

**From:** Robert Knapp

**Sent:** Friday, February 27, 2015 3:44 PM

**To:** zSMP

**Subject:** Jamestown S'Klallam Tribe Comments to Planning Commission on SMP

Dear Clallam County Planning Commission,

Please find and consider the attached comment letter from the Jamestown S'Klallam Tribe on the draft documents and maps that make up the Clallam County Shoreline Master Plan Update.

Thank you,

*Robert Knapp*

*Restoration Planner*

*Jamestown S'Klallam Tribe*

*1033 Old Blyn Highway*

*Sequim, WA 98382*



February 27, 2015

Clallam County Planning Commission  
Clallam County Dept. of Community Development  
223 East 4<sup>th</sup> Street, Port Angeles, WA 98362-3015

RE: Jamestown S'Klallam Tribe comment on the Draft (November 2014) Clallam County Shoreline Management Program

Dear Commissioners,

Over the past many years the Jamestown Tribe has engaged in the lengthy Shoreline Management Program (SMP) update process in an effort to ensure that the Tribe's treaty resources which are under grave threat from existing and future development do not continue to decline. A list and links to the Tribe's Comments are provided:

- [060311 - Jamestown SKlallamTribe - CR](#)
- [092211 - JamestownSKlallamTribe - ICR](#)
- [013113 - Jamestown S'Klallam Tribe - G](#)
- [040413 - JSKT - CIA-SRP](#)

Tribal staff also participated in all of the Clallam County Shoreline Master Program (SMP) Update Committee meetings and provided extensive feedback on technical and policy issues. As the Clallam County Planning Commission reviews the Draft SMP and its associated reports, the Tribe would like to submit the following comments which are in addition to and do not replace the above mentioned comments, advice, and testimonials:

- Buffers and Setbacks
  - Buffer averaging of Shoreline (formerly Habitat) Buffers is unacceptable and buffer averaging of Safety Buffers is unwise. If buffer averaging is adopted, it should be allowed only with approval of a shoreline variance that is conditioned such that a shoreline easement is placed on the property prohibiting any future shoreline stabilization. This easement should be

recorded to the property Title. Under no other circumstance should buffer averaging be allowed.

- No Net Loss (NNL), Cumulative Impacts Analysis, and Restoration Report
  - No attempt to correct or update these flawed documents is apparent to us at this time. No Net Loss of shoreline function due to permitted, unpermitted, and the cumulative impacts of existing shoreline development and modifications are at the core of the Shoreline Management Act. Without well-thoroughout No Net Loss, mitigation, and restoration plans based on best-available science and sound cumulative impacts analysis, the County cannot hope to measure or achieve No Net Loss.
  - Simply meeting No Net Loss of ecologic functions on already degraded shorelines is unacceptable. The draft SMP's combination mitigation and restoration plan (see mitigation versus restoration below) must be developed and implemented in order to restore shoreline functions and values to some reasonable semblance of their pre-development condition for the benefit of all the State's citizens.
  - The Shoreline Management Program refers to "Existing uses and developments that were lawfully established prior to the effective date of this Program shall comply with the applicable policies and regulations of this Program." Clearly, illegal uses and developments exist within the shoreline jurisdiction. Please consider how Clallam County will find and stop these uses and developments and how these illegal uses and developments will be mitigated for.
- Mitigation versus Restoration
  - The Tribe repeats its insistence that ongoing publically funded salmon restoration efforts should not be the basis for achieving no net loss. Whereas proper shorelines regulations, permit conditioning, and mitigation requirements should be used together to ensure no net loss and the draft SMP is lacking a comprehensive mitigation plan.
  - Restoration should be defined as those activities implemented to repair harmful environmental impacts caused by earlier shoreline development activities. A proper restoration plan should identify all those measures necessary to achieve plausible future conditions where people live near and enjoy the shoreline while salmon, shellfish, and wildlife remain abundant, a stated goal of this SMP. In other words, while implementation of mitigation and restoration may include similar activities their goals are distinct.

- To this end, the Shoreline Restoration Plan should be enhanced, expanded, and include specific implementation priorities and funding mechanisms (see previous comment letters for specific examples).
- Although the SMP draft requires mitigation for new uses and developments, to realize no net loss of ecological function there must be systematic mitigation for existing legal and illegal use and development. The County should draft and implement a comprehensive mitigation plan above and beyond individual project by project mitigation performed by project applicants and in addition to restoration activities.
- The County's comprehensive mitigation plan should also mitigate for cumulative effects of existing and future use and development.
- The mitigation plan could also include planning and implementation of projects that would proactively mitigate for future use and development through mitigation banking or creation of a mitigation market place. These activities should however be in addition to the mitigation for cumulative impacts and legal and illegal existing use and development.
- Storm-surge, sea level rise inundation and tsunami hazard zones
  - The November 2014 draft SMP continues to fall short in protecting people, infrastructure from storm-surges, sea level rise inundation, more frequent and intense storms, and tsunamis. Safety zones should be established that cover all areas located within 1-meter vertical elevation (NAVD 88 datum) above OHW on FEMA coastal flooding and marine tsunami zones.
  - In failing to keep people and infrastructure out of harm's way, this omission also puts ecosystem function and habitat forming processes at risk through continued development within critical habitats. Also, as sea levels rise and storms worsen, residents will take evermore desperate measures to protect themselves and their infrastructure with disastrous results for the ecological functions this Program seeks to conserve. Increasing the natural coastal resilience should be a priority of the County's SMP.
- Administration
  - We repeat our recommendation that the SMP include a funding mechanism to ensure that adequate staff and resources are available to implement this program and perform the required mitigation and restoration necessary to meet no net loss of ecological function (see also the Tribe's comments dated 01-31-2013).
  - In addition to fund specific aspects of the program, a funding mechanism should include an incentive system to encourage shoreline landowners to

voluntarily buffers and shoreline stewardship activities above and beyond the minimums set in the SMP.

- Please consider how the compensatory mitigation program will be administered. How will mitigation and restoration activities be planned, approved, implemented, and monitored and how will these activities be funded?
- Maps
  - Before the Draft Documents are forward to the Clallam County Board of Commissioners, we request that Shoreline Environmental Designation Map 5 be corrected and republished. This map shows Three Rivers Park as including property owned by the Tribe. The County's parcel is on the west side of the River and the Tribe's ownership is on the east side.



**Figure 1: County Park Labeling and Parcel boundaries.** The image on the left shows parcel boundaries for Clallam County Three Waters Park (County Website 2-27-2015 and County Parcel Dataset circa 2010). The image on the right shows the park as including Tribal Property and also a different name for the park than what appears on the County Parks Website.

Thank you for the opportunity to review the November 2014 draft Shoreline Master Program and the associated reports, maps, and documents. We look forward to continuing to work with the County to protect the shoreline natural resources that are important to the cultural, social, economic, and physical wellbeing of both the Jamestown S'Klallam Tribe and the citizens of Clallam County.

Sincerely,

Habitat Program Manger