

**Public Comment Summary: Skamania County Locally Adopted SMP
Ecology Public Comment Period, October 25 – November 30, 2017**

Prepared by Michelle McConnell, WA Dept. of Ecology, December 28, 2017

Comment Number	Topic / Section	Commenter	Comment – Summarized*	Local Government Response & Rationale
1	Archaeological, Cultural, and Historic Resources SMP 3.3.3	Futurewise - T. Trohimovich, Friends of the Columbia Gorge – S. McCoy, and Friends of the White Salmon River – P. Arnold (Futurewise et al)	Consultations and archaeological investigations should be required for sites identified by DAHPs predictive model. Revise 3.3.1 Applicability language to read “All sites <u>identified by the Washington State Department of Archaeology and Historic Preservation predictive model as “survey recommended moderate risk”</u> which contain documented archaeological or historic resources...”	
2	Wetlands SMP 3.4.6	Futurewise et al	Recreational uses allowed in wetlands should be limited to water-dependent recreation	
3	Critical Aquifer Recharge Areas SMP 3.4.7	Futurewise et al	Designation & Classification standards should also include all known aquifers used for potable water	
4	Critical Aquifer Recharge Areas SMP 3.4.7	Futurewise et al	Exempt, Prohibited, and Permitted Activities in CARAs should protect aquifers from over-withdrawals of surface and ground water	

**See original comment letter for complete verbiage. This comment summary includes only new comments received during the state-wide comment period, not previous comments to which the County had already responded during the local process.*

DAHP = WA Department of Archaeology & Historic Preservation

ICR = Inventory & Characterization Report (2017)

Comment Number	Topic / Section	Commenter	Comment – Summarized*	Local Government Response & Rationale
5	Fish & Wildlife Habitat Conservation Areas (FWHCAs) SMP 3.4.8	Futurewise et al	Revise 3.4.8 Applicability language to clarify as follows “ Section 3.4.8 consists of The following regulations that apply <u>to the following fish and wildlife habitat conservation areas (FWHCAs)</u> : (1) areas where endangered, threatened, and sensitive species have a primary association, including federal and state species; (2) WDFW priority habitats and species; (23) habitats and species of local importance, as determined locally; (34) forage fish spawning areas; (45) naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; (56) waters of the state; (67) lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; and (78) state or federal natural area preserves, natural resource conservation areas, and state wildlife areas	

**See original comment letter for complete verbiage. This comment summary includes only new comments received during the state-wide comment period, not previous comments to which the County had already responded during the local process.*

Comment Number	Topic / Section	Commenter	Comment – Summarized*	Local Government Response & Rationale
6	FWHCAs SMP 3.4.8	Futurewise et al	<p>Revise 3.4.8 Critical Area Reports for FWHCAs language at (2.a, b, c, and e) to also require habitat identification as follows: “a. Identification of any species of local importance; priority <u>habitats and specie</u>; or endangered... potential project impacts to the <u>habitats and</u> the use of the site by the species; b. ...including the WDFW <u>species and habitat management recommendations</u>... c. Any buffers <u>and other measures</u> necessary for protection of the identified species <u>and habitats</u>. For riparian areas, no buffers are required, but vegetation within shoreline jurisdiction adjacent to riparian areas shall be managed consistent with SMP section 3.7. ... e. In the report... vi. Development proposals... priority <u>habitats and species</u>, or... vii. The applicant shall... maintain feeding, breeding, and nesting of <u>the FWHCA</u> listed species using the <u>habitat</u>...</p>	
7	Channel Migration Zones (CMZs) SMP 3.4.9	Futurewise et al	Revise 3.4.9 Regulation (2.b) language to require CMZ assessment based on accurate scientific methods using science based criteria.	

*See original comment letter for complete verbiage. This comment summary includes only new comments received during the state-wide comment period, not previous comments to which the County had already responded during the local process.

Comment Number	Topic / Section	Commenter	Comment – Summarized*	Local Government Response & Rationale
8	Frequently Flooded Areas SMP 3.4.9	Futurewise et al	<p>Revise the 3.4.9 Frequently Flooded Areas and CMZ Regulation (3.a.v) to include additional standards for mining within the floodplain, floodway and CMZs such as:</p> <ul style="list-style-type: none"> • Mines should be located outside CMZs so they do not increase the rate of channel migration; • Mines should be no deeper than the bottom of the nearby streams and rivers so when the river moves into the mine, which is a certainty, the impacts will be reduced; and • Mine reclamation plans should have a design so that when the river or stream is captured by the river or stream the mine is not so wide that the captured sediments destabilize the river or stream or increase erosion risks on upstream properties. 	
9	Geological Hazard Areas SMP 3.4.10	Futurewise et al	Revise 3.4.10 GeoHaz Regulations – Designation & Classification language to also include landslide runoff areas at the top, toe, and sides of the slope.	
10	Geological Hazard Areas SMP 3.4.10	Futurewise et al	Ensure the 3.4.10 Critical Areas Report for GeoHaz Areas 1) evaluate landslide risks both on and near the project site; and 2) specifically identify landslide toe of slope and slope faces subject to failure and sliding ,tope of slope subject to impact from downslope runoff, and buffers for landslide hazard areas.	
11	Geological Hazard Areas SMP 3.4.10	Futurewise et al	Revise the 3.4.10 Uses language to prohibit subdivision access roads and utilities within landslide hazards or their buffers.	

Comment Number	Topic / Section	Commenter	Comment – Summarized*	Local Government Response & Rationale
12	Vegetation Conservation; Setbacks & Buffers 3.7 and Table 5-1 SMP 3.7 & 5.3	Futurewise et al	<p>In addition to the 3.7 VegCon standards and the Table 5-1 shoreline setbacks, river/stream and lake buffers based on the shoreline environment designation (SED) should also be required as follows:</p> <ul style="list-style-type: none"> • Natural – 200' • Rural Conservancy – 150' • Shoreline Residential – 100' (and no less than 50' per common line setback) • High Intensity – 50' <p>And no buffer should be required for water dependent uses.</p>	
13	Lot Configuration Table 5-1 SMP 5.3	Futurewise et al	Revise the Table 5-1 Shoreline Use & Standards to include minimum lot widths for wildlife corridors, to be determined by a ratio of 3:1 or 300' in Rural Conservancy and Natural SEDs.	
14	Boating Facilities & Overwater Structures SMP 5.3.3	WA Department of Natural Resources - H. Flores	Appreciate 5.3.3 General Regulation (1.k) recognition of DNR's authority for state-owned aquatic lands.	
15	Tribal Treaty Rights – General	Confederated Tribes of the Umatilla Indian Reservation, Department of Natural Resources - E. Quaempts (Umatilla Tribes DNR)	The SMP lacks adequate evaluation of impacts to Umatilla and other Columbia River tribal treaty rights & resources and should be revised to better discuss these issues and correct existing errors.	

*See original comment letter for complete verbiage. This comment summary includes only new comments received during the state-wide comment period, not previous comments to which the County had already responded during the local process.

Comment Number	Topic / Section	Commenter	Comment – Summarized*	Local Government Response & Rationale
16	ICR – Introduction, Regulatory Review ICR 1.3	Umatilla Tribes DNR	Revise the language on Page 2 as follows: “ Tribal agreements and case law also address shoreline issues. <u>Treaties entered into between tribes and the United States under the U. S. Constitution, including case law interpreting these treaties, will also have implications for shoreline management.</u> ”	
17	ICR – Ecosystem Characterization & Ecosystem-wide Processes, Introduction & Regional Overview ICR 3.1	Umatilla Tribes DNR	Revise the Columbia River section language on Page 12 as follows: “The Columbia River basin drains approximately 260,000 square miles and includes seven states (Washington, Oregon, Idaho, Nevada, Utah, Wyoming, and Montana), 13 federally recognized Indian reservations <u>nations</u> , and British Columbia in Canada (Washington State Department of Ecology 2015a).”	
18	Restoration Plan (RP) – Restoration Partners RP 4.0	Umatilla Tribes DNR	Why are the Cowlitz Tribe and Yakama Nation the only tribal partners listed in Table 2 – Existing Programs and Potential Partners on Pages 20 – 22, and not the Umatilla Tribes?	
19	ICR – Federal Lands, Tribal Lands, and Columbia River Gorge National Scenic Area ICR 2.2.8	Umatilla Tribes DNR	The terms “tribal lands” and “tribal reservations” on Page 9 need to be better clarified to accurately reflect this historical and legal issue.	
20	Cumulative Impacts Analysis (CIA) – Scope CIA 1.3	Umatilla Tribes DNR	Same as above: The terms “tribal lands” and “tribal reservations” on Page 3 need to be better clarified to accurately reflect this historical and legal issue.	

Page 6

**See original comment letter for complete verbiage. This comment summary includes only new comments received during the state-wide comment period, not previous comments to which the County had already responded during the local process.*

DAHP = WA Department of Archaeology & Historic Preservation

ICR = Inventory & Characterization Report (2017)

Comment Number	Topic / Section	Commenter	Comment – Summarized*	Local Government Response & Rationale
21	ICR - Federal Lands, Tribal Lands, and Columbia River Gorge National Scenic Area ICR 2.2.8	Umatilla Tribes DNR	Ecology's guidance noted on Page 8 does not reflect the extensive flowage easements along the Columbia River under federal Corps jurisdiction (Sections 401 and 404 of the Federal Water Pollution Control Act and the Rivers & Harbors Act); a more nuanced understanding is needed to better establish the SMP's jurisdictional applicability.	
22	Response and Consultation Request	Umatilla Tribes DNR	Umatilla Tribes request Government to Government consultation with Ecology to discuss the SMP and the process, and response to the comments.	
23	Archaeological, Cultural and Historic Resources SMP 3.3	Confederated Tribes and Bands of the Yakama Nation, Department of Natural Resources - B. Sharp/P. Rigdon (Yakama Nation DNR)	Revise 3.3 Archaeological, Cultural & Historic provisions to better protect a) cultural resources which are known to affected Tribes but not identified on the DAHP database, and b) undiscovered cultural resources in areas of the shoreline that have been identified as "very high risk" and "high risk" by DAHP for cultural resources.	
24	ICR - Archaeological, Cultural and Historic Resources	Yakama Nation DNR	The SMP is not based on a full understanding of these issues/resources nor provides adequate protection because the ICR fails to include any information from consultation with Tribes, or to address "very high risk" and "high risk" areas identified by DAHP's predictive model.	

Comment Number	Topic / Section	Commenter	Comment – Summarized*	Local Government Response & Rationale
25	Archaeological, Cultural and Historic Resources	Yakama Nation DNR	County should consult with affected Tribes’ cultural resources programs to ensure cultural resource sites known to the Tribes but are not in DAHP’s database are adequately considered.	
26	Archaeological, Cultural and Historic Resources SMP 3.3.2	Yakama Nation DNR	Revise all five 3.3.2 Policies as follows: 1. “... should <u>shall</u> ...” 2. “... should <u>shall</u> ...” 3. “... is encouraged <u>shall occur</u> ...” 4. “... are encouraged to <u>shall</u> ...” 5. “... should <u>shall</u> ...”	
27	FWHCAs SMP 3.4.8	Yakama Nation DNR	Tributary confluences at the Columbia River identified as valuable cold-water refugia for migratory salmonids should be protected by the SMP as fish & wildlife habitat.	
28	Restoration Plan, Restoration Partners RP 4.0	Yakama Nation DNR	Inclusion as a listed restoration partner is appreciated; 4.0 Table 2 language should better reflect tribal restoration activities both in and outside the watersheds of Skamania County.	
29	Restoration Plan, WRIA 29 RP 2.4	Yakama Nation DNR	2.4 WRIA 29 language does not adequately describe Fall Chinook and Steelhead spawning surveys above the Condit Dam site on the White Salmon River that have been conducted WDFW, USFWS, and Yakama Nation.	

Comment Number	Topic / Section	Commenter	Comment – Summarized*	Local Government Response & Rationale
30	Restoration Plan, Proposed Programmatic & Restoration Actions RP 5.2.4	Yakama Nation DNR	5.2.4 Table 6 – WRIA 29 Recommended Restoration Actions language is not fully accurate for water quality impairments and restoration priorities; County should review key data sources & consult with local experts to better understand and describe geographic activities, needs, and priorities.	

**See original comment letter for complete verbiage. This comment summary includes only new comments received during the state-wide comment period, not previous comments to which the County had already responded during the local process.*