

Merrill, Hannah

From: pearl hewett [REDACTED]
Sent: Thursday, June 14, 2012 11:46 AM
To: zSMP
Cc: McEntire, Jim; Chapman, Mike
Subject: Fw: 3. TO DOE-SMP BATTLES ON THE STRAITS OF JUAN DE FUCA

----- Original Message -----

From: [pearl hewett](#)
To: [Frank M Penwell](#) ; [Karl Spees](#) ; [Keith Olson](#)
Cc: manager@crescentwater.com ; [marv chastain](#) ; [Jay Petersen](#) ; [harry bell](#) ; [mary pierce pfaff](#) ; smiller@co.clallam.wa.us ; [Steve Gray](#) ; [randy simmins](#) ; [Sue Forde](#) ; [pat tenhulzen](#)
Sent: Thursday, June 14, 2012 10:18 AM
Subject: 3. TO DOE-SMP BATTLES ON THE STRAITS OF JUAN DE FUCA

TO WHOM IT MAY CONCERN

I submit this as my Comment

Pearl Rains Hewett

Member DOE-SMP Advisory Committee

DOE-SMP PRIVATE PROPERTY
BATTLES ON THE STRAITS OF JUAN DE FUCA

3. Clallam County
San Juan County
Grays Harbor County

Our WA State Counties are under attack.

You are probably aware, of the 7 plus years, that Clallam County has spent in court fighting **Futurewise** over Carlsborg?

Gray's Harbor County Commissioner's just caved in, and rolled over to **FUTUREWISE** demands and settled it with 150 foot set backs on WETLANDS.

Email from Keith Olsen Grays Harbor County

This just came out yesterday. It caught us all by surprise -

we had absolutely no idea it was taking place.

Wetlands in Clallam County are NOT on our SMP update. Ecology is going to map them out for us at some future date?

Will Clallam County private property owners get 150' setbacks on their wetlands too?

Pearl Rains Hewett

Grays Harbor County Commissioners increase buffers to 150 feet

By Steven Friederich

The Daily World

MONTESANO — On a split vote, the Grays Harbor County commissioners approved changes to the county's critical areas ordinance, which increases the "buffers" land owners must leave between development and wetlands.

A rural area near the Chehalis or Wynooche rivers would have had to leave a **50-foot buffer under the old rules. But, under the newly-adopted rules, that buffer is increased to 150 feet.**

Gone also are the old permitting rules under the critical areas ordinance that allowed a single-residential home to be treated differently than a major industrial site. Now, all applications are treated the same with identical buffers.

The new rules come about following a settlement between environmental groups **Futurewise and the Friends of Grays Harbor**, who sued the county back in 2010 claiming the county's critical areas ordinance did too little to protect well heads and rivers. Per a stipulated agreement between the parties, Grays Harbor had until June 29 to approve the changes or the issue would have headed back to the court.

Commissioners Terry Willis and Mike Wilson both voted in favor of the changes, **noting they wanted to see the lawsuit come to a close.** Willis pointed to the **sparsely attended public hearing as evidence that there was not a huge public outcry on the issue.**

Email from Keith Olsen Grays Harbor County

This just came out yesterday. It caught us all by surprise -

we had absolutely no idea it was taking place.

Would coordination apply here? We could use our cemetery district as the government entity?

If you are both too busy for a quick work/phone call is there someone else who could assist?

I was going to include Frank Penwell with this, but I don't have his email address.

County Commissioner Herb Welch voted against the ordinance, saying that treating permittees the same made absolutely no sense to him. A home could have the danger of spilling fertilizer into a creek or river, while an industrial site could very well spill hazardous waste. he argued. And yet both are treated the same under the permit guidelines.

Grays Harbor Planning Director Lee Napier and consultant John Kliem said the county really has no choice in the matter unless the commissioners wanted to spend thousands and thousands of dollars on biologists and water specialists to show that low and moderate developments impact water less than industrial sites.

Kliem said other jurisdictions in the Puget Sound area have been successful in that effort, but they went to the expense to prove their theories.

Welch asked if those studies could be applied to Grays Harbor, but Kliem said he didn't think so because the areas are so different.

"We have no science to back up our theories," Napier said, noting the county needed to rely on the buffers that the state Fish & Wildlife and state Department of Natural Resources was providing them.

"That's a guilty until proven innocent concept," Welch said.

Kleim noted that some of the science behind buffers hadn't been updated by the state since the 1990s, simply because the state Legislature hasn't given the agencies the money to do it.

"I realize this has been going on a long time and there's been a lot of work put into it and certainly Lee has come up with miracles to come up with the document we have," Welch said. "But I simply can't go along with what obviously is called in my book 'takings' of 150 feet of someone's property and I can look at my own as an example. And there are many, many other people out there who are like me. I have a creek on either side of my property and a river in the back. ... You're all of a sudden telling me the property I've owned since 1939 I can no longer use a some total of 450 feet of it. You're saying that's what the state mandates and I don't disbelieve that for a minute. But maybe we should collectively as a large crowd bang on the doors of our Legislature about the insanity of what I would still question as good science."

Old rules

Under the old rules, the county's buffers ranged from 35 feet in urban areas to 200 feet on the ocean beaches.

On most rivers and the Grays Harbor estuary called Type S, the buffers will now be 150 feet. On fish-bearing streams (Type F) much like the tributaries of the Wynooche River, the buffers will be 140 feet. On perennial, seasonal streams akin to Vance Creek (Types Np or Ns), the buffer would be 55 to 60 feet.

The rules do exempt farmland from having to oblige to the buffers. Napier said the county is looking into a voluntary stewardship program to handle the planning requirement for farmland.

To help the building industry, Napier said that the county is changing its rules allowing for some permits to be approved by her or her designee, instead of going through the county's Board of Adjustment. She noted that her decisions will be eligible to be appealed before the Board of Adjustment and says the county will do a better job letting the public know about its permit approvals as they happen by utilizing the county's website more.

"Obviously, when it came to buffers, that's always a very sticky conversation to have as we are accepting some of the minimum buffers that are available and they will do what we need them to do and that is to protect the environment at the same time," Commissioner Willis said.

Linda Orgel, one of the members of the Friends of Grays Harbor, told the commissioners that she agreed the agencies should be funded to update its science. But that the county had a responsibility to use the science that is available now.

"This is more than just our own 'this moment in time' what we do with our land, it's about the future of our environment," Orgel said. "This is about our life. We try to protect what we can so there's something left for the future. ... We don't want people to stop doing what they want to do with their land. We just want them to be responsible and careful."

Beyond the buffer requirements, the updates to the critical areas ordinance also restricts mining in geologically hazardous areas, as had been proposed by Futurewise. The plan also recognizes tsunami threats, but does not mandate developments establish individual tsunami evacuation plans, which had also been suggested by Futurewise.

"I am concerned that requiring developers to provide individual tsunami evacuation planned as opposed to relying on a countywide comprehensive approach may expose citizens to a greater danger," Napier wrote back to Futurewise on the issue.

The plan also does not incorporate a "Right to Farm" ordinance, which had been requested by farmers on the Harbor for many years now. Napier formally asked the commissioners on Monday to give her guidance on how to approach the issue.

Teri Franklin, who lives near McCleary, told the commissioners that they also ought to do more planning efforts to assure that working forests remain that way, instead of being carved up into housing lots and sold off.