

August 27, 2019

To: Polly Stoker  
Copy: Brad Murphy  
Andrew Deffobis

From: Doug Karman

Re: Comments on Chapter 19.600 General Regulations (SMP)

Chapter 600 gets a little convoluted as it references back and forth to different chapters and regulations. Also, much of the chapter is written as if the requirements for the marine environment should be applied to rivers and lakes. This is not justifiable and needs to be changed. Each environment is different with different needs and approaches. Both the DFW and Ecology recognizes this but chapter 600 does not. The chapter needs be rewritten before the planning commissioners spend a lot more time both on their own as well as during the meeting reviewing the chapter.

- **19.600.105 Matrix:**
  - Legend: E= Exempt if.... This should be “Administrative Permit”. See my comment from the last meeting. Exempt is confusing and misleading.
  - Legend: AD=Administrative CUP. What is this...an “E” or an Administrative Permit or a Type I? What is the difference between an E and Ad?
  - Please explain the note under Aquaculture.
  - Boating facilities: Why use the term General? Aren’t we really talking about residential? Even in the referenced section 125 the term General is not used.
  - Dredging: Isn’t all dredging done in the Aquatic designation? If so, then the adjoining upland designation applies, Note 2. However, what happens when one side of a channel is shoreline residential and the opposite side is wetland? Based on the matrix Natural is prohibited but shoreline residential is a CUP.
  - Residential: Rural and Urban Conservancy and Shoreline Residential are listed as “E” with footnote 15 which says it is an SDP if the exemption criteria are not met. I think it would be clearer and straight forward to designate it a P with a footnote that says it’s an “E” if exemption criteria are met?
- **19.600.110:** The first sentence should be deleted. You don’t need to specifically exclude existing agriculture here. The second sentence is adequate since the paragraph is about proposed or new agriculture.
- **19.600.110.B.1:** Please explain. This is confusing when compared to 19.600.110.B. 3. Existing Agricultural Activities.

- **19.600.110.B.2. b:** For expanded Agricultural activities - should be **required, not just encouraged** to comply with vegetation conservation standards.
- **19.600.110.B.3.c:** All of these operations should not be allowed in shoreline jurisdictions period. There is no mitigation that can compensate for the negative impacts to the shoreline or water quality degradation that is caused by these facilities.
- **19.600.115:** I still do not understand why Aquaculture which is performed in the Aquatic designation goes by the upland designation. The impact of development is totally different in the two designations.
- **19.600.115:** There has been significant testimony regarding the PVC pipe used in the first 2 years of growing geoducks. I would like to see us:
  - Encourage initiative and experimental replacements for this PVC pipe. There is an ABS mesh which is being used by some that doesn't require a screen over the top of the field. This alone would reduce the total weight/volume of plastics used per acre by 80% +(?)
  - Require the geoduck farmers to put their name and phone number on the tubes. Then when they are washed away and found, the company responsible can be called. Again, I have a sample of this. See 19.600.C.1.i. We should remove the words "where feasible".
  - As with all people/business, some are responsible and some are not. We should reward the ones who are always trying to do things better for the environment.
- **19.600.115:** Questions from the July 3 meeting that we have not received answers to:
  - What proportion of potentially cultivatable shoreline are currently in operation. From a prior meeting we asked for a map showing what shoreline could be cultivated and that which is already under cultivation.
  - Permit fees – You provided a list of fees. Please give an example of the fees to be paid for a new geoduck farm.
- **19.600.115.A.1:** The courts have already determined that Aquaculture is substantial development and Ecology requires an SDP. Also, this paragraph conflicts with A.3.a. Therefore, this paragraph should simply state, "Except as otherwise stated in this section, an SDP shall be required for new Aquaculture activities." Delete the rest of the paragraph.
- **19.600.115.A.3.a & b:** I am confused by these two paragraphs. A CUP is required for new, and an Administrative CUP for a conversion. Then an SDP is required in (b) for essentially the same thing. This conflicts with (A.1) above.

- **Chapter 19.600.115.B.2.j:** Impacts to items B.1. - B.9. I only see B.1. – B.4. Is this a typo or am I missing something?
- **19.600.115.B.3.i:** All of these chemicals should be forbidden. Please explain why any of these would be needed in a marine aquatic environment.
- **19.600.115.C.1.a,b & c:** These apply to Shoreline Residential in general and should be added to that designation. The Ecology SMP Handbook, Ch 4 pg 3 bullet 8 gives the SMP the ability to recommend actions for properties outside the SMP Jurisdiction but have impact on shorelands. This should also include stormwater. According to the Stream Team, 75% of the pollutants in the marine environment comes from storm water. However, Ecology’s Stormwater standards only require sediment controls. They do not have chemical requirements. We should have this. Stormwater outfalls deliver nutrients and pollutants to the shoreline/lakes, rivers, streams and marine environments. Shoreline Residential property owners are expected to carry the burden for all other uses and activities.
- **19.600.115.C.3:** I assume this is on hold until Ecology get the fish pen thing figured out.
- **19.600.120.A.3:** Why does this only require an SDP? I would think a public hearing for this type of structure would be required. The impact to adjacent properties could be great.
- **19.600.125.A.1:** Why are Boating Facilities prohibited in the Natural Environment. Placing a pier over the natural/wetland to clear water should be an option with mitigation. This would provide access with minimal impact the Natural environment.
- **19.600.125.A.2.a:** This paragraph uses 9 vessels less/more as the break point. In 19.150.185 you use 5 as the break point. Please explain.
- **19.600.125.C:** Please explain littoral drift” in general and as it relates to boating facilities.
- **19.600.125.C.2.d.v:** I find it interesting that restrooms for men only need one wash basing but women need 2.
- **19.600.130.B.2:** Please give an example of a Non-Water oriented commercial development that would be allowed here. Is B.8 a list of these?
- **19.600.135.A:** Please discuss a mixed designation request i.e., a channel between a wetland and shoreline residential when the channel is the water access for the shoreline residents. Is C.2. & 4. the answer?

- **19.600.135.C.7:** Is disposal of dredge material allowed in an adjacent wetland under any conditions? Dredging is close to 90% water and should minimally impact the wetland at certain times of the year.
- **19.600.145:** I am not sure that commercial forestry should be allowed in the shoreline designation (within 200 ft of the shoreline). We should discuss this.
- **19.600.145.C.9b:** What is the science for a 3 to 1 tree replant requirement?
- **19.600.160: Mooring Structures and Activities.** Most of the paragraphs in this section are water body dependent and need to be tailored to be effective. I am not sure I caught all of the differences in my comments.
- **19.600.160.A.1:** Why are mooring structures prohibited in the natural designation? This is an upland designation and mooring buoys could have no effect.
- **19.600.160.B:** There should be a booklet for this. In most cases piers and floats need to be different for each type of shoreline (river, lake and Marine).
- **19.600.160.B.6:** This would only apply to the marine environment. Therefore, change it to read “If for marine residential moorage...” It can’t apply to a lake or river as there are no alternatives in Thurston County other than a marina in the marine environment. This implies, as written that a resident on Black lake could be required to moor his boat in downtown Olympia rather in front of his house on Black Lake.
- **19.600.160.B.8:** What if the neighbors say no joint dock or they already have a dock? This seems excessive. It should be in the booklet/pamphlet to be provided later. What is the “; and” at the end of the sentence?
- **19.600.160.B.9:** Why is a habitat survey required? Isn’t this designation sensitive such as urban/rural or lake/river/marine? Also, development density dependent? This sounds like something that costs a lot of time & money and should be limited to only where it is needed.
- **19.600.135.C.**
  - **1.a:** Docks are not only for boat access. They are for boat access, moorage, swimming, fishing and other recreation. This should be added to this paragraph.
  - **1.b & e –** How is the minimum size required to meet the water dependent use determined?

- **1.f:** This is a marine environment requirement. Should say “Buoys shall be preferred in the marine designation over...”
  - **1.g:** Is this a repeat of f? You can’t mean this for all shoreline residential and others designations.
  - **1.h:** Is this practical? It is getting confusing.
  - **1.i:** Please explain. Give examples where this would apply
  - **1.j:** Give example of where this is an issue. It certainly does not apply to all docks and moorage facilities let alone all types of water bodies.
  - **1.o:** Does this apply to all water bodies? Why is the 7 ft depth important?
  - **1.p:** Does this apply to all water bodies? Where is the science?
  - **1.r:** Grating is a marine environment requirement only. Ecology and WDFW have confirmed this. Please insert this reference.
  - **1.s:** This is not practical in the marine environment. Storage lockers etc are needed in this environment.
  - **1.t:** Should state this is for marine.
- **19.600.160.C.2:** Critical Saltwater Habitats Standards – Please refresh us on this designation and what characteristics would it have?
  - **19.600.160.C.3:** Confusing wording – change to “untreated wood or treated wood that is approved...” Remove the word where.
  - **19.600.160.C.3.b:** This is a marine environment requirement. The beam required to span 20 ft on a lake would be costly and excessive. 40 ft is even more out of the park. Pilings for lakes are 8 – 10 ft.
  - **19.600.C.3.c & d:** These are for marine also.
  - **19.600.160.C.4:** Piers - It looks like what is written here is all for the marine environment.

- **19.600.160.C.4.a:** 6 ft width should be allowed for all piers. Who knows when they may need a wheelchair or have guests that need wheelchairs? Why the differentiation?
- **19.600.160.C.4.c:** Why is north south so important. Please explain.
- **Figure 19.600.160(1 & 2):** We are mixing marine and fresh water again. Needs to be separated.
- **19.600.160.C.5, 6, 7:** These are for marine not fresh water. Where is the science that justifies grating and transparent covering? Why only one mooring buoy per residence
- **19.600.160.C.8:** Delete the reference to Lakes. This section only addresses rivers and streams.
- **19.600.165.A.1.c:** Please explain the exception.
- **19.600.165.C.1:** Please explain “ecosystem-wide processes”?
- **19.600.170.B.3:** Why is remodeled residential included in this paragraph? It only should apply if the remodel is outside the existing footprint.
- **19600.175: Shoreline Stabilization** - This section should be separated by water body. The needs/requirements are different.
- **19600.175.B.1:** In section 19500.100.C.3.c exemptions...A prudent person would assume if they are exempt from an SDP they are also exempt from a CUP. This paragraph doesn't make sense.
- **19.600.175.B.2:** What about protecting the shoreline ecological function? I realize Ecology only wants to protect the structure...But, the act says no net loss of ecological function. We need to find a way around this. The science is different for different water bodies – river/lake/marine.
- **19.600.175.C:** It looks like all of these paragraphs are for the marine environment. Rivers and Marine are the most volatile and have the greatest impact on fish. The lakes in Thurston County do not have salmon.
- **19.600.175.D:** Please provide examples of soft shoreline stabilization for the three types of water bodies. This is the type of thing that should go in the booklet. Geotechnical analysis sounds costly and time consuming. Again, most of these conditions/remedies apply primarily to rivers and marine environments. Lakes are different.

- **19.600.175.D.3.b:** Why require the geotechnical report to replace an existing shoreline stabilization? Time and \$\$\$\$.
- **19.600.175.D.3.f:** What are long term stabilization measures