



TO: Mason County Planning Advisory Commission & Public
FROM: Rebecca Hersha, Planner
DATES OF HEARINGS: June 13th, 20th; July 11th
SUBJECT: Staff Report: Update to the Shoreline Master Program

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I. PURPOSE

The purpose of the Staff Report is to provide the background, summary, and findings for the Mason County's revised Shoreline Master Program. However, in addition to revising the SMP regulations and policies, this non-project action includes revising other codes as necessary to ensure consistency with the revised SMP. Furthermore, during the review and update process, revisions were made along the way that improve upon outdated references and issues with clarity, readability, and internal consistency.

The following codes sections have been revised in February 2016 drafts, and will be the subject of the Planning Advisory Commissions' Public Hearings:

- **Shoreline Master Program** (Title 17.50 MCC) - Shoreline policies, regulations, and maps (Draft "A" is a clean version that does not show revisions/track changes; Draft "B" shows track changes to the January 2013 Draft and Staff comments)

The Draft Shoreline Master Program is associated with the following supporting documents (see part V of this Staff Report for more details):

- ♦ Shoreline Inventory and Characterization Report (and maps)
 - ♦ Shoreline Restoration Plan
 - ♦ Shoreline Cumulative Impacts Analysis
 - ♦ Channel Migration Zones (report and maps)
 - ♦ Shoreline Environmental Designations (map)
- **Resource Ordinance** (Title 8.52 MCC) - Critical area regulations (Draft "A" is a clean version that does not show revisions/track changes; Draft "B" shows track changes to the Current Resource Ordinance and Staff comments)
 - **Development Code** (Title 15 MCC) - Administrative procedures (Draft "A" is a clean version that does not show revisions/track changes; Draft "B" shows track changes to the Current Title 15 and Staff comments)

The above drafts have been provided to the Planning Advisory Commission, posted on the website (http://www.co.mason.wa.us/community_dev/shoreline_master_program/index.php) and on an ftp site, and provided to individuals who requested copies.

II. BACKGROUND ON THE SMA

The Washington State Shoreline Management Act (RCW 90.58) and its associated rules (WAC 173-26) require local governments to adopt Shoreline Master Programs (SMP's) with policies and regulations that apply to development near shorelines. The Shoreline Management Act (SMA) was approved by the Legislature in 1971 and overwhelmingly approved by public initiative in 1972. The overarching goal of the Act is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

The **three main policies** of the Act are the following:

- **Environmental Protection:** The SMA is intended to protect shoreline natural resources, including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life..." against adverse effects.
- **Shoreline Use:** The SMA establishes the concept of *preferred uses* of shoreline areas that are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines. *Preferred uses* include single family residences, ports, shoreline recreational uses, water dependent industrial and commercial developments and other developments that provide public access opportunities. To the maximum extent possible, the shorelines should be reserved for *water-oriented uses*, including water-dependent, water-related, and water-enjoyment uses. The Act affords special consideration to Shorelines of Statewide Significance (Hood Canal, Skokomish River, and Lake Cushman in Mason County) that have greater than regional importance.
- **Public Access:** Master programs must include a public access element making provisions for public access to publicly owned areas, and a recreational element for the preservation and enlargement of recreational opportunities.

Under the SMA, all 39 counties and cities that have shorelines of the state within their boundaries are required to have an SMP that is in accordance with shoreline guidelines issued by the Washington State Department of Ecology. Mason County's SMP was first adopted in 1975, and last updated in 1988, with minor amendments made in 2002 and 2006.

In 2003, the state Legislature established guidelines, funding, and timelines requiring cities and counties to update their local Shoreline Master Programs prepared under the Washington State Shoreline Management Act. The new shoreline guidelines (WAC 173-26) passed in 2003 set a higher level of environmental protection for shorelines in the state and a goal of **no net loss¹** of *shoreline ecological functions*. The baseline for Mason County's shoreline ecological conditions, from which no net loss is

¹ Uses and developments on shorelines must be designed, located, sized, constructed, and maintained to achieve no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

measured against, is detailed in the “Mason County Shoreline Inventory and Characterization Report.” Protection of these functions is accomplished by establishing adequate protections in the policies and regulations and by requiring development proposals near critical areas to apply “[mitigation sequencing](#),” as demonstrated in a [Habitat Management Plan](#) (or similar habitat assessment). Mitigation sequencing is often abbreviated to “avoid, minimize, and mitigate” and is defined as “the following sequence of steps listed in order of priority, with (a) being top priority:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations;
- (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
- (f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.”

III. MASON COUNTY'S SMP UPDATE PROCESS

Mason County's current update effort began in 2010 after receiving a three year grant, which expired in July 2013, from the Washington Department of Ecology. Ecology also provided the County with a staff person from their Shorelands and Environmental Assistance Program who was dedicated to assisting with the update for the entire 6 years. In addition, the grant paid for (until the grant expired) the County to hire a **consultant, ESA** (Environmental Science Associates), to help produce a draft SMP and associated maps and reports.

The County conducted a multifaceted public involvement approach in the development of the Draft Shoreline Management Program, including formation in 2011 of a **Citizen Advisory Committee** (CAC), which held 27 meetings, and a **Joint Technical Advisory Committee** (JTAC), which held 14 meetings. The Advisory Committees worked with staff to draft general land use policies consistent with the intent of the SMA. The County conducted a shoreline property owner public interest survey, held two public open houses, presented at several local interest groups' meetings (e.g. Olympia Master Builders, Mason County Economic Development Council, Mason County Association of Realtors, Oakland Bay Clean Water District).

The Mason County **Planning Advisory Commission's** (PAC) review of the first draft began in January 2013. After 47 public meetings, the PAC is now prepared to hold the public hearings on the revised draft documents. Staff prepared and publicized a **State Environmental Protection Act** (SEPA) Checklist and Determination of Non-Significance (DNS), and provided a 28 day comment period on this determination, which ended on March 31st, 2016. See part VI for information on the comments received. Public Hearings will be held by the Mason County Planning Advisory Commission June 13th and June 20th to receive comment on the draft documents. These hearings may creep into the PAC's follow-up public meeting on June 27th, where they plan to discuss the comments received. The PAC plans on making a recommendation to the Board of County Commissioners on July 11th. However, as the meetings are held, if it becomes apparent that this schedule needs to be modified or supplemented, there has been an extra date reserved for July 25th reserved for a public hearing or meeting.

After the PAC's public hearings are held, the PAC will recommend a revised draft to the **Board of County Commissioners** (BOCC). The BOCC may accept the recommended draft or make additional revisions to it before holding one or more public hearings prior to adoption.

The state **Department of Ecology** (Ecology) has final approval authority over the proposed SMP. The SMP documents have been developed in close coordination with Ecology, and all issues have been resolved to DOE's satisfaction. Ecology's final decision to approve or reject a proposed master program or amendment may be appealed to the Growth Management Hearings Board by filing a petition within 60 days after publication of Ecology's notice.

IV. FREQUENTLY ASKED QUESTIONS

A. What are "shorelines"?

Shorelines are special water bodies that meet certain criteria. The SMP applies to marine shorelines, rivers and streams with a flow greater than 20 cubic feet per second, lakes and reservoirs 20 acres or larger, upland areas within 200 feet of these water bodies, wetlands associated with these shorelines, and portions of floodplains that are adjacent to the floodways. Some local jurisdictions chose to include all floodplains as being within the shoreline jurisdiction, however Mason County's PAC decided against this option.

Note: Frequently, the term 'shorelines' is used to mean the 'shoreline jurisdiction,' which is not only the shoreline water bodies, but also the 'shorelands.'

Shorelands are those lands extending landward for 200 feet in all directions, as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of the Act and this master program.

B. Why do we protect shorelines?

In the early 70's, the people of the state of Washington observed a trend of development along marine, river, and lake shores that blocked visual and physical access to public waters. Through the SMA, the Legislature determined:

- shorelines are among the most valuable and fragile of Washington's natural resources;
- there is great concern throughout the state relating to the utilization, protection, restoration, and preservation of shorelines;
- the increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state;
- much of the shorelines and the adjacent uplands are in private ownership;
- that unrestricted construction on the privately owned or publicly owned shorelines is not in the best public interest;
- coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest; and
- there is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

C. Why do we want to update the SMP?

For a variety of reasons, it's in the County's interest to update our Shoreline Master Program:

1. Our current SMP was first adopted in 1975, and last updated in 1988, with only minor amendments made in 2002 and 2006. It is no longer based on current science, current law, or current conditions.
2. Our current SMP results in duplicate permit processes that are an unnecessary burden on property owners. The proposed revisions would streamline permitting (e.g. Shoreline Variance now suffices for a reduced shoreline setback rather than a Shoreline Variance plus a Resource Ordinance Variance) and provide clearer guidance to applicants. And although it does not incorporate *all* of the Washington State's Department of Fish and Wildlife's rules for granting Hydraulic Project Approvals (HPA), it includes many and provides references to the HPA rules to prepare applicants for the next step in review of overwater² development. The current/old SMP is so different than state and Federal requirements for overwater development, that applicant's would oftentimes need to revise their proposal to meet state and federal requirements, then follow up by submitting revised applications to the County.
3. Updating our SMP is required by state law. Mason County may be subject to pre-emption by Ecology if we fail to update our plan as required. The Department of Ecology is authorized by [RCW 90.58.070](#) and [.090](#) and [WAC 173-26-070](#) to itself adopt a SMP for the shorelines of the state within our county, and opportunity for tailoring the SMP to our local circumstances and local priorities would be reduced.

D. How are proposed developments in the shoreline jurisdiction reviewed and permitted?

After applications (see section (V)(C)(5) below for details on types of shoreline permits) for use and developments within the shoreline jurisdiction are submitted to the County, the Planners review them for compliance with the shoreline regulations in the SMP, the critical area regulations, zoning regulations, and other development standards. This usually includes a site inspection. Concurrent to the Planner's review, the Building Department, the Environmental Health Department, and sometimes the Public Works' Department perform their respective reviews of the proposal, where applicable.

Nearly all overwater developments and some upland developments also require SEPA review, in which the lead agency (usually the County Planning Division) provides agencies, tribes, applicants, and the public information on how a proposal may affect the environment. This information can be used to change a proposal to reduce likely impacts or to condition or deny a proposal when adverse environmental impacts are identified. Also, the noticing and comment period provides other

² "Overwater development" refers to development that is waterward of the Ordinary High Water Mark, and does not depend on whether it's over water at the time of development.

agencies with jurisdiction the ability to address project details that do not comply with their codes or concerns sooner rather than later, resulting in saved time and money for the applicants.

After the SEPA review has been completed, the shoreline permit and any other permits can be approved. Some shoreline applications are approved administratively, and some are approved after a public hearing (quasi-judicially). For Shoreline Conditional Uses and Variance Permits, Ecology has the responsibility to review the County's (hearing examiner's) decisions.

Since many overwater developments require state and/or federal approvals, the applicant may have to wait weeks, months, or years after the County has issued the permit before development can occur. In particular, new saltwater dock proposals can be held up for a year or more or be denied approval by the Army Corps of Engineers.

E. Do the regulations apply to existing uses and structures?

Typically, when new land use regulations are adopted, uses and structures that were legally created prior to adoption of the new regulations but do not meet the new standards are allowed to continue but may not expand, and in rare cases may not rebuild. For the Shoreline Master Program, state law allows for special treatment of "legally established pre-existing uses," especially single-family residences. Mason County's PAC has used this opportunity to allow residences that do not meet shoreline setbacks to be (replaced and) expanded vertically up to 35 feet in height. This provision in Fish & Wildlife Habitat Conservation Areas of the *draft* Resource Ordinance states:

The following additional provisions only apply within the shoreline jurisdiction (per MCC 17.50): ... Except for overwater structures, legally established residences may be expanded by addition of space above the existing building footprint up to authorized heights. Upward expansions shall minimize impacts to existing views and FWHCA's to the greatest extent practical. For the purposes of this subsection, footprint does not include covered or uncovered decks, boat houses, sheds or other appurtenances.

Mason County also added a regulation to the draft SMP that provides existing non-conforming commercial uses within Commercial SED's the ability to replace with another non-conforming use without a Conditional Use Permit as long as the total area occupied by the non-water oriented use (including parking and storage) is not increasing.

V. COMPONENTS OF THE UPDATE

Mason County's proposed SMP Update package consists of several different parts: Shoreline Inventory & Characterization, Channel Migration Zone Mapping, Shoreline Master Program, Restoration Plan, Cumulative Impacts Analysis, Resource Ordinance, and Development Code.

A. Shoreline Inventory and Characterization Report

(Final Draft October 2012 with June 2013 Errata)

The ICR documents baseline shoreline conditions and provided a basis for revising SMP goals, policies, regulations, and Shoreline Environmental Designations for the County. This characterization helped to evaluate existing functions and values of shoreline resources, and explore opportunities for conservation and restoration of ecological functions. This study also characterizes ecosystem-wide processes and how these processes relate to shoreline functions.

B. Channel Migration Zone Report and Map

(Final Draft December 2011)

The SMP guidelines specify that, during the watershed characterization and inventory phase of their SMP update, local communities will identify the general location of channel migration zones using information that is relevant and reasonably available (WAC 173-26-201(3) (c) (vii)).

Ecology's Shorelines and Environmental Assistance Program (SEA) is responsible for managing SMP updates and providing technical and policy assistance to local communities. Since many local communities do not have the resources (staff with necessary expertise in fluvial geomorphology or budgets to conduct channel migration assessments), Ecology applied for grants to provide technical assistance for channel migration mapping. Ecology received a scientific and technical investigations grant from the Environmental Protection Agency (EPA), Region X. One objective of the grant is to identify and map the general location of channel migration zones for Puget Sound communities that do not have existing CMZ assessments and are updating their SMPs.

This report was prepared by Ecology and the consultants working on the project and provides information, methods, and maps of areas in Mason County with a high probability of being subject to channel movement based on the historic record, geologic character and evidence of past migration (WAC 173-26-221(3)). The delineations included in this report represent the "general location" because they relied on GIS data and did not include a detailed analysis of historic migration rates, nor did they include field verification or geotechnical assessments done as part of delineating a CMZ using the more detailed method described in Rapp and Abbe (2003). These general CMZs are intended to provide preliminary maps that comply with SMP guidelines, assist with planning, and indicate areas where additional data and analysis should be conducted

to complete a more detailed delineation. The SMP guidelines specify that, during the watershed characterization and inventory phase of their SMP update, local communities will identify the general location of channel migration zones using information that is relevant and reasonably available (WAC 173-26-201(3) (c) (vii)).

The regulations pertaining to CMZ's are within the Fish and Wildlife Habitat Conservation Areas Chapter of the Resource Ordinance. If there is a CMZ mapped on a particular river, and if the CMZ is wider than the standard vegetation buffer, then the buffer is extended to the edge of the mapped CMZ. Major new development is required to be set back at least 15 feet from the buffer.

Previously, the only river in Mason County that had a mapped CMZ was the Skokomish River. Since the new CMZ mapping is more extensive and is only designed to provide general locations, the revised Resource Ordinance allows for the CMZ mapping to be overridden by a report prepared by a qualified professional.

C. Mason County Shoreline Restoration Plan

(Final Draft April 2013 with September 2015 Errata)

This plan, in conjunction with the SMP policies and regulations, was designed to satisfy the shoreline guideline requirements for shoreline restoration planning. It provides a planning level framework for understanding how and where shoreline ecological functions can be restored in Mason County. The plan also describes how future restoration activities can be integrated with existing and ongoing restoration efforts including: the region-wide effort to restore Puget Sound; the work of the Mason County Conservation District, Hood Canal Coordinating Council, South Puget Sound Salmon Enhancement Group, Hood Canal Salmon Enhancement Group, and the regional recovery efforts for Puget Sound Chinook, bull trout, steelhead, and endangered southern resident killer whales (orca); and the diversity of other restoration efforts being implemented by federal and state agencies, Tribes, the City of Shelton, non-governmental organizations, and private citizens.

D. Shoreline Cumulative Impacts Analysis

(Final Draft February 2016)

This report is an analysis of the cumulative impacts that may be expected to occur over time as the new Shoreline Master Program is implemented. This report also addresses whether the Draft SMP achieves no net loss of shoreline ecological functions.

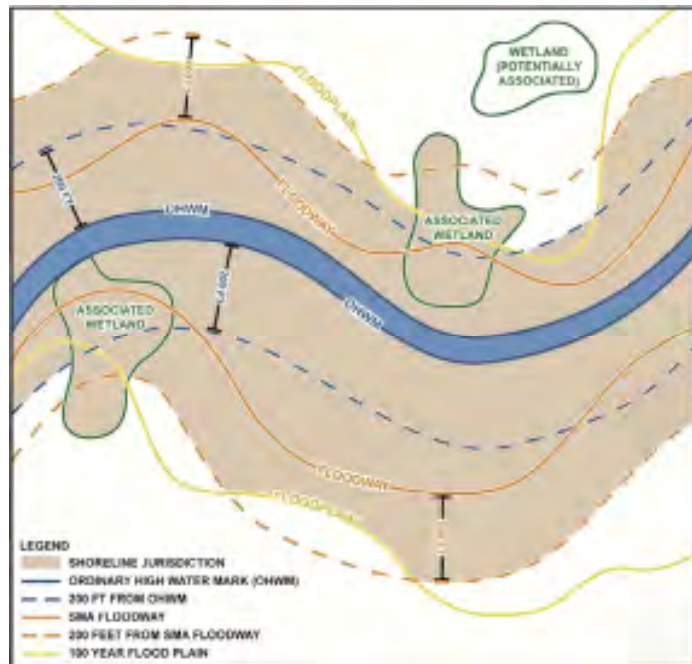
E. Shoreline Master Program – Title 17.50 MCC

(PAC Draft February 2016)

Utilizing information from the above reports, input from advisory groups and the general public, Mason County revised the shoreline jurisdiction, the shoreline environmental designations (SED's) map, the project classification table, and the shoreline policies & regulations.

1. Jurisdiction – [Exhibit 1 and 2] The minimum geographic area where the Shoreline Management Act (SMA) applies (shorelines of the state [RCW 90.58.030]) is:

- All **marine waters**.
- Segments of **streams** where the mean annual flow is more than 20 cubic feet per second.
- **Lakes** and reservoirs 20 acres and greater in area.
- **Associated wetlands**.
- **Shorelands** adjacent to these water bodies. This is typically the land area within 200 feet of the water body, but also includes floodways and contiguous floodplain areas landward 200 feet from such floodways. (See figure.)



Although the shoreline jurisdiction has increased as a result of more accurate data and mapping, it is difficult to decipher exactly how much it has increased. This is because mapping was very poor during the previous updates, and even now, many associated wetlands are not mapped. Therefore, the following numbers should be used only as a rough estimate:

Marine: Mason County has 215 miles of marine shoreline.

Streams/Rivers: Ecology had updated stream flow data from the US Geologic Survey resulting in moving some SMP jurisdictions upstream (or in a few cases, downstream) and resulting in adding several to Mason County's list of Shoreline streams now totaling to about 330 miles.

Lakes: Evaluation of GIS-derived information identified one lake (Lake Wooten) that exceeds 20 acres that was missed in the original SMP mapping. Mason County has 45 lakes (approximately 8900 acres and 135 miles).

Shorelands: The Department of Ecology provided local jurisdictions the option of increasing the shoreline jurisdiction along stream corridors by including the entire 100 year floodplains. They also provided the opportunity to encompass any critical area buffers that are not within the standard 200 foot jurisdiction. Mason County, during the PAC's review, *decided to retain the existing, minimum scope of shoreline jurisdiction.*

2. Shoreline Environmental Designations (SED's) – [Exhibit 1 and 2] SED's are intended to encourage uses that will protect or enhance the current or desired character of a shoreline. The Act requires that the classification system be based on:

- a. the existing use pattern,
- b. the biological and physical character of the shoreline, and
- c. the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section.

The SED's and the associated map were revised, resulting in six (five if excluding the aquatic designation) "environment designations" along all shorelines within the County's jurisdiction. These SED's are similar to a zoning overlay that prescribes the level of review that shoreline uses and modifications require. Environment designations were determined through the use of "designation criteria" that are contained in the SMP (Title 17.50.030 MCC).

3. Project Classification Table – [Exhibit 3] The Project Classification Table in the SMP designates which shoreline permits are needed for proposed development types, depending on the SED. For example, the excerpt below shows that a Conditional Use Permit is required for a water dependent use in Residential, Rural, and Conservancy SED's and prohibited in Natural. For example, below is the Commercial section of the project classification table:

Table 1

	Comm.	Resid.	Rural	Cons.	Natural	Aquatic
Commercial						
Water dependent uses	P	C	C	C	X	*
Water related & water enjoyment	C	C	C	C	X	See regs.
Non - water oriented						
Without waterfront ¹	P	X	X	X	X	n/a
With waterfront	C ² /X	X	X	X	X	X
Part of a mixed use project ³	C	C	C	C	X	X
Key: P = Permitted C = Conditional Use X = Prohibited * = See upland designation. ¹ = If the site is physically separated from the shoreline by another property or public right of way. ² = If navigability is severely limited at the proposed site; and the commercial use provides a significant public benefit such as providing public access and ecological restoration. ³ = If part of a mixed use project that provides a significant public benefit such as public access or ecological restoration. See regulation.						

- 4. Policies & Regulations** - There are 'general' policies and regulations, 'use' policies and regulations, and 'modification' policies and regulations. Policies are general in nature and made to help achieve its general goals and prescribe the general side boards for how regulations are written. It is the development regulations themselves that are binding on development, not the policies. The shoreline *policies* were revised and moved from the County's Comprehensive Plan (Chapter IX) to the SMP (17.50 MCC). Each use/development chapter in the draft SMP is tied to a section of the Project Classification Table, which details which permits are required. The shoreline *regulations* were revised (Title 17.50 MCC) significantly.

Notable changes to the existing SMP:

a. Focus on Public Access (General Regulations)

The only requirement for public access in the current SMP is in the Marina chapter, whereas the draft SMP has a Public Access chapter in the General Regulations that requires physical public access for proposals that require a Substantial Development Permit or a Conditional Use Permit that are non-residential and not water-dependent or water-related. It is also required for private water-dependent or water-related uses or developments when the project increases or creates demand for public access, impacts or interferes with existing access by blocking access or discouraging use of existing access, or impacts or interferes with public use of waters subject to the Public Trust Doctrine.

The draft Public Access regulations do have exceptions that allow for off-site physical public access or even no physical access, but when physical public access is deemed to be infeasible, the proponent needs to provide *visual* access to the shore where site conditions make visual access possible.

b. Focus on Protecting Archaeology and Historic Sites (General Regulations)

The existing SMP dedicates a small subsection to Archaeological Areas and Historic Sites, however it is primarily informational and only pertains to the excavation of such sites. It contains no provisions on how to identify potential sites in order to prevent disturbing one.

The draft SMP contains a detailed chapter on Archaeological Areas and Historic Sites that provides policies and regulations that dictate when and where the County will require "Site Assessments" when reviewing development proposals. The draft goes into detail regarding placing permits on hold for at least 14 days after forwarding the Site Assessments to the Department of Archaeology and Historic Preservation and the applicable tribe for review. It also describes the steps that developers must take if they inadvertently discover items of possible historic, archaeological or cultural interest.

c. Buffers and Setbacks (General Regulations)

Although the existing SMP contains some setback requirements for residential and commercial development, these were super ceded when the County revised the Resource Ordinance in 2002 to meet 'Best Available Science' required by the Growth Management Act, which resulting in larger setbacks and included vegetated habitat buffers within these setbacks. The current minimum buffer and setbacks being implemented on shorelines are those in the Fish and Wildlife Habitat Conservation Areas Chapter of the Resource Ordinance and are a 100 feet buffer and setback from lakes and saltwater shorelines and a 150 feet buffer and 165 feet setback on shoreline rivers. However, there is a provision used for residential development on lakes and saltwater that reduced the setback and buffer when neighboring development was closer to the shoreline. This is termed the "common line" and cannot result in a buffer less than 20 feet and a setback less than 35 feet.

The revised Shoreline Master Program has increased the shoreline buffer and setback to 150 feet and 165 feet, respectively, for properties that have a Conservancy or Natural designation and that are on saltwater. However, this setback is still reduced to the common line (or 35 feet, whichever is more restrictive) for residential development. The buffers and setbacks are included in the following table from the draft SMP (Title 17.50.055):

Table 2

	Commercial	Residential	Rural	Conservancy	Natural	Aquatic
1. Minimum Fish & Wildlife Habitat Conservation Area buffer (in feet)						
Streams	150'	150'	150'	150'	150'	NA
Saltwater ¹	50'	100'	100'	150'	150'	NA
Lakes	100'	100'	100'	100'	100'	NA
2. Minimum Structural Setback from FWHCA (equals buffer plus 15 feet)						
Streams ²	165'	165'	165'	165'	165'	NA
Saltwater ^{1,3}	65'	115'	115'	165'	165'	NA
Lakes ³	115'	115'	115'	115'	115'	NA
3. Maximum Height limit (in ft) ⁴	35'	35'	35'	35'	35'	NA
4. Maximum impervious surface coverage (percent of lot) ⁵	See Current Adopted Stormwater Manual for standards			10%	10%	NA
5. Minimum lot width (in ft)	50'	50'	100' ⁶	200' ⁶	200'	NA
¹ Buffer widths for marine bluffs shall be no less than a distance equal to or greater than a distance from the ordinary high water mark landward at a slope of 2:1 (horizontal to vertical) that intersects with the existing topography of the site. ² Or the channel migration zone, whichever is larger. ³ Common line provisions may apply to residential development per MCC 8.52.170. ⁴ Unless a lesser height is required by Zoning. ⁵ Total lot area excludes area encompassed by streams, wetlands, landslide hazards, floodways, lakes, and saltwater. ⁶ For lots created by performance subdivisions in Rural and Conservancy SED's, the minimum lot width is determined by the zoning (Development Regulations).						

d. Lot Widths

The minimum lot widths (see table above) in the draft have not changed, however a provision was added that allows for lots created by performance subdivisions in Rural and Conservancy designations to rely on lot widths authorized by the underlying zoning code rather than the prescribed width limits established for environment designations. This offers additional flexibility that is often necessary for creative subdivision design and provides an additional incentive to the density bonus provided in the performance subdivision code. All protections in the Resource Ordinance would continue to apply.

e. Commercial and Industrial Uses – Flexibility for Non-Water Dependent Uses

The draft SMP provides additional flexibility in the water-dependent use requirements. Under the new program, a non-water-dependent commercial use may be established on the waterfront under one of the following circumstances:

- a. The site is physically separated from the shoreline by another property or public right-of-way; or

- b. Navigability is severely limited at the proposed site and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access or ecological restoration; or
- c. The use is part of a mixed use project that includes, and is subordinate to, water-dependent uses, and it provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access or ecological restoration.

A similar provision has been included in the Industrial Use regulations.

f. Restrictions for New Docks

In order to align with state and federal requirements, under the new Program the regulations now limit piers to 6 feet wide, and ramps to 4 feet wide, whereas the existing SMP allows any portion of the dock to be 8 feet wide.

New private docks on Hood Canal (a shoreline of statewide significance) are prohibited in Natural SED's, only allowed in Conservancy as 'joint use' and with a Conditional Use Permit. In Residential SED, a Conditional Use Permit is required, but there is the following flexibility in the joint use requirement:

Prior to development of a new residential, single use dock, the applicant shall demonstrate that they have contacted adjacent property owners and none have indicated a willingness to share an existing dock or develop a shared moorage in conjunction with the applicant.

In Puget Sound, new dock development is a little less restrictive than in Hood Canal. Below is the docks and overwater section of the draft project classification table:

Table 3

	Comm.	Res.	Rural	Cons.	Natural	Aquatic
Docks, Floats, Mooring Buoys, Boat Lifts, and Covered Moorage						
Docks (piers, ramps, and/or attached floats)						
Hood Canal	P	P ¹ /C	n/a	P ¹ /C ³ /X ²	X	*
South Puget Sound	P	P/C ⁴	n/a	C	X	*
Lakes	P	P	P	P ¹ /C	X	*
Rivers	X	X	X	X	X	X
Unattached floats	n/a	n/a	n/a	n/a	n/a	P
Mooring buoys	n/a	n/a	n/a	n/a	n/a	P
Boat lifts & overwater davits	P	P	P	C	X	*
Covered moorage/overwater boathouses	n/a	n/a	n/a	n/a	n/a	X ⁵

Key: P = Permitted C = Conditional Use X = Prohibited

* = See upland designation.

¹ Public recreational use.

² A new, private dock serving an individual residential lot is prohibited.

³ Joint-use or community docks are permitted with a Conditional Use Permit (and shoreline permit).

⁴ A new, private dock serving an individual residential lot may be permitted with a Conditional Use Permit (and Shoreline Substantial Development Permit). Joint-use, community, or public recreational docks are permitted without a Conditional Use Permit.

⁵ Permitted only in marinas.

g. Flexibility on Dock Lengths and Shapes

Saltwater. Residential docks (single owner) currently are limited to 100' long in saltwater (and less than 15 percent of the fetch and not permitted to reach to within 200 feet of the opposite shore). The draft increases that maximum length to 120 feet and a maximum depth of 7 feet at Mean Lower Low Water. However, the Administrator may approve a different dock length when needed, to avoid known eelgrass beds, forage fish habitats, or other near shore resources up to a maximum of 150 feet.

Table 4

Saltwater Docks – Residential	Existing SMP	2016 Draft SMP
Width of pier	Max 8'	Max 6'
Width of ramp	Max 8'	Max 4'
Width of attached floats	Max 8'	Max 8'
Length of dock	Max 100' single use (115' joint use). Max depth of 7' at MLLW.	Max 120' single use (125' joint use). Max depth at 7' at MLLW. Exception up to 150' length to avoid eelgrass.
Length of 'T' or 'L' attachment	Max 16'	Max 30' single use (60' joint use).
Area of 'T' or 'L' attachment	Max 400 ft ² single use (700 ft ² joint use).	Max 350 ft ² single use (550 ft ² joint use) excluding mainstem of dock. (No longer limited to 'T' or 'L' shape.)

Freshwater. Residential docks (single owner) currently are limited to 50' long in lakes (and less than 15 percent of the fetch and not permitted to reach to within 200 feet of the opposite shore). The draft increases that maximum length to 60 feet.

Table 5

Freshwater Docks – Residential	Existing SMP	2016 Draft SMP
Width of pier	Max 8'	Max 6'
Width of ramp	Max 8'	Max 4'
Width of attached floats	Max 8'	Max 8'
Length of dock	Max 50' single use (65' joint use). Max depth of 7' at MLLW.	Max 60' single use (65' joint use).
Length of 'T' or 'L' attachment	Max 16'	Max 20' single use (40' joint use).
Area of 'T' or 'L' attachment	Max 250 ft ² single use (400 ft ² joint use).	Max 250 ft ² (350 ft ² joint use) excluding mainstem of dock. (No longer limited to 'T' or 'L' shape.)

In addition, currently there is a maximum dock length of 115/65 feet for public recreational docks on saltwater/freshwater. This has been changed in the draft to no maximum length or depth for such docks, provided the applicant has demonstrated that a specific need exists to support the intended water-dependent use (and mitigation sequencing has been applied).

h. Added Scrutiny for Hard Armoring (e.g. bulkheads)

The Shoreline Stabilization Chapter in the draft SMP contains two new substantial requirements:

- i. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence documented by a [Shoreline Geotechnical Assessment](#) that the structure is in danger from shoreline erosion caused by tidal action, currents, waves, or sea level rise. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical assessment shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. (Primary structure means the structure or the only access associated with the principal use of the property that cannot feasibly be relocated. It may also include single family residential appurtenant structures that cannot feasibly be relocated.)
- ii. For proposals that contain new hard armoring (e.g. wood, rock, concrete retaining walls or revetments) a Shoreline Geotechnical Assessment must demonstrate that there is a significant possibility that a primary structure will be damaged within three (3) years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions or the opportunity to protect public health or welfare.

7. Permitting - Substantial Development Permits are shoreline permits required for most uses that exceed a specified, inflation-adjusted dollar value threshold (currently set at \$6,416). Some shoreline activities are exempt from requiring a Substantial Development Permit. These "permit-exempt" uses must still obtain a Letter of Exemption from the County to verify the exemption, and must still comply with any applicable substantive regulations of the SMP. The exemptions are listed in [WAC 173-27-040](#) and in Chapter 17.50.080 in the draft "Shoreline Master Program."

Under the *current* program, [Shoreline Substantial Development Permits](#) are 'Type III' permits and, therefore, require a public hearing before the Hearing Examiner. Under the draft program, *Substantial Development Permits will not require a public hearing*, unless the proposal is overwater development that is for community, public, commercial, marina, or

aquacultural use or if any part of the proposal requires public hearing for another permit (e.g. Shoreline Conditional Use Permit, Shoreline Variance, Development Regulations Variance, Special Use Permit, etc). When processing an administrative Shoreline Permit, the Planner would still be required to prepare a Staff Report and Findings, therefore the review would be more involved than that for a Shoreline Exemption, but costs and time will be reduced.

Although some jurisdictions trigger a public hearing for administrative Shoreline Substantial Development or Conditional Use Permits when one or more neighbor requests one, the PAC decided against this option because this would add both cost and time to the process, thereby negating the intent of changing SDP's to an administrative review. Cost and review time would be increased in this circumstance because if someone requests a hearing after the "notices of the application for and administrative SDP" are sent to the property owners within 300 feet of the subject parcel, the hearing would then need to be scheduled and the notices would need to be sent out again, this time with the date of the public hearing included. Additionally, although some jurisdictions trigger the hearing when the cost of the project exceeds a specific dollar amount such as \$100,000 or \$500,000, the PAC decided against this method because project costs are often not presented accurately on shoreline applications. Therefore, it was decided that the draft SMP would require a public hearing for larger projects, not based on cost, but based on the location being "overwater" and based on the use being something other than single-family residential. Even without a public hearing, however, the public has at least 30 days to comment on the Substantial Development Permit Application, and the public also has the right to appeal the approval or denial of the permit. Commenting and appeal procedures for SEPA determinations also provide the public input.

Shoreline Conditional Use Permits are for uses that are likely to have effects that need special conditions or review. Mason County requires a public hearing for Conditional Use Permits. These require both local approval *and* approval from the Department of Ecology.

Shoreline Variance Permits are for site specific adjustments to specific bulk, dimensional or performance standards set forth in the SMP. Mason County requires a public hearing for Variances. Similar to Conditional Use Permits, these also require both local approval *and* approval from the Department of Ecology.

F. Resource Ordinance - Title 8.52 MCC

(PAC Draft February 2016)

Local jurisdictions are given the option to either *reference* or *incorporate* the applicable critical area (Resource Ordinance) regulations, such as the setbacks and habitat buffers from saltwater, lakes, streams, etc. and the requirements for mitigation sequencing and Habitat Management Plans.

A decision was made before the first draft (January 2013) was created to *reference* the existing Resource Ordinance and to note in the SMP (17.50.055.B) where the SMP requirements or allowances overrode a provision in the Resource Ordinance. Therefore, the draft SMP *references* the Resource Ordinance for buffers/setbacks from critical areas such as lakes, saltwater, bluffs, and channel migration zones. The draft SMP also references the Resource Ordinance frequently for the required content of Habitat Management Plans and mitigation sequencing.

Later, it was decided that the Resource Ordinance, especially the Fish & Wildlife Habitat Conservation Areas Chapter (which pertains to rivers, lakes, saltwater, and listed species) needed to undergo significant remodeling in order to reduce discrepancies and vagaries within the ordinance. Otherwise, it was difficult to grasp what requirements the SMP was referencing in the Resource Ordinance, since they were inherently confusing. This was also an opportunity to resolve some of staff's frustration with trying to understand and implement the ordinance and an opportunity to update the outdated and incorrect references such as to state codes, federal manuals, and Mason County Codes.

The adverse result to referencing (rather incorporating) the critical area regulations (i.e. Resource Ordinance) is that one still needs to look at both the SMP and the Resource Ordinance to understand what the County requires for development and use proposals in the shoreline jurisdiction. However, although the overlap of the Resource Ordinance and the Shoreline Master Program was not eliminated, some streamlining will result. The main streamlining that will occur is that now, for proposals within the shoreline jurisdiction, *permits required by the Resource Ordinance such as Mason Environmental Permits and Resource Ordinance Variances will no longer be required*. Only shoreline permits, variances, or exemptions are needed in the shoreline jurisdiction.

However, this does add some confusion that should be noted. The confusion arises because the Resource Ordinance allows many activities within critical areas and their buffers to be approved with a Mason Environmental Permit (administratively processed permit). However, some of these activities, such as clearing and grading, do not meet the definition of development in the Shoreline Management Act. Since Shoreline Exemptions and Shoreline Substantial Development Permits are only required for "development," this leaves it unclear on how to permit these non-development activities, unless the SMP requires a Variance or Conditional Use. The problem was resolved by adding the following statement into the SMP:

Applications that are processed as a Mason Environmental Permit per MCC 8.52.190(C), and do not require a Shoreline Variance, Shoreline Substantial Development Permit, or Shoreline Conditional Use shall instead be processed as a Shoreline Exemption.

G. Development Code - Title 15 MCC Administrative Procedures (PAC Draft February 2016)

Title 15 of the Mason County Code contains noticing procedures and other administrative review requirements for different levels of permit reviews. The subsection of Title 15 pertaining exclusively to Type III (quasi-judicial) shoreline permits was revised and moved to the SMP (Title 17.50 MCC). Some minor corrections and clarifications were made to the remaining subsections in Title 15.

VI. SEPA AND COMMENTS

A. SEPA Threshold Determination

Staff prepared and publicized a SEPA Checklist (via email, website, and Shelton-Mason County Journal) and made a determination that the proposed update is not likely to have a probable significant adverse environmental impact, and therefore made a “determination of non-significance” (DNS). A period of 28 days was provided for review and commenting on this determination, which ended on March 31st, 2016.

Timely comments were received from the Washington State Department of Ecology, the Skokomish Tribe, and a member of the Citizens’ Advisory Committee. Pursuant to WAC 197-11-340(f), the County’s SEPA Responsible Official reviewed the SEPA comments, and since the comments did not provide any new environmental information that demonstrated any significant adverse environmental impacts, Staff retained the DNS.

Three letter/emails were submitted in response to the SEPA Determination. However, they were not directly challenging the threshold determination, but instead were challenging whether the draft SMP (and SED maps) in tandem with the Resource Ordinance meets No Net Loss and whether the public had been provided enough time to review the drafts.

B. Comments Received on February 2016 Draft

1. Inventory and Characterization Report

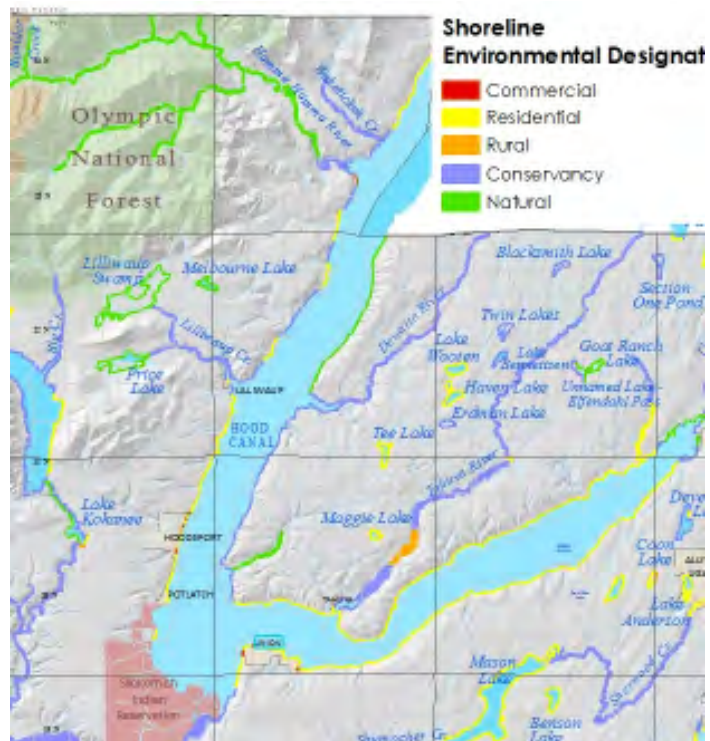
Comment Received from WA Department of Ecology [Exhibit 4]: *There are a couple errors in the Inventory and Characterization Report:*

- *Section 3.4, top of page 3-13. “The last sentence in this paragraph should be revised to say that sediment testing in Shelton Harbor (add — AND OAKLAND BAY) indicate that sediments contain (strike, residual) dioxin and other toxics related to the...”*
- *Page 5-87, top of page. Revise to note that dioxins were found in Oakland Bay and Shelton Harbor that were elevated above Puget Sound background concentrations, not just detected.*

Staff Response: ***Staff recommends attaching an Errata to the report with the corrections noted.**

2. SED Map

Comment Received from Skokomish Tribe [Exhibit 5]:
Hood Canal is a Shoreline of Statewide Significance, and therefore the western shore of it where there is less residential development and more steep bluffs, should have SED's Natural and/or Conservancy SED's rather than Residential. 'Those areas that are not developed, and if were developed would result in a greater impact on the environment and shoreline processes due to the landscape, need to be given a higher level of protection.



Staff Response: It is true that west shore of Hood Canal contains bluff backed beaches (page 4-5 in MC ICR), and much of it has been assigned a Residential SED, however most of the bluffs have a 'modified' status since US HWY 101 hugs most of the shoreline. Also, upon receiving this comment, Staff researched the parcels along the west shore of Hood Canal that were in Residential SED, and very few had a tax code of "undeveloped," and some of those with the code of "undeveloped" actually are developed. The entire Hood Canal is a shoreline of statewide significance, but the SMA does not require that the following principles be achieved via SED's:

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long term over short term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shoreline;
6. Increase recreational opportunities for the public in the shoreline;
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

Instead, the County's draft SMP has implemented these principals for SSWS in the following use and development regulations:

- Finfish net pens are prohibited in Hood Canal except for limited conservation needs targeting the cultivation of wild stocks during a limited portion of their lifecycle to enhance restoration of native stocks.
- Mining is prohibited on the shorelands of Hood Canal.

- A Conditional Use Permit is required for all new, non-public docks within a Residential SED in Hood Canal, whereas in the same SED, a CUP is not required for joint use docks in Puget Sound, and a CUP is not required for freshwater docks.

3. Mitigation and Monitoring

Draft SMP 17.50.055(A)

Comment Received from the Skokomish Tribe [Exhibit 5]: *#8 states that mitigation activities shall be monitored by the applicant. Shouldn't Mason County be monitoring the mitigation measures to ensure that they are meeting no net loss? How will Mason County be able to track actual habitat gains and losses from mitigation and ensure their SMP is meeting no net loss standards if Mason County is not monitoring?*

Staff Response: Unfortunately, County Staff does not have the time to actively monitor mitigation. Therefore, we have been requiring that the applicant submit monitoring reports to the County. However, there is a bit more detail about monitoring requirements in the Habitat Management Plan subsection of the Fish & Wildlife Habitat Conservation Areas Chapter of the *draft* Resource Ordinance MCC8.52.170(J), which requires the following to be included with HMP:

A schedule for monitoring and maintenance of the mitigation. This shall specify it is the property owner's responsibility to submit (to the Department) monitoring reports on a periodic basis for a duration determined by the Department to be appropriate. After physically inspecting the site, the Department may require that these monitoring reports be prepared by a qualified professional and shall use best available science to evaluate whether or not the mitigation has achieved success. Performance standards may assess:

- a. Vegetation (aerial cover, density, composition, percent of natives, etc).
- b. Water regime, if applicable.
- c. Water quality and quantity, if applicable.
- d. Wildlife use.
- e. Development of habitat structure.
- f. Condition of habitat features.

4. Mitigation and No Net Loss

Draft SMP 17.50.055(A)

Comment Received from the Skokomish Tribe [Exhibit 5]: *This section states that mitigation activities shall be monitored by the applicant, but shouldn't Mason County be monitoring the mitigation measures to ensure that they are meeting no net loss?*

Staff Response: The Resource Ordinance (Title 8.52. 170) in (J)(5)(d)(v) requires that Habitat Management Plans contain a schedule for monitoring and maintenance of the mitigation that specifies it is the property owner's responsibility to submit monitoring reports to the County. It does allow the applicant to perform the monitoring but also states that the County may require that these monitoring reports be prepared by a qualified professional. The

section also states that the HMP include a dollar estimate for the projected costs to professionally install or perform the mitigation and to perform the maintenance and monitoring. The property owner will be required to post a bond or other security for this amount.

Monitoring should be performed by a habitat biologist or other qualified professional, not a County Planner who neither has the time or the expertise to perform the monitoring. The PAC revised this requirement to allow for the County to decide when a professional should prepare the monitoring reports, rather than the applicant. This flexibility is useful for when the approved mitigation is very small. **Staff recommends revising the section of the SMP that the Skokomish Tribe referred to above in the following manner so that it aligns with the Resource Ordinance:*

8. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions. Mitigation activities shall be monitored and maintained by ~~the applicant or their~~ a County approved qualified professional designee and shall use best available science to ensure they achieve intended functions, however the County may allow the applicant to perform the monitoring and/or maintenance in some circumstances. ~~The County may require an applicant~~ The County may require an applicant ~~shall to~~ shall to post a bond or provide other financial surety equal to the estimated cost of the mitigation in order to ensure the mitigation is carried out successfully. The bond/surety shall be refunded to the applicant/proponent upon completion of the mitigation activity and any required monitoring. See the Fish & Wildlife Habitat Conservation Areas chapter of the Resource Ordinance (8.52.170.J MCC) for detailed requirements for Habitat Management Plans, mitigation, monitoring, maintenance, and bonding.

5. Archaeological Areas and Historic Sites Regulations

Draft SMP 17.50.055(G)

- a. Comment Received from Skokomish Tribe [Exhibit 5]: *Mason County needs to notify the Tribes any time there is a project with a ground disturbing component. ... The language in Section G, (g), does not work for the Tribe as the Tribe does not have the staff resources to be constantly monitoring the development activities of the county.*

Staff Response: Most permits have a ground disturbing component, and neither the SMP Guidelines nor state or federal archaeological laws require that local jurisdictions notify tribes when a permit has a ground disturbing component. However, in an effort to protect such resources from development, the PAC decided that each permit application with a ground disturbing component will be reviewed to determine if it is located within 500 feet of a known archaeological area or within 100 feet of a known historic site (mapping to be provided by DAHP). If it is, the permit will be placed on hold until the applicant submits a Cultural Resources Site Assessment. The County will then send a copy of the site assessment to both DAHP and the tribe and will provide a 14 day

comment period, or two 14 day comment periods if the assessment is found to be insufficient the first time.

- b. Comment Received from the Skokomish Tribe: A comment in the draft SMP says that the Skokomish Tribe reached an agreement with Mason County about this revised language in the Archaeology Chapter. This is not true. I was told that the PAC was moving in this direction, and told them the Tribe did not agree with this approach.

Staff Response: This is disappointing, as Staff felt the commenter clearly expressed acceptance of the revised language.

- c. Comment Received from the Skokomish Tribe: Mason County does not have the right to ask the Tribe's to provide them with the location of culturally significant sites as this would put those sites at risk.

Staff Response: The draft does not ask or require the Tribe to provide the County with the location of culturally significant sites. DAHP will be providing Mason County with a GIS layer (that will not be made available to the public) that depicts areas with known cultural resources and historic sites.

6. Dock Regulations

Draft SMP 17.50.075(D)

Comment Received from the Skokomish Tribe [Exhibit 5]: It is disappointing to see that after all the hard work the CAC did on determining a way to create minimum use standards for dock sizes for both fresh water and salt water, that the PAC just went to the largest available size and length. I highly doubt that a cumulative impacts analysis would show this to be a preferred alternative. Every extra amount of overwater structure that is permitted results in additional ecological impacts. The CAC worked diligently on determining a way to allow for PRF and other overwater structures to be designed in a way to minimize impacts to the environment while still allowing the individual to have a usable structure. Now everyone who applies for a dock is just going to push for the maximum allowable size. How is the minimizing impacts to the environment? IT IS NOT. The Skokomish Tribe request that Mason County use minimum lengths and sizes necessary to be able to use said structures, thus minimizing the impacts to the environment. Not just blanket lengths and square footage.

Staff Response: The Docks Chapter (Boating Facilities) in the January 2013 draft had to be significantly revised. It contained many 'grating' and dimensional standards that were based on draft Hydraulic Codes that were quite complicated and have since been changed multiple times. It is unclear to Staff what the commenter means – that the regulations were based on minimum use standards. The January 2013 draft had maximums (not minimums) similar to the 2016 draft, however the total lengths were increased in the 2016 draft.

Table 5

Saltwater Residential Docks	2013 draft	2016 draft
Width of pier	Max 4' single use (6' joint)	Max 6'

Width of ramp	Max 4'	Max 4'
Width of attached floats	Max 8'	Max 8'
Length of dock	Max 100' single use (115' joint use). Max depth of 7' at MLLW.	Max 120' single use (125' joint). Max depth at 7' at MLLW. Exception to avoid eelgrass.
Length of 'T' or 'L' attachment	Max 30' single use (60' joint use)	Max 30' single use (60' joint)
Area of 'T' or 'L'	Max 400 ft ² single use (700 ft ² joint use)	Max 350 ft ² (550 ft ² joint)

7. Shoreline Stabilization

Draft SMP 17.50.075(H)

Comment Received from the Skokomish Tribe [Exhibit 5]: In order to ensure that no net loss is occurring, hard armoring should be permitted differently than soft armoring. Right now it's all lumped into one category and is permitted with a shoreline exemption in all but a Natural designation (where it's a CUP). However, Mason County could separate into soft and hard, so that soft armor projects could be permitted without a CUP. It's good that all new hard armoring projects need a geotechnical analysis before they can be permitted, however this should also be applied to maintenance of existing shoreline armoring.

Staff Response: Staff agrees with the commenter that it should be much easier to permit soft stabilization as opposed to hard, however it is important to keep in mind that drawing the line between 'soft' and 'hard' stabilization isn't an easy thing to do, especially when many are a mix of the two. In fact, the commenter uses the term 'soft armoring,' when many would argue that soft stabilization measures are *not* a form of armoring.

Variables to consider include angle (i.e. revetment) or stepping of retaining wall, percent solid surface versus surface texture and variation (e.g. a concrete bulkhead can be designed to have nooks and crannies), location (at OWHM or pulled back/inland), materials, how the materials are anchored (mortar in between rocks or cables tying down logs), and percentage of hard versus soft (and how to measure percentage with hybrid stabilization). Therefore, Staff feels that it would be difficult to provide a permit chart that prefers soft over hard but does not have more loopholes and questions than solid requirements.

Furthermore the draft regulations do favor soft armoring in the following ways:

- ♦ A Shoreline Geotechnical Assessment is required for new hard armoring (but not for soft) that demonstrates that there is a significant possibility that a primary structure will be damaged within three (3) years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions or the opportunity to protect public health or welfare.

- ♦ Permit review fees are reduced to half when replacing hard armoring with soft stabilization.

However, *Staff recommends that the draft (17.50.075.H) also include the following:

When proposing soft stabilization, fees associated with Community Services Department applications and reviews shall be reduced by half.

Staff feels that the County requirements in tandem with WDFW's requirements will reduce the amount of hard armoring that is approved in Mason County.

8. Multiple topics

Comment Received from a Citizens' Advisory Committee Member [Exhibit 6]: *My concerns relate to Washington State as well as Ecology's legal regulations, which required input in a very specific way, by both a TAG and a CAG. These groups represented DNR, WDFW, Citizens, Agencies, Builder's organizations, Port Commissioners (I was one), Tribes, Fisheries, NOAA, foresters, and these groups met on a regular basis together and as a group worked out many points related to the SMP draft finished in Dec. 2012. As part of the CAC, we were not afforded much input into any of the Inventory and Characterization Report, (until after it was introduced and I have the CD of it) however, in a few meetings I attended I saw PAC members "cherry picking" and attempting to change environmental designations based on other criteria than what Ecology and the Environmental consultants determined by science....what would be the designation. I also saw the PAC changing definitions in the SMP, and know that will impact a lot of things, but since both the CAO and the CI report was also changed, it's going to be very time consuming and perhaps difficult to find exactly how. ... Of course, I feel that if the PAC gets 3 years to go over things, I think citizens and agencies should be afforded the same courtesy to completely review any shifts in 'what was' in what the TAC and CAC presented and what they've done now. ... So I think your deadline should be extended by about 6 months.*

Staff Response: Staff disagrees with the comment that the first draft (January 2013) was complete and concise. A lot of draft changes have been made since 2013, but the public was welcome to provide verbal or written comments during this entire period. Unfortunately, adding even more time for review of the draft is not something we feel is warranted or viable.

C. Comments Received on January 2013 Draft and on Revisions Prepared for PAC Meetings.

The comments that were submitted (in writing or verbally at the PAC Meetings) in response to the January 2013 draft SMP and in response the associated Staff Reports prepared for the PAC Meetings are not included in this Staff Report. They are compiled in a separate document that includes Staff's responses and resulting PAC decisions.

VII. PUBLIC NOTICING FOR PAC HEARINGS

See part VI(A) above for public noticing for the SEPA Determination and draft documents. For the public hearings (for which this staff report has been prepared), notices were published in the Shelton-Mason County journal for three weeks beginning June 2nd, emailed to interested parties on May 13th, posted on the Mason County Website on May 27th, and mailed to interested parties (who do not have email) on Wednesday June 1st, 2016.

Written comments are accepted via mail or email by June 9th. Written comments should include (1) your full name and (2) your email or your mailing address. Emailed comments are preferred and should be sent to rebeccah@co.mason.wa.us. Please provide the name, date, and section of the draft document for which you are providing comment, along with a comment that is easily copied and pasted (MS Word doc, text in the email body, or a pdf that was not created by scanning). If possible, provide the revised language that you would prefer to see in the document.

You may also comment in person at the public hearing at 6 PM in the Commission Chambers in Mason County Building I, 411 N 5th Street, Shelton, WA 98584. They typically end at approximately 9PM. Public hearing testimony is usually limited to three minutes.

JUNE 13, 2016 (comment on the draft Resource Ordinance and Title 15)

JUNE 20, 2016 (comment on the draft Shoreline Master Program)

JUNE 27, 2016 (likely to be a public meeting for PAC to discuss comments received)

JULY 11, 2016 (hearing for PAC's final recommendation to the Board of County Commissioners)

JULY 25, 2016 (tentative - if needed)

Anyone who plans to attend the public hearing and has special needs or disabilities should contact the Community Services Department at (360) 427-9670 extension 236 at least 96 hours before the hearing to discuss and arrange any special accommodations.

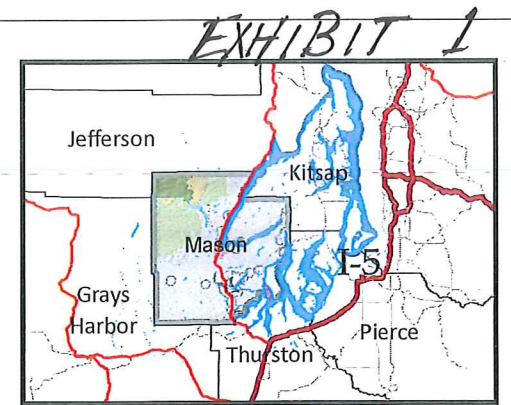
VIII. CONCLUSION AND RECOMMENDATION

Staff requests that the Planning Advisory Commission recommend to the County Board of County Commissioners the adoption of the proposed February 2016 draft Shoreline Management Program, Resource Ordinance, and Title 15 with the additional recommended revisions detailed in **red font** and preceded by an asterisk (*) above.

EXHIBITS

- EXHIBIT 1: Map of Draft Shoreline Environmental Designations (and Jurisdiction)
- EXHIBIT 2: Map of Existing Shoreline Environmental Designations
- EXHIBIT 3: Project Classification Table
- EXHIBIT 4: Letter from WA Department of Ecology – Toxics (1 page)
- EXHIBIT 5: Letter from the Skokomish Tribe (4 pages)
- EXHIBIT 6: Email from Monica Harle (2 pages)

Mason County Shoreline Master Program Update Draft Shoreline Environmental Designations



Shoreline Environmental Designations

- Commercial
- Residential
- Rural
- Conservancy
- Natural

0 5 10 20 30 40
Miles



This map is intended for planning purposes only. The preliminary shoreline jurisdiction depicts the approximate location and extent of "shorelines of the state". These are the areas potentially subject to the State Shoreline Management Act and Shoreline Master Program. The preliminary shoreline jurisdiction includes the ordinary high water mark (OHWM), a 200' zone from the OHWM, the FEMA floodplain that is within 200 feet of a floodway, and any associated wetlands. The actual extent of the shoreline jurisdiction requires a site-specific evaluation to identify the OHWM and any associated wetlands.

Map Created By: Mason County Dept. of Community Development
Map Date: 2/23/2016
Map File: SMP_SED_Feb 2016_RH 11by17.n
Map Created In: ArcGIS 10.0

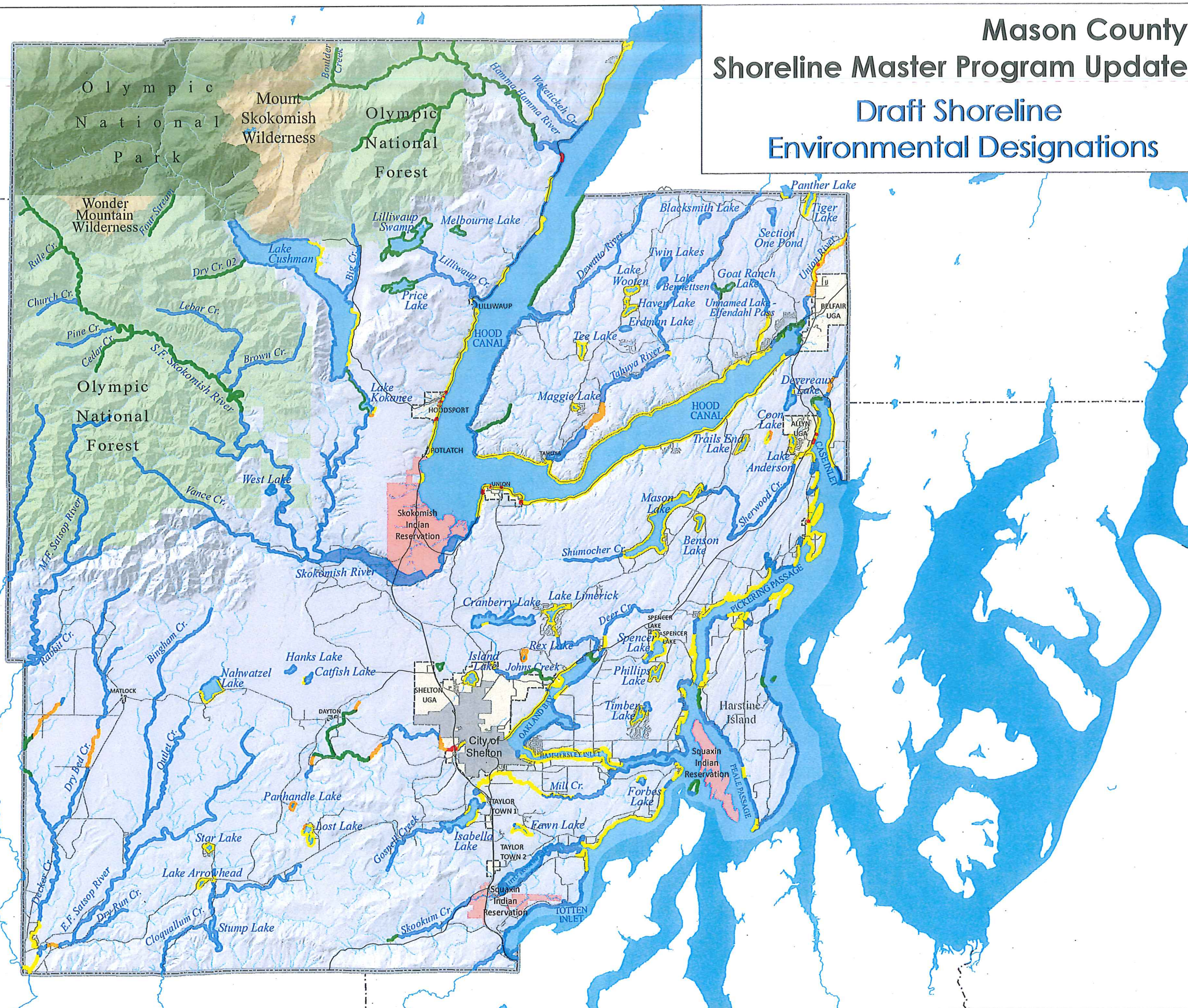


DISCLAIMER AND LIMITATION OF LIABILITY

The data used to make this map have been tested for accuracy, and every effort has been made to ensure that these data are timely, accurate and reliable. However, Mason County makes no guarantee or warranty to its accuracy as to labeling, dimensions, or placement or location of any map features contained herein. The boundaries depicted by these data are approximate, and are not necessarily accurate to surveying or engineering standards. These data are intended for informational purposes and should not be considered authoritative for engineering, navigational, legal and other site-specific uses. Mason County does not assume any legal liability or responsibility arising from the use of this map in a manner not intended by Mason County. In no event shall Mason County be liable for direct, indirect, incidental, consequential, special, or tort damages of any kind, including, but not limited to, loss of anticipated profits or benefits arising from use of or reliance on the information contained herein. The burden for determining fitness for use lies entirely with the user and the user is solely responsible for understanding the accuracy limitation of the information contained in this map.

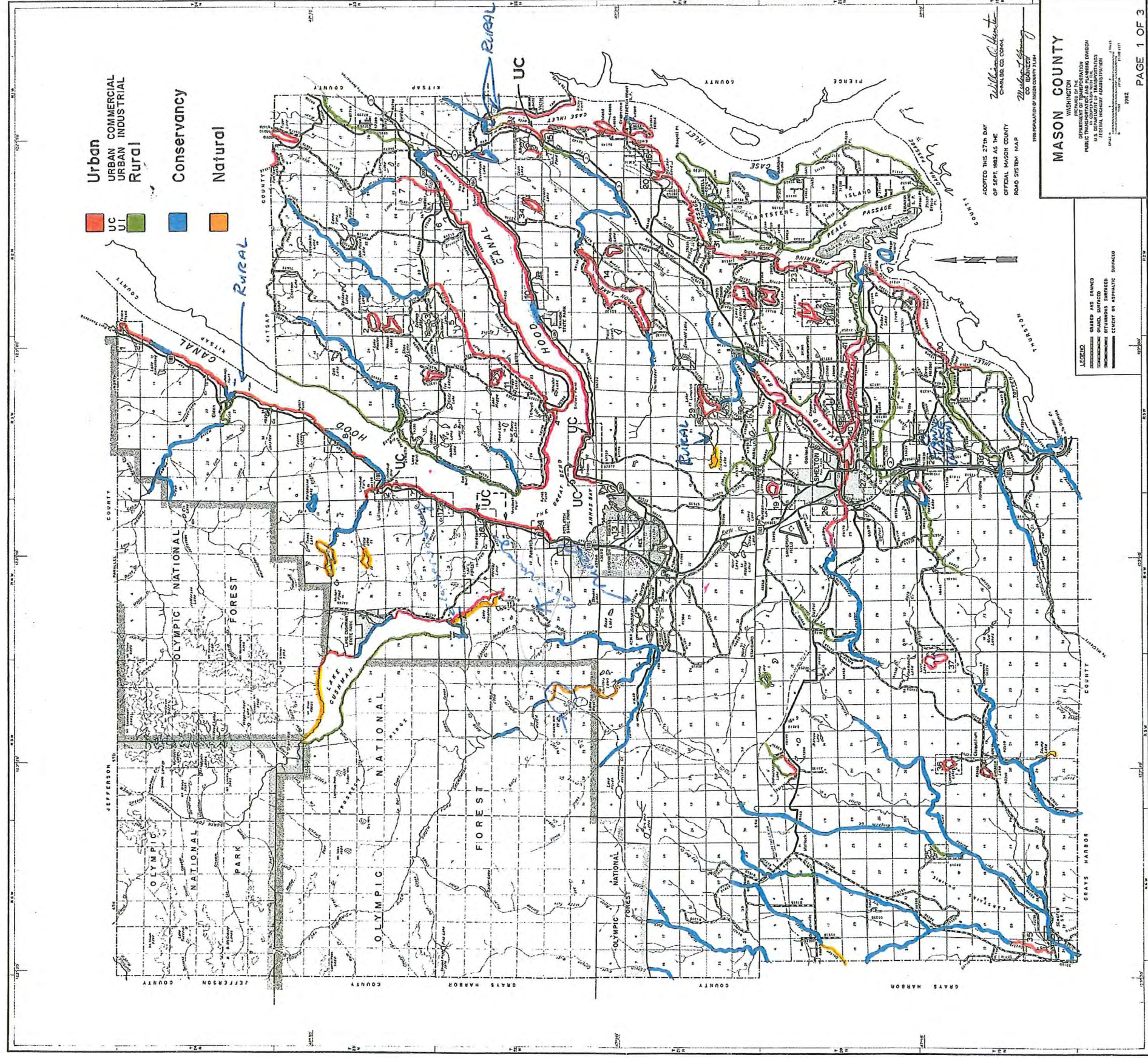
Mason County
Shoreline Master Program

Shoreline
Environmental Designations



UPLAND DESIGNATION ONLY.

FOR DESIGNATION BEYOND ORDINARY HIGH WATER MARK SEE TEXT.



APPENDIX II

EXHIBIT 2

Draft Table 17.50.040-A: Project Classification Table						
SHORELINE USES AND MODIFICATIONS	SHORELINE ENVIRONMENT DESIGNATIONS					
	Commercial	Residential	Rural	Conservancy	Natural	Aquatic
Agriculture						
Agriculture	P	P	P	P	C	X
Commercial feedlots	X	X	C	X	X	X
Upland finfish rearing facilities	X	X	C	C	X	n/a
Aquaculture						
Non-floating	P	P	P	P	C	P
Floating	P	P	P	P	C	P
Finfish net pens	n/a	n/a	n/a	n/a	n/a	C/X ¹
Gravel enhancement >1,000 cy	n/a	n/a	n/a	n/a	n/a	C
Commercial geoduck ²	C	C	C	C	C	C
¹ Prohibited in Hood Canal, exceptions apply. ² Except that a CUP is not required for conversions.						
Commercial						
Water-dependent uses	P	C	C	C	X	*
Water related & water enjoyment	C	C	C	C	X	See regs.
Non-water oriented						
Without waterfront ¹	P	X	X	X	X	n/a
With waterfront	C ² /X	X	X	X	X	X
Part of a mixed use project ³	C	C	C	C	X	X
¹ If the site is physically separated from the shoreline by another property or public right-of-way. ² If navigability is severely limited at the proposed site and the commercial use provides a significant public benefit such as providing public access or ecological restoration. ³ If part of a mixed use project that provides a significant public benefit such as public access or ecological restoration. See regulations.						
Forest Practices						
Forestry	X	P	P	P	C	X

Draft Table 17.50.040-A: Project Classification Table

SHORELINE USES AND MODIFICATIONS	SHORELINE ENVIRONMENT DESIGNATIONS					
	Commercial	Residential	Rural	Conservancy	Natural	Aquatic
In-Stream Structures						
Utility-related	C	C	C	C	X	*
Habitat enhancement	P	P	P	P	P	*
Temporary research devices	P	P	P	P	P	*
Other	C	C	C	C	X	*
Marinas						
Marinas	C	C	C	X	X	*
Mining						
Mining	C	C	C	C	X	C/X
Outdoor Advertising, Signs and Billboards						
Water dependent, navigational, public safety, or temporary	P	P	P	P	P	P
Other	P	P	P	P	P	X
Industrial and Marine Terminal Development						
Water-dependent and water related	P	C	C	C	X	C
Non-water oriented						
Without waterfront ¹	C	X	X	X	X	n/a
With waterfront	C ² /X	X	X	X	X	X
Part of a mixed use project ³	C	C	C	C	X	X
¹ If the site is physically separated from the shoreline by another property or public right-of-way. ² If navigability is severely limited at the proposed site and the use provides a significant public benefit such as providing public access or ecological restoration. ³ If part of a mixed use project that provides a significant public benefit such as public access or ecological restoration. See regulations.						

Draft Table 17.50.040-A: Project Classification Table

SHORELINE USES AND MODIFICATIONS	SHORELINE ENVIRONMENT DESIGNATIONS					
	Commercial	Residential	Rural	Conservancy	Natural	Aquatic
Recreational						
Water oriented (including parks and scientific/environmental education facilities)	P	P	P	P	C	C ¹ /X
Non-water oriented	P	C	C	C	C ² /X	X
¹ Water dependent. ² Non-water oriented campsites may be approved in the Natural environment with a Conditional Use Permit, provided they are primitive in nature and not accessible by vehicles.						
Residential						
Single-family	P	P	P	P	C	X
Duplex	P	P	X	X	X	X
Multi-family	P	C	X	X	X	X
Accessory dwelling units	P	P	P	C	X	X
Floating homes	n/a	n/a	n/a	n/a	n/a	X
Cottage industries	P	P	C	C	C	C
Restoration and Enhancement Projects						
Restoration and enhancement proj.	P	P	P	P	P	P
Transportation Facilities						
Transportation (roads & railways)	P	P	P	C	C	C
Parking accessory to permitted use	P	P	P	C	X	X
Parking – primary use	X	X	X	X	X	X
Utilities						
Production and processing	C	C	C	C	X	C
Transmission facilities	P	P	P	P	C	C
Shoreline Modifications						
Beach Access Structures						
Beach access structures	P	P	P	P	C	*
Boat Launches						
Trailer launched	P	P	C	C	X	*
Hand launched	P	P	P	P	C	*

Draft Table 17.50.040-A: Project Classification Table						
SHORELINE USES AND MODIFICATIONS	SHORELINE ENVIRONMENT DESIGNATIONS					
	Commercial	Residential	Rural	Conservancy	Natural	Aquatic
Upland davits	P	P	P	P	X	n/a
Breakwaters, Jetties, Groins						
Breakwaters, jetties, and groins	C	C	C	C	X	C
Docks, Floats, Mooring Buoys, Boat Lifts, and Covered Moorage						
Docks (piers, ramps, and/or attached floats)						
Hood Canal	P	P ¹ /C	n/a	P ¹ /C ³ /X ²	X	*
South Puget Sound	P	P/C ⁴	n/a	C	X	*
Lakes	P	P	P	P ¹ /C	X	*
Rivers	X	X	X	X	X	X
Unattached floats	n/a	n/a	n/a	n/a	n/a	P
Mooring buoys	n/a	n/a	n/a	n/a	n/a	P
Boat lifts & overwater davits	P	P	P	C	X	*
Covered moorage/overwater boathouses	n/a	n/a	n/a	n/a	n/a	X ⁵
¹ Public recreational use. ² A new, private dock serving an individual residential lot is prohibited. ³ Joint-use or community docks are permitted with a Conditional Use Permit (and shoreline permit). ⁴ A new, private dock serving an individual residential lot may be permitted with a Conditional Use Permit (and Shoreline Substantial Development Permit). Joint-use, community, or public recreational docks are permitted without a Conditional Use Permit. ⁵ Permitted only in marinas.						
Dredging						
Maintenance dredging	n/a	n/a	n/a	n/a	n/a	P
Non-maintenance dredging						
Restoration dredging	n/a	n/a	n/a	n/a	n/a	P
Other non-maint. dredging	n/a	n/a	n/a	n/a	n/a	C/X
Dredge material disposal						
Restoration disposal	P	P	P	P	C/P	P
Other dredge material disposal	C	C	C	C	C	C

Draft Table 17.50.040-A: Project Classification Table

SHORELINE USES AND MODIFICATIONS	SHORELINE ENVIRONMENT DESIGNATIONS					
	Commercial	Residential	Rural	Conservancy	Natural	Aquatic
Flood Control						
Dams for the sole purpose of flood control	X	X	X	X	X	X
All other, including dikes & levees	C	C	C	C	X	X
Grading						
Water dependent	P	P	P	C	C	P ¹ /C ² /X
Non-water dependent	C	C	C	C	C	C ² /X
Sanitary landfill	X	X	X	X	X	X
¹ May be authorized for restoration projects without a Conditional Use Permit. ² Grading in Aquatic is allowed in certain circumstances with a Conditional use Permit. See regulations.						
Shoreline Stabilization						
Shoreline stabilization	P	P	P	P	C	*
Key: P = Permitted (with a Shoreline Substantial Development Permit or Shoreline Exemption and subject to siting and design requirements). C = Conditional Use Permit (and a Shoreline Substantial Development or Shoreline Exemption). C/P = Requires a Conditional Use Permit in some circumstances (see regulations). X = Prohibited. n/a = Not applicable. * = See upland designation.						

EXHIBIT 4



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

March 31, 2016

Ms. Rebecca Hersha
Mason County
Department of Community Development
Planning Division
PO Box 279
Shelton, WA 98584

Dear Ms. Hersha:

Thank you for the opportunity to comment on the determination of nonsignificance for the Mason County Shoreline Master Program Update (SEP2016-00015). The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

TOXICS CLEANUP: Joyce Mercuri (360) 407-6260

Ecology recommends the following clarifications be made to the Draft Shoreline Master Program Update – Inventory and Characterization Report (Coastal Geologic Services, Herrera Environmental Consultants, ESA, October, 2012):

- Section 3.4, top of page 3-13. The last sentence in this paragraph should be revised to say that sediment testing in Shelton Harbor (add - **AND OAKLAND BAY**) indicate that sediments contain (**strike, residual**) dioxin and other toxics related to the.....
- Page 5-87, top of page. Revise to note that dioxins were found in Oakland Bay and Shelton Harbor were *elevated above Puget Sound background concentrations*, not just *detected*.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(SM:16-1150)

cc: Joyce Mercuri, TCP



Skokomish Indian Tribe

Natural Resources Department (360) 877-5213

N. 541 Tribal Center Road

Fax (360) 877-5148

Skokomish Nation, WA 98584

March 31st, 2016

Environmental Review Application No.: SEP2016-00015

Mason County Planning Advisory Committee,
(I'm working off the track changes version)

One of the major concerns the Skokomish Tribe has with this proposed SMP update is the Shoreline Environmental Designations (SED) proposed. It appears as though Mason County has not taken into consideration the fact that Hood Canal is a Shoreline of Statewide Significance. The proposed majority of SED in Hood Canal are residential. The North shore and South Shore of Hood Canal are already heavily developed with single family residences, however large sections of the western portion of Hood Canal do not currently have residential development yet were given a residential SED. For example just north of Hoodspout (see attachment A) there is almost a mile of shoreline that has no residential development, and is realistically not suitable for development, due to the presence of Highway 101 and steep bluffs. Another example of this is North of Waketickeh Creek (see attachment B) where almost 2 miles of shoreline that have very little development have been given a residential SED. Once again due to the presence of Highway 101 and steep bluffs a large majority of this area is not suitable for development. There are many areas of Hood Canal's shoreline that fall into this category, another example is just south of Hoodspout (see attachment C) where half a mile of shoreline is really not suitable for development due to the same reasons stated above. There are even small sections of the North Shore road that could be parsed out. By giving these areas a residential designation, Mason County is setting the stage for allowing a greater number of variances from the SMP in these areas to accommodate shoreline development. These areas need to be given a conservancy or natural designation, for several reasons. Most important of which is to protect the shoreline processes in these areas, but also to make it more transparent for potential buyers about the difficulties of developing in these areas.

Given the varying degrees of development along Mason County's shorelines in Hood Canal and the fact that Hood Canal is a Shoreline of Statewide Significance, the Skokomish Tribe is requesting that Mason County use a finer scale for their SED. Those areas that are not developed, and if were developed would result in a greater impact on the environment and shoreline processes due to the landscape, need to be given a higher level of protection. Even if these shorelines are only small fragmented segments it's important for the overall health of Hood Canal shorelines to protect existing intact

shorelines. This is an overarching goal of the SMP process yet is not accomplished with the current Mason County SED.

Page 50 table 17.50.040-A, Shoreline stabilization- It has been clearly documented how armoring of Puget Sound shorelines has negative impact on shoreline processes and habitat quality. In order to ensure that no net loss is occurring permitting hard armoring needs to be treated differently than soft armoring. Right now it's all lumped into one category and is a permitted activity in all but a natural designation (where it's a CUP). If it stays lumped then they all need a conditional use permit (CUP). However Mason County could separate into soft and hard, so that soft armor projects could be permitted without a CUP. It's good that all new hard armoring projects need a geotechnical analysis before they can be permitted however this should also be applied to maintenance of existing shoreline armoring. This will result in overall lift in shoreline processes within Mason County.

Page 57 Section A #8, it states that mitigation activities shall be monitored by the applicant, shouldn't Mason County be monitoring the mitigation measures to ensure that they are meeting no net loss. How will Mason County be able to track actual habitat gains and losses from mitigation and ensure their SMP is meeting no net loss standards if Mason County is not monitoring?

Page 69 Section G #1, Mason County needs to notify the Tribes any time there is a project with a ground disturbing component. Mason County does not have the right to ask the Tribe's to provide them with the location of culturally significant sites as this would put those sites at risk. The language that the Skokomish tribe requested be put into the SMP during the CAC (section G #1) was deleted by the PAC. This language needs to be put back in. The language in Section G, (g), does not work for the Tribe as the Tribe does not have the staff resources to be constantly monitoring the development activities of the county. Also in the comments it says that the Skokomish Tribe reached an agreement, with Mason County about this, this is not true I was told that they were moving in this direction, and told them that the Tribe did not agree with this approach

Page 147, Section D. Dock, Unattached Float, Mooring Buoy, etc. It is disappointing to see that after all the hard work the CAC did on determining a way to create minimum use standards for dock sizes for both fresh water and salt water, that the PAC just went to the largest available size and length. I highly doubt that a cumulative impacts analysis would show this to be a preferred alternative. Every extra amount of overwater structure that is permitted results in additional ecological impacts. The CAC worked diligently on determining a way to allow for PRF and other overwater structures to be designed in a way to minimize impacts to the environment while still allowing the individual to have a usable structure. Now everyone who applies for a dock is just going to push for the maximum allowable size. How is the minimizing impacts to the environment? IT IS NOT. The Skokomish Tribe request that Mason County use minimum lengths and sizes necessary to be able to use said structures, thus minimizing the impacts to the environment. Not just blanket lengths and square footage.

In conclusion the Skokomish Tribe does not agree with Mason Counties Determination of Non-significance for their update to the Shoreline Master Program. It is the opinion of Tribal Staff that the new Shoreline Master Program for Mason County will result in impacts to the shorelines of Mason County that will be significant. Primarily by putting undeveloped segments of the shoreline at risk to development through the variance process. By not giving these shorelines the needed protection that the Shoreline Master Program recommends I fail to see how Mason County is going to meet the no net loss standard that is a core principle to the Shoreline Master Program.

Randy Lumper, M.E.S., B.S.
Environmental Planner II
Skokomish Indian Tribe
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Google earth

feet 2000
meters 700



Attachment A.



Google earth

feet
km



Attachment B.



Google earth

feet 1000
meters 300



Attachment C.

Subject: RE: SMP Update Planning Advisory Commission drafts and SEPA

Hi Rebecca,

Although today is the deadline for comments related to the Determination of Non Significance, I am not ready to comment related to Significance or Non Significance. I would still like to be on the list of interested parties to any aspect of this process, including any hearings as a result of opinions related to the Determination of Non Significance.

I think there is a lot of work to do to analyze the significance of any changes the PAC has made to three sections related to the SMP (Shoreline Master Program Program) update. for Mason County, ...The Mason County Critical Area Ordinance, The Characterization and Inventory Report, as well as the SMP draft itself, which was presented by the Mason County employee chosen to work with Ecology, the TAC, (technical advisory committee) the CAC, (Citizen's advisory committee) along with WDFW, DNR, NOAH, and many other organizations for aprox 2.5 years prior to delivering that draft to the PAC (Mason County Planning Advisory Committee to the Commissioners) for review.

As you well know, the PAC blew the Ecology timeline way, way out of proportion, rather than spending the normal 6 month time period to review, and while the funds from Ecology were already spent, then set out on a far longer aprox. 3 year "review", or 'reworking' I would characterize it of the SMP draft given them (as a collective of work by Mason County Planning Staff, Department of Ecology, Environmental Consultants, TAC and CAC). Unfortunately, the citizens who served on the Mason County Planning Advisory Committee (beginning in January 2013) drastically changed personnel over these three years, and I believe there is only one remaining person (Bill Dewey) who was on the original PAC (and many did not serve the appointed period of time). So, information from meeting #1 may, or may not have been fully integrated into the entire 3 year process of the PAC - with all their personnel changes - going over these documents - which, in all actuality took longer than the total TAC, PAC and the Characterization Report done by Ecology along with the Environmental Consultants.

We have spoken by phone, and I very much appreciate that. My concerns relate to Washington State as well as Ecology's legal regulations, which required input in a very specific way, by both a TAG and a CAG. These groups represented DNR, WDFW, Citizens, Agencies, Builder's organizations, Port Commissioners (I was one), Tribes, Fisheries, NOAH, foresters, and these groups met on a regular basis together and as a group worked out many points related to the SMP draft finished in Dec. 2012. As part of the CAC, we were not afforded much input into any of the Inventory and Characterization Report, (until after it was introduced and I have the CD of it) however, in a few meetings I attended I saw PAC members "cherry picking" and attempting to change environmental designations based on other criteria than what Ecology and the Environmental consultants determined by science....what would be the designation. I also saw the PAC changing definitions in the SMP,

and know that will impact a lot of things, but since both the CAO and the CI report was also changed, it's going to be very time consuming and perhaps difficult to find exactly how. When the WDFW, DNR, Tribes sat together with us, it was easier....this is collaboration. The PAC is not. (in my opinion)

Of course, I feel that if the PAC gets 3 years to go over things, I think citizens and agencies should be afforded the same courtesy to completely review any shifts in 'what was' in what the TAC and CAC presented and what they've done now. There are just so many documents, and we presented a very clear and concise document (SMP draft; plus, Mason County Critical Area Ordinance, Inventory and Characterization Report) with these two attachments in the original form given to us, to the PAC but they are returning with 3 documents with changes. Why do they feel they need 3 years to go over 1 document with two attachments 'as is', but we get less than one month to go over 3 changed documents which we have to compare to the originals? Who is in charge of the timeline by now?

Because the TAC and CAC process (required by Ecology, Legislature legal guidelines) necessarily included Tribes, DNR, WDFW, Citizens, and other entities, and included many presentations by scientists (NOAH), State of Washington Employees (Department of Archeology), etc. and included much trying to incorporate all the latest DNR, WDFW regulations coming down the pike, it's hard to see whether or not these have been included in the current draft. I was dismayed that in our conversation you said Ecology and Mason County Planners agree but the PAC disagreed with both of your agencies. This is no way in which an SMP will get approved by Ecology!!!! The PAC didn't really want input in their meetings as they told everyone attending.... and for example, once, I only had the opportunity to comment after they voted on some things related to definitions..... but as I pointed out....you just voted on something which is the opposite of what you wanted. (and Christy Buck then said...oh yea, I guess you're right) Because their meetings did not welcome input from experts, the WDFW representatives, the tribes and DNR just quit attending. I would have attended however my work schedule changed and I am not free on Mondays.

So I think your deadline should be extended by about 6 months.

Could you please make a copy for me, in color, of any of the drafts (with the color coded tracking) which have been changed....the SMP, the Inventory and Characterization Report, the Critical Area Ordinance, and I will come to Shelton to pick it up...let me know the fee.

Please keep me in all of the loops related to challenges to any aspects of the SMP or Critical Area Ordinance, or Characterization Report, and as to the timeline.

As I've said before, I'm not sure why citizens are getting such a short shrift on the timeline...what's the hurry now? The TAC, CAC had about 2.5 years. The PAC took 3 years (when it was designated as 6 months). Don't you think Citizens and agencies need a year or so to at least review what we knew bit by bit, line by line....and compare it to what the PAC did bit by bit, line by line withnot one....but three documents. In this way, we will really know if it's 'Significant' or "Non Significant".

Thank you,

Monica Harle (former Citizen's Advisory Committee Member for the SMP update)