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Tim

Please make sure the Planning Commission has this plea,

Fixed Uses Shall be Prohibited is the only reasonable solution to industrial scale offshore development that has the potential to totally eliminate our quality of life in Pacific County. Other far better alternatives exist than surrendering our coastal waters to inland demands.

CRCFA is submitting this for the record so Pacific County and the Planning Commission understands that Pacific County is the only place on the Washington coast that any industrial scale offshore development can occur today and if this county does not take steps to protect its existing economy it will be in trouble in the future one seemingly innocuous FONSI at a time.

We have a choice to protect and preserve our quality of life and seafood base of our local economy or let it deteriorate until gone.

We can and must prohibit new fixed uses in our marine waters.

Remember fixed use prohibition is not a total prohibition. Fixed uses are allowed in the ocean high intensity designated area along with other high intensity uses. If specific discrete high intensity areas are not fixed, the cancer will grow out of control if not addressed in its infancy while we still can. Once the genie is let out of the bottle you’ll never get it back under control.

Please retain the existing parameters in the draft SMP update ocean unit and if anything look at ways to strengthen the intent of the Coastal Ocean Unit.

Concerned for the future of our seafood industries viability that has been and will continue to disappear unless we take positive steps to protect and preserve it for future generations,

Dale Beasley, president Columbia River Crab Fisherman’s Association, working for sustainable fish dependent communities,
Just received one more from Dale

From: crabby@willapabay.org [mailto:crabby@willapabay.org]
Sent: Thursday, October 29, 2015 12:54 PM
To: Kelly Rupp <wkellyrupp@gmail.com>; Tim Crose <tcrose@co.pacific.wa.us>; Jim Sayce <jimsayce@centurytel.net>; Tom Kollasch <tkollasch@gmail.com>; Doug Kess <kessspack@wwest.net>; Paul Philpot <director@pacificedc.org>; Dwight Eager <deager@centurytel.net>; Jim Long <longshotinc0406@gmail.com>
Subject: Ocean Subcommittee

Kelly et all

See attached

The reason that we do not want to lose anything in the existing 2000 SMP on oceans and dredging is at the bottom of page 9

SMP once adopted supersedes ecology WAC’s, the 2000 is already adopted and working to protect this county as the only functional ocean SMP in the state.

We need to have a strong backbone and insure “Fixed structures SHALL be prohibited in the Coastal Ocean” get added to the existing SMP regs. This is the only assurance we have that ecology & process alone will not industrialize the waters offshore Pacific County; it has happened everywhere that ocean energy has applied for a permit in the nation; BOEM is in the business of making energy leases, not protecting local JOBS.

Highly concerned for the future of the 4th most fish dependent community in the nation,

Dale
Kelly et all

Read the attached e-mail, this one of the 1st ocean energy sellathons that I have ever been to where the true realities of ocean energy was honestly put on the table, but only because the fishermen are finally learning what questions they need to be asking the project proponents.

I’ll give Colonel Safe a A for honesty today, usually I come away from these meetings much much closer to an F. I only got one question shined on today, usually all get pushed off the table without an answer.

Lunch was OK too,

Dale

PS let me know if my e-mail fails again, simple too much volume for my provider to handle, they told me 2 cell phones, 2 laptops, and 2 desk tops was too much for them to handle

Got go, footballs on
**HIGHEST ASTRONOMICAL TIDE (HAT)**

The elevation of the highest predicted astronomical tide expected to occur at a specific time station over the National Tidal Datum Epoch (NTDE) (NOAA; [http://tidesandcurrents.noaa.gov/datum_options.html](http://tidesandcurrents.noaa.gov/datum_options.html)). In the United States the NTDE is a 19 year time interval ranging currently from 1983 to 2001 and is update about every 20 years.

**MAPPING METHODS**

The five tidal datum survey sites in Pacific County are located in Willapa Bay. Of those five sites, three have predictions for HAT. Those tidal datum stations are located at Nahcotta, South Bend, and Toke Point (Table 1).

**Table 1.** HAT predictions from Pacific County tidal datum survey sites.

<table>
<thead>
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<th>Location</th>
<th>HAT prediction (ft)</th>
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<td>Nahcotta</td>
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<tr>
<td>South Bend</td>
<td>15.96</td>
</tr>
<tr>
<td>Toke Point</td>
<td>16.8</td>
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The study area (coastal and estuarine areas of Pacific County) were divided into three subregions, and the three HAT values were assigned to the full subregion where they reside. The spatial extent of HAT was calculated from 1m LiDAR-derived DEM. Steps in Esri ArcGIS 2.0 included:

1. Dividing the DEM into the three subregions using the Split tool.

2. Reclassifying the data into two categories where value 1 included cell values less than the respective HAT for the subregion, and value 2 included cell values greater than the HAT.

3. Using the Fill tool to fill in "sink" locations (cells that are below the HAT level but are disconnected from the rising marine water by land areas above the HAT.)

4. Using the Mosaic tool to combine the three outputs back into a single dataset for the study area.

5. Using the Spatial Calculator to select only the HAT area (value==1).

6. Using the Euclidian Distance tool to calculate distance from the HAT (using the original DEM as a Mask to limit the extent of necessary distance).
7. Using the Reclassify tool to create categories of distance from the HAT, where HAT area = 0 and distance categories in feet were converted from meters to give distances categories of 0', 50', 100', 150', and 200'. (Distances over 200' were converted to NoData.)

8. Raster output from step 7 converted to polygons (choosing to simplify the output polygons rather than maintaining the raster cell outlines for the sake of processing and output file size. The difference is minimal.

VIEWING HAT MAPS

Link to view maps online:
http://tnc.maps.arcgis.com/apps/webappviewer/index.html?id=b5cd0dd9975045fda354415b41f6fc81

Note:
There are two layers in this map: the HAT line for Nahcotta area and the 50-foot interval setbacks for the whole county. These can be turned off/on with the Layers button in the upper left of the map.

POSSIBLE QUESTIONS AND CONCERNS

Why can’t we calculate error?

HAT (Highest Astronomical Tide) is modeled by NOAA and provided as a number representing feet above sea level at a single location (i.e. Nahcotta). TNC applied this single value to all areas along the bay-side of Long Beach peninsula to create a “HAT line.” The calculated error at any location along this HAT line is unknown without ground-surveyed data at multiple points distributed along that shoreline. However, from visual comparison of the HAT line to aerial imagery of the shoreline, the HAT line appears to do a good job of depicting the interface of inland vegetation with estuarine vegetation, which seems to be a good proxy for HAT in relatively undisturbed, naturally vegetated places.

Other potential sources of error include:

- “bathtub” model approach of evenly applying the HAT value to a broad area without considering hydrodynamic factors such as slope and horizontal distances that water could possibly travel as well as the horizontal angle (direction) at which the tidal water hits land features. (See next question for more about this.)
- In GIS, the HAT value and inland setback distances were applied to all areas along the shore including manmade structures like piers. These structures inhibit the ability of the analysis to provide a true HAT line at those locations and should be considered anomalous.
- Very small errors from vertical (centimeters) and horizontal (meters) resolution of the elevation data (LiDAR).
What are the inland blobs (mainly at towns) that seem strange?

These are locations where there is a continuous path from the bay water to the HAT elevation. In some cases, typically in towns like Nahcotta and Oysterville where a flat road ends at a ramp into the bay water and is below the HAT elevation, the road acts theoretically as a continuous path for water(tide) to travel inland before finally reaching elevation above HAT. In all likelihood, the resultant inland blobs would not be reachable during a HAT event because of hydrodynamics (e.g. tide forces not strong enough to push enough water inland along a flat narrow road). Also, direction of the tide would likely not be directly up the ramp/road but instead be angled from the northeast, thus causing the tidal force to dissipate near the road/water interface.

What can County do to fix that?

A team should decide where those roads should be “cut” in GIS to separate those inland blobs and delineate a likely HAT. For example, the HAT analysis created a blob intruding inland here (just north of Nahcotta) which should probably be excluded. To do this, the County’s GIS staff need to edit the data by cutting the blob off somewhere in the yellow circle where a road is linking the water to inland. These determinations need to be made a on a case by case basis.

Should island anomalies (like trees) be deleted?

Probably. TNC has made an attempt to delete the small “islands” where the HAT analysis resulted in locations (such as trees near shorelines) that show up as HAT lines. This was a simple filter to delete islands smaller than 5000 sq m(?).
General Recommendations:

TNC recommends that the HAT data/maps we are providing to Pacific County not be used for assigning site-specific rules and should not be included as an official regulatory map (like FEMA Floodplains Hazard Areas) or distributed as such. Rather, these data and maps should be used only as reference for developing the County’s rules around HAT setbacks by better understanding general trends and increasing awareness of potential tide-related problems. Any discrepancies and conflicts should be resolved with on-ground surveys. TNC does not take responsibility for any errors or conflicts that may arise from using these data or maps used for any purpose.
Ms. Kelly Biedenweg  
Center for UrbanWaters, University ofWashington, Tacoma,  
Box 358438, Tacoma, WA 98421, USA.  
E-mail: kbied@uw.edu

Dear Ms. Biedenweg,

Thank you for your work on "Developing Human Wellbeing Indicators in the Puget Sound: Focusing on the Watershed Scale." Congratulations on the inclusion of your recommendations by the Puget Sound Partnership. I saw you on WTV recently and was struck by the serendipitous timing. Your work is exactly what I feel that we need and are lacking in my county's Shoreline Management Plan update process.

I am volunteering with the SMP update currently underway in Pacific County. A broad community conversation would give me confidence that we are all moving forward in a shared purpose to actually achieving habitat protection. However, the Public Participation piece (required in the Department of Ecology's contract with the Department of Community Development) is nearly non-existent. The opportunity lost to engage the community is my main concern. There are even more difficult issues down the road in regards to forest conversion and this SMP Process should be building our local skills.

After listening to you address the Puget Sound Partnership, I realize that you have already made my point. I would love to bring you in to speak, and I think it may help you in your research, too. I am not a grant writer, but I would try to raise money to have you weigh in on this process now. This is my reason for writing to you. Please let me know of your upcoming availability and speaking fee structure.

I gave the Director of DCD, Faith Taylor-Eldred, and the Port Director, Rebecca Chaffee, a copy of your Scientific paper. I am seeking their support and cooperation. The U of W worked with Rebecca in 1993? I will have their support if I can show a path to Public participation which is deemed impossible.

I am late to this three year process because I did not hear about it, however there is still a year remaining. Will our three County Commissioners simply sign off in August of 2016 with a sigh of relief that they met the deliverables? Is there an over-riding benefit to doing it this way, without the public process?

I am a CPA - Inactive, and I attend as many meetings as I can, all around our county, but I don't see where there is any vision toward an integrated environmental plan. I do not see how this process is informing our broad community. Ultimately, I don't see how the few participants to this process will feel supported in their consequential decisions. This will lead to more community disaffectedness. We could say that this process has been useful for training the (approximately 12) Commissioner Appointees. Yet, the process we are in was not a coordinated effort to "train the trainers". These twelve representatives, will by default be considered "the public".

The SMP was intended to have the time, talent and resources to achieve broad community participation, as required by the contract. Years ago, our timber-dependent community was hugely impacted by the spotted owl regulations, pitting neighbor against neighbor, creating 25%
unemployment, and a strong anti-environmental sentiment here. We need a commanding central project to re-engage our community. When is there going to be another opportunity like the Shoreline Management Plan update? Why should we be missing this chance?

I continue to go to nearly every meeting and try to give meaningful feedback to the arbitrators of this process, DCD (Dept of Community Development). My first communication regarding my concerns went to County Commissioner, Steve Rogers. He, too, would like a robust public process, but seems resigned to the fact that we do not have the will or the resources to make it happen.

This SMP Update process can be done the easy way, without public participation, but that does not bode well for important conversations down the road. Why are we doing it this way? We no longer trust environmentalists.

The participants to the SMP Update seem to be in favor of increased "optional" buffers.

Not to trust that broad community participation would favor the same conclusion, would be in error. And yet, it is a bigger error to think they will agree if they were never asked. Why are we causing this perceived shut out of the public? My perception is that we have a responsibility to inform and promote the conversation as part and parcel of this major project - the SMP.

After the Spotted Owl debacle, the label "environmentalist" became a dirty word here. We need to engage our young people in learning to be good environmental stewards of our pristine waterways, so that they can teach and lead their parents and grandparents. Critical habitat is virtually all around us, in everyone's back yard. Everyone, farmers, fisherman, foresters, and foragers need a forum for imagining the happiness advantages that can come from making the environment our economic opportunity; like you have on Vashon.

We cannot aspire to that which we have never known. My daughter, Terra Nevitt, has recently moved her family to Cohousing on Vashon and I will do my best to learn from your communities example. But without a vision of sustainable development, Pacific County will seek to survive in both the short and long term. The choice is ours. Do we provide the resources to move toward long term sustainability now, or are we stuck continually struggling for short-term goals? This message will be most effective with the public, now, when we are talking about shorelines, not forests.

I would appreciate your input and expertise in bringing my community into the conversation in the most effective way possible. I am determined to be a positive influence to this process and seek your advice.

Sincerely,

Kristine Nevitt, CPA Inactive
545 Ballentine, Raymond, WA 98577
kristinenevitt@gmail.com
360-934-9130
Gentlemen

Ecology requested rationalization to substantiate the Fixed uses in the Coastal Ocean SHALL be prohibited.

There is sufficient information already submitted in the SIAC & its addendum but we’ll continue to add until they see the light that it is the responsibility of the SMP to be able to designate variances in the local SMP that is UNIQUE to the local in which it is produced that reflects local values like the legislature intended; that is why there are over 250 localized SMP’s in Washington, the legislature knew that Spokane and Pacific County had different needs to protect and preserve in each area. We cannot let ecology steam roll this effort that the citizens of this county produced unless they can point to specific existing legal requirements that we have violated.

See attached, it can be made as large as necessary but I wanted to get this available for Watershed before they come back down to the CAO public meeting.

We also need to get the Fixed Uses SHALL be prohibited into the text of the SMP regulation which Watershed neglected in the original drafts of the SMP update.

Fixed Uses Shall be prohibited is not controversial with the citizens of Pacific County that rely on coastal water ACCESS only with those in Olympia that are not interested in the viability of our local economy. Remember it is not a total prohibition, it is allowed in the Coastal Ocean High Intensity area where it does not conflict with other existing uses like dredge disposal or deep draft shipping.

Dale
Gentlemen,

http://www.thecordovatimes.com/article/1542/reconsideration-petition

Oil in the sediments is still a problem even after 25 years since the spill.

Escort Tugs needed

Dale
Objective: The following is a list of comments on Pacific County’s draft SMP. Overall, we feel that this draft SMP supports the protection of coastal habitats and resources in Pacific County. Here we suggest some improvements to wording surrounding habitat protection and preparing Pacific County shorelines for the impacts of climate change including sea level rise. We are also willing to support the Coastal Ocean subcommittee to continue working towards protecting marine resources and habitats from the impacts of offshore development in section 6.

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<th>#</th>
<th>Section</th>
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<th>Comments</th>
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<tbody>
<tr>
<td>1</td>
<td>3.2.E.3.e</td>
<td>33</td>
<td>“Dunes provide protection of landward development from coastal inundation both now and in the future” can be slightly altered to read: “Dunes should be protected in order to provide protection to landward development from coastal inundation both now and in the future as sea level rises”</td>
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<tr>
<td>2</td>
<td>3.2.F.3.a</td>
<td>33</td>
<td>“Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and only when the impacts are mitigated following mitigation sequencing”- Mitigation does not always result in achieving “no net loss” and should be written in the SMP as a “last resort”</td>
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<td>3</td>
<td>3.2.F.3.b</td>
<td>33</td>
<td>“Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alternation of natural hydrographic conditions.” Add to management policies, “Shoreline uses and modifications should be designed and managed to prevent degradation of water quality, alternation of natural hydrographic conditions, and geologic conditions.”</td>
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<td>4</td>
<td>3.2.F.3</td>
<td>33</td>
<td>Add Management Policy: “ Shoreline uses and development should consider sea level rise predictions and prevent impacts to ecosystem services of the shoreline and adjacent in-water habitats.”</td>
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<td>5</td>
<td>3.2.F.3.e</td>
<td>34</td>
<td>See Comment 2: Strengthen to make mitigation a “last resort”</td>
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<tr>
<td>6</td>
<td>3.2.G.3.e</td>
<td>35</td>
<td>See Comment 2: Strengthen to make mitigation a “last resort”</td>
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<tr>
<td>7</td>
<td>3.2.I.3.e</td>
<td>36</td>
<td>See Comment 2: Strengthen to make mitigation a “last resort”</td>
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<tr>
<td>8</td>
<td>3.2.I.3.g</td>
<td>36</td>
<td>“Shoreline space should be reserved for preferred uses...” –This policy could be strengthened by saying that “shoreline space should be reserved for water-dependent uses...”</td>
</tr>
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</table>
| 9 | 4.4.A.2 | 46 | Consider strengthening by changing “The County should facilitate sharing of information related to sea level rise with developers and residents” to “Pacific County shall utilize sea level rise prediction models to notify all prospective developers of new development that their development may be impacted by sea-level rise and should encourage all such new
development to be set back a sufficient distance to avoid the need for shoreline protection during the expected life of the development.” (Wording partially taken from an approved SMP for King County).

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<tr>
<td>10</td>
<td><strong>5.19.A</strong></td>
<td>95</td>
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<td>Add Policy: “Rising temperatures and sea levels have the potential to dramatically alter Pacific County’s shoreline jurisdiction, processes, and functions over time. Restoration projects should consider implications of climate change in project design to promote resiliency of habitats and species.” Wording partially adapted from Jefferson County’s Restoration Plan.</td>
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<td>11</td>
<td><strong>5.2.C</strong></td>
<td>61</td>
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<td>Needs strengthening. Consider this modification: “Shoreline buffers... In addition to required buffers applicants are required to consider potential vulnerability to sea level rise. New development projects should be encouraged to occur outside of areas predicted to be at risk to sea level rise.”</td>
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<td>12</td>
<td><strong>4.4.A.4.j</strong></td>
<td>48</td>
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<td>“The expected heights, velocities... including those associated with climate change and sea level rise.” Consider changing to “The expected heights, velocities... including those predicted with climate change and sea level rise.”</td>
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<td>13</td>
<td><strong>5.2.D</strong></td>
<td>61</td>
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<td>Consider a bullet point under “Building setbacks” that reads, “Monitor sea level rise and accordingly adjust development setbacks to minimize flooding potential.” (Wording similar to the City of Burien Draft SMP).</td>
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<tr>
<td>14</td>
<td><strong>6.1.B.10</strong></td>
<td>105</td>
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<td>According to WAC 173-26-360(7) wording “Ocean uses and their associated coastal or upland facilities shall be located, scheduled, designed, and operated to prevent, avoid, and minimize adverse ...” applies to some of the bullets that they include underneath (e.g., “a. Migration routes and habitat areas ...”), but ‘prevent’ doesn’t apply to all items on the list. Pacific County could split out the bullets so that those to which ‘prevent’ applies are in one section and those to which ‘avoid’ apply in another.</td>
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**Document prepared by:**

Molly Bogeberg (Interim Marine Projects Manager)- molly.bogeberg@tnc.org

Jodie Toft (Senior Marine Ecologist)- jtoft@tnc.org
Hello all, I’ve put the tax lot data on the HAT webmap, so hopefully it will help with your work.
Thanks, Shelley, for sending the data! If anyone has questions about it, let me know. I set it to show the lot lines only when you zoom in pretty far because otherwise it takes a really long time to draw. When the layer is visible, you can click on a particular lot to get the ownership info, etc. Also, you can turn off the layer in the Layers button in the upper right corner.
http://tnc.maps.arcgis.com/apps/webappviewer/index.html?id=b5cd0dd9975045fda354415b41f6fc81

Best,
Jamie

Jamie Robertson
Conservation Geographer
jrobertson@tnc.org
(206) 343-4345 Ext. 393 (Office)
(206) 343-5608 (Fax)
The Nature Conservancy
Washington Field Office
1917 First Avenue
Seattle, WA 98101
nature.org
September 15, 2015

Faith Taylor-Eldred, Director
Pacific County Department of Community Development
7013 Sandridge Road
Long Beach WA 98631

RE: Draft Pacific County Shoreline Master Program Update
    Draft Pacific County Critical Areas and Resource Lands / Critical Area Ordinance

Dear Ms. Taylor-Eldred,

We attended the August public meeting of the committee revising the above-referenced documents. At the meeting, several staff members recommended we provide specific written comments to your department, in addition to the oral comments and recommendations we made at the meeting. We are Pacific county residents deeply committed to conserving our natural resource base while protecting the property rights associated with land ownership in our beautiful region. With those values in mind, the attachment lists our comments on the current draft of each document.

We look forward to your department's response to each comment presented in the attachment. Thank you for the opportunity to comment.

Respectfully,

Kurt and Peggy Olds
PO Box 1307
Ocean Park WA 98640

cc: James Clancy, Surfside HOA Board
    Jim Romaggi, Surfside HOA Board
    Kirby Smith, Surfside HOA Board
    Tim Crose, Pacific County Dept. of Comm. Development
Attachment 1: Comments to July 2015 SMP and CARL/CAO Draft Documents

Shoreline Master Program (SMP) comments:

1. **Page 16, Section 2 Definition. Native Vegetation.** The current definition, “Plant species that are indigenous and historically found in the local area.” is overly broad and could include non-native species. We recommend replacing this definition with one that is biologically sound or include reference to a native plant species list provided by a local university or native plant society such as: http://www.wnps.org/plant_lists/counties/pacific/pacific_county.html

2. **Page 27. Section 3.1.A Shoreline Jurisdiction.** Is the Surfside Estates area – a high intensity residential subdivision on the northern section of the Long Beach peninsula -- and its associated drainage ditches, canals, man-made lakes and flood gates exempt from provisions of the SMP and CAO? This section suggests it is excluded with exception for those lots adjacent to the Pacific Ocean. However section 3.1 B indicates the maps and lists are for guidance only and leaves room for questioning the exemption of Surfside drainage canals, ditches and lakes from the SMP/CAO. If this residential area (excluding the lots directly abutting the Pacific Ocean) and its associated man-made drainage and flood control facilities are not exempt from SMP and associated CAO provisions, we believe it should be specifically exempted and a footnote or other reference to that exemption be noted in this section.

3. **Page 40. Section 4 General Policies and Regulations.** We noted in the current SMP a section called “economic development” yet no comparable section is noted in the 2015 draft SMP. Is this by design or inadvertent omission? We recommend adding a section on economic development in the revised 2015 SMP draft. Specifically include language that is found in the current SMP Section 3.B.2.a and c.(page 15 of the current SMP document)

4. **Page 40-44 Section 4.2 Environmental Protection and Critical Areas.** It appears from the draft SMP that the draft Critical Area Resource Lands designations and Critical Area Ordinance documents are to be inserted or referenced in this section. Is this an accurate assumption? By virtual of the definition of a critical area (i.e., the soil mapping on the Long Beach peninsula), virtually all lands are considered “critical areas” or “critical aquifer recharge areas”.

If this is an accurate assumption, we are concerned that many property rights, such as the right to enjoy the view of the ocean or access to shoreline dunes now held by private landowners would be taken away or seriously undermined with language in this document and the proposed draft CAO. We would suggest adding a new policy under section 4.2.a..7. “Promote reasonable use of shoreline environments a balanced manner that emphasizes protecting and supporting shoreline natural resources while protecting private property rights.”

5. **Pages 49-50. Section 4.5 Vegetation management. B. Regulations.** 8. Selective pruning of trees and mowing of vegetation for purposes of maintenance, invasive species management, or fire protection is allowed, provided that no vegetation shall be removed from critical areas, dunes, or their respective buffers without approval from the Administrator. Topping of trees for views is not allowed. . [Per SPC comments]

This section is contradictory at best and unenforceable as written. If, per comment 4 above, the
entire north end of the peninsula is considered a critical area by CAO definition, virtually no vegetation of any kind can be removed without approval from the plan Administrator yet in the same sentence suggests selective pruning of trees and mowing of vegetation is allowed. If we wanted a “view” of our backyard or the ocean, and we are on a soil type considered important in a critical aquifer recharge area, we could not top trees to get that “view” without going through the SMP or CAO process — something unnecessarily costly and regulatory. These activities are currently allowable and controllable by Surfside HOA covenants. The Surfside HOA has successfully governed vegetation management via enforcement of HOA covenants for almost half a century.

We strongly recommend eliminating the sentence “Topping of trees for views is not allowed”.

We further recommend that the regulation be rewritten as follows: “Selective pruning of trees and mowing of vegetation for purposes of maintenance, invasive species management, flood control activities or fire protection is allowed. Vegetation shall not be removed from shoreline jurisdictional areas without approval from the Administrator.”

Critical Areas Resource Lands Ordinance (CAO) Comments:

1. **Page 8. Native Vegetation.** The current definition, “Plant species that are indigenous to the site in question” is overly broad and could include non-native species. We recommend replacing this definition with one that is biologically sound or include reference to a native plant species list provided by a local university or native plant society such as: http://www.wnps.org/plant_lists/counties/pacific/pacific_county.html

2. **Page 9. Stormwater Management Facilities.** Expand this definition to include man-made structures such as drainage systems, ditches, dikes, tide-gates and other engineered structures to control flooding, protect property and maintain access to commercial, industrial or residential property in such designated zoned areas.

3. **Page 12. Section A. Applicability. Subsection 4.** Recommend changing Section 4 quantities from 20 cubic yards to 75 cubic yards in areas zoned for residential use. This would allow reasonable use of existing residential lots without significant impacts in critical areas.

4. **Page 24. Section 4 Wetlands. B.2. Identification.** It is unclear if there is a typo or a proposal to change 100 feet to 300 feet. We would recommend removing 300, and inserting 100.

5. **Page 37. Section 5. Fish and Wildlife Habitat Conservation Areas.** Section B.6. Identification. Would this definition potentially include the canals or lakes of the Surfside Estates area? We have a number of artificially created ponds, canals and lakes that are annually planted with game fish, such as trout. We are concerned that such definition could potentially cause our residential area to become jurisdictional to the CAO for habitat conservation or other restrictions by default. We recommend that the Surfside Estates ponds, canals and drainage facilities be specifically excluded from this designation.
6. **Page 38. Classification and Designation, Section 2 Habitats and Species of Local Importance.** Could Surfside Estates ponds, canals and lakes be classified as locally important? If so, we recommend that the Surfside Estates ponds, canals and drainage facilities be specifically excluded from this designation.

7. **Page 49. Critical Area Aquifer Recharge Areas, Section C. Protection Standards. 2.b. Development Standards.** This section is unclear. By soil mapping, we own property that is considered to be in a CAARA yet has at least 8 feet of well drained soil on an upland bench high above the seasonal water table in the area. We currently have a gravity fed septic system that has worked beautifully for over 20 years. If it were to fail would we need to replace it with a pressure system simply because we are now considered a CAARA area, are under one acre in size and this section says you shall replace it with a pressurized system?
PORTS ARE SPECIAL

Port District’s Unique Role in the Development and Protection of the Shorelines of the State

Jonathan K. Sitkin
Chmelik Sitkin & Davis P.S.
February 1, 2008
Bellingham, Washington

Ports and The Shoreline Management Act

What is new in the Shoreline Guidelines?
It is what Ports have been doing.
Ports and the Shoreline Management Act

Ports have considerable expertise and experience in shoreline planning.

A Port’s Comprehensive Scheme for the Harbor Improvements, including property owned by a Port or managed through a Port Management Agreement, likely contains the elements in the required shoreline update.

The uses that the Port will engage in on their property in harbor areas will likely be a water-dependent use.

Ports and the Shoreline Management Act

How are Ports special?

The Washington State Constitution and the State Legislature have recognized the unique role of Ports in relation to harbors and industrial development on the state shorelines.

The Port District Act of 1911 allowed the people to establish port districts and elect commissioners to run and operate Port districts.
Ports and the Shoreline Management Act

The Washington State Legislature has granted Port Districts special powers:

- Ports are publicly owned and operated municipal corporations authorized by state law to construct, operate and maintain harbor improvements within their district (RCW Title 53).
- Ports have comprehensive planning powers for their facilities (RCW 53.20.010 and .020, and RCW 53.25.090).

Ports and the Shoreline Management Act

- Ports may directly manage state aquatic lands under Port Management Agreements (RCW 79.90).
- Ports can be a SEPA lead agency for Port projects (WAC 197-11-924 through RCW 197-11-944).
- Ports’ marine trade and other facilities are Essential Public Facilities under the GMA and entitled to protections in the siting and regulation of such facilities (RCW 36.70A.200 and RCW 47.06.140).
Comprehensive Scheme of Harbor Improvements

Port statutes (RCW 53.20.010 and RCW 53.20.020) provide for adoption of Comprehensive Scheme of Harbor Improvements by Port District as a guide for development of harbor areas.

Development and environmental protection of these areas necessitates local government and agency coordination and cooperation with port districts.

Comprehensive Scheme of Harbor Improvements

A Port’s Comprehensive Scheme for Harbor Improvements often addresses a variety of land use considerations, including public access, habitat restoration, environmental cleanup, as well as transportation and marine facilities.
Port Management Agreements

RCW 79.105.420, formerly 79.90.475, allows Ports to enter into agreements with the Department of Natural Resources (DNR) to manage certain state owned aquatic lands and improvements on behalf of the State.

The DNR and the Public Port’s Association have developed a model Port Management Agreement (PMA).

See [http://www.washingtonports.org](http://www.washingtonports.org)

---

Port Management Agreements

The PMA places a Port in the role of aquatic lands steward to:

- Foster water-dependent uses
- Ensure environmental protection
- Encourage public use and access
- Promote production of renewable resources
- Generate income from the use of aquatic lands
DOE Shoreline Guidelines

The DOE Shoreline Guidelines recognize the protection of harbor areas and other areas that have reasonable commercial navigational accessibility and necessary support facilities.

See WAC 173-26-201(3)(d)(ii)

DOE Shoreline Guidelines

Key Principles in the SMA Updates:

- Achieve “No Net Loss” of ecological functions.
- Provide for restoration of impaired ecological functions.
- Address adverse cumulative impacts.

See WAC 173-26-186.
DOE Shoreline Guidelines

Updated shoreline programs must:

- Inventory existing shorelines.
- Characterize existing shoreline ecosystems and processes.
- Forecast future demand (use analysis).
- Include a restoration plan...identifies degraded areas and potential restoration projects.
- A strategy to mitigate cumulative impacts to achieve “no net loss.”

Port’s Role in the Updates:

- Local governments required to notify Ports in the update of the SMPs. WAC 173-26-201 (3)(d)(ii) and RCW 90.58.130.
- Port public access plans may be incorporated into the SMPs and can justify more flexible off-site or special area public access provisions. WAC 173-26-221(4)(c) and (d).
Shoreline Management Act-
Special Area/Site Specific Planning

The DOE Guidelines allow for and encourage special area planning in cases involving complex shoreline issues and redevelopment of the harbor or shoreline areas, or to address Port master planning issues.

By allowing both water-oriented and non water-oriented uses to be located within shoreline jurisdiction when part of an overall site specific plan, the DOE Guidelines encourages both waterfront redevelopment and meeting the goals of “no net loss”.

WAC 173-26-211(5)(d)(ii) and WAC 173-26-201(3)(d)(ii) and (d)(ix).

Bellingham-Waterfront District

Conversion of former Georgia-Pacific Mill site to a mixed use development with marine transportation facilities such as a shipping terminal and marina, and non-water oriented uses such as multi-family residential uses and educational institutions.

Shoreline Designation to allow non-water oriented uses through Site Specific Planning provisions of DOE Shoreline Guidelines.
Condition of Georgia-Pacific site prior to Port Acquisition

Bellingham’s Waterfront District Subzone
Future Conditions

New Downtown Marina
Thank You
Jon

Interesting meeting, head dog in charge is changing his tune from a couple years ago, BIG BIG change, REALITY is finally starting to set in that ocean energy is not a good alternative except maybe where the price of electricity is pushing a $1/kW.

2 years back Colonel Safe stated that the US Army was going to place enough ocean energy devices in the ocean to cover around 60 square miles of fishing area – heavy push back from the fleet.
Today he said that Camp Rilea would only be doing enough renewable energy to cover that use at the local camp, not all the military bases in Oregon. Big change.
Col. Safe also began to talk putting up some wind turbines as well, also added some sideways comments about cost/benefit of ocean energy was a long ways from production.
Both good bits of news from a fishing perspective. ;Now if only we could get some more folks to look at the reality of costs verses NO returns ever.

The RME wave energy device is only experimental and is going to be more of a water desalinization device than an energy machine. They currently rate the device that is 7’ X 8’ at 40 kW under excellent conditions. They tested a 5/8 sized on off North Carolina at 5 kW. This machine may be able to provide some that is some energy at a beach head for an invasion, but beyond enough to power a computer and a radio it won’t happen.

Everyone presenting agreed the RME was not the device of the future for Camp Rilea and in 2017 this would only be a test. Lots of rhetoric, no substance.

They bragged up M3 device tested last year at Camp Rilea and eventually stated after being pressed for an answer that the electrical production for 2 weeks was 0.3 kW, that’s not enough to light a small light bulb, no one said how much the experiment cost, but have a hunch that is what the Colonel meant by cost/benefit or not at all. Nobody wants to the connect “FAILURE” label on the wave energy devices. They also bragged about the M3 device making it to the top 20 out of 100 devices tested in a competition, wow those 80 or so behind M3 airbag device most have really been losers, can’t even imagine. I saw the M3 device in Portland at the OWET conference last year and actually broke out laughing out loud, some of the other participants at the show just could not get what was so funny; well it would be funny if not so sad that the taxpayers are getting bilked plenty. All in all a sad day for the taxpayer, at least I got a free lunch out of it if I don’t consider how much of my own tax money went into these fiascos.
The Colorado burrito wasn’t bad, I’d order one there again. That was your biggest miss by not attending, lunch and the company of many of my friends was OK. I was glad to hear so many fishermen speaking up and letting the Colonel know ocean energy all of the fishing grounds was not OK; that was also exciting, I did not have to speak for them, they are getting it that ocean energy is a big real estate hog and get no energy, only lost fishing opportunity. This meeting at least made that point crystal clear to anyone paying attention to the facts that the fleet made them say, not volunteer to say. At least the answers were honest, better than most of the ocean energy meetings I attend in that regard.

Honesty about the realities for once was good, too bad some others did not get to hear it as well,

Dale

From: Jon Chambreau
Sent: Wednesday, October 28, 2015 10:39 AM
To: Bernard Bjork
Cc: Dale Beasley

Feeling crappy. Won't mole the lunch. Please let me know how it went.

On Oct 26, 2015 8:58 AM, "Bernard Bjork" <darbfishing@earthlink.net> wrote:
Jon and Dale;
You probably know.
RME, is providing a free lunch for the first 50 people to show up at the El Compadre Restaurant (Next to the Warrenton Post Office in the old down town area), Oct. 28th, at 12 noon till 2:30. RME is the newest of the energy people who seem to have found a way to make a living from grants and Gov. subsidies (without ever following through with their plans). Their devices are to be placed on the bottom of the ocean. Looks like it would take maybe one or two crabpots and their lines to put these devices out of action. Not sure how they want to deal with that question.
I guess we have to go to their lunch to find out. Hope to see you there. Get there early.
Best;
Bernie
503-791-0014.
Memorandum

October 23, 2015

TO: Tim Crose, Pacific County
    Faith Taylor-Eldred, Pacific County

FROM: Kim Van Zwahlenburg, Department of Ecology

SUBJECT: Shoreline Environment Designation maps - Ecology comments

This memo supplements the comments sent August 21 and September 30, 2015 and focuses on the draft maps depicting Shoreline Environment Designations (SED) throughout Pacific County. Draft maps were received in June 2015 but my initial review noted the lack of waterbody names and the August memo indicated review of the maps could not be completed until revised maps were received. Revised maps were submitted September 29, 2015.

I want to acknowledge the corrections incorporated into the most recent maps: the map legend now contains SED names consistent with those used in the draft SMP. In addition, revised map 3 of 5 shows a revised depiction of the Coastal Ocean High Intensity (COHI) and Columbia River Estuary (CRE) designations. Thank you for these changes.

Please contact me with any questions regarding these comments.

General comments:

As noted in the August comments, there are discrepancies in waterbody names listed in the SMP (Table 3-1) and a need to identify the extent of shoreline jurisdiction on many of the streams (include 20cfs points in the list of streams).

Please review all maps and ensure waterbodies are properly labeled. For example, the Bone River is not named. In addition, in that same vicinity the designation label says RC (Rural Conservancy) but the map color indicates Willapa Bay Conservancy (WBC). Along Highway 105 there is an N (Natural) halfway between the airport and Smith Creek, but the entire shoreline is colored WBC.

SMP maps will be used by county and Ecology staff for permitting and will need to be at a quality that allows for this to occur. In the current format, the maps aren’t precise enough to easily discern designation boundaries in areas with multiple designations. For example, along the Tokeland shoreline, beginning on the northeasterly shoreline the designation changes from WBC to High Intensity (HI) at the marina (these boundaries are clear). It then switches to Shoreline Residential (SR) which wraps around the point and up the southwesterly shoreline interspersed with HI. In reviewing aerial images of the area, it’s not clear exactly where (or why) the High Intensity designation is applied on the southwesterly shoreline (whether one parcel or multiple parcels), nor where the boundaries between SR and HI are located.
Application of the SEDs should be consistent and predictable. I am unable to discern why some tributaries to Willapa Bay are designated Willapa Bay Conservancy and others are Rural Conservancy (RC) – see for example North River versus Smith Creek. What characteristics about the North River, and the criteria in Section 3.2, results in a designation of WBC rather than RC? The designation criteria for the two SEDs is identical. Additionally, there is nothing in the criteria for WBC that lends to an understanding of the upstream extent for the WBC designation.

Natural (N): There is a precision to the application of this designation on the maps that indicates other criteria may have been used to apply this designation. If ownership by agencies and conservation organizations for conservation purposes was one of these criteria, this should be added to Section 3.2 and applied consistently. For example, why is the Smith Creek Wildlife Recreation Area designated Natural while there are Natural Area Preserves (Bone River for example) that are designated WBC?

The Smith Creek State Wildlife Recreation Area is designated Natural and Freshwater Aquatic (FA). It’s likely that some portion of the area called FA consists of estuarine wetland and is more properly Willapa Bay Estuary (WBE).

Cape Disappointment – we note that by designating this area Natural, Jetty A becomes a nonconforming structure based on Table 5-1.

Willapa Bay Conservancy (WBC): In addition to the questions above, why is Black Lake and the potentially associated wetlands given the WBC designation? Isn’t Rural Conservancy more appropriate here?

High Intensity (HI): The SMP Guidelines (WAC 173-26-211(5)(d) and the draft SMP indicate the purpose of this designation is for “water-oriented commercial, transportation, and industrial uses”. But in application, the draft SMP applies this designation more broadly (by including the airport which is Port-owned by clearly not water-oriented) and yet doesn’t appear to include existing (non-Port owned) water-oriented facilities like the shellfish facility (Nisbet Oyster/Goose Point Oyster) adjacent to the Niawiakum River, as an example.

Willapa Bay Estuary (WBE): Similar to the questions related to the extent of WBC, there is nothing in the criteria that helps define the upstream extent of this designation.

Coastal Ocean High Intensity (COHI): It’s still not entirely clear that the area depicted on map 3 of 5 (9/29/2015 set) accurately shows this designation as described in the SMP on page 35: “extending westward from Jetty A across the Columbia River deep draft channel and northward to a line drawn west from the westernmost base of North Head”. There is a dogleg in the western boundary that doesn’t appear to be described nor is there anything that describes the westernmost limit of the designation. In light of the purpose statement for this designation which captures the intent behind the designation, it is extremely important that the location (and boundaries) of this designation be accurately described in the SMP and depicted on the map. Finally, the criteria listed in the SMP for this designation is largely a geographic one, and should include additional criteria reflecting the stated purpose for the designation.

cc: Rick Mraz, Ecology
Dear Mr. Crose,

I would like to respectfully submit comments regarding the Shoreline Act being considered. I own an RV lot in Surfside Estates near Ocean Park, WA. Currently our lot is unbuildable (near the canal & too small for newer septic regulations). Perhaps one day if sewer is built, it would become buildable.

Right now we have a grandfathered septic that is allowable for RV use only. We have several pine trees and a couple of spruce trees on our lot (as is similar to most vacant lots in Surfside). We are located on I Street, which is one of the more densely populated areas with small lots. For us to lose the right to remove trees and have to plant additional trees if we remove any current trees would make it extremely difficult for us and many of our neighbors to use our lots for small homes or RV’s. There just isn’t room on these tiny lots.

Also, we realize that many of our neighbors up on the hill have views of the ocean and have had for a long time, due to the height limitations of neighbors tree’s below them. I would hate to see them lose their beautiful views of the ocean they paid for, as well as have lowered property values because we can no longer cut our trees to a desire height.

We are currently considering cutting down all of our current trees, adding a fence for privacy and putting some small trees in planters instead. Not what we really want to do, but in order to be able to continue to use our RV lot that has been in our family for 3 generations, that might just be the only reasonable route to take. In addition, requiring larger trees to remain in place near densely located homes & RV’s would be a recipe for disaster every time a storm rolls in. How many of these large trees will fall onto power lines, onto homes and cars? Most of us don’t have a “forest” on
our small beach lots, single trees or lines of trees are much more subject to falling down in the wind.

I hope that you will take some of these considerations into account & consider the densely populated neighborhoods that are on extremely small lots (I believe ours is approx. 60’ wide x 120’ deep). We would prefer to have trees remain on our lot for the birds & squirrels. We would prefer to not put up a privacy fence in lieu of trees for privacy, so the deer, raccoons & bears could access the water in the canal. Our current setup is working, wildlife is abundant in Surfside, but that might not be the case if this Shoreline Act is brought upon us.

Please consider the impact that this will have on neighborhoods with small lots and how many will cut down trees in order to maintain their lots without more restrictions. I believe it will have just the opposite effect as desired and will in fact make our shoreline have less trees as citizens react to these looming restrictions.

Thank you for taking the time to read my comments.

Sincerely,
Alison Irwin
PO Box 1327
Woodland, WA 98674
Owner: 32909 I Street, Ocean Park, WA (Surfside Estates)
On September 27, 2015 there was a lunar eclipse. By the time it was dark, there were hundreds of people lined up on the only road on the Long Beach Peninsula that runs parallel to Willapa bay.

People came to enjoy this old style urban shoreline environment. An Environment were there is easy access to view nature and natural events. This unique, highly used location needs to be protected for future generations with a high intensity shoreline designation.
Good morning.
I just updated my to all the information available in regard to the SMP and how it affects us.
I really appreciate this information, as by attending just one of the HOA meetings in Surfside regarding SMP, the information provided by our Trustees sure is in direct conflict to what the Master Plan is. I look forward to learning more. I hope that final decisions are not predicated on the Board of Trustees for the Surfside area!
Thank you!
Sincerely,
Suanne Smith

Sent from my iPad
September 5, 2015

Tim Crose
Planning Director SMP
Long Beach Office
7013 Sandridge Rd.
Long Beach, WA 98631

Albert & Judy Franklin
P.O. Box 602
Oysterville, WA 98641

Subject: Surfside Weekender Posting September 4, 2015

Dear Tim Crose and SMP Committee

I have enclosed a page of the September 4, 2015 Weekender for the committee’s review. The Weekender is a weekly internet posting for the membership of Surfside.

I explained to the committee in my last letter dated August 27, 2015, that Surfside’s main interest in the SMP 4.5 B.8, is the last sentence. I believe that if it wasn’t for the real-estate person posting in face book that SMP was considering no tree topping as part of the plan, Surfside would have been asleep at the switch.

Please review the attached page from the Weekender, and see for yourself the misrepresentation of the Draft Pacific County Shoreline Master Program (SMP). The Weekender’s “Summary” reconfigured the paragraphs of the SMP in such a way to sound a bugle call to rally those who cherish view corridors. Please notice the quotation marks in the 2nd and 3rd paragraphs, that’s what it’s really all about. These who don’t know what the County document looks like may think the Weekender document is from the County. The author did a good job of word playing to make the Weekenders copy look like the official County’s page. I do see that the web site was given where one could read the entire draft SMP so some credit for that.

I understand the difficult job that the committee has in producing a plan that will fit the County’s needs for Shoreline protection. I want you to understand that Surfside wants one thing out of the plan. Yes, they do want out of the plan, but would settle for doing away with the tree topping verbiage.

The concern that I have is that Surfside wants to dictate the important needs of the County as a whole. If that is allowed to happen, then the county will have two standards, those who have HOA’s, and those who don’t.

When trying to figure out the way it is, or the way it should be, remember, TODAY IS A NEW DAY.

Thank you,

Al and Judy Franklin
SMP Meeting Summary by Trustee Jim Romaggi

Pacific County is in the process of adding new regulations to their Shoreline Master Plan, which could affect both beach and lake/canal shorelines in Surfside. Some issues include:

4.5 B. 6 "Native tree removal" and "non-native tree removal" mandates that removed trees must be replaced by a 2:1 or 1:1 ratio. Many shoreline lots are densely overgrown with tightly spaced small trees, concerns this could limit building plans.

4.5 B. 8 “Topping of trees for views is not allowed.” Surfside Homeowners Association has for decades enforced building heights and tree heights restrictions.

5.2 Table 5-2 an additional 15’ setback for building on waterways, in addition to the current 25' setback from canal. This could even further limit development of canal lots.

5.10 B.1.b Affects dune modifications.

5.10 B.2.b For individual or private means, where it can be shown that a community or joint means of access is not possible and that no public means of improved access exists within 5,000 feet of the proposed facility. In such cases, access paths shall be limited to pervious trails a maximum of six (6) feet width.

A link to the entire draft Pacific County Shoreline Master Plan: http://www.co.pacific.wa.us/dcd/images/SMP/2015.06.30%20Pacific%20County%20Draft%20SMP%20June%202015.pdf

A link to Pacific County Department of Community Development: http://www.co.pacific.wa.us/dcd/SMP%20Update.htm

Note public comments can be sent to Tim Crose of Pacific County at: smp@co.pacific.wa.us

Surfside Trustees James Clancy, Jim Romaggi, and Kirby Smith will be representing the SHOA in future meetings.
Summary
Surfside Homeowner’s Association
Issues/Concerns with Pacific County SMP/CARL

The following items represent questions (or concerns) we have with regard to Pacific County implementation of the SMP/CARL.

- General governance issues. How are the provisions in the SMP/CARL which conflict with the provisions of our CC&Rs adjudicated?
  - SHOA ditches, canals, lakes
  - Regulation of septic systems
  - Trails, construction or removal along waterways
  - Development of existing residential lots

- Removal and control of trees and other vegetation
  - Tree topping
  - “Native” vegetation determination
  - Tree replacement

- Creation of fish and wildlife habitat
  - Established local activities: fishing derby

- What areas are now actually critical and how will future determinations be made?

Suggested Documents for Review
SMP, Section 3.4 Official Shoreline Maps and Unmapped or Undesignated Shorelines (Large Scale Plot)
Pacific County maps determining the location of frequently flooded areas (Large Scale Plot)
September 15, 2015

Faith Taylor-Eldred, Director
Pacific County Department of Community Development
7013 Sandridge Road
Long Beach WA 98631

RE: Draft Pacific County Shoreline Master Program Update
    Draft Pacific County Critical Areas and Resource Lands / Critical Area Ordinance

Dear Ms. Taylor-Eldred,

We attended the August public meeting of the committee revising the above-referenced documents. At the meeting, several staff members recommended we provide specific written comments to your department, in addition to the oral comments and recommendations we made at the meeting. We are Pacific county residents deeply committed to conserving our natural resource base while protecting the property rights associated with land ownership in our beautiful region. With those values in mind, the attachment lists our comments on the current draft of each document.

We look forward to your department's response to each comment presented in the attachment. Thank you for the opportunity to comment.

Respectfully,

Kurt and Peggy Olds
PO Box 1307
Ocean Park WA 98640

cc: James Clancy, Surfside HOA Board
    Jim Romaggi, Surfside HOA Board
    Kirby Smith, Surfside HOA Board
    Tim Crose, Pacific County Dept. of Comm. Development
Shoreline Master Program (SMP) comments:

1. **Page 16, Section 2 Definition. Native Vegetation.** The current definition, “Plant species that are indigenous and historically found in the local area.” is overly broad and could include non-native species. We recommend replacing this definition with one that is biologically sound or include reference to a native plant species list provided by a local university or native plant society such as: [http://www.wnps.org/plant_lists/](http://www.wnps.org/plant_lists/)

2. **Page 27, Section 3.1.A Shoreline Jurisdiction.** Is the Surfside Estates area – a high intensity residential subdivision on the northern section of the Long Beach peninsula -- and its associated drainage ditches, canals, man-made lakes and flood gates exempt from provisions of the SMP and CAO? This section suggests it is excluded with exception for those lots adjacent to the Pacific Ocean. However section 3.1 B indicates the maps and lists are for guidance only and leaves room for questioning the exemption of Surfside drainage canals, ditches and lakes from the SMP/CAO. If this residential area (excluding the lots directly abutted the Pacific Ocean) and its associated man-made drainage and flood control facilities are not exempt from SMP and associated CAO provisions, we believe it should be specifically exempted and a footnote or other reference to that exemption be noted in this section.

3. **Page 40, Section 4 General Policies and Regulations.** We noted in the current SMP a section called “economic development” yet no comparable section is noted in the 2015 draft SMP. Is this by design or inadvertent omission? We recommend adding a section on economic development in the revised 2015 SMP draft. Specifically include language that is found in the current SMP Section 3.B.2.a and c.(page 15 of the current SMP document)

4. **Page 40-44 Section 4.2 Environmental Protection and Critical Areas.** It appears from the draft SMP that the draft Critical Area Resource Lands designations and Critical Area Ordinance documents are to be inserted or referenced in this section. Is this an accurate assumption? By virtual of the definition of a critical area (i.e., the soil mapping on the Long Beach peninsula), virtually all lands are considered “critical areas” or “critical aquifer recharge areas”.

If this is an accurate assumption, we are concerned that many property rights, such as the right to enjoy the view of the ocean or access to shoreline dunes now held by private landowners would be taken away or seriously undermined with language in this document and the porposed draft CAO. We would suggest adding a new policy under section 4.2.a.7. “Promote reasonable use of shoreline environments a balanced manner that emphasizes protecting and supporting shoreline natural resources while protecting private property rights.”

5. **Pages 49-50, Section 4.5 Vegetation management. B. Regulations.** Selective pruning of trees and mowing of vegetation for purposes of maintenance, invasive species management, or fire protection is allowed, provided that no vegetation shall be removed from critical areas, dunes, or their respective buffers without approval from the Administrator. Topping of trees for views is not allowed. [Per SPC comments]

This section is contradictory at best and unenforceable as written. If, per comment 4 above, the
entire north end of the peninsula is considered a critical area by CAO definition, virtually no vegetation of any kind can be removed without approval from the plan Administrator yet in the same sentence suggests selective pruning of trees and mowing of vegetation is allowed. If we wanted a “view” of our backyard or the ocean, and we are on a soil type considered important in a critical aquifer recharge area, we could not top trees to get that “view” without going through the SMP or CAO process – something unnecessarily costly and regulatory. These activities are currently allowable and controllable by Surfside HOA covenants. The Surfside HOA has successfully governed vegetation management via enforcement of HOA covenants for almost half a century.

We strongly recommend eliminating the sentence “Topping of trees for views is not allowed”.

We further recommend that the regulation be rewritten as follows: “Selective pruning of trees and mowing of vegetation for purposes of maintenance, invasive species management, flood control activities or fire protection is allowed. Vegetation shall not be removed from shoreline jurisdictional areas without approval from the Administrator.”

Critical Areas Resource Lands Ordinance (CAO) Comments:

1. Page 8, Native Vegetation, The current definition, “Plant species that are indigenous to the site in question” is overly broad and could include non-native species. We recommend replacing this definition with one that is biologically sound or include reference to a native plant species list provided by a local university or native plant society such as: http://www.wnps.org/plant_lists/counties/pacific/pacific_county.html

2. Page 9, Stormwater Management Facilities, Expand this definition to include man-made structures such as drainage systems, ditches, dikes, tide-gates and other engineered structures to control flooding, protect property and maintain access to commercial, industrial or residential property in such designated zoned areas.

3. Page 12, Section A, Applicability, Subsection 4, Recommend changing Section 4 quantities from 20 cubic yards to 75 cubic yards in areas zoned for residential use. This would allow reasonable use of existing residential lots without significant impacts in critical areas.

4. Page 24, Section 4 Wetlands, B.2., Identification, It is unclear if there is a typo or a proposal to change 100 feet to 300 feet. We would recommend removing 300, and inserting 100.

5. Page 37, Section 5, Fish and Wildlife Habitat Conservation Areas, Section B.6, Identification, Would this definition potentially include the canals or lakes of the Surfside Estates area? We have a number of artificially created ponds, canals and lakes that are annually planted with game fish, such as trout. We are concerned that such definition could potentially cause our residential area to become jurisdictional to the CAO for habitat conservation or other restrictions by default. We recommend that the Surfside Estates ponds, canals and drainage facilities be specifically excluded from this designation.
6. Page 38. Classification and Designation. Section 2 Habitats and Species of Local Importance. Could Surfside Estates ponds, canals and lakes be classified as locally important? If so, we recommend that the Surfside Estates ponds, canals and drainage facilities be specifically excluded from this designation.

7. Page 49. Critical Area Aquifer Recharge Areas. Section C. Protection Standards. 2.b. Development Standards. This section is unclear. By soil mapping, we own property that is considered to be in a CAARA yet has at least 8 feet of well drained soil on an upland bench high above the seasonal water table in the area. We currently have a gravity fed septic system that has worked beautifully for over 20 years. If it were to fail would we need to replace it with a pressure system simply because we are now considered a CAARA area, are under one acre in size and this section says you shall replace it with a pressurized system?
Hi All,
I sent Matt Winters / editor of Chinook Observer a short note and the summary of SMP concerns that is running in the Weekender.
he responded as so:
"Hi Jim,
Thanks, we're seeing several parties now raising various concerns; glad to see residents paying attention.
I'll convey your points to the reporter covering the SMP process.
-Matt"

The Wednesday 9-16-2015 Chinook Observer has a long letter to the editor from Sandridge Rd resident Robert Waltemate listing four specific concerns about the CARL and 300 ft. regulation zones

Also, today at the Tree Committee, three to five people/memberships living in the tree height zones mentioned the "no tree topping for views" as helping their cause, and concerns their personal interests wouldn't be supported by those of us J Place persons attending the SMP meetings. I encouraged them to read the Weekender summary of the issues we are addressing. 15' additional buffer zones, tree replacement, dunes issues. Peggy Olds added to be aware that other new CARL regulations may have additional serious negative impact on canal side properties, such as new septic system regs.

All from here, Thanks to you all for all of your work on this stuff,
Jim R
Suggested language for Weekender

Pacific County is in the process of adding new regulations to their Shoreline Master Plan, which could affect both beach and lake/canal shorelines in Surfside. Some issues include:

4.5 B. 6 "Native tree removal" and "non-native tree removal" mandates that removed trees must be replaced by a 2:1 or 1:1 ratio. Many shoreline lots are densely overgrown with tightly spaced small trees, concerns this could limit building plans.

4.5 B. 8 “Topping of trees for views is not allowed.” Surfside Home Owners Association has for decades enforced building heights and tree heights to preserve ocean views.

5.2 Table 5-2 an additional 15' setback for building on waterways, in addition to the current 25' setback from canal. This could even further limit development of canal lots.

5.10 B.1.b Dune modifications for views curtailed. As the fore dune advances and grows in height few beach property owners can have ocean views

5.10 B.2.b New private paths through dunes curtailed if within 5,000 feet of existing path.

A link to the entire draft Pacific County Shoreline Master Plan:http://www.co.pacific.wa.us/dcd/images/SMP/2015.06.30%20Pacific%20County%20Draft%20SMP%20June%202015.pdf

A link to Pacific County Department of Community Development:http://www.co.pacific.wa.us/dcd/SMP%20Update.htm

Note public comments can be sent to Tim Crose of Pacific County at: smp@co.pacific.wa.us

Surfside trustees James Clancy, Jim Romaggi, and Kirby Smith will be representing the SHOA in future meetings.
James Clancy

From: Jim R <jimbob5.0@hotmail.com>
Sent: Monday, August 31, 2015 9:36 AM
To: James Clancy
Subject: RE: comment on letter SMP Update

James, thanks for putting comments together.
I think maybe we should send separate letters for the different issues SHOA wants addressed: 1 for trees, 1 for dunes, 1 for setbacks, - as there might be passionate objection to each issue, but from different quarters. We don't want all our objections taken together in an all or nothing situation.

comment on this section, suggested revision below:
2. (Vegetation Management, section 4.5 B. 6) We are also concerned that the requirement for "Native Tree Removal" mandates that removed trees must be replaced by a 2:1 ratio. This language could make shoreline lots in Surfside very undesirable and possibly unbuildable. Please reconsider the highly negative financial and quality of life impacts certain language in this document can have on the current residents of long standing Pacific county communities.

Enhanced
2. (Vegetation Management, section 4.5 B. 6) We are also concerned that the requirement for "Native tree removal" and "non-native tree removal" mandates that removed trees must be replaced by a 2:1 or 1:1 ratio. Many shoreline lots are densely overgrown with tightly spaced small pine, small alder, and similar species small trees. This language could make shoreline lots in Surfside very undesirable and possibly unbuildable. Please reconsider the highly negative financial and quality of life impacts certain language in this document can have on the current residents of long standing Pacific county communities.

Jim R

From: jjclancy@cox.net
To: chanson@surfsideonline.org; gmiller002@centurytel.net; james.flood@pacificorp.com; jimbob5.0@hotmail.com; john.williams@email.und.edu; ksmith@surfsideonline.org; opkLarry@centurytel.net; thomasrogers600@gmail.com
CC: laura@surfsideonline.org
Subject: Shoreline Management Program Update
Date: Sun, 30 Aug 2015 17:21:27 -0700

Attached are two DRAFT documents relative to the recent meetings Kirby, Jim and I attended.

First is a suggested pair of weekender ads I believe we should run for a while. Kirby, Jim: I am unsure what contact information, if any, you would want in the weekender.

Also, attached is a draft letter to Pacific County with our concerns about the update. This letter is very draft and still needs additional work and review of the Critical Areas update document which the county is
operating in parallel. Jim has forwarded many of these comments via email, but I think should formalize them in a letter.

Comments and suggestions please!

James J. Clancy

Keep Moving Forward

email: jjclancy@cox.net
cell: 602.206.7674
I wanted to express my concern over the proposed Shoreline Master Program. I purchased a lot in the Surfside community in 2007. I looked at several pieces of property, and ended up spending a disproportionate amount of money to get a lot with a stunning view of the beautiful Pacific Ocean. I built my house to optimize that view. Those decisions were influenced by the local covenants that were designed to protect that view. I have a great deal of respect for the environment in which we live, and would not suggest carelessly harming that environment. I contacted our local forester, Dave Hauck, and asked him for advice on how to best maintain the local trees. He advised that many of the trees in Surfside are not native. He also advised that as a community, we needed a comprehensive forest management plan. The problem with tree heights is that the trees are too dense need to be thinned to allow proper growth, otherwise they must grow taller to compete for light. The SMP is contrary to a recommended small forest management plan. First it is not a comprehensive plan for proper forest management as identified by a local forest management expert. Second, it does not allow for Surfside to adopt a comprehensive forest management plan. Third, the replanting requirement does not align with proper forest management. And finally, the SMP allows for unmanaged tree growth without respect for forest or tree health.

I want to be transparent in that I am also concerned about the view afforded to the property I purchased. I purchased that lot contingent on an ocean view. If your proposed SMP is instituted, then my view, and about $100,000 of the value of my property, are gone. I am suggesting an SMP that allows Surfside to institute a comprehensive environmental management plan, like all the other cities in the area, would meet the needs of the local community while meeting the intent of the County’s plan seems like a better outcome than the imposition of a plan that clearly harms me as a property owner and the Surfside community.
Clarifying questions for Pacific County related to
Draft Shoreline Management Plan and Critical Areas Ordinance (SMP/CAO)

Drainage/Flood Control/Hydrology
1. Are the canals, lakes, drainage ditches and outflow gates in the Surfside Estates area subject to
SMP/CAO jurisdiction? The canals and lakes are not mapped on DoE maps as waters of the state, but
appear to be in the FEMA 100 year flood plain.

2. Are Flood Control District facilities and activities in Pacific County subject to SMP/CAO or are those
activities exempt per section Section?

3. Can homeowners create, maintain or remove structures such as concrete block walls, boat launches or
paths bordering Surfside lakes, ditches or canals without being subjected to SMP/CAO regulations?

Vegetation Management
4. Can landowners mow grass, maintain paths or remove vegetation on private property on or near the
dunes to OHWM?

5. Surfside Estates HOA has restrictive covenants regulating vegetation management and tree height to
maintain views, protect homeowners from fire hazard and provide recreation access across the HOA
area. The current SMP mandates a unilateral standard of no tree topping for view. This is untenable for
the HOA whose covenants have been in place for over half a century. We want that statement removed
from the draft SMP/CAO.

6. Are all land activities on the peninsula outside of incorporated cities covered by the CAO? Section
3.A.3 and 3.A.4 seem to imply any land alteration over 20 cubic yards anywhere in the county is
covered in the CAO. Is that an appropriate interpretation?

7. Are activities, such as mowing, landscaping, tree and brush trimming on undeveloped residential lots
bordering the Surfside canals or lakes exempt from the CAO?

8. Does the 2:1 replacement ratio for trees removed from a property have a basis in a biological science or
a state or federal standard? If not, where did the ratio come from? This ratio seems arbitrary and
should be removed, or replaced with a standard that is ecologically defensible and based on sound
science.

Fish and Wildlife Habitat
9. Section 5. B.1.g. And 5. C.2. Imply that any lake, pond, etc planted with a game fish could be
designated by anyone as fish and wildlife habitat of local importance. Surfside sponsors a fishing derby
each year for children. The Board is concerned that the artificial "planting" of trout in our lakes, canals
and ditches could be construed as creating fish and wildlife habitat of local importance, and thus subject
the area to SMP/CAO jurisdiction. Could that possibility occur under the draft SMP/CAO? If not,
where in the SMP/CAO is such an activity
specifically excluded?

10. Section B.2. (page 24) of the CAO indicates buffers of 100 feet, yet (300) appear in parens. Is this a
typo or a proposal to increase the buffer setback from 100 to 300 feet? Recommend removing the 300
and replacing it with 100.
Comments

Pacific County Shoreline Master Program

(Table of Contents)

Introduction

2. Definitions

3. Shoreline Jurisdiction and Environment Designations

4. General Policies and Regulations

5. Shoreline Uses and Modifications

6. Coastal Ocean Uses and Modification

7. Nonconforming Uses

8. Administration

(Section 1.5 Goals) The number one priority of this plan should be to “Protect and preserve existing…” not the current stated goal. Why should the scope of the Master program be maximized? Should “state-wide interests always trump local interests? Local interests should sometimes prevail. The priorities and goals stated here ignore historical and local precedent.

(Section 2. Definitions) Although the term “low density residential development” is used it is not defined.

(Section 3.1 Shoreline Jurisdiction) Should Skating Lake be considered in Table 3-1? Should Seabreeze and the Canal be included? Why are any of the lakes part of the shoreline? Why does the shoreline include peninsula interior wetlands? Will listing convey any additional county support or interfere with our need to regulate these bodies of water consistent with Surfside CC&Rs?

(Section 3.1. A. f. & g. Shoreline Jurisdiction) Although “Natural Environment” is not defined; a collection of uses in that environment are not allowed. These uses all appear to exist currently. Not sure subparagraph g. is correct priority. Both subparagraphs should be deleted.

(Section 3.3 A. Environment Designation Interpretation) Does this designation apply to the Surfside basin?

(Section 3.4 Official Shoreline Maps and Unmapped or Undesignated Shorelines) Are these maps available and do they govern the Surfside basin? (Subparagraph D.) Is Surfside property affected by the designations contained in this subparagraph?
(Section 4.2 Environmental Protection and Critical Areas, paragraph 6.) The list of adverse impacts contains actions we consider to be part of the normal maintenance and vegetation control currently allowed with Pacific County. Please provide specific examples of those actions which will now not be allowed.

(Section 4.4.B. 6. (shown as A. 6.) Flood Hazard Management) Does subparagraph 6 govern the proposed Pacific County Flood Control District #1 extension of the Surfside basin outflows?

(Section 4. B. Flood Hazard Management) How are the concerns of subparagraph 4.c. for sanitary systems satisfied?

(Section 4.5 Vegetation Management) Invasive, noxious weeds are extremely prevalent throughout the county. Does Pacific County have plans to eradicate these materials? How will Pacific County determine what is “Native Vegetation”?

(Section 4.5 Vegetation Management, subparagraph 6.) To what areas will the provisions of this paragraph be applied?

(Section 4.5 Vegetation Management, subparagraph 8.) Topping of trees is not the best method of tree height control, however it is frequently the only way to control tree heights and conform to Surfside CC&Rs. We strongly disagree with the intent of this subparagraph.

(Section 4.6 B. 5. c. iii. Water Quality) Are any of the lots in Surfside located in flood hazard areas and hence cannot have sewage disposal systems? Do the provisions of subparagraph e. apply to Surfside? How is the ordinary high water mark established?

(Section 5 Shoreline Uses and Modifications) Are existing construction and development in Surfside “grandfathered” into the provisions of the plan or does Pacific County plan to make dune modifications? Are there Surfside properties governed by Table 5-2 with the county plans to direct modification?

(Section 5.10 Dune Modification) Does Pacific County plan to alter or eliminate any currently existing access to waterward or beach areas within Surfside? Are all existing Dune modifications “grandfathered”?

(Section 5.18 Residential Development) Surfside currently removes vegetation adjacent to several of its bodies to water to insure movement through them. Will the provisions of this paragraph prevent removal of vegetation surrounding Surfside lakes and bodies of water?
(Section 7.2 Preexisting Structures and Uses) Do the provisions of the paragraph support and allow all existing structures and uses in Surfside? Relative to subparagraph B., what actions is Pacific County planning to undertake or limit with the provisions contained here?

(Section 8.13 Monitoring) How will Pacific County undertake the monitoring contained in this paragraph?

**CARL Comments**

2. Definitions
3. General Requirements
4. Wetlands
5. Fish and Wild Habitat Conservation Areas
6. Frequently Flooded Areas
7. Critical Aquifer Recharge Areas
8. Geologically Hazardous Areas
9. Agricultural Areas
10. Forest Lands
11. Mineral Lands
12. Notice on Title for Resource Lands

(Section 2. Definitions) The current Pacific County on-line maps are of such large scale that determining the location of frequently flooded areas is difficult or impossible. Is it possible that smaller scale maps of Surfside could be plotted to allow more accurate evaluation of designated areas. Small scale plots showing current established wetlands and the delineation of their buffers would also be useful.

(Section 5. D. 5. C, Removal of hazard trees.) Why are any of the provisions necessary? This section seems like an employment opportunity for arborists with no apparent benefit to the general public.

(Section 7. C. 2. Development Standards.) Will the standards imposed here be required for lot development in Surfside? Is Surfside in a critical aquifer recharge area?
(Sections 9, 10, 11 & 12) Please confirm that these section do not pertain to Surfside?
Hello,

Please see attached comment letter from Ekone Oyster. Thank you for your openness to comments, we really appreciate it.

Emily

Emily Penoyar Rambo
Attorney at Law
WSBA #45296
P.O. Box 425
South Bend, WA 98586
p. 360.208.4733
f. 360.875.5548
Tim,

Attached is a comment letter approved by the board of directors of WGHOGA. Please review and deliver to members of the Planning Commission.

Sincerely,

Ken Wiegardt
WGHOGA President