

Merrill, Hannah

From: Jo Anne Estes [REDACTED]
Sent: Thursday, June 02, 2011 7:28 PM
To: zSMP
Cc: Merrill, Hannah
Subject: Comments for Consistency Review/SMP

I submit these comments for consideration of the Consistency Review (CR) document of the Draft Clallam County Shoreline Master Program Update, prepared March 2011 by ESA.

Pertinent Facts:

In Washington State, we have the Shoreline Management Act (SMA), passed by the State legislature in 1971. It was enacted to coordinate the development of the shorelines of Washington. According to the Department of Ecology (DOE), more than 200 cities and all 39 counties in Washington have *Shoreline Master Programs* (SMP), a plan specific to each of these jurisdictions and based on state guidelines.

Note: ESA was awarded a \$599,930 contract on September 21, 2010 to prepare the SMP update for Clallam County.

A DOE grant for \$450,000 to Clallam County will pay a portion of the ESA contract.

Grants are paid by taxpayers. I believe the DOE budget is approximately \$1 Billion dollars a year.

If all of the 239 jurisdictions got \$200,000 in grant money to update their SMP, the total cost would be \$48 million dollars.

I respectfully direct my comments to Director Roark Miller and her supporting staff members involved in the SMP update:

1. Let us first focus on Page 1 of the CR, which states that the CR is one of several steps the County will take to consider if any existing “policies or regulations **need to change.**” There must be demonstrated need for any changes and all affected landowners should be invited to consider any changes. *Note to research: Is it factual that the Supreme Court of Washington decided that shorelines are to be regulated exclusively under the SMA?*
2. Found throughout Table 1 of the CR are words such as: **provisions, policy, policies, standards, regulations, requirements, preferred approaches, add setbacks, limits.** These words are NEW LAWS that will further regulate private property rights. We must answer the question why new laws need to be imposed with current science that applies to conditions found in our community on a property specific basis, not one size fits all.
3. The CR seems to dwell extensively on the areas of the Clallam County SMP which are inconsistent with “state guidelines.” The guidelines are found in the WAC. As I understand the WAC, these are not laws. When we find land use policies of the state fairly applied for affected property owners, the common public good and the environment, we can follow the guidelines.

4. Our community is after an effective and fair shoreline management strategy. Let us add the equitable No Net Loss of **Economical Function** to the Clallam County SMP. When private property owners lose the use of their property, they must be compensated. The economic impact of this loss must be quantified, as the No Net Loss of ecological function is required to be quantified. If we are protecting the environment at the cost of private land use, the cost must be borne by the public.
5. I support the goal of clarity and ease of administration of the SMP. There are several references in the CR document about the SMP not integrating with other Clallam County code language. The effort should be made to remove the overlapping or redundant codes.

Thank you for the opportunity to comment.

Jo Anne Estes

