

Merrill, Hannah

From: Hansi Hals [hhals@jamestowntribe.org]
Sent: Friday, June 03, 2011 4:33 PM
To: zSMP
Cc: Byron Rot; rjohnson@jamestowntribe.org
Subject: comments - Cl. Co. SMP draft consistency report

Hannah and Cathy,

I have just read the Clallam County Shoreline Master Program draft consistency report. It is clearly written and very easy to understand, which I appreciated immensely. I want to provide a few comments on the draft consistency report now. However, the Tribe will be engaged throughout the SMP update.

In Section I there is discussion about integration with the Critical Areas Code. The Critical Areas Code is referenced as it is likely to make up for some of the deficiencies of the SMP. The report states that a further assessment is needed. I want to remind the County that in June 2004 the Jamestown S'Klallam Tribe prepared a report: *A Review of Clallam County Critical Areas Ordinance in protecting Riparian Areas – Using Dungeness River as a Case Study* (Hals). This case study shows that there are multiple deficiencies within the CAO and so it cannot be relied upon to fulfill SMP guidelines from the state without modification, as well as integration.

In Section II a potential change for Chapter 3 is presented which would designate an aquatic category for areas below ordinary high water mark. I believe this would be a useful category and would help alleviate confusion, especially for aquaculture uses.

Also in Section II there is a list of general policies and regulations that are missing from current County SMP (chapter 4 discussion). A clearing and grading ordinance is noted as missing. Recently the County has unveiled a draft Comprehensive Stormwater Management Plan (April 2011). A recommendation of this plan is to adopt a clearing and grading ordinance. Drafting and adopting this ordinance should be a priority for the County.

Finally, my most substantive comment is in regards to Section II, chapter 5 where the consistency report states: To bring the SMP into consistency, the existing policy would need to be replaced with one that states that new or expanded structural shore stabilization should only be permitted where demonstrated to be necessary to protect a primary structure that is in imminent danger of loss or substantial damage, and where mitigation of impacts would not cause a net loss of shoreline ecological functions and processes. Serious consideration will be needed to define how to determine imminent danger of loss and whether mitigation can effectively reduce impacts such that there is a no net loss of shoreline ecological function. Beyond the challenge of simply determining ecological function loss, is the circumstances of how these decisions will be made. It will be necessary to PREdetermine whether mitigation will be sufficient. Specific criteria rather than broad language will be necessary for applicants and permit reviewers.

Thank you. Hansi

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