

# Merrill, Hannah

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**From:** Merrill, Hannah  
**Sent:** Thursday, April 04, 2013 5:35 PM  
**To:** zSMP  
**Subject:** FW: JSKT comments on CIA/NNL and Restoration Reports  
**Attachments:** JSKT Comments to the Clallam SMP CIA-NNL report and Restoration Plan 4-4-13.pdf

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**From:** Randy Johnson [mailto:rjohnson@jamestowntribe.org]  
**Sent:** Thursday, April 04, 2013 1:44 PM  
**To:** Merrill, Hannah  
**Cc:** Matt.Beirne@elwha.nsn.us; theresa.nation@dfw.wa.gov  
**Subject:** JSKT comments on CIA/NNL and Restoration Reports

Hi Hannah

The Jamestown S'Klallam Tribe's comments are attached. See you at next week's meeting.

Thanks,  
Randy

*Randy Johnson  
Habitat Program Manager  
Jamestown S'Klallam Tribe  
1033 Old Blyn Highway  
Sequim, WA 98382  
(360) 681-4631*



April 4, 2014

Ms. Sheila Roark Miller  
Clallam County Dept. of Community Development  
223 East 4th Street, Suite 5; Port Angeles, WA 98362-3015

Re: Jamestown S'Klallam Tribe comments on the Draft (November 2012) Clallam County Shoreline Master Plan, Cumulative Impacts Analysis/No Net Loss Report (February 2013) and the Restoration Plan (February 2013).

Dear Ms. Roark Miller,

The Jamestown S'Klallam Tribe (JST) Natural Resources Department staff has completed a preliminary review of the February 2013 draft of Clallam County's Shoreline Cumulative Impact Analysis (CIA) and No Net Loss (NNL) Report and the draft Restoration Plan. We commend the County staff and consultants for their hard work during the update process. However, we continue to have significant concerns about the Shoreline Master Program Update's ability to protect natural resources important to Jamestown S'Klallam and all county residents. The comments provided here are primarily intended to supplement and not replace or reiterate the previous written and verbal comments provided by JST staff.

These drafts were difficult to adequately and thoroughly review for the following reasons:

- The drafts are incomplete (missing technical manual describing the methods used for CIA),
- Lacking clear implementation procedures,
- Inconsistent use of language,
- Additionally, there are many apparent loopholes. Too much responsibility is placed on County staff and DCD's Administrator. This will result in 1) inconsistent implementation, 2) difficulty in training staff, 3) require more staff and applicant time during the application process, straining already thin resources, and 4) will make monitoring, adaptive management, and tracking of NNL more difficult and expensive.

These drafts were billed as the final report/plan in the SMP series however; having now reviewed all of the drafted documents it appears that there are significant gaps including:

- Missing technical manual

- Missing monitoring plan or appendix (detailing how the County will fund and implement monitoring of cumulative impacts, restoration, and adaptively manage for NNL). Where is a draft budget for monitoring? Will the County restrict new shoreline development/redevelopment until the funding for monitoring, enforcement, and restoration are available to help meet the goals of NNL?
- Missing draft of the code language (the code will be the primary source for implementation of the SMP and without reviewing the wording of the code, we cannot adequately assess the full implications of the SMP to tribal resources). It would also be helpful if there was an implementation manual complete with numerous examples/permit scenarios. This manual would double as a staff training and reference guide.

Because of the enormity and complexity of the CIA/NNL Report, we recommend that a table be included that clearly links 1) ecologic function, 2) metric, 3) means of tracking metric, 4) mitigation measures, and 5) restoration measures. See example below.

<b>Ecologic Function</b>	<b>Metric</b>	<b>Tracking Method</b>	<b>Mitigation Measures</b>	<b>Restoration Measures</b>
Water Quality (Freshwater)	Acres of Impervious Surfaces	Satellite Imagery	Bioswales, Rain Gardens, Filter Strips	Remove Impervious Surfaces

**Comments, Draft CIA/NNL report, February 2013**

- Pg. 1, line 5-6. The cumulative impacts analyzed are of select current conditions to be compared to future shoreline development, not all future development.
- Pg. 1, lines 19-20. There is no mention in this document how the County plans to “fairly allocate burden of addressing cumulative impacts among development opportunities.” There should be a fee schedule and draft budget indicating how the County will fund implementation, ongoing analysis and monitoring, restoration, and enforcement of these policies and rules for the foreseeable future to avoid and adapt to adverse cumulative impacts.
- Pg. 1, lines 21-24. “No net loss assumes that some impacts may occur but that adequate measures are in place within the overall shoreline master program to offset them such that the post development conditions are no worse overall than pre-development conditions.” This statement is the major thesis of this report and should be expanded to include additional language and a figure (a corrected version of Figure 1-2 in the Restoration Report-see comments below). To ensure that the reader truly understands mitigation, restoration, and no net loss and how they are connected, please be clear in this paragraph and throughout the document that there will be cumulative impacts from a vast array of anthropogenic and natural sources and that only subset of these impacts will be associated with development within the SMP jurisdiction. The draft SMP and companion documents are all targeted towards regulating and permitting development in this narrow strip along the shoreline. This report makes it clear that

there will be impacts that can't be mitigated, either because they 1) happened prior to the adoption of the update, 2) are established/grandfathered lots, structures, and uses, or 3) will come from impacts outside of the SMP jurisdiction or from factors outside of the County's control (such as climate change and sea-level rise).

- Pg. 1-2, lines 28-29 & 1-5. Local governments achieve NNL by:
  - *“Establishing appropriate SMP goals, policies and regulations to protect shoreline functions”*. These actions alone will not achieve NNL, because regulations are only as good as their implementation and enforcement.
  - *“Appropriately regulating individual shoreline development proposals to ensure they mitigate adverse impacts.”* This action addresses implementation and mitigation, but few details are provided about how the regulations will be implemented, and the mitigation regulations have major gaps that need clarification.
  - Item 3, *“Implementing restoration actions to improve shoreline ecology;”* is covered by the restoration plan which also lacks specifics. Lists of projects - mostly funded by salmon restoration funding sources – are included, but no specific indication of what the County will do beyond salmon restoration. Nor does the plan describe how restoration will be funded, and the link between proposed restoration actions and the CIA metrics.
  - Item 4, *“Monitoring changes over time;”* is completely missing from both documents. No specific strategies or budgets for the County to do monitoring are identified, only vague references to other monitoring performed by other agencies.
  - Item 5, *“Adjusting shoreline management protocols as needed to obtain the desired results.”* No detailed plan outlines how “management protocols” will be adjusted and based on what monitoring and connected to what metrics?

Given the shortcomings related to each item on this list, the draft report fails to provide the documentation necessary to indicate that even the low-bar of NNL is achievable.

- Pg. 2, lines 14-24, provides a good discussion of cumulative impacts.
- Pg. 2, line 33, should read ... *are the cumulative ecological impacts that could result from permitted development and uses...*
- Pg. 2, lines 33-35, *“Development outside of Clallam County’s shoreline jurisdiction is not considered in this cumulative impact / no net loss analysis assessment.”* This statement should be moved to the first page and expanded (see above).
- Pg. 3, lines 20-21, *“The Draft SMP includes standards and procedures for evaluating the effects of specific development actions on a case-by-case basis at the time individual shoreline development proposals are reviewed.”* Where are these measures identified and how are they tied to the NNL metrics?
- Pg. 3, lines 24-29, *“To achieve no net loss, the SMP requires each project to mitigate impacts by first avoiding, then minimizing adverse effects, then replacing damaged resources through compensatory mitigation efforts (this mitigation sequence is required in Section 4.4.3 of the Draft SMP). The County is also required to implement restoration measures on a voluntary basis to supplement the project-level mitigation actions.”* This discussion should be expanded to include the time-frame over which NNL will be measured and the time intervals for monitoring

and adaptive management. Also clarify the spatial scale of NNL (is it site, reach, analysis area, watershed, or countywide). The ideals of achieving NNL through compensatory mitigation have been shown to have a high failure rate in other areas, especially if mitigation 1) occurs after the impact, 2) is not located near the impact, or 3) does not restore the same function that was impacted (See the work of Dr. Doyle at Duke University). For example, when mature riparian forest is cut for development (view corridors, etc.), the ecological function will take 50- 100 year to be replaced and only if the plantings are properly selected, properly sited, adequately maintained and protected and ultimately mature to perform the same ecological function as the forest cut. During the intervening 50-100 years NNL has not been reached (at least for this site and this time). It is commendable that restoration is proposed to fill the gap that is identified between development impacts and mitigation (mitigating-restoration?) however, depending on the timeframe for NNL, mitigation and mitigating-restoration must occur prior to impacts in order to achieve true NNL. The County should develop and manage a mitigation-bank (similar to the Dungeness water-bank) where mitigating-restoration is implemented in areas unsuitable for development and on land owned by willing shoreline landowners. Mitigation sites would require maintenance and monitoring and require adequate funding to implement. Landowner participation should be encouraged by providing participants in the mitigation-bank with Public Benefit Rating Points and the associated property tax benefits. Landowners could also share in the future compensation once the ecological function has been verified and the mitigation credits are sold. This system would require a number of years funding before it could begin to generate its own revenues. The County recently devoted funding to the seeding of the water-bank and has requested additional funds from the State. Similar commitment by the County and State are required to truly mitigate for expected development to these already degraded shoreline ecological systems. The cost of implementing the mitigation bank should help to point out that ecological services are not free and replacing them is always more expensive than protecting them. Activities that diminish shoreline ecological function should pay to replace that ecological function and for the programs that are required to monitor, implement, and manage for cumulative impacts and NNL.

- Pg. 4, lines 19-22, *“A detailed description of the data sources and analysis protocols will be provided under a separate cover to assist other jurisdictions in replicating this type of analysis if desired. That said, all of the data sources used here are identified in the Shoreline Inventory and Characterization Report (ESA, 2012).”* We cannot fully assess the CIA/NNL and restoration plan without having *“detailed description of the data sources and analysis protocols...”* The ICR includes all datasets used, not just the limited set used (but not noted) for the CIA.
- Pg. 7, line 1, Table 1-1 on the fifth line states, *“Where might threats result in loss of ecological function?”* The response does not make sense. *“No net loss is most likely to occur in areas where the policies and regulations of the SMP may not be sufficient to prevent impacts and full mitigation of impacts may not be feasible.”* If the *“policies and regulations of the SMP may not be sufficient”* won't net loss be more likely than NNL? Also, where are the guidelines for determining when full mitigation of impacts is not feasible?
- Pg. 8, lines 19-20, *“We selected a narrow set of attributes and indicators that pertain to shoreline management and could be assessed now using readily available data.”* Without the

technical document detailing the datasets used and the protocols for CIA, we are left to question (see more specific data comment below);

- Will the data remain readily available?
- Will the data be updated regularly and timely and by whom and how will this be funded (the County certainly does not have sufficient staff to do this now)?
- Since at least one of the datasets used in the ICR is over 10 years old will the County try to reach NNL in relation to 2001 for this indicator?
- How will cumulative impacts and NNL be assessed if the data is not available?
- Pg. 9, Lines 3-5, *“Clallam County residents “envision a future environment that is at least as beautiful and productive as today--a future with more people, more fish and wildlife, sustainable forests for generations of working families, and accessible, clean shorelines.”* Please cite the source of the quote (vision report?). Also, the quote represents an excellent vision of a future with more people, fish, and wildlife, but the NNL report does not provide sufficient details and specific actions to show how this vision will be met. The report does have, however, many loopholes that will make it difficult to meet the much lower goal of NNL.
- Pg. 10, lines 2-3, *“Describing baseline conditions in terms of a few key functions that are heavily influenced by SMP decisions and that are measurable using discrete indicators (see below);”* Throughout this document the term baseline is used to refer to the conditions in 2012 as documented in the ICR, as well as the subset of conditions as reported in the CIA. Please clarify and use consistent language. We suggest using baseline only when specifically referencing the ICR conditions and use a different phrase “No Net Loss Conditions” when you are referring to the “few key functions”. The draft report also mentions that the few key functions should be *“...measurable using discrete indicators.”* However, the indicators listed in Table 2-1 are vague and un-measurable as written. Please expand Table 2-1 to include the metric being proposed as a proxy for the indicator (example status of salmon stocks, what is the metric that you are using to indicate status? List this in the table along with a reference (link?) to the section heading where this indicator is discussed in detail).
- Pg. 11, lines 9-10, more comments on Table 2-1,
  - Cell one below Habitat/Marine: *“Extent and condition of feeder bluff”* Why would the extent of feeder bluff change and what metric is being used as a proxy for condition of feeder bluff?
  - Cell one below Hydrology/Marine: *“Number of tidal barriers”*. Sheer number of tidal barriers is not an appropriate metric for impact to marine hydrology. Since barriers are defined as “Roads, dikes and levees and other structures”, acres of marine habitat impaired would be a superior indicator.
- Pg. 11, line 17, a word is missing between “objectively” and “certain”.
- Pg. 11, lines 15-18, *“the County’s SMP is designed to protect all shoreline functions, not just certain ones. However, we lack the means, technology, and capacity to objectively certain functions, or track their status in response to management actions.”* Please enumerate the functions that might be impossible to track. If they are significant, then how can NNL be adequately assessed? How will the County ensure that adequate means, technology, and capacity will exist in the future? Most of the datasets used as metrics for the County’s indicators

were collected by other organizations. What if these datasets are not updated when it is time to assess NNL? The report should include a detailed plan, budget, and funding source for ensuring that the County will have adequate means, technology, and capacity to meet the requirement of NNL without relying on other organizations.

- Pg. 12, lines 3-5, *“The hope with this effort is that by measuring and tracking the selected indicators over time, we have some solid data to assess whether the County’s no net loss vision is being achieved overall.”* We commend your intent to move from qualitative to quantitative metrics to track indicators. Once the metrics are more clearly defined and described we can provide additional feedback on the appropriateness of the metrics to measure cumulative impacts. The phrase “solid data” is overly optimistic given that the County did not measure and does not appear to fully understand the data used (see additional comments below). Please provide the technical document as soon as possible so that we may review the appropriateness of the data in relation to the analysis protocols.
- Pg. 19, lines 16-20, *“As a result, we selected one relatively narrow indicator of water quality related to shellfish harvest, which is an important shoreline management issue in Puget Sound. We consider the frequency/presence of shellfish harvest closures (or lack thereof) to be an indicator of water quality function for the marine shoreline component. This is compatible with the Partnership’s indicator and targets for human health.”* Shellfish harvest closures do not adequately measure the impacts of shoreline development and use on marine water quality. Shellfish harvest closures are only related to elevated bacteria, not directly to elevated nutrient or other pollutant levels. Additional metrics should be identified for tracking marine water quality.
- Pg. 25, lines 8-12, *“Freshwater rivers, streams and lakes in Clallam County are vital to the health of many Puget Sound salmon and trout stocks, including Chinook salmon, summer chum salmon, bull trout and steelhead, which are listed as threatened under the federal Endangered Species Act. Due to their reliance on healthy freshwater systems, we selected the salmon stock status as one of two indicators of habitat function.”* Table 3-5 is missing most of the ESA listed species which are mentioned in on lines 8-11. Why are these species excluded? Please add text to 3.2.1 indicating what the actual metric (and value(s)) are for the indicator “salmon stock status”. Additionally, salmon stock status is probably too coarse a metric to be very useful in tracking short-term ecological functions.
- Page 27-28 Lines 1-2. *“Table 3-6. Acres of closed canopy forest within 200 feet of the ordinary high water line (Data from Point No Point Treaty Council 2011).”* Please see attached comments from Point No Point Treaty Council (Attachment A).
- Pg. 28-29, section 3.2.2 Water Quality. If *“Dissolved oxygen is one of the most influential water quality parameters for stream biota, including salmonids (Bjornn and Reiser, 1991)”*, then why not use DO data? The DO data that Streamkeepers collects might be a relatively inexpensive way to get DO for much of the County’s analysis areas.
- Pg. 29, lines 6-7, *“We selected the amount of impervious surface within shoreline jurisdiction as an indicator of freshwater quality functions.”* Impervious surfaces impact a variety of ecological functions, including water quality and quantity, and are thus a useful metric. Questions exist,

though, about the County's readiness to track changes in impervious surfaces. For example, the impervious surface dataset used in the ICR was from 2001 and it appears that the 2005 dataset is used for the CIA. Is a 900 square meter dataset appropriate for estimating the impervious surface area within 200 feet of streams? Please clearly identify the accuracy and limitations of this and all datasets and the limitations of the analysis used. Additionally, how does the County plan to meet NNL for increases in impervious surface due to new permitted development? All of the mitigation and restoration measures identified for impervious surface deal with treating the increased runoff, which is a very important step to stopping further declines in water quality. However, water treatment measures will not be visible in future satellite land cover datasets, and won't influence the surface area of impervious surfaces anyway. Hence, a net loss will probably be measured by the impervious surface metric, regardless of the water quality mitigation efforts implemented. How can this dilemma be addressed?

- Pg. 31, line 9. *"...levees are inventoried (extending across 67 acres of shoreline)."* Please clarify how the 67 acres was measured. There are hundreds of acres of floodplain cutoff from just the Dungeness River by levees.
- Pg. 31, line 16. Please check to see if vacant lot is defined.
- Pg. 45, Lines 18-19. If 20 years is the planning horizon, will NNL only be checked following 20 years? Specify the intervals under which adaptive management for NNL will take place.
- Pg.58, Lines 31-37. ***"A high percentage of parcels have structures within the proposed buffers: The majority of Analysis Areas have a substantial portion of existing structures within proposed SMP habitat and/or hazard buffers (Table 5-4). Half of the Analysis Areas have 50% or more of existing residential structures that would become legal nonconforming structures (grandfathered structures), with the highest percentages identified in the Diamond Point, Travis Spit, Dungeness Harbor, Dungeness Bluffs, and Morse Creek to Port Angeles Analysis Areas (all to the east of Port Angeles)."*** This paragraph shows the need for clear grandfathering guidance and for a much more aggressive restoration effort than what is included in the current Restoration Plan.
- Pg. 61, Tables 5-6 and 5-7. Please reword the column heading *"Vacant parcels constrained by proposed buffer"* to make clear that these are "existing, undeveloped parcels that have potential for new development within the proposed buffers" as stated line 9 page 60. These parcels should be identified in the Restoration Plan as high priority parcels for acquisition or conservation easements. NNL can only be achieved if many of these parcels remain undeveloped. Where buffer conditions are poor, revegetation should begin soon to help mitigate for "unavoidable" losses of vegetation.
- Pg. 68, table 5-9. *"Table 5-8. Parcels within Marine Analysis Areas with Potential for New Shoreline Modifications"*. These parcels should also be high priority for conservation purchase or easement to prevent net loss of ecological function.
- Pg. 118,
  - Lines 7-10, *"In most cases, it is up to the County planning staff to work with the development proponent to identify the best ways of minimizing the impacts based on the specific parcel characteristics, the functional needs of the development, and other factors."* This statement places a lot of responsibility on planning staff. How does the County plan to fund training and track implementation to ensure consistent application

of the mitigation sequence? Without more detail and examples it is impossible to assess whether mitigation will be effectively implemented.

- Lines 15-16. Who decides how long monitoring of mitigation sites is needed? Who will field verify that the ecological function that was mitigated for has been achieved?
- Pg. 124, Lines 12-15, *“The Administrator may approve a greater area or amount of clearing if the development proponent provides a view clearance plan prepared by a qualified ecologist, forester, arborist, or landscape architect.”* Too much is left to the discretion of the Administrator and no guidance is provided. The text implies that as long as a plan is produced it can be approved by the administrator and no clear mitigation measures, specifications or conditions are articulated. This loose provision provides no assurance that ecological functions will be maintained.
- Pg. 124, lines 16-19, *“For properties within designated landslide or erosion hazard areas, the view clearance plan must be prepared by an engineering geologist or geotechnical engineer to ensure that the proposed removal, pruning, and/or limbing will not cause or exacerbate hazards associated with soil or slope instability”.* More details are needed. What evidence is required to “ensure removal, pruning, and/or limbing will not cause or exacerbate hazards...” How will the County verify that the plan is implemented correctly? How will the County fund verification and enforcement?
- Pg. 130,
  - Lines 15-17, *“If buildable area does not exist outside of the CMZ, new residential uses and developments must be located as far landward within the CMZ as is feasible.”* Who (landowner, consultant, County) decides what is feasible and how is feasible defined?
  - Lines 18-21, *“Proposals for new residential lots created within mapped CMZs in the Marine Waterfront and Shoreline Residential (Intensive and Conservancy) designations must submit a geotechnical evaluation to ensure that all new lots provide building sites outside of the established CMZ.”* No new lots should be allowed within established CMZs. If they are allowed, please specify the minimum area outside the CMZ for a building site and provide a definition of building site in the SMP. The entire building site should also be located outside the applicable buffer and should be surveyed and delineated on the land title.
  - Line 24, *“Revetments are prohibited in CMZs.”* This provision is excellent. What are the rules pertaining to the repair, maintenance and expansion of existing revetments? It’s important that the laudable intention of prohibiting revetments not be undermined with exceptions and exemptions.

### **Comments, Draft Restoration Plan, February 2013**

- Pg. 1, First Paragraph. The concept of protection to maintain the “at least” as healthy conditions, and restoration in order to have “more” is a great vision. However, the CIA/NNL does not support the premise that the proposed suit of regulations will maintain the “at least” conditions and the restoration plan lacks vision. Based on the long list of limitations, loopholes,

and reliance on other entities for restoration apparent in both documents, it is clear that the “at least” condition is not going to be achieved. Even meeting the lower standard of NNL appears very unlikely. The restoration plan would have been a perfect place to articulate a strong visionary solution. We recommend that the County develop an aggressive restoration plan that is not built on the already underfunded salmon recovery efforts. The plan should clearly identify the amount of additional funding required to meet NNL and the amount of funding required to meet the “at least” and “more” visions. Be explicit that without additional resources a net loss of ecological function will occur, and that without significant commitment of resources to restoration, advanced mitigation, enforcement, and staff training, the SMP vision statement is meaningless.

“Clallam County maintains 488 miles of roads and 34 bridges” (Clallam County website) and the NNL report identified impervious surface within 200 feet of shorelines as a key indicator of ecosystem function. A well-rounded restoration plan should include careful analysis of all of the impacts of county roads to shoreline ecological function (only a few are alluded to). Identify and prioritize all bridges and roads that include fill of wetlands, estuaries, or impede channel migration. Work closely with the road department to find funding to remove, reroute, or enhance roads that impair ecological function. Retrofit roads and bridges with stormwater treatment. Work with willing private land owners and communities to restore, mitigate, or remove private roads in aquatic habitats. See WAC 183-26-241 3(k) for more guidance. NNL based on impervious surface could be reached with this type of plan, but it won’t happen with the current suit of regulations and restoration projects and it won’t happen without a clear statement of the funding needs.

- Pg. 7, Figure 1-2. This figure should be revised to reflect that 1) mitigation alone does not achieve NNL and 2) NNL restoration won’t likely restore ecological functions above the baseline.
- Pg. 11, first bullet, *“Manage stormwater runoff to protect stream flow and salmonid habitat. Restoration techniques include retrofits, low impact development measures, improvements to stormwater facilities, and other means.”* This statement is good, but needs strengthening. Include specific actions that will protect ecosystem health:
  - Institute a stormwater fee (based on area of impervious surface)
  - Pass and strictly implement the County-wide Comprehensive Stormwater Management Plan, the Clearing and Grading ordinance, Stormwater Ordinance, and adopted the Small Projects Drainage Manual.
  - Use the stormwater fees to incentivize adoption of stormwater projects on private property (like rain gardens).
- Pg. 12,
  - First bullet, *“Review status of No Net Loss indicators bi-annually to evaluate the status of ecological functions on a County-wide basis.”* Please state this objective in the NNL report. Also, please indicate the funding and staffing required to meet this very important component of a successful adaptive management/NNL program.
  - Second bullet under Public Awareness, *“Seek funding for targeted neighborhood shoreline design programs in areas subject to potential hazard from floods, tsunamis or erosion. (Examples would include a shoreline protection design using soft armoring or*

*other techniques on a neighborhood, rather than parcel by parcel, basis.)” While soft armoring can in some cases be less environmentally harmful than hard armoring, a more financially and ecologically responsible program would be to seek funding to buy structures and property in hazard areas. Soft armoring with public funds will subsidize a few homeowners who built in inappropriate locations and only buys time until the next major flood, storm, or until sea level rise requires additional expense and ecological impairment to protect these properties. Purchasing, deconstructing, and restoring these parcels results in permanent removal of people and their infrastructure from harm’s way and results in fewer unmitigated impacts to ecological function.*

- Pg. 23, Table 3-6 provides lists of potential and ongoing restoration activities. A significant number of these projects are sponsored by, funded by, and implemented by salmon restoration organizations and staff. Figure 1-2 indicates that restoration to reach the goals of NNL, “at least”, and “more” is separate from restoration to meet salmon recovery goals. Hence, this list should clearly identify the non-salmon recovery restoration projects, estimate the costs, and identify likely funding sources for restoration of shoreline ecological function. Many reports have identified that despite the significant salmon restoration efforts in recent years, habitat destruction continues to outpace restoration. The SMP draft will allow for additional habitat loss through permitted and grandfathered development and uses. If Clallam County wishes to reach the vision of more salmon or ideally the return of all stocks to healthy harvestable levels, this restoration plan must rely heavily on non-salmon restoration funding and projects. There are ample restoration and protection projects to be implemented, and this plan only skims the surface of possible restoration actions.

Thank you for the opportunity to review and comment on the draft CIA/NNL report and the draft restoration plan. We look forward to providing additional comments through the Clallam County Shoreline Master Program Committee and continuing to work with the County to protect the natural resources that are essential to the cultural, social, economic and physical wellbeing of the Tribe.

Sincerely,

A handwritten signature in blue ink that reads "Randy Johnson". The signature is written in a cursive, flowing style.

Randy Johnson  
Habitat Program Manager

## **Attachment A**

Some comments about the use of the PNPTC Landcover Dataset use in the Clallam County Cumulative Analysis Report- Feb 2013 (C. Rossi, PNPTC)

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1. Please note that this dataset was provided to the County and their Consultants with use restrictions and represents preliminary data that is still undergoing field verification and analysis to assess error estimation rates on land use categories in Clallam County and assess the appropriate uses for these data. This data was provided for the Inventory and Characterization Report; however, approval must be obtained prior to using it for the Cumulative Impacts and NNL report.
2. The PNPTC riparian land cover dataset should be used in **CONJUNCTION** with other datasets to determine “condition of the shoreline. These data are a “snapshot” in time, based off of 2009 NAIP imagery at a 1:25, 000 scale and does not capture activities that may occur below the surface. The categories are as follows: Closed Canopy (CC), Other Natural Vegetation (ONV), Non-Forest (NF), Water (W) (freshwater) and Off-Shore (OS).

The “closed canopy” category is defined as a landcover class that included deciduous and conifer dominated forests with closed canopies. The trees are not classified based on age, but rather the structure of the canopy cover as seen from the NAIP imagery (looking down) and their relative height as compared to surrounding vegetation using the NAIP imagery and DOE oblique photos. **The “condition” or state of the forest floor or understory is not taken into consideration because they are not detectable in the imagery.**

This data is still in draft form and will not be completed until the end of 2013. Analysis of repeatability, field verification and statistical error for category correctness is still underway.

3. There is concern if this data is used as the primary indicator to determine the condition of a shoreline. We recommend using this data in conjunction with other datasets (i.e. Current shoreline use activities, channel migration zones, presence/absence of forage fish on beaches, types of forest present, drift cell activity etc). Perhaps also include an impervious surface layer for marine shorelines. Other items might include water quantity indicators, outfalls of sewage, etc.
4. Column headings based off of the PNPTC dataset should be consistent. The category called “closed canopy” should remain when calculating percentages. (Example: Column heading “Riparian Forest” should be changed to “Closed Canopy.” (pg. 27)
5. All the Marine Reach Tables include a reference to % forested. Is this also based on the “closed canopy category” from the PNPTC 2011 dataset? References should be included. Also, tables need to identify how percentages were calculated. Were these percents based off of a 200 ft buffer?

6. The original data is not based off of the OHWM, as stated on page 27 of the “CUMULATIVE IMPACTS ANALYSIS AND NO NET LOSS REPORT.” PNPTC data is based on the shore zone line created by DNR. The Ordinary High Water Mark (OHWM) is very difficult to map.
7. Because this data is still in draft form, PNPTC is concerned about the use of their data without prior consultation and review from PNPTC staff about the data use and analysis. Data limitations should be included in the report that is also indicated in the PNPTC metadata. For specific questions about draft PNPTC data use, please contact Cynthia Rossi ([crossi@pnptc.org](mailto:crossi@pnptc.org)).
8. Is the PNPTC dataset being used to set baseline conditions? This may become an issue and should be discussed with stakeholders prior to this decision being made. The PNPTC dataset should not be used at the parcel level.