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SEDs

Comments from Skokomish Tribe

Comment	Ecology observations
Just north of Hoodspout there is almost a mile of shoreline that has no residential development. 101 and steep bluffs. Residential SED is inappropriate	Recommend no change to PC draft designation. The vegetative buffer would be 100' under a Residential designation. In much of this reach a 100' buffer extends to the road. Note there are only 2 large parcels (zoned RR5). An applicant could not get a Variance for individual houses inside the buffer because the parcels could be developed outside the vegetated buffer. Per the draft SMP (General Regulation B.1.i.: "Land that is constrained by critical areas and buffers shall not be subdivided to create parcels that are only buildable through a Shoreline Variance." Thus, any future subdivision would not create a parcel that is fully encumbered such that you need a Variance to develop it.
North of Waketickeh Creek - 2 miles of shoreline that have very little development. 101 and steep bluffs. No residential development. Should retain existing Conservancy designation.	Recommend changing the PC draft Residential designation by <i>retaining</i> the current (1988) SMP Conservancy designation. The reach <u>is still consistent with Conservancy Shoreline Environment designation criteria</u> . Specifically, the reach appears to be: i. Partially developed or relatively intact areas that include landslide or erosion hazard areas, feeder bluffs, wetlands, high quality riparian areas, or other critical areas; v. Currently supporting or can support low-intensity recreational activities (e.g., small campgrounds, unpaved trails); vi. Currently supporting or can support low-

	<p>intensity water-dependent uses;</p> <p>vii. High recreational value or with unique historic or cultural resources</p> <p>The PC draft would have changed this to Residential. This entire reach is owned by the Girl Scouts. It is zoned Rural Tourist or RR5. The SMP includes allowances for recreational activity appropriate for the current use.</p>
Just south of Hoodspoint where half a mile of shoreline	Recommend no change to PC draft designation. Washington State (DOT) owns a right of way that is at least 100' wide. Any development upland of the highway would need to provide a geotechnical report to build.
Small sections of the North Shore road	Recommend no change to PC draft designation. The CAC and PAC exercised discretion on North Shore Road "lump versus split" in this area that is dominated by dense residential development. =
<p><i>Comment applying to all of the above:</i></p> <p>Inappropriate designations of undeveloped segments of shorelines would set the stage for allowing a greater number of variances from the SMP in these areas to accommodate shoreline development.</p>	<p>The variance process is an inherent element of the Shoreline Management Act (see RCW 90.58.100). Local governments are required to include this provision to avoid potential Constitutional issues (takings). Ecology has final decision authority over shoreline variances. Ecology decisions are appealable to the Shoreline Hearings Board.</p>

Comments on Lake Cushman

Comments	Ecology observation
<p>Lake Cushman residents (at hearing): West shore of Lake Cushman should be treated the same as other areas with existing residences. The major difference with Conservancy designation is a CUP would be required for docks, adding an additional cost, yet the standards would be the same.</p> <p>Allan Borden, citizen (rec'd after hearing): SED for west shore of Lake Cushman should remain Conservancy, as presented in the 10/15/16 version of the SMP, based on SED criteria</p>	<p>Recommend changing the PC draft Conservancy designation by <i>retaining</i> the current (1988) SMP Rural designation. The SMP currently reads: "Conservancy from the North Fork of the Skokomish River to the Upper Dam. Rural from the northern tip of the lake on the west." The parcels on the western shore of Lake Cushman (extending northward to the National Forest boundary) are still consistent with the County's criteria for a Rural SED. These parcels:</p> <ul style="list-style-type: none"> • Are zoned RR20 (Rural) and have "moderately intensive recreation" – Most of these houses are recreational in nature. Few are year-round residences. • Restrict intensive development on undeveloped shorelines (Rural) – RR20

	<p>zoning.</p> <ul style="list-style-type: none"> • Are essentially in-holding type lands, bounded by Long-term Commercial Forest (Rural) <p>The Shoreline buffer for lakes in Mason County (regardless of SED) is 100' with an additional 15' building setback. So there is no difference between a Rural buffer and a Conservancy buffer in this situation.</p> <p>Rural SEDs require a Substantial Development Permit or Shoreline Exemption for new docks. Most docks on Lake Cushman would qualify for a Shoreline Exemption since they are typically valued at less than the \$10,000 threshold in WAC 173-27-040.</p>
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Page 50 table 17.50.040-A, Shoreline stabilization

Comment from Skokomish Tribe	Ecology observation
Hard armoring needs to be treated differently than soft armoring. However Mason County could separate into soft and hard, so that soft armor projects could be permitted without a CUP.	<p>In many ways, it is treated differently in the current draft: Policies #1, 2, 3, 4 either directly or indirectly favored.</p> <p>In addition, the County requires a geotechnical assessment to demonstrate need and if hard armoring is proposed, the assessment must demonstrate that a primary structure would be damaged within 3 years.</p>
It's a permitted activity in all but a natural designation (where it's a CUP). They all need a CUP.	The current draft is essentially identical to Ecology's Guidelines in WAC 173-26. There is no statutory requirement for this approach.
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.	Again, the Guidelines clearly differentiate between new or enlarged structures and maintenance of existing structures when requiring geotechnical analysis.

Page 57 Section A #8, Monitoring

Comment from Skokomish Tribe	Ecology observation
Mitigation activities shall be monitored by the	The burden of funding and conducted monitoring

applicant, shouldn't Mason County be monitoring the mitigation measures to ensure that they are meeting no net loss.	<p>falls to the applicant or proponent of a project. The County does not have the staff resources or funding to conduct monitoring of all County permitted actions.</p> <p>The County and Ecology function in a review role of the monitoring provided by the applicant. This is identical to the regulatory roles of the U.S. Army Corp of Engineers and Washington Department of Ecology.</p>
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?	The County's Resource Ordinance has detailed requirements for monitoring parameters, reporting, etc. (See Wetlands and FWHCA Habitat Management Plan-related chapters). Mitigation sequencing is required for all critical area impacts and includes monitoring.

Page 69 Section G #1, Archaeological and historic resources

Comment from Skokomish Tribe	Ecology observation
<p>Mason County needs to notify the Tribes any time there is a project with a ground disturbing component.</p> <p>The Tribe does not have the staff resources to be constantly monitoring the development activities of the county.</p>	<p>Within the discretion afforded by the Guidelines, Mason County has opted to provide on their website a link that will generate a table of permit and exemption application case numbers, dates received or entered into the database, project locations, and project descriptions.</p> <p>WAC 173-26-221(1) does not require this level of notification. The County could pursue options for enhancing notice with the tribes. There may be automated means to send notice to tribes when projects are posted on the county website. The county may want to pursue a Memorandum of Agreement with tribes and perhaps the Department of Archaeological and Historic Preservation. The benefit of that is the parties could try different approaches and change them without having to go through the process of amending the SMP.</p>

Page 147, Section D. Dock, Unattached Float, Mooring Buoy, etc.

Comment from Skokomish Tribe	Ecology observation
SMP used largest available size and length	There are no standards for dock length in WAC 173-26. There are also no length standards for

	<p>docks in salt water in the State Hydraulic Code or Federal regulations addressing these structures.</p> <p>Mason County received testimony from dock builders and environmental consultants and resource agencies noting that flexibility with dock lengths may help to avoid impacts to submerged aquatic vegetation. Ecology is aware of instances where, because of prescribed dock lengths in the current SMP, variances were needed to avoid eelgrass impacts.</p>
<p>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.</p>	<p>The draft SMP contains a provision stating that: "The overall length of a marine dock for single use shall be only so long so as to obtain a depth of seven (7) feet of water as measured at mean lower low water". This is a minima and could limit dock lengths when water depths are available.</p> <p>The current draft (Use Regulation 1.b.) requires that: "All...overwater structures shall be limited to the minimum size necessary to meet the needs of the proposed water-dependent use."</p>