing a greater priority on vegetation nearest the water's edge.</del> " What best available science (BAS) supports emphasizing only vegetation at the water's edge? Buffers were created because the entire buffer area is significant and necessary to shoreline ecological function. A mature tree length is often measured from a significant distance inland from the OHWM, yet those trees are critical for large wood recruitment to the shoreline.	The cited policy does not say that only vegetation at the water is important, it simply indicates that the closer you get to the shoreline, the more important it is to preserve vegetation. This is a goal, not a regulation. It is appropriate to emphasize vegetation nearest the water since the SMP emphasizes water-dependent uses.
34.	3.7.1.2	Yakama Nation	Confusing syntax. Suggest: "Restrict clearing on steep slopes <del>for purposes of slope stabilization to maintain slope stability</del> , to prevent erosion, and to maintain integrity of upland uses."	Recommend that change be made
35.	3.7.1.3	Yakama Nation	There should be an emphasis on enhancing vegetative diversity using <i>native</i> species. Vegetative enhancement could also happen during restoration, not just development.	Recommend that change be made related to native species and restoration.
36.	3.7.1.5	Yakama Nation	Suggest adding the following: "Maintain woody debris on the shoreline <i>and in the water</i> for habitat conservation purposes. <i>Encourage retention of snags and decadent trees for future wood recruitment to the</i>	Suggested language is redundant. Recommend that it be changed, as follows: “Maintain woody debris on the shoreline and in the water for habitat conservation purposes. Encourage retention of snags and decaying trees for future wood

			<i>shoreline, and encourage retention of in-water woody debris.</i> "Education to landowners, developers and users/visitors about the benefits of large woody debris and shoreline regulations may be necessary.	recruitment to the shoreline." Last clause suggested is redundant with the first.
37.	3.7.2.1	Yakama Nation	Policies - "Vegetation conservation and restoration should be used to mitigate the direct, indirect, and/or cumulative impacts of shoreline development, wherever feasible." However, <i>maintaining</i> shoreline vegetation is not <i>mitigation ...enhancing/restoring</i> vegetation is. Cumulative impacts must achieve no net loss, and restoration and conservation of native vegetation may not necessarily be sufficient itself to fully mitigate for impacts.	Recommend that provision be changed to read: "Vegetation restoration should be used to mitigate direct, indirect, and/or cumulative impacts of shoreline development, wherever feasible."
38.	3.7.2.2	Yakama Nation	Suggest "Use of nontoxic, <i>mechanical</i> or <i>biological</i> controls is preferred." This should include BNSF weed control efforts along the railway.	Recommend making the change which would automatically include BNSF.
39.	3.7.2.3	Yakama Nation	Encourage retention of native understory plants due to their wild life habitat and ecological value. Pruning should be judicious and not harm the trees.	See changes to standard 5.6.1.7. Recommend the following language changes: "Vegetation should be preserved on bluffs and site design should incorporate retention of significant trees/stands and native understory vegetation. Pruning should be limited to no more than 1/3 <sup>rd</sup> of branches of a tree and shall not compromise the health of the tree."
40.	3.7.2.4	Yakama Nation	Planting native vegetation should be encouraged and incentivized and not made as a <i>quid pro quo</i> for altering setback requirements. Other incentives should be explored, for example- opportunity for purchasing native plants for landscaping from the local conservation districts at a lower price than non-native, ornamental nursery stock.	Recommend revising this standard to say: "The City should explore financial incentives including development fee waivers/reductions, or opportunity for purchasing native plants for landscaping from the Underwood Conservation District." Reference to flexibility in setbacks should be deleted.
41.	3.7.2.5	Yakama Nation	Encourage native plant enhancement even in existing landscaped areas or non-conforming areas.	Recommend that this provision be revised to say: "The City should encourage property owners to replace non-native plants with native plants in existing landscape areas.. Existing ornamental landscaping and structures should be permitted to be maintained,..."
42.	3.8.1	Yakama Nation	Goal -- Goal should also be for water to be clean and abundant for all the other processes and organisms that depend on it-not just humans.	Recommend that provision be revised to say: "The goal for water quality and quantity is to maintain or enhance shoreline ecological functions and to protect and enhance the quality and quantity of the region's water resources to ensure there is safe, clean water for the public's needs and enjoyment and to maintain ecological functions."
43.	3.8.2	Yakama Nation	Policies - recommend "maintain or improve ..." Anadromous fisheries are also a foundation of the County's (and Tribes') economy. Recommend including protection and improvement of water quality and	The SMP Guidelines in WAC 173-26-221(6)(b)(i) requires that SMP contain standards which "prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions." This provision and others in the Guidelines establish no net loss as the standard by which

			quantity for anadromous fisheries.	the SMP and shoreline developments are measured, not a net gain/improvement. Restoration actions or stormwater retrofits will voluntary result in better water quality. Therefore, we do not recommend making this change.
44.	3.8.2.1	Yakama Nation	Avoidance and minimization should precede mitigation (see comment on "mitigate" under Corrections and Clarifications, at end of comment letter). If "reduce" is meant, suggest replacing mitigate with reduce.	Recommend the rewording say: "All shoreline uses and activities should be located, designed, constructed, and maintained to avoid, minimize, and mitigate adverse impacts to water quality, water quantity, or hydrology."
45.	3.8.2.2	Yakama Nation	Encourage use of alternative stormwater "facilities" such as bioswales and vegetated buffer strips as infiltration galleries.	Alternative stormwater techniques such as bioswales and vegetated buffer strips are already covered in the term "low impact development techniques" which is a term of art used throughout the state of Washington with regard to stormwater. Therefore, the City does not recommend making this change.
46.	3.8.2.3	Yakama Nation	Regulations are useful; however, the City could encourage/incentivize applicants to work with conservation district and/or NGOs to encourage/implement biological solutions, not just mechanical. Avoidance and minimization should precede mitigation.	Recommend that a sentence be added at the end of the cited provision which says "The City encourages applicants to the Underwood Conservation District to implement low impact development stormwater techniques." The City has recommended that 3.8.2.1 be revised above to address avoidance and minimization prior to mitigation.
47.	3.8.2.4	Yakama Nation	Suggest adding: "... on water <i>quantity and</i> quality." Use the most environmentally benign, effective method (in consultation with Klickitat County Noxious Weed Control Program). Provide not just information, but resources and access to technical assistance.	Recommend that the cited provision be changed to read: "The City should provide general information to the public about the impacts of land and human activities on water quantity and quality. Applicants should consult with the Underwood Conservation District or the Klickitat County Noxious Weed Control Program."
48.	3.8.2.5	Yakama Nation	There are laws about use of pesticides within certain distances of waterways. Educate property owners about this, and alternatives. Suggest including a reference or table on buffers around waterbodies for herbicide/pesticide application.	This is a policy section, not a regulatory section, so this would be an inappropriate location for the suggested edits with the exception of addressing education. A sentence should be added at the end of the cited policy which reads: "The City should provide reference to educational materials, websites, etc. which discuss the damage that can result from chemical applications within shoreline jurisdiction and the benefits from using alternative fertilizer or pesticides."  Application of herbicides and pesticides is not an SMP regulated activity and is regulated by other laws and statutes such as the Washington Pesticide Application Act. Therefore, it would not be appropriate to insert a reference or table on buffers for herbicide/pesticide application.
49.	3.9.1	Yakama Nation	Goals -- Recognize that anadromous fish are a state-and region wide resource that should be prioritized for	The language in this goal is straight from WAC 173-26-251. The City does not recommend changing.

			protection and enhancement.	
50.	3.9.1.3	Yakama Nation	"Natural" shorelines that have not been armored should be given special protection and consideration for enhancement due to their scarcity as a habitat type on the mainstem Columbia River.	It's unclear what special protection would mean in this case. In order to place new armoring on sections of White Salmon's shoreline, applicants would have to comply with section 7.1.6 of the SMP which requires that a geotechnical investigation be completed that demonstrates non-structural measures (setbacks) are not feasible. If structural stabilization is proposed, it may only be allowed through a geotechnical investigation to protect an existing shoreline use or primary structure. Therefore, protections are already provided for unarmored sections of White Salmon's shoreline.
51.	3.10.1	Yakama Nation	Goals: Some restoration could be required as mitigation through regulation in the SMP.	The goal is not the appropriate place for this type of language. The City recommends that a new regulation 5 be added in 7.1.5 that states "Restoration may be required to address impacts from development when it is proportional to the impacts created."
52.	3.10.2.1	Yakama Nation	Suggest removing " <del>Implementation of restoration projects identified in the Shoreline Restoration Plan shall be the guiding document for restoration actions on public and private lands in shoreline jurisdiction.</del> "	The City agrees with this change.
53.	3.10.2.2	Yakama Nation	Suggest moving "where shoreline environmental functions are degraded" to end of sentence for clarity.	The City agrees with this change.
54.	3.10.2.4.c	Yakama Nation	Installation of biological stormwater retention/filtration systems like raingardens, bioswales, artificial wetlands could also serve this purpose with net ecological benefits.	City assumes this reference is to 3.10.4.c. The City recommends that policy 3.10.2.4(c) revised to read "Retrofitting existing or installation of new stormwater facilities to improve water quality with a preference for low impact development techniques."
55.	3.10.2.4.d.	Yakama Nation	Why a separate wildlife crossing under the tracks? Why not make a crossing over the tracks work for both people and wildlife?	A concrete undercrossing already exists at the southeast end of the RV Park property. BNSF intends to get rid of this undercrossing and replace it with a culvert which will be large enough to accommodate wildlife. The City may still explore an overpass for pedestrians at some future date the design details of which will be determined at that time. The City recommends this provision be revised to read: "Consider wildlife movement across the railroad tracks with development of a public park, public infrastructure, and the development of private properties. The existing railroad undercrossing near the southeast corner of the RV Park property provides for wildlife movement across the railroad tracks and should be preserved or improvements to public properties should provide for other means of wildlife movement. In addition, work with property owners to remove the old fence line along the eastern boundary of the County-owned property to facilitate wildlife movement.

56.	3.10.2.5.b	Yakama Nation	Recommend also providing education about existing laws re: spraying near waterways.	Recommend that 3.10.2.5.b be revised to read: "The harmful effects of application of chemical pesticides and fertilizers on shoreline vegetation used on private property and in commercial nurseries with reference to state laws pertaining to spraying near waterways."
57.	3.10.2.3	Yakama Nation	Suggest changing "should prioritize projects in the Shoreline Restoration Plan" to "...and priority should be given to projects..."	Change seems unnecessary. Different way of saying the same thing.
58.	3.10.2.4.b	Yakama Nation	Suggest changing "with development and redevelopment" to <i>during</i> for clarity	City recommends change be made.
59.	3.10.2.5	Yakama Nation	For clarity, suggest re-wording by removing: "Proper vegetation/ landscape maintenance and the impacts of shore armoring and over-water structures <del>for property owners</del> " and including property owners in the previous sentence: "The City should develop educational materials <i>for property owners</i> for the following:"	City recommends change be made.
60.	3.12.2.3.a	Yakama Nation	Suggest adding: "...protect the property <i>and Tribal treaty</i> rights of others..."	Per RCW 90.58.350, the SMA and SMPs shall not affect the treaty rights. Therefore, no change is necessary.
61.	3.12.2.4.a	Yakama Nation	How/by whom is an area determined not suitable for preservation?	Recommend rewording to: "The redevelopment of any area with low shoreline ecological functionality and with a High Intensity designation." Also recommend new provision 4.e which says "The preservation or development of shoreline areas designated Urban Conservancy with low impact uses, such as impervious trails and/or park facilities which avoid and minimize vegetation removal."
62.	3.13.1	Yakama Nation	Goal -- The order of priority should be to avoid impact on the shoreline environment altogether, then minimize.	Recommend provision be changed to say: "The goal for transportation and utility facilities is to coordinate and consolidate the provision of these facilities across and between properties in shoreline areas to avoid and minimize their impact on the shoreline environment."
63.	3.13.2.2	Yakama Nation	Policies - Unclear how "circulation systems" are defined. Adding more transportation infrastructure to shoreline should be avoided where possible due to inevitable cumulative impacts.	Recommend rewording this policy to: "Provide safe, reasonable, and adequate pedestrian, automobile, and bike circulation systems to shorelines where necessary which shall generally be located perpendicular to the shoreline so that routes will have the least possible adverse effect on shoreline ecological function and avoid creating barriers between adjacent uplands and the shoreline."  The above provision mirrors the language in WAC 173-26-241(3)(k). The purpose of shoreline master programs, the SMA, and the SMP Guidelines is not to prohibit development on shorelines, but to provide for the enjoyment and development of shorelines consistent with no net loss principles.

64.	3.13.2.5	Yakama Nation	Suggest "if" rather than "when"	Different way of stating the same thing. Do not recommend change be made.
65.	3.13.2.7	Yakama Nation	"All new utility facilities should be located underground, <i>where</i> there are no conflicts with archaeological and cultural resources assessments." Wording is confusing. Is the intended meaning: "All new utility facilities should be located underground <i>provided that this</i> placement does not conflict with cultural or archaeological resources identified through an assessment"?	Yes. Recommend that provision be reworded to say "All new utility facilities should be located underground, provided that this placement does not conflict with known cultural or archaeological resources."
66.	3.14.1	Yakama Nation	Goals -recommend "Promoting <i>sustainable</i> recreational activities and tourism <i>that do not degrade natural and cultural resources</i> ".	Instead recommend rewording to: "the goal for economic development is to foster water-oriented uses while maintaining no net loss of shoreline ecological functions."
67.	3.14.2.1	Yakama Nation	-add " <i>while ensuring that tourism does not degrade those resources</i> ."	Suggested change seems unnecessary since the sentence already includes the phrase "that will not harm the quality of the site's environment." Do not recommend change be made.
68.	3.14.2.2	Yakama Nation	Suggest adding to end of sentence: " <i>...and achieve no net loss of ecological function</i> ."	City agrees and recommends this change be made.
69.	3.14.2.3	Yakama Nation	"Existing non-water-oriented commercial and industrial and agricultural activities [...] may expand in compliance with provisions of this SMP, including the nonconforming use provisions, as applicable." Appears to allow signification expansion of a non-conforming use, which appears to be inconsistent with WAC 173-27-080 and with allowance of a prior non-conforming use, as it would appear to inherently allow for a net loss in ecological function and values over time, and therefore be improper. See comment on 2.8.2.	City does not agree with this comment. WAC 173-27-080 applies to SMPs which do not contain non-conforming use provisions, but does not outright prohibit expansion of non-conforming uses. See SMP Handbook Chapter 14, page 4 which says "WAC 173-27-080 applies at the local level only if the local SMP does not address nonconforming development." Since the draft White Salmon SMP addresses nonconforming development, WAC 173-27-080 does not apply.  In addition, section 2.8 of the SMP limits expansion to no more than 50 percent over time, nor can expansions happen in the shoreline setback area. Furthermore, section 5.6 of the SMP limits vegetation removal and requires mitigation where vegetation is removed. Section 5.3 of the SMP protects critical areas within shoreline jurisdiction. These provisions would ensure that any non-conforming use expansion would result in no net loss of shoreline ecological functions.
70.	4.1.1	Yakama Nation	How is the OHWM on the mainstem Columbia River defined? Is it average Bonneville Pool elevation based on the Army Corps of Engineers' measurements? How is the OHWM determined?	A definition of the OHWM taken straight from RCW 90.58.030. To further clarify how the OHWM is defined, the City recommends that section 2.3.1 be updated to include a new provision (a) which says: "The OHWM of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location, provided that, for any development where a determination of consistency with the applicable regulations requires a precise location of the OHWM, the mark shall be located precisely, and the biological and hydrological basis for the location as indicated on the plans shall be included in the site plan. Where the

				OHWM is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest OHWM of a shoreline.”
71.	4.1.1.4	Yakama Nation	Also should take into consideration anadromous fish migration corridors, shallow-water and marginal holding habitat.	Recommend the last sentence of this provision be changed to: “In particular, all in-water and over-water uses shall take into consideration the WDFW mapped concentration of waterfowl as well as anadromous fish migratory corridors located along the City of White Salmon’s shoreline.” The entire Bonneville Pool could be considered shallow-water and marginal holding habitat. In addition, we are inserting a reference to migratory corridors which should cover holding habitat.
72.	4.1.1.5	Yakama Nation	Suggest changing hydrographic to <i>hydrologic</i> conditions	Provision mirrors that in WAC 173-26-211(5)(c)(iii)(F). Do not recommend changing.
73.	4.1.1.7	Yakama Nation	"creation of alcoves" This specific action should be removed. Appropriate habitat enhancement techniques and projects should be identified by subsequent assessments, not prescribed in the SMP. Suggest the following: "The City should seek opportunities to increase habitat function in aquatic areas <del>by creating alcoves and</del> along the shoreline <del>which provide refuge and shade for aquatic and shoreline species as identified by subsequent technical assessments</del> <del>Construction of alcoves could be completed concurrently with the construction of park of recreational facilities along the shoreline.</del> "	At the 20 October 2014 Shoreline Community Vision Meeting, attendees specifically requested that the vision for White Salmon’s shoreline include “woody debris”, “shaded areas,” and to “increase aquatic functions through ‘embayments’ ” In respect for that public input, the City suggests changing the language of the cited provision to say “The City should seek opportunities to increase habitat function in aquatic areas by creating shaded areas for habitat and preserving shoreline woody debris. Shoreline aquatic habitat restoration should be completed concurrently with the construction of park or recreational facilities along the shoreline.”
74.	4.1.2.1	Yakama Nation	Suggest adding: "Examples of such uses are parks, trails and viewing platform s, and water-oriented recreational facilities like kayak or <i>non-motorized</i> boat launches."	Recommend rewording as stated by commenter.
75.	4.1.2.2	Yakama Nation	Suggest adding: "[...] they shall generally be located upland of the water-oriented use <i>and outside of the riparian buffer or shoreline.</i> "	Suggest the following wording: Water-dependent uses are given the highest priority followed by water-oriented uses. Non-water-oriented primary uses should generally be discouraged and only allowed when water-dependent and water-oriented uses are not feasible. Where non-water-dependent uses are proposed which are accessory to a water-oriented use such as a parking lot for a park or recreational facility, they should generally be located upland of the water-oriented use and outside of the riparian buffer.”  The City does not recommend including the language requiring that non-water-oriented uses be located outside of the shoreline since some non-water-oriented uses (parking lots or restrooms)

				are supportive of water-oriented uses which facilitate the overall enjoyment and access to the shoreline.
76.	4.1.2.5	Yakama Nation	Suggest: "Public access and recreation shall be encouraged where feasible and where ecological impacts are <i>avoided, and if avoidance isn't possible, minimized and mitigated.</i> "	Recommend incorporating this language as suggested.
77.	5.1.5.d	Yakama Nation	Unclear what these "preservation and maintenance operations" are or how they lead to reduction or elimination of impacts	This is the exact language used in WAC 173-26-201(2)(e). The City recommends this be revised to: "Reducing or eliminating the impact over time through preserving and maintaining critical areas and shoreline ecological functions."
78.	5.2.1	Yakama Nation	Regulations. Local governments are obligated under the Shoreline Management Act to establish clear and specific procedures protecting cultural resources, especially critical where, in an effort to keep the sites from being looted, only the County knows where the sites are located. See <i>Swinomish Indian Tribal Community v. Island County</i> , 87 Wn. App. 552, 942 P.2d 1034 ( 1997). The SMP, as written, does not provide clear procedures for how applicants (or the City, for that matter) are to know whether a recorded or known site is present in the area. Nor does the SMP provide procedures for how one is to know if an area is "likely to contain" cultural resources. Merely referencing potential sources of information is not sufficient as a procedure. This section should be revised to provide clear and consistent guidance on the respective responsibilities of the City and applicants, and on when site inspections and surveys will be required See Exhibit B for sample procedures and regulations.	The City recommends incorporating many of the Yakama Nation's suggestions with regard to archaeological, historic, and cultural resources including the following key elements: <ul style="list-style-type: none"> <li>• Incorporation of an applicability statement that includes reference to local, state, and Tribal data regarding resources</li> <li>• Adoption of the State's archaeological predictive model for requiring site inspections combined with assessment of potential impacts on a project.</li> <li>• Providing criteria for when an archaeological study is required.</li> <li>• Requiring cultural resource management plans</li> <li>• Instructions for inadvertent discoveries</li> <li>• Requirements for notice and consultation with Tribes and DAHP.</li> <li>• Definitions related to archaeological, cultural, and historic resources</li> </ul> Please see updates in sections 3.4 and 5.2 of the SMP for exact language.
79.	5.3.1.4	Yakama Nation	General Regulations for All Critical Areas --"The applicant shall determine and the city shall verify, on a case-by-case basis, in accordance with the definitions in Chapter 8 of this SMP..." The City, not the applicant, has the responsibility; suggest the following wording: "The applicant shall <i>inquire</i> and the City shall <i>determine...</i> "  Map table section 5.3.1. (table not numbered). Suggest adding Northwest Indian Treaty Tribes/WDFW's SSSIAP anadromous fish distribution map program as a resource.	The burden of proof is on the applicant. Consistent with how development applications and critical areas permits are processed, the applicant is required to submit reports for onsite critical areas. . The City reviews the applicants work but does not complete the work itself. Section 5.3.1.8 allows the City or its agent (consultant) to enter sites to verify the presence/absence of critical areas. Section 5.3.3.3(a-c) allows the City to use a consultant or expert at a resource agency to determine whether a critical areas report should be required and also allows the City to hire an independent qualified consultant at the applicant's expense to review the critical areas report. Through the submittal of required critical areas reports by the applicant, review and verification by the City and its consultant, there is a shared responsibility to determine whether a critical area exists and is being adequately protected. Therefore, the City recommends that this provision be reworded to say: "Through the process outlined in this chapter including site visits by the City, submission of critical areas reports by the applicant, review of critical area maps, and review of critical area reports by the City or its consultants, the

				City shall determine whether a critical area exists and is regulated under this chapter, on or in close proximity to the subject property that would necessitate a setback or buffer required under this chapter.”
80.	5.3.1.5.d	Yakama Nation	"Notice of shoreline permits <i>may</i> be sent to WDFW to seek input on determinations related to the applicability of this chapter". Suggest stronger language: replace <i>may</i> with <i>shall</i> . YN may also wish to be notified.	The City recommends this provision be revised to read: "Notice of shoreline permits will be sent to WDFW to seek input on determinations related to the applicability of this chapter as required by the notice process in SMP section 2.4 and WAC 173-27-110."
81.	5.3.1.9.e	Yakama Nation	Reducing Buffers -- There are deficiencies in this section. The allowance for averaging (c.) and reductions (d.) is not supported by science, and creates an administrative means of adjusting buffers outside of the variance process, not subject to external review and comment, therefore failing to achieve no net loss of ecological functions necessary to support shoreline resources and to plan for the restoration of ecosystem-wide processes and individual ecological functions on a comprehensive basis over time.	The City recommends deleting 5.3.1.9(f), which allows for combining buffer averaging and buffer reduction. Deleting this provision will make the SMP consistent with Ecology guidance. Both buffer averaging and buffer reductions are state approved methodologies that are detailed in the Ecology document titled <i>Wetland Mitigation in Washington State – Part 1 (Publication #06-06-011a)</i> .
82.	5.3.2.4.a	Yakama Nation	Suggest clarifying " <i>previous condition</i> " (also in 5.3.2.b)-such as "restored to their <i>pre-disturbance condition</i> ". This section does not address non-mitigation restoration for the purposes of habitat enhancement or ecological function. Suggest replacing "impacted" with "affected".	City does not recommend that the term "pre-disturbance" be used. This could imply that a property owner is required to restore to a condition that existed before the property owner even owned the property (natural condition). This would suggest restoration beyond the level of impact.  This section does not address and is not intended to address non-mitigation restoration actions; those are addressed in section 3.10 and 7.1.5.  City recommends that "impacted" be changed to "temporarily affected."
83.	5.3.2.4.b	Yakama Nation	Suggest replacing "impacted" with "affected".	City recommends that "impacted" be changed to "temporarily affected."
84.	5.3.2.4.c.iv, v, vi	Yakama Nation	Recommend providing a definition for mitigation ratios as used in this context (no definition is provided in Chapter 8 --Definitions).	The City recommends a definition for mitigation ratio be inserted as follows: "The quantitative relation between two amounts showing the number of times one value contains or is contained within the other."
85.	5.3.3. – 1 and 3	Yakama Nation	There is repeated use of "may" and "when possible" -we suggest replacing with stronger language: "shall".	5.3.3.1: critical areas reports are not automatically required. It is possible that after review by the City, its consultant, or WDFW, the City would determine that requiring a report is unnecessary. Therefore, do not recommend that may be changed to shall.  5.3.3.3a: The City does not want to be obligated to hire a professional to conduct review. It is possible that applicants meet code requirements and professional review will be unnecessary. Do not recommend this change be made.

				<p>5.3.3.3b: Recommend changing this provision to say: “The City will see the assistance from a qualified representative of the appropriate resource agency to assist with the determination that a critical areas report is necessary. (e.g., WDFW regional representative may be consulted to determine if the presence of a fish and wildlife conservation area requires a critical areas study.)</p> <p>5.3.3.3c: Do not recommend changing may in the first or second sentences of this provision. The City does not want to be obligated to retain a consultant to assist with review. If the critical areas report meets standards, it may not be necessary to obtain consultant input. Similarly, the City may or may not develop a list of pre-qualified consultants.</p>
86.	5.3.3.3.a. and b.	Yakama Nation	We recommend that the City hire an "independent qualified professional" or seek input from a "qualified representative of the appropriate resource agency" to assist with the determination of whether a critical areas report is necessary when sufficient information to evaluate a proposal is not available.	5.3.3.3.a: Recommend that change be made as suggested.
87.	5.3.3.4.b.ii	Yakama Nation	We recommend adding Yakama Nation to the agencies listed in (e): "[...] as listed by the federal government, state of Washington or <i>Yakama Nation...</i> "	<p>Do not recommend making this change. The City would like to use the appropriate federal or state resource agency. Inserting the Yakama Nation in this provision would mean that there could be conflicting information as to which species are listed and present on the site, potentially taking a significant amount of time to resolve and unnecessarily delaying applicants.</p> <p>The Yakama Nation has the right to comment on all shoreline permit applications, if it has special information on the sensitive species on a given site. Given the changes to provision 2.2.1.i, the City will make all shoreline permit applications publicly available which the Yakama can obtain a copy of and comment on if they have special knowledge on a particular site. The City will take this information into consideration in it assessment of shoreline critical areas impacts and mitigations.</p>
88.	5.3.4	Yakama Nation	The designation of FWHCA is inconsistent with the GMA in WAC 365-190-130	<p>The City agrees and recommends this provision be changed to read:</p> <p>a. For purposes of these regulations, fish and wildlife habitat conservation areas are those habitat areas that meet any of the following criteria:</p> <ul style="list-style-type: none"> <li>i. Documented presence of species listed by the federal government or the state of Washington as endangered, threatened, and sensitive species;</li> <li>ii. Priority habitats and species designated by the Washington Department of Fish and Wildlife</li> </ul>

				iii. Waters of the state iv. Heritage tree sites
89.	5.3.5.2	Yakama Nation	A 50-foot buffer on the Columbia River? What BAS is this based on?	<p>SMPs use setbacks or buffers or a combination of both. Nothing in SMP Guidance requires that buffers be relied on exclusively as a means of ecological protection. The draft White Salmon SMP uses a combination of riparian setbacks and buffers to protect shoreline ecological functions and achieve no net loss. Individual uses are required to be setback different distances (See Table 6-1) with non-water-oriented uses generally required to be setback 130-150 feet (with changes recommended to setbacks below) in the high intensity environment and between 150-175 feet in the Urban Conservancy designation (with changes recommended below). In general, non-water-dependent uses are not even permitted in the Urban Conservancy designation where the highest ecological functions are present along the shoreline. The setback functions in tandem with native vegetation conservation regulations which require mitigation for all vegetation removed in shoreline jurisdiction and within the minimum 50-foot buffer. Areas proposed to be designated High Intensity in White Salmon are generally already developed with existing vegetation extending back 130 feet. Only water-oriented uses would be allowed within existing vegetated areas within the High Intensity designation. In the Urban Conservancy environment, the existing vegetated area ranges from 175-200 feet wide along the shoreline. Non-water-oriented uses would not be allowed closer than 150' feet to the shoreline. Ecology recommends that undeveloped shorelines have buffers of 150-200 feet. Therefore, these setbacks are generally in line with Ecology Guidance. Therefore these buffer widths are appropriate.</p> <p>After reviewing Table 6-1 again, the City proposes the following setback standards be adjusted upward to preserve the 50-foot minimum buffer width along the Columbia River:</p> <ul style="list-style-type: none"> <li>• High Intensity: Water-related/enjoyment commercial (50 feet), water-related/enjoyment recreation (50 feet), local access roads (130 feet), railroad (150 feet), Parking-accessory use (130 feet),</li> <li>• Urban Conservancy: local access roads (150 feet), railroad (175 feet), parking-accessory (175 feet), pervious trails generally parallel to the shoreline (50 feet).</li> </ul> <p>In addition, the City also proposes to insert a new regulation in section 5.6.1 after existing regulation 4 which says “Any undeveloped area of the required shoreline setback listed in Table 6-1 shall be planted with native species as part of the shoreline mitigation plan required by this section.”</p>

90.	5.3.5.3.a.iii (2nd a, lettering issue) and b (2nd b, lettering issue)	Yakama Nation	Include " <i>upstream and downstream</i> " in iii. And suggest changing to the following: "Fish bypass facilities shall be provided that allow the upstream <i>and downstream</i> migration of adult <i>and juvenile</i> fish <del>and shall prevent juveniles migrating downstream from being trapped or harmed.</del> " The previous two sections show a very simplistic life history view of anadromous fish not well suited to, for example, steelhead ( <i>O. mykiss</i> ) life history: that is, the movement of adults downstream and juveniles upstream. This fails to take into account that steelhead (and other anadromous fish may) spend months in rivers and migrate up and down prior to spawning. Suggest that an additional buffer may be required under b. Recommend adding "species of concern" to list of species.	The City recommends this change be made as suggested.  This section needs to be renumbered as e followed by f.
91.	5.3.6.1	Yakama Nation	Recommend also sending to YN.	The Yakama Nation has the right to comment on all shoreline permit applications and critical areas reports Given the changes to provision 2.2.1.i, the City will make all shoreline permit applications and critical areas reports publicly available which the Yakama can obtain a copy of and comment if they have special knowledge on a particular site. The City will take this information into consideration.
92.	5.3.6.1 (2 <sup>nd</sup> "I.", bottom of p. 58)	Yakama Nation	Habitat Study - this should include all the species described in 5.3.4.2.ii., not just listed species. What is the science on which the 300-foot proximity is based? Study should be explicit about protecting no net loss standard.	Recommend that provision be revised as follows: "Habitat Study. Shoreline development proposals or alterations shall prepare, and submit, as part of its critical areas study, a habitat study which identifies which, if any, species listed in 5.3.4.2.a.ii are using the subject property or if any habitats listed in 5.3.4.2.a.iii are found within the subject parcel.. If one or more listed species or habitats are using the property, the following additional requirements shall apply:"  Provision 5.3.6.1b should be revised to read: "Conditions shall be imposed, as necessary based on the measures identified in the habitat management plan, to achieve no net loss of shoreline habitat."  5.3.6.1 numbering errors need to be fixed.
93.	5.3.6.1.a	Yakama Nation	This paragraph appears to address primarily upland species. Recommend adding National Marine Fisheries Service's regional salmon recovery plans to those prepared by WDFW as guidance documents. Suggest adding " <i>Fish and</i> " to both occurrences of "Washington Dept. of Wildlife".	Recommend changing sentence beginning "The applicant shall be guided" to read "The applicant shall be guided by the ESA Recovery Plan for the Lower Columbia River (NMFS, June 2013) and by the document Management Recommendations for Washington's Priority Habitats and Species, issued by the Washington Department of Fish and Wildlife, as amended, and by any recovery and management plans prepared by the Washington Department of Fish and Wildlife."

94.	5.3.7.	Yakama Nation	Heritage Trees Protection Standards --Is the landowner the sole applicant that can apply for designation of a heritage tree?	Yes. This language was taken from White Salmon's critical areas ordinance. As a locally protected critical area, there are no state requirements for this type of critical area.
95.	5.3.8.1 .a.i. and ii.	Yakama Nation	Suggest adding soil compaction to the list of activities to avoid within a heritage tree protection area.	Recommend that provision 5.3.8.1.a.i be revised to read: Avoidance of grading, excavation, demolition and soil compaction or construction activity within the heritage tree protection area where possible.
96.	5.3.8.1 .f.iv.	Yakama Nation	Recommend encouraging keeping a removed hazard heritage tree in the vicinity and as intact as possible to retain as fish and/or wildlife habitat.	Recommend adding a sentence at the end of this provision to read: "The applicant shall retain downed or cut heritage trees on the property as fish and wildlife habitat wherever feasible."
97.	5.3.10.2.c	Yakama Nation	Suggest including other seismic and volcanic hazards. Also include "differential settlement" definition in Chapter 8 --Definition s.	The City recommends that provisions 5.3.10.2 be replaced with a provision which reads as follows: "Designation. Areas susceptible to one or more of the following types of geological hazards shall be designated as geologically hazardous areas: <ul style="list-style-type: none"> <li>a. Erosion hazard. Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) as having "severe" or "very severe" rill and inter-rill erosion hazard.</li> <li>b. Landslide hazard (including steep slopes). Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors as further defined in Chapter 7 of this document.</li> <li>c. Seismic hazard. Seismic hazard areas are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface failure. The strength of ground shaking is primarily affected by: <ul style="list-style-type: none"> <li>i. The magnitude of an earthquake;</li> <li>ii. The distance from the source of an earthquake;</li> <li>iii. The type and thickness of geologic materials at the surface;</li> <li>iv. The type of subsurface geological structure.</li> </ul> </li> <li>d. Volcanic hazard. Volcanic hazard areas must include areas subject to pyroclastic flows, lava flows, debris avalanche, or inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity.</li> </ul>

				<p>e. Other geological events including, mass wasting, debris flows, rock falls, and differential settlement”</p> <p>The above language mirrors that in WAC 365-190-120.</p>
98.	5.3.13	Yakama Nation	<p>Wetlands – Consider reference: Granger, T., T. Hruba, A. McMillan, D. Peters, J. Rubey, D. Sheldon, S. Stanley, E. Stockdale. April 2005. Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands. Washington State Department of Ecology. Publication #05-06-008. Olympia, WA.</p>	<p>The City does not agree. This document is from 2005, in which portions of the document no longer apply.</p>
99.	Table 5-2-5-4	Yakama Nation	<p>Wetland Buffers -- Are these consistent with WDOE Vol. II Wetlands guidance document?</p>	<p>Yes. Buffer widths from Ecology Modified Appendix 8-D: Guidance on Buffers and Ratios for Eastern Washington October 2014 document were incorporated into SMP</p>
100.	Table 5-5 Land Use Intensity Matrix	Yakama Nation	<p>What is the BAS behind defining residential density of higher than I unit /acre as "moderate"?</p>	<p>October 2014 Modified from Appendix 8-D: Guidance on Buffers and Ratios for Eastern Washington Wetlands in Washington State Volume 2 – Protecting and Managing Wetlands Ecology Publication No. 05-06-008 <a href="https://fortress.wa.gov/ecy/publications/parts/0506008part2.pdf">https://fortress.wa.gov/ecy/publications/parts/0506008part2.pdf</a></p>
101.	5.4	Yakama Nation	<p>Flood Hazard Reduction – FEMA flood insurance rate (FIRM) maps are outdated and no base elevations provided.</p>	<p>The City acknowledges that the maps are out of date and contain no elevation data. FEMA is working to update these maps. Updating these maps is the primary responsibility of FEMA with City input. For now, the SMP says that “the City will require necessary technical assessment of local site specific information to determine extent of flood hazard area on specific parcels.” This statement will adequately ensure that proposed development does not negatively impact the flood hazard area.</p>
102.	5.6.1.3	Yakama Nation	<p>What is the BAS supporting restricting surface grading only within 50' of shoreline, or removal of three trees within a three-year period?</p>	<p>Propose that this provision be revised to say: “Shoreline mitigation plan. All activities that include clearing of native vegetation or surface grading within the shoreline setback stated in Table 6-1 shall include a shoreline mitigation plan for review and approval by the City. The planting of native species, modification of existing nonconforming development that does not include expansion, or the removal of hazard trees shall not require a shoreline mitigation plan.”</p>
103.	5.6.1.4.	Yakama Nation	<p>Suggest adding: "In-tact stands of native vegetation shall be shown on project plans and new uses shall avoid <del>impacting</del> affecting these areas, unless there is no other feasible location for the proposed use as demonstrated in an alternatives analysis in which case vegetation removal will be mitigated."</p>	<p>Not sure what the difference is between affecting and impacting. But, in the context of these requirements vegetation removal is key. Thus, the City proposes that the provision be revised to read as follows: “Clearing and grading for new development, redevelopment, or use expansions shall be limited to the minimum necessary to accommodate the use or expansion. In-tact stands of native vegetation shall be shown on project plans and new uses shall avoid removing vegetation in these areas, unless there is no other feasible location onsite for the proposed use as demonstrated in an alternatives analysis. If no other feasible location onsite exists, vegetation removal shall be mitigated to achieve no net loss.”</p>

104.	5.6.1.7	Yakama Nation	Pruning of trees should be done in such a way that avoids harm to the trees themselves and to wildlife habitat.	Recommend adding a sentence at the end of the provision which states: "Pruning should be limited to no more than 1/3 <sup>rd</sup> of branches of a tree and shall not compromise the health of the tree."
105.	5.6.1.8	Yakama Nation	Suggest modifying this sentence: "Natural features, such as snags, stumps, logs, or uprooted trees, which support <i>wildlife</i> , fish and other aquatic systems..."	City agrees with this change.
106.	5.6.1.9	Yakama Nation	Suggest consulting with WDOE and/or county weed control, and use a professional certified applicator for control of aquatic nuisance species.	The City recommends rewording this provision, as follows: "Aquatic weed control shall only occur to protect native plant communities and associated habitats or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards and shall be done by a professional certified applicator for control of nuisance species. Applicants shall consult with the Washington Department of Ecology and the Klickitat County Noxious Weed Control Board staff to determine appropriate removal methods for aquatic weeds."
107.	5.7.1.1.	Yakama Nation	Regulations-- Suggest the following: "All shoreline development, both during and after construction, shall <i>avoid</i> , minimize or <i>mitigate for</i> impacts related to surface runoff through control, treatment, [etc.]"	City agrees with this change.  5.7.1.3: Recommend that this provision be deleted since the City is not subject to NPDES permits.
108.	5.8.1.2.	Yakama Nation	There needs to be a clear, interdisciplinary agreement and standard as to what constitutes a hazard tree.	The City recommends that a definition be inserted for "hazard tree" in chapter 8, as follows: "'Hazard tree" means any tree or tree part that with a combination of structural defect and/or disease which makes it subject to a high probability of failure, and a proximity to persons or property."
109.	5.8.1.3	Yakama Nation	Suggest "avoided" rather than minimized, with minimized being the lesser of two preferred options.	City does not agree with this change. It is not subject to NPDES permits and is not required to use pervious surfacing. c
110.	5.8.1.6.	Yakama Nation	"Parking, storage, and non-water dependent accessory and appurtenant structures and areas shall be located landward from the OHWM and landward of the water-oriented portions of the principal use." These should not only be landward of the OHWM, but also outside of the riparian buffer.	Do not recommend making this change. Table 6-1 guides how far setback non-water-dependent uses are setback from the shoreline. In all cases, non-water dependent uses are setback greater than the riparian buffer width of 50 feet. Therefore, non-water-dependent uses would not be located in the riparian buffer and no changes are required to this standard.
111.	5.8.9.d.	Yakama Nation	Lighting should be off when park areas are closed to the public to avoid light pollution and discourage unapproved uses.	The City does not recommend changing this provision. For safety reasons, lighting may need to remain on even when parks are closed.
112.	Table 6-1	Yakama Nation	Shoreline Use and Development Standards table: Table should not show height or setback standards for prohibited uses, such as agriculture in the aquatic designation. Trails parallel to the shoreline can have only a 25' setback?	The City does not agree. Prohibited uses may, nonetheless, already exist as non-conforming uses and can expand in compliance with SMP section 2.8. Therefore, knowing height and setback standards is still relevant for prohibited uses.

				One of the central purposes of the SMA is shoreline visual and physical access. The only way to do this is to provide trails in close proximity to the water. To reduce the impacts of these trails, the City recommends that this shoreline use be changed to "Pervious trails generally parallel to the shoreline." City also recommends the setback be increased to 50 feet for these trails in the Urban Conservancy designation.
113.	Table 6-1 Footnote 3	Yakama Nation	Suggest adding " <i>non-motorized</i> " to "boat rentals".	City agrees with this change.
114.	Table 6-1 Footnote 4	Yakama Nation	The impacts of disc golf courses has been studied, and the environmental impact of these courses can be significant, including erosion, soil compaction, impacts to bird life, damage to and removal of vegetation and other issues, in addition to the potential incompatibility of a disc golf course with other recreational uses. Specific projects should not be prescribed by the SMP. Suggest removing disc golf course as an explicitly permitted use until further assessment of potential environmental, human safety and other social impacts can be completed.	The City recommends removing reference to disc golf courses as a water-related/enjoyment use and replacing with "picnic tables." Disc golf courses are non-water-oriented recreational uses. Table 6-1, non-water-oriented recreational uses should be revised to require a conditional use permit rather than prohibited in the UC environment designation. Placement of non-water-oriented recreational facilities would be subject to the use preferences stated in the SMP included in 3.12.2 and the general provisions in Chapter 5.
115.	Table 6-1 Footnote 8	Yakama Nation	Suggest adding: "Allowed provided there is no other feasible location <i>as demonstrated in an alternatives analysis.</i> "	The City agrees with this change, but recommends that footnote 8 apply to railroads only and not bridges. Bridges would, of course, not have any other feasible location than the shoreline.
116.	6.2. 1	Yakama Nation	Aquaculture -- prohibition doesn't differentiate between aquaculture and hatcheries.	It really does not matter since it's prohibited regardless per local stakeholder input.
117.	6.2.2.1	Yakama Nation	Suggest: "Boating facilities should be designed in a manner that will avoid and prevent damage to <del>fish</del> <i>natural</i>	The City suggest changing this provision to read: "Boating facilities should be designed in a manner that will achieve no net loss of shoreline ecological functions."
118.	6.2.2.1	Yakama Nation	Regulations-add " <i>or exercise of tribal treaty fisheries.</i> "	Per RCW 90.58.350 the SMA and SMP shall not affect treaty rights. Therefore, no change is required.
119.	6.2.2.10	Yakama Nation	Recommend adding "Boating facilities should provide on-site boat-washing stations to prevent the transport of aquatic invasive species."	Any proposed boat launch would be a non-motorized launch for kayaks, canoes, and similar water craft. An on-site boat washing station is not required for a non-motorized launch. The City does not recommend making this change.
120.	6.2.4	Yakama Nation	Policies-Recommend adding: "Appropriate multiple uses include, but are not limited to, public access, recreation, and fish <i>and wildlife</i> migration." In-stream Structures - Suggest removal of text:"...shall not be a safety hazard". Where there is a debate about recreation or aesthetics vs. habitat benefit of instream structures for restoration, priority should be given to the ecological benefit of instream structures.	City agrees with change to add reference to wildlife migration.
121.				City does not agree with change related to safety hazards. All shoreline uses are required to achieve no net loss of ecological functions and adhere to mitigation sequencing. See SMP section 5.1.
122.	6.2.4 Footnote 1	Yakama Nation	"Constitutional limitations require that the cost of restoration be roughly proportional to the impact of the development." Citation?	See Dolan v. City of Tigard, 512 U.S. 374 (1994). City recommends that this footnote be updated with this citation.

123.	6.2.5.1	Yakama Nation	Industrial Uses – Policies - First priority should be avoidance of impacts, then minimization, then mitigation.	All shoreline developments are subject to SMP section 5.1. Therefore, no change is required here.
124.	6.2.6	Yakama Nation	Parking-Suggest adding a preference for using pervious surfaces and employing stormwater BMPs to avoid/minimize impacts.	The City suggests adding a new policy 3 which reads: “The City prefers pervious surfaces and using low impact development stormwater BMPs in parking areas to avoid and minimize water quality impacts.”
125.	6.2.7.4	Yakama Nation	Recreational Uses-Disc golf courses are not water-related nor depend on proximity to water, may not be compatible with other human uses, and potentially have significant environmental impacts. See comment on Table 6-1, Footnote 4.	The City recommends removing reference to disc golf courses as a water-related/enjoyment use in this provision and replacing with “picnic tables.” Disc golf courses are non-water-oriented recreational uses.
126.	6.2.8.5	Yakama Nation	Suggest changing "should" to "shall".	Should is policy convention language. Shall is regulation language. See regulation 6.2.8.1 which prohibits new over-water residences.
127.	6.2.9.2	Yakama Nation	Policies-suggest: “[...] the City should explore opportunities for the placement of a pedestrian <i>and wildlife</i> overpass linking the upland areas with its waterfront.”	As earlier explained in response to 3.2.10.d, there is an existing railroad undercrossing which can serve wildlife without creating a dual use pedestrian/wildlife crossing.
128.	6.2.9.3	Yakama Nation	Suggest the following: “[...] should be located outside the shoreline and comply with the City of White Salmon Comprehensive Plan, unless it is not feasible to do so <i>as demonstrated by an alternatives analysis</i> . Local access streets may be located within shoreline jurisdiction, but should consider designs which <i>avoid, or if unavoidable, minimize and mitigate</i> impacts on shoreline resources.”  Any significant repairs or eventual replacement of the Hood River-White Salmon Interstate Bridge is also not addressed in this or any other section of the draft SMP, yet could have a potential impact on shoreline ecological function within the adjacent City shorelines. Suggest adding language about coordinating planning for a new bridge in overlapping jurisdictions-White Salmon City Urban Area/Shorelines (current bridge bisects Aquatic and Urban Conservancy environments), Columbia River Gorge National Scenic Area Act (USFS National Scenic Area and Columbia River Gorge Commission) and Interstate Commerce. Planning for the Urban Conservancy parcels should also take into account 350-81-110 Columbia River Bridge Replacement section of the CRGC Land Use Ordinance which prescribes/ recommends design elements and pedestrian and bicycle access across the bridge, which could potentially connect	The City suggest changing this provision to read: “Primary transportation facilities should be located outside the shoreline and comply with the City of White Salmon Comprehensive Plan, unless it is not feasible to do so as demonstrated through an alternatives analysis. Local access streets may be located within shoreline jurisdiction, but should comply with mitigation sequencing in section 5.1 of this SMP.”  Recommend that new policy number 4 be inserted here which says: “The City should coordinate in planning efforts for replacement or rehabilitation of the Hood River-White Salmon Interstate Bridge with the Columbia River Gorge Commission, Port of Hood River, State of Washington, and federal government. Planning for public access in the Urban Conservancy Environment in White Salmon’s shoreline should consider potential connections to the new/rehabilitated bridge.”

			with access to recreational development in the City's shoreline environment. Since the northern bridge abutments fall within the urban area boundary of the City, it would be useful to identify potential future projects and planning needed around a replacement bridge (assuming its alignment isn't drastically changed to a new location).	
129.	6.2.10.1.	Yakama Nation	Suggest: "Primary utility facilities should be located outside shoreline areas unless no other feasible option exists <i>as demonstrated by an alternatives analysis.</i> "	City agrees with this suggestion.
130.	6.2.10.1	Yakama Nation	Regulations -Suggest: "All utility facilities shall be designed and located to <i>avoid, and where unavoidable,</i> minimize harm to shoreline ecological functions."	SMP Section 5.1 requires mitigation sequencing for all shoreline developments. Therefore, this change is unnecessary.
131.	6.2.10.3	Yakama Nation	Suggest adding: " <i>as demonstrated by an alternatives analysis</i> " to end of final sentence.	City agrees with this suggestion.
132.	6.2.10.3	Yakama Nation	Suggest: "...shall be located to <i>avoid, and where not avoidable,</i> cause minimal harm to the shoreline..."	SMP Section 5.1 requires mitigation sequencing for all shoreline developments. Therefore, this change is unnecessary.
133.	7.1.1.6	Yakama Nation	Shoreline Modifications-General Requirements -- Suggest "require" rather than " <i>plan for</i> the enhancement of impaired ecological functions"	The City suggests this provision be rewritten to read: "The City shall require the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, the City require that applicants incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes."
134.	7.1.1.8	Yakama Nation	"Work below the OHWM of the Columbia River should comply with all requirements of the Columbia River Gorge National Scenic Area Act." Cite section of municipal code that addresses the CRGNSA or section of Scenic Area Act.	As an urban area in the Gorge, the City is not subject to the CRGNSA. Below the OHWM, the CRGNSA applies. However, there are potentially many sections that would apply depending upon what type use or activity is proposed. Therefore, it is not necessary to site anything except the Act.
135.	7.1.3.2.b	Yakama Nation	MTCA is not defined here or in Chapter 8--Definitions.	Acronyms are listed at the beginning of the document including for MTCA and CERCLA
136.	7.1.4	Yakama Nation	Suggest under Regulations adding " <i>Require temporary erosion control plan for all fill activities.</i> "	City suggests a new sentence be added to this provision which says: "All fill activities shall submit temporary erosion control plans showing erosion will be prevented during construction."
137.	7.1.5.1.	Yakama Nation	Policies --Suggest adding " <i>...or existing state or federal recovery or restoration plans.</i> "	City agrees with this change.
138.	7.1.5.2	Yakama Nation	Suggest adding: "Native vegetation should be used <i>and invasive, non-native vegetation removed</i> in restoration areas to assist in restoration of the natural character and ecological functions of the shoreline."	City agrees with this change.
139.	7.1.8.1	Yakama Nation	Policies -Suggest: "Breakwaters, jetties, weirs, and groins should be located and designed so as to <i>avoid, and where unavoidable,</i> minimize adverse impacts on fish and	SMP Section 5.1 requires mitigation sequencing for all shoreline developments. Therefore, this change is unnecessary.

			wildlife resources and habitats."These structures must also conform to the no net loss standard.	
140.	Other issues	Yakama Nation	"Constitutional limits" Various references to constitutional limits in the draft are problematic, sometimes inconsistent with WAC, and/or superfluous. The Constitution protects the Tribe's Treaty of 1855 fishing rights and instream flows sufficient to sustain aquatic life.	WAC 173-26-191(2)(a)(ii) requires that SMS "design and implement regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property."  Section 2.4.15, 5.5.1.3(C), and 6.2.3.3 are consistent with this WAC and the City does not recommend changing these references.
141.	Other issues	Yakama Nation	No section entitled "Environmental Protection and No Net Loss" is provided- Cumulative impacts are referenced in the following sections: variances, conditional use permits, vegetation conservation policies, general mitigation requirement for all critical areas, shoreline modifications -general requirements	Different SMPs are organized differently. Standards pertaining to mitigation and no net loss are contained in Section 5.1 of the SMP.  The City recommends that a new provision #6 be inserted in section 5.1 which says "Development subject to shoreline substantial development, conditional use, or variance permits shall evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions. Evaluation of cumulative impacts shall consider: <ul style="list-style-type: none"> <li>• Current circumstances affecting the shoreline and relevant natural processes;</li> <li>• Reasonably foreseeable future development and use of the shoreline;</li> <li>• Beneficial effects of any established regulatory programs under other local, state, and federal laws.</li> <li>• Effects of the development of similar facilities, uses, or activities on the shoreline as is proposed in the subject proposal."</li> </ul>
142.	Other issues	Yakama Nation	Permitting should be tracked over time and a report published to show no net loss based on the cumulative impacts analysis.	The City recommends that a new provision be inserted in 2.2.4.s which says "maintaining a shoreline permit filing system so that the cumulative impacts of shoreline development can be tracked overtime and no net loss reports generated as required by future Ecology actions."
143.	Other issues	Yakama Nation	"Development and uses" is used inconsistently throughout the draft SMP: it appears variously as "development or activities" (1.6), "uses, activities and development", "uses or activities" (both 1.5.3), "uses and activities" (3.8.2, Policies), etc. This should be consistent, considering the SMP applies to all "development and uses".	The SMP applies to all non-exempt development, uses, and activities within shoreline jurisdiction. Specific provisions may relate to one or the other or multiple of these categories and are therefore not used consistently. The City does not recommend changing these provisions.
144.	Other issues	Yakama Nation	The term "mitigate" appears to be used variously to mean generally "minimize" impacts as well as to mitigate for impacts to resources or processes through mitigation actions. Suggest using <i>mitigation</i> only in the strict definition and using other terms such as reduce, minimize, avoid, etc. where actual mitigation actions 01-	In the context of SMPs, mitigation has a general meaning which encompasses, avoidance, minimization, rectification, reduction, compensation, and monitoring. See WAC 173-26-201(2)(e). Therefore, the City prefers to use mitigation in its SMP context.

			activities are not meant.	
145.	Other issues	Yakama Nation	Add definitions for shoreline designations ( <i>Aquatic, Urban Conservancy, High Intensity</i> ) in Chapter 8 - Definitions	Designation criteria is defined when each designation applies. No definitions are needed. These are not technical terms, but rather mapped areas. The City does not recommend making this change.
146.	Other issues	Yakama Nation	<p>Add definitions for the following to Chapter 8:</p> <ul style="list-style-type: none"> <li>-Channel migration zone</li> <li>-Columbia River Gorge National Scenic Area Act</li> <li>-Critical Freshwater Habitat</li> <li>-Hyporheic zone</li> <li>-FIRM (flood insurance rate map)</li> <li>-Instream structure</li> <li>-Groin, Jetty, Levee, Rock Weir</li> <li>-Marina</li> <li>-Mitigation ratios</li> <li>-MTCA</li> <li>-Description of what OHWM is for Bonneville Pool</li> </ul>	<p>The City does not recommend adding definitions of:</p> <ul style="list-style-type: none"> <li>• Channel migration zone: There is no channel migration zone on the dam environment of the Columbia River, so such a definition is not necessary.</li> <li>• Columbia River Gorge National Scenic Area Act: this is a law, not a technical term which requires definition.</li> <li>• MTCA is defined in the acronyms list at the beginning of the document and does not need to be redefined.</li> <li>• OHWM for Bonneville Pool: The SMP requires site-specific delineation of the OHWM which is better information than the Bonneville Pool OHWM.</li> </ul> <p>The City recommends that definitions for the other terms be inserted in Chapter 8 of the document as follows:</p> <ul style="list-style-type: none"> <li>• Critical freshwater habitats: The Columbia River and its associated wetlands and floodplains.</li> <li>• Hyporheic zone: The area under or beside a stream channel or floodplain that contributes water to the stream.</li> <li>• Flood Insurance Rate Map (FIRM): the official map on which the Federal Insurance Administration has delineated many areas of flood hazard, floodways, and the risk premium zones (CFR 44 Part 59).</li> <li>• Instream structure: means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose. Stormwater outfalls and overwater structures such as piers, docks, gangways, and ells associated with moorage or public access are not an in-stream structure.</li> <li>• Groin: means a barrier-type structure extending from, and usually perpendicular to, the backshore into a water body. Its purpose is to protect a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials. This is accomplished by building or preserving an accretion beach on its up drift side by trapping</li> </ul>

				<p>littoral drift. A groin is relatively narrow in width but varies greatly in length. A groin is sometimes built in a series as a system and may be permeable or impermeable, high or low, and fixed or adjustable</p> <ul style="list-style-type: none"> <li>• Jetty: means a structure that is generally perpendicular to shore extending through or past the intertidal zone. Jetties are built singly or in pairs at harbor entrances or river mouths mainly to prevent shoaling or accretion from littoral drift in entrance channels, which may or may not be dredged. Jetties also serve to protect channels from storm waves or cross currents, and stabilize inlets through barrier beaches. Most jetties are of riprap mound construction.</li> <li>• Levee: a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to reduce risk from temporary flooding (see Code of Federal Regulations 44 CFR 59.1).</li> <li>• Marina: means a private or public facility providing the purchase or lease of a slip for storing, berthing and securing more than ten motorized boats or watercraft, including both long-term and transient moorage. Marinas may include accessory facilities for providing incidental services to users of the marina, such as waste collection, boat sales or rental activities, and retail establishments providing fuel service, repair or service of boat.</li> <li>• Weir - means a structure in a stream or river for measuring or regulating stream flow.</li> </ul>
147.	Other issues	Yakama Nation	Ensure that FWHCAs include critical habitat and migration corridors	<p>The City recommends adding “or their critical habitat” to section 5.3.4.2.a.i:  Documented presence of species <i>and their critical habitat</i> listed by.....  The City does not recommend adding any reference to migratory corridors as these are inherently included in the term “habitat”.</p>
148.	Other issues	Yakama Nation	The maps provided with the SMP update show the parcel waterward of the BNSF track on either side of the Interstate Bridge to belong to Klickitat County, not to the City of White Salmon, yet this is not addressed. What is the status of this parcel?	Parcel is owned by the County and would be regulated under the shoreline master program if development is proposed on this parcel.
149.	CIA	Stephen Melanson	Shoreline Master Program Cumulative Impacts Analysis, pg 13 of 23, #5e. If a shoreline developer is allowed to compensate for an adverse impact which is unavoidable by "replacing, enhancing, or providing substitute resources or environments", how will this be measured, how will it be decided what an	Mitigation is consistent with WAC 173-26-201(2)(e)(i)(E), which requires “compensating for the impact by replacing, enhancing, or providing substitute resources or environments.” Per SMP section 5.3.2.4(c)(ii) preference is for compensation of impacts onsite. It is not always possible to compensate on

			acceptable compensation is, and what time frame would the developer have to get it in place? If a developer were to create additional ecosystem services such as a wetland or a forested environment in a separate location to compensate for these adverse impacts, would this really compensate for the damage that is done to the shoreline? Allowing a developer to mitigate the adverse impact it has on the shoreline by creating ecosystem services in another place does not necessarily change the impact the development has on the Columbia River as a whole.	the same site given site area limitations and mitigation ratios which require great than 1:1 impact to mitigation.
150.	3.2.1	Stephen Melanson	Shoreline Master Program - Draft, pg 19 of 121, 3.2.1 Goals, #1. I believe the last part of the sentence has a grammatical error. It reads ".....should be protected within the shoreline jurisdiction <u>to a ensure</u> no net loss of these critical areas and shoreline ecology". I think it should read ".....should be protected within the shoreline jurisdiction to ensure a no net loss of these critical areas and shoreline ecology".	City recommends changing the language to "...Should be protected within the shoreline jurisdiction to ensure no net loss of these critical areas and shoreline ecology." Section 5.3.2(4)(c) of the SMP requires mitigation to occur onsite and in-kind (like for like).
151.	Other issues	Friends of the Columbia River Gorge	White Salmon is an urban area within the Columbia River Gorge National Scenic Area and land use activities in the Columbia River are regulated under the National Scenic Area Act. As such, development along the shoreline is always a matter of concern for Friends. In particular, when development is contemplated along the Columbia we are often concerned about recreation access, protected plant and animal species, and potential damage to tribal cultural resources and treaty rights. Each of these concerns is implicated in the draft SMP.	Noted. No change required.
152.	3.5	Friends of the Colombia River Gorge	Friends is heartened by Section 3.5 of the document which outlines policies and goals for recreation access. In particular, the policy to provide, protect, and enhance public access while protecting the shoreline character and functions is extremely important. The policy to work with the railroad to create safe crossings is equally important and we hope it bears fruit. Finally, the goals to create a park for water-dependent and water-enjoyment uses while respecting the shoreline environment, high-quality natural areas, and tribal treaty rights would be a boon for recreation and economic development.	Noted. No change required.
153.	policies	Friends of the Colombia River Gorge	In addition, the Columbia River is home to many federally listed species. The policies and goals for vegetation conservation in Section 3.7, for water quality in Section 3.8, for shorelines of statewide significance in Section 3.9, and for restoration in Section 3.10 also move things in the right direction.	Noted. No change required.
154.	Other issues		There is a Columbia River Intertribal Fish Commission site and a tribal fishing site within the plan area. Protection of these sites – which are tribal cultural resources and are protected by treaty rights – is extremely important. We ask that you incorporate any tribal recommendations into your final approval.	Noted.

155.	5.3.1 General Regulations for All Critical Areas, under Buffers (b.)	Department of Fish and Wildlife	<p>When a road or railroad completely functionally isolates the buffer from the critical area, the regulated critical area buffer shall not extend beyond the edge of the road or railroad. The Department agrees that this is a logical approach, but feels a definition of “Functionally Isolated” is appropriate. We would suggest something along the lines of the following:</p> <p><b><i>Functionally Isolated Buffer Areas - Areas that are functionally separated from a critical area and do not protect the critical area from adverse impacts due to preexisting roads, railroads, structures, or vertical separation shall be excluded from buffers otherwise required by this Program, on a case-by-case basis subject to a critical area report and review as determined by the Administrator. It is also important to recognize that some functions and values may still occur on the landward side of roads, railroads, structures or vertical separation, such as shading, stabilization, hydraulic connectivity and/or hyporheic influence, even if they may outwardly appear to provide no function or value.</i></b></p>	<p>The City suggests adding the following definition for Functionally Isolated Buffer:</p> <p><b><i>Functionally Isolated Buffer Areas - Areas that are functionally separated from a critical area and do not protect the critical area from adverse impacts due to preexisting roads, railroads, structures, or vertical separation shall be excluded from buffers otherwise required by this Program, on a case-by-case basis subject to a critical area report and review as determined by the Administrator. It is also important to recognize that some functions and values may still occur on the landward side of roads, railroads, structures or vertical separation, such as shading, stabilization, hydraulic connectivity and/or hyporheic influence, even if they may outwardly appear to provide no function or value.</i></b></p>
156.	5.3.7 Heritage Trees Designation, Mapping, and Classification,	Department of Fish and Wildlife	<p>To be considered a heritage tree the tree must be nominated by the landowner of the ground sustaining the tree and be accepted by the city onto the inventory list of heritage trees compiled and maintained by the city. Heritage trees include: Oregon White Oaks with a trunk diameter larger than fourteen inches. The Department is encouraged to see the protection of Oregon White Oak within the plan. However, WDFW recommends avoiding removal of any Oregon white oak woodland if possible. If Oregon white oak woodland must be removed, then we recommend both a survey for western gray squirrels and a mitigation plan for replacing Oregon white oak. Depending on the results of a western gray squirrel survey, a habitat management plan may also be appropriate.</p>	<p>The City agrees, but recommends that provision 5.3.6.1.a.i be revised to say: “An assessment of habitats including gray squirrel habitat in Oregon White Oak woodlands with the following site and proposal related information”. Per SMP section 5.3.6.1, a critical areas report including a mitigation plan would be required for all habitats and species listed in 5.3.4.2 including priority habitats and species designated by the Washington Department of Fish and Wildlife. Gray Squirrel and Oregon White Oak woodlands are a species and habitat listed by WDFW and, therefore, a mitigation plan would be required for them.</p>