

Merrill, Hannah

From: zSMP
To: Merrill, Hannah
Subject: RE: COMPLETE LIST OF CLALLAM COUNTY DOE SMP PUBLIC COMMENTS 2009-2012

From: pearl hewett [REDACTED]
Sent: Saturday, July 07, 2012 10:02 AM
To: Karl Spees; Jo Anne Estes; harry bell; Jay Petersen; Kai Ahlburg
Cc: connie beauias; Miller, Sheila Roark; Chapman, Mike [REDACTED]; Dick Pilling; robert crittendend; Steve Gray; McEntire, Jim; mary pierce pfaff
Subject: COMPLETE LIST OF CLALLAM COUNTY DOE SMP PUBLIC COMMENTS 2009-2012

- **TO WHOM IT MAY CONCERN**
- **If you want to read the full SMP comment? Go to the Clallam County SMP website. Click on Public comments. Identify the comment by using the name and the date (no comment # is displayed).**
- I am concerned with, the comment numbers with no comments? The fact that it took me 12 hours to compile the following information? If the online Public Comments will be compiled? Read by the decision makers? And if the comments of private property owners will be taken into consideration by the Planning Dept. and the Clallam County Commissioners in the final SMP Update? Public Forums are being scheduled and the private property owners of Clallam County need to be advised.
- Pearl Rains Hewett concerned member of the DOE SMP Advisory Committee
- [050511 - PHewett - G](#)
- **#70 We, as a Citizens Advisory Committee, are not there to give input, constructive comment, or recommendation, we are there to be indoctrinated on compliance, based on misleading pie charts and statistics compiled and presented by ESA Adolfson. "Reading out loud" by Pearl Hewett of WAC 173-26-191 illegal or unconstitutional.**
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COMPLETE LIST OF CLALLAM COUNTY DOE SMP COMMENTS 2010-2012

July:

- [070212 - RKonopaski - G](#)
- #284 clarifying the setbacks on marine shorelines?

June:

- [062312 - ESpees - G](#)
- #283 excessive 175-150 + 10 foot setbacks
- [061712 - PHewett - G](#)
- #282 DOE private meeting
- [061412 - PHewett - G](#)
- #281 150' wetland setbacks Futurewise and Grays Harbor
- [061412 - PHewett - SED](#)
- #280 WHAT IS THE ECONOMIC FUTURE OF CLALLAM COUNTY?
- [061112 - PHewett - G](#)
- # 279 See Nollan, 483 U.S. 825, 837 (1987). precautionary setbacks

- [060912 - PHewett - G](#)
- #278 25 No setback increases See Nollan, 483 U.S. 825, 837 (1987).
- [060712 - PHewett - G](#)
- *#277 Citizens' Alliance for Property Rights v. Sims*. 65% taking violates law
- [060312 - ESpees - G](#)
- #276 No taking of private property for public access

May:

- [053012 - PHewett - SED](#)
- #275 RE-DESIGNATE TO FRESHWATER RURAL
- [052912 - PHewett - G](#)
- #274 fight back COORDINATION PROCESS 43 UNITED STATES CODE SECTION 1712
- [052412 - RCahill - SMPdraft](#)
- #273 the spirit and intent of the Department of Ecology's Shore land's and Environmental Assistance, publication number 09-06-029, shall and should, be changed to may.
- [052212 - JBlazer - SED](#)
- #272 **The problem...** my parcel and the 2 parcels to the south would be hard pressed to build residences that take advantage of the marine view using the 175 ft setback in the proposed designation of Freshwater Conservancy.
- [052112 - MBlack - SMPdraft](#)
- #271 The overall concern I have is that **you are in fact taking future uses** away from private land holders without clearly acknowledging doing so.
- [051712 - PHewett - G](#)
- #270 problem SELLING AND BUYING DOE SMP NON-CONFORMING PROPERTY
- [051612 - PHewett - PPS](#)
- #269 SMP Public Forum participation
- [051512 - ASoule - SMPdraft](#)
- #268 SMP references to sea level rise
- [051212 - PHewett - G](#)
- #267 **FORKS SMP PUBLIC FORUM problems MAY 10, 2012**
- [051212 - KNorman - SED](#)
- #266 I hope that you will reconsider the classification of these lots based on this information as to do otherwise would be **a severe hardship on the owners of the lots** and would constitute a "taking" of the land.
- [051112 - FutureWise-PPS - SMPdraft](#)
- #265 Clallam County v. Futurewise 7 years + lawsuit Carlsborg. The current SMP updates are an opportunity to significantly improve protection for the straits and the county's other shorelines.
- [050812 - E Bowen - G20](#)
- #264 S. Gray to Ed Bowen long overdue [Final Draft WRIA 20 Preliminary SMP Elements Report](#)
- [050812 - WFlint - SED](#)
- #263 redesignateThe Lower Lyre River should be designated as Freshwater Residential (FRSD), and **not** Freshwater Conservancy (FC) as it is now proposed.
- [050812 - PHewett - G](#)
- #262 **SCIENTIFIC PAPERS AND THE DUE PROCESS OF LAW** DOE has consistently ignored questions asked on SMP comments, posted on the Clallam County SMP Update website, and at SMP Advisory meetings. **I am requesting answers to the following** questions to comply with the core principles of Due Process and the DOE SMP taking of private property in Clallam County.
- [050712 - USFWS - SMPdraft](#)

- #261 The Service strongly supports maintaining the feeder bluffs in their natural functioning condition.
- [050612 - PHewett - G](#)
- #260 If it is not recorded with the Clallam County Auditor's Office it is not on the Property Title. What should be recorded with the Auditor' s office for Public Record?
- [050512 - ESpees - G](#)
- #259 The premise of the SMA/SMP Undate 'that there is and environmental crisis' that requires a **draconian governmental intervention is bogus.**
- [050412 - LMuench - G](#)
- #258 I think you would best be served by showing shrubs as well as trees. Since the graphics are done, what about a red arrow pointing to the trees saying "may be limbed for views." **This is a major issue with shoreline land owners.**
- [050412 - ESpees - G](#)
- #257 The negative ECONOMIC IMPACT of the DoE imposed SMA/SMP Update for 2012 will be staggering!!!
- [050412 - PHewett - G](#)
- #256 Clallam County DOE SMP update, written text, uses **our safety and protection** as an excuse to take, **restrict and control the use/development** of our private property.
- [050312 - JBettcher - G](#)
- #255 I appreciate the public benefit of a healthy ecosystem but **oppose the taking of private property** by prohibiting private landowners from applying the best engineering practices to resist natural whims.
- [050212 - PHewett - G](#)
- #254 REAL ESTATE **LOW MARKET VALUE** OF NON-CONFORMING PROPERTY

April:

- [042812 - PHewett - G](#)
- #253 Increased Ins.FEMA AND OTHER POLICY SPECIFIC INSURANCE COVERAGE
- [042812 - PHewett - G](#)
- #252 House Bill 2671 If a county appeals the (DOE) Department of Ecology's final action on their local shoreline master program and the **appeal is given to the Growth Management Hearings Board?**
- [042812 - PHewett - G](#)
- #251 No. 87053-5 lawsuit against GMA IN THE SUPREME COURT OF THE STATE OF WASHINGTON
- [042612 - PHewett -G](#)
- #250 CLALLAM COUNTY- County NEGLECT OF WIRA 20 SMP PRIVATE PROPERTY OWNERS
- [042112 - Spees - G](#)
- #249 this insane **outrageous governmental over reach** under the thinly veiled cover of saving the environment. The problem now is not the environment.
- [042112 - PHewett - G](#)
- #248 PARTIAL DISCLOSURE OF **negative** SMP IMPACT ON PRIVATE PROPERTY OWNERS
- [041812 - PHewett - G](#)
- #247 The statistics introduced 474 at the last SMP Advisory meeting, on how many private property owners, property and single family dwellings will become **non-conforming by the SMP Draft marine 175', 150' plus 10' setbacks**, has not been posted on the SMP web site.
- [041712 - Port of PA - G](#)

- #246 Excessive buffers *Table 4.1 the proposed draft buffer in row "a" should be modified from 100' to 50'*

March:

- [032912 - PHewett - G](#)
- #245 THE MOST UNSCIENTIFIC PARTS OF THE DOE CLALLAM COUNTY SMP ARE, that even with DOE'S 1616 employees and a billion dollar budget. **DOE doesn't have a single analyst capable of compiling** and reporting the most important documented/published scientific statistics provided by The Clallam County Inventory and Characteristic reports.
- [032612 - PHewett - G](#)
- #244 ESA Adolfson's consultant's **failure to comply with WA State Law RCW 90.58.100** Each master program **shall** contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion.
- [032512 - PHewett - G20](#)
- #243 WIRA 20 Sol Duc River Reach 80 needs to be **re-designated** on proposed draft to 3.1.1.4 Freshwater Conservancy (FC)
- [032312 - RCrittenden - SMPdraft](#)
- #242 Thus, **all regulation is evil by its nature and it is repressive**. The best regulations are those that are the least that is necessary to accomplish their intended legitimate purpose. And "legitimate" is not to be broadly construed.
- [032212 - PHewett/RCrittenden - G](#)
- #241 Dr. Robert N. Crittenden SMP **critical** comments, testimony, tables and reviews
- [032112 - OEC - SMPdraft](#)
- #240 Change "should" to "shall" ,,,"culverts, and bridges shall be conducted using best practices....
- [031712 - PHewett - G](#)
- #239 Who controls PATENT LAND GRANTS ISSUED PRIOR TO STATEHOOD
- [031412 - MBarry - G](#)
- #238 These shorelines are critical for wildlife and natural ecological functions. I favor large setbacks. I favor development restrictions
- [030912 - PHewett - G/NNL](#)
- #237 **Mitigation is for the rich** Building Permit 2012-00014 issued to owners, David and Maria Tebow, Battle Creek MI. Two story 4 bedroom house 4770 sq feet, garage 927 sq feet, covered deck 173 sq feet with 19 plumbing drains (Number of Bathrooms?) Setbacks 60/25/25 Project value \$486,781.18. the written guarantee bythe Clallam County DCD of no net loss to ecological functions (documented on building permit)
- [030512 - ESpees - SMPdraft](#)
- #236 There is no way that these voluminous shoreline land use policies can be understood. It takes no imagination to understand **that this process is not 'due process'** in the taking of beneficial use of our Private Property
- [030412 - PHewett - SMPdraft](#)
- #235 **DOE Public Trust Doctrine web site (88 pages)** has gone missing, creating law by rule
- [030312 - KAhlburg - SMPdraft](#)
- #234 The last sentence runs directly counter to this assurance and needs to be modified or deleted. It otherwise will constitute yet another **unfunded mandate burdening the County** and "other entities" (which ones?).
- [030212 - PHewett - NNL/SMPdraft](#)
- #233 Lake Sutherland is a perfect example of Ecology's NO NET LOSS.

- With a 35 foot setback since 1976 there is **no net loss** of ecological function in Lake Sutherland.
- [030112 - MarineResourcesCouncil - SMPdraft](#)
- #232 It may also be possible that under certain development conditions, if done to minimize impervious surface and maximize water infiltration, **could enhance the function of the buffer and perhaps allow for a narrower buffer.**

February:

- [022812 - FutureWise - SMPdraft](#)
- #231 The first half establishes the expected character of shoreline buffers, and is well stated. But the second half goes on to state that only 80% of the buffer vegetation is protected, and that 20% can be used for lawns and other use areas.
- [022812 - PHewett - NNL](#)
- #230 NO NET LOSS MENTIONED In law RCW 36.70A.480 **but has never been defined** (4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW [90.58.060](#).
- [022812 - PHewett - NNL](#)
- #229 The policies, goals, and provisions of chapter [90.58](#) RCW and applicable guidelines **shall be the sole basis for determining compliance** of a shoreline master program
- [022712 - WDOE- SMP Statue](#)
- #228 Gordon White letter dated Feb. 27,2012 page 4, disclaimer of creating enforceable state LAW by rule on Page 88 of the WA State Public Trust Doctrine.
- [022412 - QuileuteNation - SMPdraft](#)
- #227 TRIBAL comment

January:

- [010312 - LowerElwhaKlallamTribe - SED](#)
- #226 TRIBAL comment

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specified.**

SMP Comments 2011:

December:

- [120811 - PHewett - G](#)
- #225 PROBLE WETLANDS NOT ON SMP MAPS **Attachments:** Lowell OREGON Local Wetland Inventory Report DRAFT.docx
- [120811 - PHewett - G](#)
- #224 Perkins and Coie Your Request on Tacoma SMP **Attachments:** 12-13-10 letter to Gary Brackett.pdf; SMA and Public Access.pdf **legal paper against SMP taking**
- [120711 -OlympicEnvironmentalCouncil \(OEC\) - G](#)
- #223 Sea level rise and climate change
- [120611 - WDOE- ICR20](#)

- #222 Draft WRIA 20 Inventory and Characterization

November:

- [113011 - ESpees - G](#)
- #221 In the WRIA Process and the SMA/SMP Update Process the concept of State regulation of land use based on Feeder Bluffs and Littoral Drift Cells **is a False Construct.**
- [112511 - ESpees - G](#)
- #220 The DoE's current cram-down of NNL and increased set-backs based on precautionary principle and 'new understandings of **science**' (**non-science/non-sense/pseudo-science**) **should be rejected.**
- [112411 - ESpees - G](#)
- #219 Impact on all stakeholders It's content is extremely pertinent to the work we are doing in Clallam County's SMA/SMP Update.
- [111611 - MPfaff-Pierce - SED](#)
- #218 Specifically, I am requesting that you reclassify the entire Whiskey Creek Beach Resort area as Modified Lowland. Right now you are proposing that a short area west of the creek be designated as Modified Lowland and the rest as High Bank.
- [111111 - JPetersen - SED](#)
- #217 Many activities would **be prohibited** without really looking at the specifics.
- [111011 - PHewett - G](#)
- #216 This is on the DOE Public Trust Doctrine web site (88 pages)"Finally, SMP'S, **unlike other comprehensive plans, are adopted as WAC'S** and become part of the state's Shoreline Master Program. As such, all local SMP rules, regulations, designations and guidelines **BECOME STATE LAW AND ARE ENFORCEABLE.** in this manner, protection of public trust resources and uses becomes binding."
- [110711 - PHewett - G](#)
- #215 SMP FOLLOW THE LETTER OF THE **LAW not the WAC'S**
- [110711 - PHewett - G](#)
- #214 Court: Washington Supreme Court Docket: 84675-8 Opinion Date: August 18, 2011 Judge: Johnson Areas of Law: Environmental Law, Government & Administrative Law, Zoning, Planning & Land Use Applicable Law and Analysis. In affirming the Court of Appeals, the Supreme Court explained that even though there is significant local government involvement in the creation of SMPs, the process is done in the shadow of the Department of Ecology's (DOE) control.
- [110711 - PHewett - G](#)
- #213 the Shoreline Management Act dictates that the Department of Ecology retains control over the final contents and approval of SMPs. Therefore, SMP regulations are the product of state action and are not subject to RCW 82.02.020."
- [110611 - PHewett - G](#)
- #212 EXCLUDED SMP DOE WAC'S DO NOT BECOME LAW
- [110511 - ESpees - NNL](#)
- #211 In keeping with regard to no net loss was unclear and **without any foundation.**
- [110511 - ESpees - G](#)
- #210 The **law has recently been perverted by State Agencies** to usurp private property rights, an uncompensated State taking by

- regulation.
- [110511 - PHewett - G](#)
- #209 **There is no WA State law requiring any taking of private property** for public access on the Clallam County SMP Update.
- [110411 - PHewett - G](#)
- #208 WHO CAN STOP DOE WAC'S FROM BECOMING STATE LAWS?
- [110411 - PHewett - G](#)
- #207 **Victory for PLF Whatcom County's shoreline** management rules conflict with state law, which mandates that counties "shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion." RCW 90.58.100.
- [110411 - PHewett - G](#)
- #206 **BY Law there is NO mention of the words "imminent or danger** or soft armoring" IF THIS WORDING IS USED ON THE CLALLAM COUNTY SMP, IN SPITE OF THE FACT THAT IT **CONTRADICTS WA STATE LAW** RCW 90.58.100 Protection of single family residences IT WILL BECOME CLALLAM COUNTY LAW.
- [110311 - WDFW - ICR](#)
- #205 A useful tool may be to describe, in general, the range of possible existing conditions within any portion of the shoreline.
-

October:

- [103111 - WDOE - ICR](#)
- #204 Not a copy format
- [103111 - JLarson - ICR](#)
- #203 I made at last SMP-WG meeting be incorporated into record
- [102011 - PHewett - SED](#)
- # 202 Who's toes will you be stepping on by using this? Will you be able to notify the private property owners that are **inadvertently compromised**? Are there any single family residences, in any areas, where you have not specifically **provided comment on protection by Law?**
- [102011 - PHewett - SED](#)
- #201 **Is this another WAC overstepping it's authority and the LAW?**
- [101911 - PHewett - NNL](#)
- #200 The **concept of no net loss** in this State originated with earlier efforts to protect wetlands. In 1989, Governor Booth Gardner signed an Executive Order establishing a statewide goal regarding wetlands protection.
- [101811 - JEstes - G](#)
- #199 **There are 3,289 shoreline property owners in Clallam County about to be subject to further regulation and restriction on the use of their land.**
- [101711 - PHewett - G](#)
- #198 **Unconstitutional Conditions** of WAC 173-26-191 Some master program policies may not be fully attainable by **regulatory means due to the constitutional and other legal limitations on the regulation of private property.**
- [101711 - WSP - ICR20](#)

- #197 Any additional comments on the two Clallam County SMP Inventory and Characterizations Reports are due by October 31, 2011
- [101111 - PHewett - G](#)
- #196 **WAC'S ARE NOT LAW'S? Guidelines Are Not Law's? Rules Are Not Law's?**
- [100811 - PHewett - ICR](#)
- #195 WAC 365-195-905 Criteria for determining which information is the **best available science**
- [100611 - PHewett - G](#)
- #194 REMOTE VIEWING AND SPACIAL DATA I did not find a State-of- the art- GSI and remote sensing facility for WA State?

No b comment for #193?

- [100411 - PHewett - G/ICR](#)
- #192 Please bring the SMP Public Comments up to date.
- [100311 - JTatom - G](#)
- #191 As a property owner in Clallam County, I cannot imagine that you, as servants of the county, would even consider placing additional restrictions on residents who live near shorelines (marine, rivers, streams and lakes). Already **we find ourselves so restricted that we are unable to use large portions of our "privately" owned property.**
- [100111 - PHewett - G](#)
- #190 Is it the intent, of two Elected County Commissioners, that **total control of all private property in Clallam County, be given to the Federal Government and the WA State DOE, one way or the other?**

September:

- [092611 - PHewett - G/ICR](#)
- #189 **Taking of Private Property for Public Access** I insist that ESA Adolfsen give us the total land acreage of private property that is affected by the SMP Update subject to NO NET LOSS and taking for Public Access.
- [092511 - PHewett - G](#)
- #188 private property owners pay for Noxious Weed Control - LMD#2 Lake Sutherland

There is no #187 public comment?

- [092211 - PHewett - G](#)
- #186 SHORELINE RESIDENTS SWAMPED BY REGULATIONS
- [092211 - PHewett - ICR](#)
- #185 I tried to stress the fact that it is not lack of public land, **it is the lack of public access to that publically owned land,that is the problem.**
- [092211 - PHewett - ICR](#)
- #184 CLALLAM COUNTY SHORELINE INVENTORY AND CHARACTERISTIC REPORT Based on the "Best Available Science?"
- [092211 - JamestownSKlallamTribe - ICR](#)
- #183 Tribal comment

- [091311 - LowerElwhaKlallamTribe - ICR](#)
- #182 Tribal comment
- [091011 - PHewett - G](#)
- #181 CLALLAM COUNTY SECTION 35.01.150 Real property assessments. PROTECTION FOR LOSS OF PRIVATE PROPERTY VALUE? The restrictions imposed by the Shoreline Master Program **shall be considered by the County Assessor in establishing the fair market value of the property.**
- [091011 - PHewett - G](#)
- #180 PUBLIC COMMENT REPORT ON SMP Public Forum July 14, 2011 every public comment and question asked.
- [090411 - JLewis - CR/ICR](#)
- #179 Public access across our property through our wetlands and over our berm to our private beach would be of great concern to us. Here are some **questions and concerns we'd like addressed** and you consider amending the provisions for providing public shoreline access:
- [090311 - ESpees - G](#)
- #178 The Drift Cells, Littoral Drift, and Feeder Bluffs Construct are **so much BS/Smoke and Mirrors.**
- [090311 - ESpees - G](#)
- #177 The Shoreline Master Program Update is rigged. **NNL & larger setbacks do not represent the 'will of the people'. It does not protect the rights of the Citizens.**
- [090211 - ESpees - G](#)
- #176 I gave my opinion **about 'locking up' shorelines** property based on salmon and endangered species as a pretext

August:

- [083111 - WDNR - ICR](#)
- #175 THREAT? **Incidentally, many of the docks and other development may encroach onto State owned aquatic lands without proper DNR authorization.**
- [083111 - MarineResourcesCouncil - ICR](#)
- #174 There is obviously no "ground truthing" of the information in this report.
- [083111 - JLWisecup - G](#)
- #173 **It lists it as a slide area although for the past 32 years we have had no indication of any land movement or building shift.**
- [083111 - ESpees - G](#)
- #172 It is **more loony insanity being foisted on the Citizens** of the State of Washington by a Government and their agents that are out of control.
- [083111 - ESpees -G](#)
- 171 The SMA/SMP and the WRIA processes are a means of locking up, **transferring ownership to the State, and regulating the use of these areas/preventing private economic and other beneficial use** of these prime areas.
- [082811 - PHewett - G](#)
- #170 SILT DAMAGE FROM ELWHA TO DUNGENESS SPIT?
- [082511 - ElwhaMorseMgmtTeam - ICRMaps](#)
- #169 Chris Byrnes commented on the yellow dots off shore (indicating "no appreciable drift"), argued that if it was so small, there wouldn't be drifting anyway.
- [082511 - CoastalWatershedInstitute - ICR](#)
- #168 The characterization needs to be **revised to include existing**

CLALLAM specific information and appropriate relevant recommendations that are in this existing information.

- [082511 - DAbbott - G](#)
- #167 I would like to see every effort made to ensure the **constitutional rights of private property ownership made by those who have influence in our lawmaking process. These rights have been encroached upon over the years and there is a renewed concern today by many private citizens.**
- [082411 - PHewett - G](#)
- #166 WA State SMP is requiring **Public access on private property at the expense of the property owner.**

There is no comment#164

There is no comment #163

- [081011 - MarineResourcesCouncil - ICR](#)
- #162 I urge you to look at the **reach/s or resource issues within all reaches for accuracy, omissions, and errors.**
- There is no comment #161
-
- [081011 - WSP - ICR](#)
- #160 not able to copy
-
- There is no comment #159
-
- There is no comment #158
-
- [080511 - PHewett - ICR](#)
- #157 A huge treat to Private Property owners. Wetlands are not included on SMP Update maps showing the areas that are a threat and risk of development.
-
- There is no comment #156
-
- There is no comment #155
-
- [080111 - FutureWise - ICR](#)
- #154 **The Sierra Club**

July:

- [072611 - WASEaGrant - ICR](#)
- #153 Coastal Hazards Specialist

There is not comment #152

- [072211 - PHewett - G](#)
- #151 Fact or Fiction, It is illegal to collect water in a rain barrel?
- The State owns all rainwater?
- [072011 - CCPICom - ICR](#)
- #150 The July Forum attendance was low and those that attended appeared to be **struggling with the information presented and the**

questions to ask.

There is no comment #149

- [072011 - PHewett - ICR](#)
- #148 Marine and Fresh water reach's impaired by water temperature for fish recovery
- [072011 - PHewett - G](#)
- #147 Freshwater reaches impaired by water temperature (32) Marine reaches impaired by water temperature (6) Contaminated Marine Reaches (5)
- Contaminated Freshwater Reaches (2) plus several
- [072011 - ESpees - G](#)
- #146 What **the hell does NNL (No Net Loss of ecological function) mean?** What is the plan for the amount of setbacks? What is the basis of this vague indefinable policy?
- [072011 - PHewett - ICR20](#)
- #145 On page 5-14 **HOKO_RV_05** is not listed. Shore line length 3.8 miles and Reach area 246.40 acres 100% timber
- [071711 - PHewett - G](#)
- #144 TOP TEN PUBLIC SMP UPDATE CONCERNS
- [071711 - ESpees - G](#)
- #143 Tribes not affected by Shoreline Mgmt. Plan Updates
- [071611 - ESpees - G](#)
- #142 the **DoE/EPA attempt to strip the Citizens of their private property rights.**
- [071611 - ESpees - G](#)
- #141 It uses Drift Cells and Littoral Drift as excuses **to take away private use and protections of private property.** This has to do with 'feeder bluffs'
- [071211 - TSimpson - ICR](#)
- #140 Page 6-12 Needs Correction :Lines 19-22
- [071211 - PHewett - ICR](#)
- #139 **COLD ENOUGH?** For Salmon Recovery?
- Based on their own reports and data, the amount of tree canopy, logging, development and public access are NOT factors in the impaired water temperature? Perhaps 50 years ago the water WAS cold enough?
- [071211 - PHewett - ICR](#)
- #138 Why is Green Crow the only contaminator mentioned by name? We should be **given the exact location of every specific contaminated site and the full identity of EVERY contaminator.**
- [071111 - ESpees - G](#)
- #137 **Conspicuously absent from the report of the first meeting is an accounting of the economical impact.**
- [070811 - PHewett - ICR](#)
- #136 **If more public access is needed, it is not the responsibility of Private Property Owner's to provide it.**
- [070811 - PHewett - ICR](#)
- #135 The Clallam County SMP update requires **private property owners to give public access to their privately owned marine shorelines, prior to permitting development.**
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- No comment # 134

- No comment #133
- No Comment #132

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SMP Comments 2011 cont.

June:

- [062811 - JLMcClanahan - G20](#)
- #131 She was very **concerned about any potential regulatory ct** for using their two parcels in the future.
- [062411 - RTMcAvoy - G20](#)
- #130 they are **against any such change** for the reasons stated herein.
- [062411 - DMansfield - G20](#)
- #129 **Adamant about no further restrictions on property**
- [062411 - PCWidden - G20](#)
- #128 **Concerns about changing the current SMP status from Rural to Conservancy.**

No comment #127

- [062011 - JEstes - G](#)
- #126 detail on how members of the public and **affected property owners are being notified**

No Comment # 125

- [060611 - WDOE - CR](#)
- #124 local DOE
- [060611 - PortofPA - CR](#)
- #123 LIMIT NOT PROHIBIT
- [060411 - ESpees - CR](#)
- #122 The salmonid stocks in Clallam County are not limited by freshwater habitat
- [060311 - JamestownSKlallamTribe - CR](#)
- #121 Tribal Comment
- [060311 - HBell - CR](#)
- #120 **This is not required by the RCW nor the WAC. WAC 173-26-241**
- [060311 - WSP - CR](#)
- #119 State Park comment
- [060311 - WDOE - CR](#)
- #118 Local DOE
- [060311 - ESpees - CR](#)
- #117 *By* Dr. Robert N. Crittenden
- [060211 - RCrittenden - CR](#)
- #116 the low abundance of these stocks is also **being used, to perpetrate the deception that it is caused by habitat loss.**
- [060211 - JEstes - CR](#)
- #115 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.**
- [060211 - SForde - G](#)
- #114 **Which one of my individual rights are you protecting with the Shoreline Master Plan and/or any updates to it? The answer: None – in fact, you are violating them.**
- [060211 - QuileuteNation - CR](#)
- #113 Tribal comment
- [060211 - CRogers - CR](#)
- #112 -Page 4 typo error
- [060211 - QuileuteNation - CR](#)
- #111 Tribal comment
- [060111 - AStevenson - CR](#)
- #110 a marked up PDF of the Consistency Review
- [060111 - ESpees - G](#)
- #109 SMP Update - **SMP Update Rigged Process**

No comment #108

- [060111 - PHewett - G](#) #107
- TOTALITARIAN: by definition(concerned with) arrogating (to the state and the ruling party) **all rights and liberty of every choice, including those normally belonging to individuals, etc.**
- [060111 - MTWalker - G](#)
- #106 **The SMP should be rejected in all it's forms.** It erodes our rights and freedoms, does not comply with and is in fact contrary to the Constitution, is poorly written, poorly organized, vague, and its objectives are ambiguous/obscure.
- [060111 - ESpees - G](#)
- #105 Tribes Not Affected

May:

- [053111 - ESpees - G](#)
- #104 **The SMP erodes our rights and freedoms**
- [053111 - ESpees - G](#)
- #103 The NNL Policy, larger setbacks and buffers, and new forced public access to private property **will further erode our freedoms.**
- [053111 - MGentry - G](#)
- #102 Green Point, group. 35 were invited and 17 showed up plus Dave Hannah was there to answer questions on bluff stability. Of the 17 **only one was aware of SMP** or said they had been contacted about forums.
- [053111 - PHewett - G / CR](#)
- #101 Pacific Legal Foundation **If government blocks access to your land**, it has committed a taking Dunlap v. City of Nooksack
- [052911 - ESpees - G](#)
- #100 **Adopting the NNL Policy and enlargement of current buffers is making bad policy worse.**
- [052911 - PHewett - G](#)
- #99 **SCIENTIFIC EVIDENCE Many of the problems that were the REASON that the public voted for the original Shore Line**

Management Act have already been corrected.

- [052811 - ESpees - G](#)
- #98 The DoE, an unelected State agency, is making radical policy based on the new State religion of earth worship.
- [052811 - RHale - G](#)
- #97 SMP'S are nothing more than a new version of a death panel and a **method for which to take property rights of state Registered/ Deeded and "taxed" owners.**
- [052711 - ESpees - G](#)

#96 Article 1. Section 1. Of the Washington State Constitution
Political Power: **All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.**

[052711 - PHewett - G](#)

#95 WA State DOE Budget is A THOUSAND MILLION IS A BILLION
written AS \$1,034.0 Million (the Doe can't even write it as a BILLION)

- [052611 - MGentry - G](#)
- #94 I reported to Steve and Sheila **only one of the group of 20 we met with had received notices like this. Can you determine why?**

No comment #93

- [052111 - PHewett - G](#)
- #92 Directing and identifying how our Clallam County Officials can **withhold permits** to private property owner's because **the State can't legally or constitutionally regulate our private property at a state level.**

No comment #91

- [051811 - JPetersen - CR](#)
- #90 One of the items that should be addressed in the new shoreline program is the relative **inaccuracy of the Critical Areas maps in regards to Meander Hazard Zones.**
- [051811 - NOTAC - CR](#)
- #89 MANY comments on the Consistency Review

No comment #88

No comment #87

No comment #86

No comment #85

No comment #84

No comment #83

- [051311 - PHewett - G](#)
- #82 WA The Supreme Court has granted review in several additional cases against the SMP this month. Citizens for Rational Shoreline Planning, et al. v. Whatcom County, et al., No. 84675-8.
- [051311 - PHewett - G](#)
- #81 United States Supreme Court **RULES An environmental restriction on property development that serves no environmental purpose is unjustifiable.**
- [051311 - PHewett - G](#)
- #80 Pacific Legal Foundation **If government blocks access to your land, it has committed a taking Dunlap v. City of Nooksack**

No comment #79

No comment #78

- [051011 - TSummer - G](#)
- #77 No privacy on private beach I have met some extremely rude people who confront me and won't leave my backyard because they believe the beach SHOULD BE public.
- [050611 - PHewett - G](#)
- #76 Clallam County SMP **has/will taken the value of private property located in critical areas, setbacks, buffer zones and shorelines** and is legally controlling and regulating the removal of all vegetation on all private property located in critical areas, setbacks, buffer zones.
- [050611 - PHewett - CR](#)
- #75 **TAKING OF PRIVATE PROPERTY FOR PUBLIC SHORELINE ACCESS** Statistics taken from Clallam County future land use map 79.2 % of Clallam County is **PUBLIC LAND 17.1% or less of Clallam County is PRIVATE PROPERTY** 3.7% other

No comment #74

No comment #73

- [050511 - PHewett - CR](#)
- #72 LAKE SUTHERLAND RCW 90.24.010 **Petition to regulate flow**
- [050511 - PHewett - CR](#)
- #71 **Oregon Voters May Require Compensation for Damage to Land Value Due to Regulations**
- [050511 - PHewett - G](#)
- #70 **We, as a committee are not there to give input, constructive comment, or recommendation, we are there to be indoctrinated on compliance, based on misleading pie**

**charts and statistics compiled and presented by ESA
Adolfson. "Reading out loud" by Pearl Hewett of WAC 173-26-
191 illegal or unconstitutional.**

•

April:

- [042611 - ESpees - G](#)
- #69 Since, all of the SMP **public comments are being held private?**

I guess we will have to find a way to make our privatized, public comments PUBLIC?

- [042311 - MBlack - G](#)
- #68 **This is crazy-making and counterproductive.** Please pick one that can be defined.
- [042011 - KAhlburg - G](#)
- #67 Public comments
- [041811 - QuileuteNation - G](#)
- #66 Tribal Comment
- [041411 - RColby - G](#)

No comment #65

No comment #64

No comment #63

- #62 We are still suffering under the Good Ole Boys mentality out here because in Clallam bay one property owner is using his lands for staging a scrap metal yard right next to Charlie creek.
- [041411 - TSimpson - G](#)
- #61 **To mandate setbacks is arbitrary. Each site is different.**
- [041211 - BBrennan - G](#)
- #60 We are in the process of evaluating the existing well and have had utilities reconnected to the property. Over the next few years we hope to *see* these projects come to fruition, **but are concerned that shoreline setback changes could impede our progress.**
- [041111 - NN - G](#)
- #59 hand written
- [041111 - MGentry - G](#)
- #58 hand written
- [041111 - NN - G](#)
- #57 Hand written
- [041111 - RMorris - G](#)
- #56 same as #57 hand written
- [041111 - NMessmer - G](#)
- **#55, 56 and 57 are identical**
- [041011 - RMorris - G](#)
- #54 I would really like to see a ban on the use of yard-related herbicides and

pesticides within buffer zones near aquatic areas.

No comment #53

No comment #52

- [04 --11- RMorris - G](#)
- #51 #55, 56 and 57 are identical
-

March:

- [031511- PHewett - G](#)
- #50 Summary was not representative of the meeting I attended on Jan. 26, 2011. There was no mention of Lake Sutherland and the outpour of concern by the private property owners.
- [031511 - RMorris - G](#)
- #49 My first look at the report is that it looks good.
- [031511 - RMorris - G](#)
- #48 Is the Clallam County MRC research and data bases being used in this work?

No comment #47

- [031411 - MGentry - G](#)
- #46 I would be really interested in knowing what portion of the population actually has even an elementary understanding of what's going on with this planning process, the decisions being made and how those will affect the common citizen.
- [031111- JWare - G](#)
- #45 Thank you for providing the opportunity to participate and learn more about the Clallam County Shoreline Master Plan.

No comment #44

- [030211 - PHewett - G](#)
- #43 Indian Tribes Role in Local Watershed Planning (ESHB 2514)
- [030211 - PHewett - G](#)
- #42 INVITATION TO ALL PERSONS RCW 90.58.130

No comment #41

February:

- [021711 - MLangley - G](#)
- #40 PRO SMP but Too often shoreline owners bear the burden of inconsiderate visitors.
- [021511 - PHewett - G](#)
- #39 My son listened to me **complain for days about the SMP** and illegal trespass by DFW on our land, then he gave me some invaluable advise. If you have a complaint? CLIMB THE LADDER!
- [020211 - RBrown - G](#)
- #38 Sorry I couldn't make it to the latest SMP focus group

January:

- [012611 - MBoutelle - G](#)
- #36 hand written erosion problem

No comment #35

No comment #34

No comment #33

No comment #32

- [012111 - CAbrass - G](#)
- #31 **One of our concerns** is the lack of guidelines and drainage requirements for new housing development above the level of waterfront property.
- [011811 - DJones - G](#)
- #30 **I received a phone call today reporting that a man is going around Lake Sutherland taking photos of the docks. His response was that it is for the Shoreline Master Program (SMP)Update.**

2010:

The Clallam County Board of Commissioner's expects to adopt a final SMP-Update Public Participation Strategy extended to **March 16, 2010 @ 10 a.m.** at the Board of Clallam County Commissioners Regular Meeting, 223 East 4th Street, Room 160, Port Angeles, Washington.

No comment #29

No comment #28

No comment #27

No comment #26

- [110810 - WDNR - G](#)
- #25 Please include myself and Hugo Flores as contacts for the WA DNR and
- include us in any mailings regarding your future planning efforts.

No comment #24

- [080510 - PSP - G](#)
- #23 PSP

No comment #22

No comment #21

No comment #20

No comment #19

No comment #18

No comment #17

- [031010 - WDOE - PPS](#)
- #16 SMP Update Public Participation Strategy
- [030910 - WDOE - PPS](#)
- #15 **We talked about how to include the transient or tourist public in the outreach strategy**

No comment #14

No comment #13

- [030810 - LMuench - PPS](#)
- #12 SMP Update Public Participation Strategy
- [030410 - QuileuteNation - PPS](#)
- #11 Tribal comment, I am thinking the person who drafted it just looked at state requirements and did not go beyond that

No comment #10

No comment #9

No comment #8

No comment #7

No comment #6

No comment #5

- [022410 - FutureWise - PPS](#)
- #4 The very nature of this product is **about public participation**. Some description of it is needed, including **how it is intended to be used** in the SMP.

No comment #3

- [020910 - JMarrs - PPS](#)
- #2 I am pleased with the emphasis I see on making the process open and transparent.

2009: PUBLIC PARTICIPATION STRATEGY

- [120509 - DemComm - G](#) #1 **CLALLAM COUNTY DEMOCRATIC CENTRAL COMMITTEE**

Resolution regarding County Shoreline Management Plan

WHEREAS the nature of amendments to the plan as might be adopted by the Clallam County Board of Commissioners mayor may not adequately protect the quality of local waters from harmful development; and

WHEREAS participation in the Shoreline Management Plan review process will be open to the public in a series of meetings over the next two years or more;

THEREFORE be it resolved that the Clallam County Democratic Central Committee appoint a subcommittee of interested members to monitor the progress of the Shoreline Management Plan review, to suggest to the Central Committee communications to the county of the concerns or interests of Democrats in the elements of the plans and any proposed amendments, and to issue quarterly reports on the review process to the Central Committee.

- December 5, 2009