

Preliminary Comments  
on the  
Draft Thurston County Master Plan Update  
Chapter 19.300  
By  
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# Chapter 19.300 General Goals and Policies

Following are comments from Patrick and Kathryn Townsend and Jean Vanek, residents of Boston Harbor, regarding Chapter 19.300 of the Thurston County Draft SMP Update.

Townsend comments are in Yellow

Vanek comments are in Blue

PT/KT: The Draft SMP Update, including Chapter 19.300, is often vague, self-contradictory, and borders on incoherent. Many of the terms used in the Draft SMP Update are not defined, which will certainly lead to inconsistent implementation and possibly legal challenges. There is no clear map on the changes between the 1990 SMP and the Draft SMP Update which makes it difficult to evaluate additions and deletions of terms and policies or to understand what is new. Since this document will be in effect for some 25 or more years, we respectfully request that the author(s) of this document be identified (as they are in the 1990 SMP) and that the County engage policy experts and professional writers to go back to the 1990 SMP and start from scratch in updating it. Citizen stakeholders should be included in this process from the beginning. This document will have an impact on property owners, the shoreline environment, recreational use as well as economic use for years to come and it is not a good sign that it appears to be so garbled.

PT/KT: In Section Two (General Goals and Policies) of the previous 1990 version of the SMP, "Purpose", "Definition" and "goal statements" were delineated for each of the five specific shoreline environments. The current SMP Update lumps all the shoreline environments together related to goals. We would suggest going back to the topic format of the 1990 SMP, which delineates "Goal Statements" for each shoreline environment, because that would be more accurate, cleaner and more understandable. If there are policies that cover all the shoreline environments with nuances, those policies can be in a "general" section.

PT/KT: In the 1990 SMP, overarching goal, purpose and statement of policy are stated at the beginning of this Chapter (Section Two). Though some re-wording may be appropriate, having this section in the document gives a sense of the broad objectives of the Shoreline Management Plan and we question why it was completely removed from the current version. The SMP must give a sense of the larger vision and values related to our shorelines and the use of our shorelines. This section should go back in.

**19.300.00 NEW: (Actually this is from the 1990 Version of the Thurston County SMP--it should be put back in.)**

## I. Goal

The goal of this Master Program is to preserve to the fullest possible extent the scenic, aesthetic and ecological qualities of the Shorelines of the Thurston Region in harmony with those uses which are deemed essential to the life and well-being of its citizens.

## II. Purpose

The local governments of Thurston County recognize that the Shorelines of the State and the

Region are among the most valuable and fragile of our natural resources. There is great concern regarding their utilization, protection, restoration and preservation. In addition, these local governments find that the ever-increasing pressures to accommodate additional uses on the shoreline necessitates increased management coordination in the development of the Shorelines. These local governments further find that much of the Shorelines of the Region and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately-owned or publicly-owned Shorelines of the State is not in the best public interest; and therefore, coordinated planning necessary in order to protect the public interest associated with the Shorelines of the State while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational and concerted effort, jointly performed by federal, state and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the Shorelines of the State and Region.

### III. Policies

It shall be the policy of the local governments of Thurston County to provide for the management of the Shorelines of the State and Region by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

To implement this document, the public's opportunity to enjoy the physical and aesthetic qualities of natural Shorelines of the State and Region shall be preserved to the greatest extent feasible consistent with the overall best interest of the people generally. To this end, uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines, in those limited instances when authorized, shall be given priority for single-family residences, ports, shoreline recreation uses including but not limited to parks, marinas, piers and other improvements facilitating public access to shorelines of the Region; industrial and commercial developments which are particularly dependent on their location, or use of, the shorelines of the Region; and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the Region. Permitted uses of the Shorelines of the State and Region shall be designed and conducted in a manner to minimize, to the extent feasible, any resultant damage to the ecology and environment of the shoreline area and interference with the public's use of the water.

## 19.300.050 Applicability

- A. The general goals and policies of this chapter apply to all use and development activities within the Program's jurisdiction, regardless of environment designation. As provided in WAC 173-26-191, these policies are the basis for regulations that govern use and development along the shoreline. Some Program policies may not be fully achievable by regulatory means but may be pursued by other means as provided in RCW 90.58.240.

PT/KT: This statement is in contradiction to the 1990 SMP "goals and policies" which gave "Purpose," "Definition" and 8 "Goal Statements" for each of four categories of shoreline

environment: “Natural, Conservancy, Rural and Urban.” We question why, in terms of goals, these are all now being lumped together. For example, in the “Natural Environment” the 1990 SMP states: **“Economic development is not a goal of the Natural Environment.”** However, in the SMP Update, the Goal for all shoreline environments is: *“Provide for the location and design of industries, transportation, port and tourist facilities, commerce and other developments that are particularly dependent upon a shoreline location and/or use, **when the shoreline can accommodate such development.**”*

**Who decides “when the shoreline can accommodate such development”? If it cannot accommodate this year, then maybe next year??** Again, we strongly suggest going back to the topic format of the 1990 SMP, delineating each shoreline environment separately, because it is much cleaner and more readable and understandable. If there are policies that cover all the shoreline environments, those policies can be in a “general” section.

- B. Regulation of administrative actions contained herein must be implemented with consideration to the Public Trust Doctrine, regulatory takings, and other applicable legal principles as appropriate.

## 19.300.100 Shorelines of Statewide Significance

### A. Designation

The Shoreline Management Act designated certain shoreline areas as shorelines of statewide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people of the state derive benefit, the statewide interest should be recognized and protected over the local interest.

Those areas that have been designated as shorelines of statewide significance (RCW 90.58.030) in Thurston County are:

1. *Puget Sound* - those areas lying seaward from the line of extreme low tide.
2. *Nisqually Delta* - From DeWolf Bight to Thurston County line, from the line of extreme low tide to the OHWM.
3. *Chehalis River* - From Lewis-Thurston County line downstream to the Thurston-Grays Harbor County line, excluding all federal lands. The flow exceeds 1,000 cubic feet per second (cfs) mean annual flow (MAF) at Lewis County line.
4. *Nisqually River* - From the Pierce-Thurston County line in Alder Reservoir downstream along left shore only, (exclude area from LaGrande Dam downstream to powerhouse due to use of aqueduct; also exclude all federal lands) to the Nisqually Indian Reservation boundary. The flow exceeds 1,000 cfs MAF at Pierce County line in Alder Reservoir.
5. *Alder Lake* – That portion of the lake from the Pierce County line up to the OHWM.
6. Shorelands and wetlands associated with 1 through 5 above.

**KT: As described in our letter to Brad Murphy and the Thurston County Planners on 1/25/2018 regarding the definition of “Shorelines of Statewide Significance” in Chapter 19.150.740,**

number 6 of this paragraph is not in compliance with RCW 90.58.030 (2)(f). It should read:

**Shorelands and wetlands associated with 2 through 5 above.**

See Dept. of Ecology's explanation of the Shorelines of Statewide Significance, which confirms this correction,

[http://198.239.150.195/programs/sea/sma/st\\_guide/jurisdiction/ssws.html](http://198.239.150.195/programs/sea/sma/st_guide/jurisdiction/ssws.html)

See: RCW Definitions and Concepts: Shorelines of Statewide Significance) (2)(f)

**Goal: To ensure that the statewide interest is recognized and protected over the local interest in shorelines of statewide significance, the County shall review all development proposals within shorelines of statewide significance for consistency with RCW 90.58.020 and the following policies (in order of preference):**

## **B. County-Wide Policies**

1. Policy SH-1 Recognize and protect the statewide interest over local interest.

PT/KT: What was the specific criteria used for determining statewide interest over local interest? The primary considerations that are stated in Policy SH3-2 relate to economic interest. What happened to the concept that **“the public’s opportunity to enjoy the physical and aesthetic qualities of natural Shorelines of the State and Region shall be preserved to the greatest extent feasible consistent with the overall best interest of the people generally.”** (See Policies, above, from the 1990 Thurston County SMP.)

- a. The Washington Departments of Fish and Wildlife and Ecology, affected tribes, other resources agencies, and interest groups should be consulted for development proposals that could affect anadromous fisheries or **other priority species** or habitats.

PT: **“other priority species” should be defined, or the relevant source for defining priority species should be identified.**

- b. Recognize and take into account state agencies’ policies, programs and recommendations in developing and administering use regulations.

2. Policy SH-2 Preserve the natural character of the shoreline.

- a. Administer shoreline environments and regulations to minimize damage to the unique character and ecology of shorelines of statewide significance.

KT: What **“regulations”** are being referred to? What is the meaning of **“administer shoreline environments?”** These terms are not defined.

- b. Where natural resources of statewide importance are being diminished over time by human activities, restoration of those resources should be facilitated.

**KT: Comments:**

- The term “natural resources of statewide importance” is not defined.
- The term “diminished” is not defined.
- The term “facilitated” is not define. Who should “facilitate” and how? Does this mean the County will step in? Is the County going to pay for “facilitation” and “restoration”?

- c. In order to reduce adverse impacts to the environment while accommodating future growth, new intensive development activities should upgrade and redevelop those areas where intensive development already occurs, rather than allowing high intensity uses, such as shellfish aquaculture, to extend into low intensity use or underdeveloped areas.

JV: The phrase “rather than allowing high intensity uses to extend into low intensive use” seems to be applicable to commercial aquaculture, which is a high intensity use introduced in an area of low intensity (i.e., residential) use.

PT: Insert “such as shellfish aquaculture,”

### 3. Policy SH-3 Result in the long term over short term benefit.

- a. Preserve sufficient shorelands and submerged lands to accommodate current and projected demand for economic resources, such as shellfish beds and navigable harbors.

PT/KT: This item should be deleted as it is nonsensical under “Shorelines of Statewide Significance.”

- The term “demand for economic resources” is not defined.
- The term “sufficient,” is not defined.
- The term “Shellfish beds” is not defined as to natural shellfish beds, commercial shellfish beds and recreational shellfish beds.
- The public is not required to “preserve” land for economic use.
- We question if new “navigable harbors” would be allowed on “Shorelines of Statewide Significance.” The only marine “Shorelines of Statewide Significance” in Thurston County are Puget Sound itself and the tideland/shorelands of Nisqually Reach.
- Is Thurston County contemplating a new “navigable harbor” in Nisqually Reach or the middle of South Puget Sound? The public has a right to know.

- b. Actions that would convert resources into irreversible uses or detrimentally alter natural conditions that are characteristic of shorelines of statewide significance should be severely limited.

**KT: Comments**

- Please define “resources.”
- Please define and/or give examples of “irreversible uses.”
- One example of “irreversible uses” is geoduck aquaculture, because the tideland is “clear-cut” at harvest.

- Please tell us if industrial/commercial aquaculture is allowed on “Shorelines of Statewide Significance”, because again, the only marine “Shorelines of Statewide Significance are Puget Sound itself and Nisqually Reach.

- c. Evaluate the short-term economic gain or convenience of developments in relationship to long-term and potentially costly impairments to the natural environment.

PT/KT: Please define terms and concepts:

- Give a specific example of “short-term economic gain”
- Define “short term economic gain” and explain how it is measured.
- Define “convenience of developments?”
- There appears to be a specific idea of what this item is about, but the meaning is obscure. Please explain.
- One example we can think of is geoduck aquaculture, which has a short term economic gain for a few companies with potentially costly clean-up and restoration efforts if the geoduck market collapses.

- d. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or for the general enhancement of shoreline areas.

JV: SMP Emphasis here is to “actively promote aesthetic considerations when contemplating new development..., etc.)

PT/KT: Please define “existing facilities.”

- e. NEW: Actively support programs which recognize the stewardship role of shoreline residential owners and promote their voluntary management of their shorelines.

PT/KT: We agree with Thurston County Shoreline Stakeholder’s Coalition that thousands of home owners are on their properties for the long-term and support sound ecological practices.

#### 4. Policy SH-4 Protect the resources and ecology of the shoreline.

- a. Projects shall be required to consider incremental and cumulative impacts while ensuring no net loss of shoreline ecosystem processes and functions.

PT: Define “projects” or type of projects. Point to information that qualifies which projects “are required to consider incremental and cumulative impacts, etc.”

KT: “No net loss” is simply maintaining the status quo and is a dishonest concept when officials promote taxpayer funded restoration projects to offset impacts by specific individuals or other entities.

JV: The concept that should be used is “net gain” rather than “no net loss.”

- b. In order to ensure the long-term protection of ecological resources of statewide importance, activities impacting anadromous fish habitats, forage fish spawning and rearing areas, shellfish beds and other unique environments should be severely limited.

PT/KT: NEW/REWORD to: Ensure the long-term protection of ecological resources of statewide importance, such as anadromous fish habitats, forage fish spawning and rearing areas, natural shellfish beds, bird nesting and migration area, eelgrass, tideland sea life, and unique environments.

PT: Section 4-b is not broad enough.

- Use the inserted NEW replacement wording.
- Distinguish “shellfish beds” as “natural shellfish beds.”  
Commercial shellfish beds are not unique.

KT: Commercial shellfish beds should not be given protection in law. Commercial shellfish beds cannot logically or honestly be labeled as “unique environments.”

JV: Zangle Cove should be treated as a “unique environment.”

- c. Limit public access where improvements would result in a loss of shoreline ecological functions, such as in priority or sensitive habitats.

PT/KT: The meaning of the entire item is incomprehensible.

- Define the term “public access.”
- The term “improvements” appears to be an error in word choice.

- d. PT/KT: NEW: Limit commercial access where such access, such as shellfish industry tractors, barges, workers, PVC tubes, nets, plastic bags, etc. would result in a loss of shoreline ecological functions, such as in priority or sensitive habitats.

#### 5. Policy SH-5 Increase public access to publicly owned areas of the shorelines.

- a. Preserve and encourage public access with special scenic or cultural qualities.
- b. Give priority to developing paths and trails to shoreline areas and linear access along the shorelines, where appropriate.

KT: Define term “appropriate” in the context of this policy.

- c. Locate development, including parking, as far inland from the OHWM as is feasible so that access is enhanced.

- d. NEW (PT): Support as feasible the potential enhancement of existing publicly owned and publicly assessable areas of the shorelines.

- e. NEW (PT): Partner with other entities as feasible to increase public access to publicly owned areas of shorelines.

6. Policy SH-6 Increase recreational opportunities for the public in the shoreline.

- a. Public access and recreation requirements should take into account the activities of state agencies and the interests of the citizens of the state to visit public shorelines.

PT/KT: Using state owned tidelands for commercial industrial aquaculture is not in the interest of public access and recreation or the interests of citizens of the state to visit public shorelines.

- b. Plan for and encourage development of facilities for recreational use of the shorelines, but reserve areas for lodging and related facilities on uplands well away from the shoreline, with provisions for non-motorized access to the shorelines.

KT: What exactly is this policy about?

- Is it referring to public or private facilities?
- What is meant by “facilities for recreation use”? Give examples.
- What type of “lodging” is meant?
- What is being referred to as “lodging and related facilities on uplands?” (public or private hotels, private homes, retirement communities, shops, gas stations, etc)
- The term “well-away” from the shoreline is so ill-defined and meaningless, that is subject to contention.

## 19.300.105 Critical Areas and Ecological Protection

**Goal: Protect and conserve shoreline natural resources, including protection of critical areas (Title 24 TCC), while accommodating reasonable and appropriate uses which will assure, at a minimum, no net loss to shoreline ecological functions and processes.**

KT: “No Net Loss” is a concept that maintains the status quo with the undefined hope of not going backwards. The concept of “Net Gain” should be used instead and well-defined as to meaning so that stakeholders understand that the goal is to not only protect our shoreline but to restore it. Stakeholders, such as environmental organizations, should be made fully aware that their efforts are meant to balance out impacts to Puget Sound under No Net Loss, not to make significant headway in the recovery of Puget Sound.

JV: “Net Gain” should be used rather than “No Net Loss.”

- A. Policy SH-7 Protect and conserve shoreline areas that are ecologically intact and minimally developed or degraded. Develop incentives and regulations for privately owned shorelines that will protect and conserve these areas while allowing reasonable and appropriate development.

KT: Define “reasonable and appropriate development.” Is this referring to tideland or upland areas or both? We can reasonably say that almost all upland areas on the marine shoreline and lake shoreline have already been developed in terms of private homes. So, what is being referred to as “reasonable and appropriate development and who decides the meaning of the term? If this policy refers to tideland areas, then the term “protect and conserve” is not compatible with “reasonable and appropriate development.”

- B. Policy SH-8 Recognize that nearly all shorelines, even substantially developed or degraded areas, retain important ecological functions.
- C. Policy SH-9 Utilize transfer of development rights as allowed by Chapter 20.62 TCC, or as now or hereafter amended, as an option to protect ecological functions.

JV: This is the transfer of developments (TDR) section of the county code – this concept alarms me especially when coupled with a “no net loss” philosophy.

KT: The policy is further alarming because it appears to say than any amendment now or after the fact will apply. What is the point of having a policy if it can be changed willy-nilly and who is able to effect that change?

- D. Policy SH-10 Permitted uses and developments should be designed and conducted in a manner that protects the current ecological condition, and prevents or mitigates adverse impacts. Mitigation measures shall be applied in the following sequence of steps listed in order of priority:
  1. Avoid the impact altogether by not taking a certain action or parts of an action;
  2. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
  3. Rectify the impact by repairing, rehabilitating or restoring the affected environment;
  4. Reduce or eliminate the impact over time by preservation and maintenance operations;
  5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu-fee process where appropriate; and

JV: This provision extends the “no net loss” philosophy beyond the impacted area to create an “offset” practice that seems to be a slippery slope.

KT: Who administers the ILF process, what is definition of “where appropriate,” and who decides appropriateness?

KT: The true meaning of this provision is that an individual, individual company or entity may benefit financially or otherwise from an allowed impact in one area to be offset by a restoration project in another area or by paying a fee. This means that benefit to that one individual or entity is being funded by taxpayers.

6. Monitor the impact and the mitigation projects and take appropriate corrective measures.

JV: This provision needs to be significantly strengthened with far more specificity. Who will monitor? What are the consequences/penalties for non-compliance?

KT: Specifically, which state or county department will be responsible for monitoring, who do they report to, how will citizens make reports, will the state or county be responsible for addressing and remediating complaints of non-compliance rather than leaving it up to citizens to bring lawsuits—a costly and disruptive process.

PT: I agree with the above. Further, it would be important to have a baseline measurement of the area before impacts and mitigations occur. Monitoring without a good baseline would not be meaningful or effective.

E. Policy SH-11 Shoreline ecological functions that should be protected include, but are not limited to:

1. Habitat (space or conditions for reproduction; resting, hiding and migration; and food production and delivery);
2. Water quality maintenance; and
3. Water quantity maintenance.
4. NEW (PT): Species that are present in the project area.
5. NEW (PT): Adjacent areas that provide primary and secondary ecological functions.

F. Policy SH-12 Shoreline processes, both freshwater and marine, that should be protected to support the above functions include, but are not limited to the delivery, loss and movement of:

KT: This Policy need re-wording as it is contradictory. “Toxins” and “Pathogens” belong in a different paragraph because they do not need protection, but rather protected against. Also, “Sediments” can contain contaminants and “Nutrients” can be beneficial or harmful, depending on what they are. So, we are not “protecting” all of these.

1. Sediment,
2. Water,
3. Nutrients,
4. Toxins,
5. Pathogens, and
6. Large woody material.
7. NEW(PT): Resident species and their interactions.
8. NEW(PT): Migratory species and their interactions.
9. NEW(PT): Shoreline structure

G. Policy SH-13 In assessing the potential for new uses and developments to impact ecological functions and processes, the following should be taken into account:

1. On-site and off-site impacts;
2. Immediate and long-term impacts;
3. Cumulative impacts, from both current and reasonably foreseeable future actions, resulting from the project; and
4. Any mitigation measures or beneficial effects of established regulatory programs to offset impacts.

5. NEW (PT): The availability of baseline measurements of ecological functions and processes.

KT: Who or what Thurston County Department makes the assessment of immediate and long-term impacts, cumulative impacts, mitigations, etc.

KT: Change the phrase “should be taken into account” to “will be taken into account.” Under Policy SH-13 as written, there is no obligation for anything to actually be taken into account and no indication of who is responsible for taking these items into account.

H. Policy SH-14 Critical areas in the shoreline jurisdiction shall be protected in a manner that results in no net loss to shoreline ecological functions. Pursuant to RCW 36.70A.030(5) and 24.01.020 TCC, critical areas include:

JV: The concept “no net loss to shoreline ecological function” should be replaced by the concept of “net gain” to shoreline ecological function.”

KT: Since the wording in the SMP Update will impact our shorelines for perhaps 20-50 years into the future, the concept of “no net loss” is weak and cowardly. It promotes the status quo by allowing individuals and/or entities to benefit financially from impacts to the shoreline.

KT: Since the wording in the SMP Update will impact our shorelines for perhaps 20-50 years into the future, the concept of “no net loss” is weak and cowardly.

- It promotes the status quo by allowing individuals and/or entities to benefit financially from impacts to one area and have their impacts compensated for by taxpayer funded restoration projects in another area.
- This mitigation offset was described by Brad Murphy, Thurston County Planner, at the public comment meetings.
- Tax-payers have the right to know that their dollars are not actually going toward “Net gain” for Puget Sound but are simply compensating for someone else’s impacts, including entities which are benefitting financially from their impacts.

1. Critical Aquifer Recharge Areas
2. Fish and Wildlife Habitat Conservation Areas

PT: What are the current shoreline areas designated as “Fish and Wildlife Habitat Conservation Areas”?

- RCW 36.70A.030(5) and WAC 365-190-130 require counties to establish these areas.
- Certainly, most of Thurston County tidelands would fall into the definition of this type of area due to the presence of threatened, endangered, or sensitive species exist.
- See WAC section (2) and (3) which requires use of best available science.

3. Frequently Flooded Areas
4. Geologically Hazardous Areas
5. Wetlands

## 19.300.110 Vegetation Conservation

**Goal: Conserve, protect and restore native shoreline vegetation to provide for ecological and habitat functions as well as human health and safety. These functions include, but are not limited to, variable shading of the nearshore, food and shelter for terrestrial and aquatic organisms, and slope/soil stabilization.**

- A. Policy SH-15 Preserve native plant communities on marine, river, lake and wetland shorelines. In order to maintain shoreline ecological functions and processes, development along the shoreline should result in minimal direct, indirect, or cumulative impacts. This includes:

**PT: This section should include the shoreline tidal areas. There are native kelp, eelgrass, and other plant communities on tidelands that provide critical ecological functions and processes. These shoreline plant communities are also affected by changes to landside plant communities.**

1. Keeping overhanging vegetation intact along the shoreline edge to provide shading and other ecological functions;
2. Preserving established areas of native plants and minimizing clearing and grading near bluff edges and other erosion or landslide-prone areas in order to maintain slope stability and prevent excess surface erosion and stormwater runoff; and
3. Designing and placing structures and associated development in areas that avoid disturbance of established native plants, especially trees and shrubs; and
4. Removal of noxious weeds in accordance with WAC 16-750-020.

- B. Policy SH-16 Shoreline landowners are encouraged to preserve and enhance native woody vegetation and native groundcovers to stabilize soils and provide habitat. When shoreline uses or modifications require a planting plan, maintaining native plant communities, replacing noxious weeds and avoiding installation of ornamental plants are preferred. Unless approved by the Director or their designee, non-native vegetation is prohibited.

**PT: Since the goal of this policy is to protect and preserve shoreline ecological functions, it should also apply to shorelines and tidelands.**

**JV: “Unless approved by the Director or their designee, non-native vegetation is prohibited.” This seems extreme. Would prefer that it read “native plants are strongly preferred.”**

**KT: Most shoreline properties have been established as residential properties for decades. Will the monitors required in 19.300.105 D-6 also be the “vegetation monitors?” This could be interpreted as an “ivory-tower” ignorance toward shoreline property owners, most of whom are sincerely interested in the protection of the shoreline and the tideland.**

- C. Policy SH-17 Maintaining native or ecologically functional vegetation is preferred over clearing to provide views or lawns. Limited and selective clearing may be allowed when slope stability and ecological functions are not compromised. Limited trimming and pruning is preferred over removal of native vegetation.

KT: Will the monitors required in 19.300.105 D-6 also be the “vegetation monitors?” How will this prohibition be enforced? There is something irrational and vindictive, possibly motivated by cultural envy, about a prohibition related to properties that have been established as residential properties for decades.

## 19.300.115 Water Quality and Quantity

**Goal: Provide regulations and voluntary incentives to encourage practices which protect water quality and reduce stormwater runoff and erosion in order to protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to the waters of the state and its aquatic life.**

- A. Policy SH-18 Shoreline and tideland use and development, including use by aquaculture, should minimize impacts that contaminate surface or ground water, cause adverse effects on shoreline ecological functions, or impact aesthetic qualities and recreational opportunities, including healthy shellfish harvest.

KT: REWORD LAST SENTENCE TO READ; “...recreational opportunities such as recreational shellfish harvest, recreational fishing, bird and wildlife viewing, swimming, and recreational boating and all types of navigation.”

KT: There must be a distinction defined related to recreation harvest of native shellfish and commercial/industrial harvest of planted shellfish. Mention of commercial shellfish should be stricken.

PT: Should read: “Shoreline and tideland use and development, including use by aquaculture...” Shorelines are used from the waterward side as well as the upland side.

PT: What is the definition of “healthy shellfish harvest”? Does this relate to the previous clause on “recreational opportunities”? If so it should be clarified. It is probably not needed here at all. Recommend striking “, including healthy shellfish harvest.”

- B. Policy SH-19 Ensure mutual consistency with other regulations that address water quality and stormwater quantity, including standards as provided for in TCC Title 15.05 (Thurston County Storm Water Standards) and Chapter 173-201A WAC (Water Quality Standards).

KT: Define and address hazardous waste drained on the shoreline from roads and storm water drains.

- C. Policy SH-20 Utilize pervious materials and other appropriate low impact development techniques where soils and geologic conditions are suitable and where such practices could reduce stormwater runoff.
- D. Policy SH-21 All shoreline use and development shall be conducted in accordance with Chapter 24.20 TCC (Frequently Flooded Areas). The subdivision of land should not be established when it

would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway. When evaluating alternate flood control measures or floodplain restoration opportunities, consider the removal or relocation of structures in flood-prone areas.

PT: There needs to be a policy statement related to water quality and commercial development of the tidelands. Commercial development of tidelands should not degrade aquatic water quality through siltation, release of toxics, disturbance and distribution of organic matter due to installation of structures or dredging, and so forth. The previous policies in the section assume water quality is only affected by upland activities which leaves a large gap.

## 19.300.120 Economic Development

**Goal: Provide for the location and design of industries, transportation, port and tourist facilities, commerce and other developments that are particularly dependent upon a shoreline location and/or use, when the shoreline can accommodate such development.**

PT: The use of the phrase “when the Shoreline can accommodate such development” in this goal as stated conflicts with previous goal statements. Replace “when the shoreline can accommodate such development.” With “when such development represents no net loss of ecological function and processes.”

KT: The use of the phrase “**when** the Shoreline can accommodate such development” also indicates that “High Intensity” development is allowed on Natural and Residential shorelines.

KT: Policy SH-22 and SH-23 as stated for all shoreline environments are in contradiction to and obfuscate the long-held goals of the original SMP, in which, this new goal for “economic development” was ONLY for the URBAN SHORELINE ENVIRONMENT. To understand clearly how this rule has been dramatically re-invented, please see inserts below from the 1990 SMP.

In Chapter 19.200.105 Shoreline Environment Designations, the SMP update claims that “Thurston County does not have any “High Intensity” shorelines within its jurisdiction, presumably because the City of Olympia is authoring its own SMP update.

So, if Thurston County does not have any “High Intensity” shoreline areas then **this Goal related to “High Intensity” economic development should be stricken.**

**This Policy Goal allows for “High Intensity” shoreline use elsewhere in Thurston County. If it is the goal of Thurston County to allow and/or encourage “High Intensity” use in the Natural, Rural Conservancy, Urban Conservancy and Shoreline Residential shorelines, then the County should be explicit about that.**

**This Goal should be stricken. Goals for the individual Shoreline Environmental Designations should be stated under each shoreline designation, as the goals are unique to the designation.**

PT/KT: Below are the economic “Goal Statements” for each shoreline designation from the 1990 SMP. The economic goals for B., C., and D. are NOT the same as goals in the “urban” (“high intensity”) shoreline environment. In the Natural Environment Economic Development IS NOT A GOAL. The definition for the Urban (High Intensity) Environment is the definition that is being used in the current SMP Update for ALL the shoreline environments, including the “Natural Environment”. We do not agree that “high intensity” economic development is appropriate for any shoreline environment other than “Urban/High Intensity.”

**1990 Shoreline Master Plan Thurston County, Section Two, General Goals and Policies, VII. Shoreline Environments (Please read this section in its entirety to understand the Purposes, Definitions and Goal Statements of each of the Shoreline Environments. In the current SMP update, these are all lumped together.**

- A. Natural Environment, Goal Statement 1: Economic Development. Economic development is not a goal of the Natural Environment.**
  - B. Conservancy Environment, Goal Statement 1: Economic Development. The goal for this element is to reach a high level of renewable resource utilization on a sustained yield basis.**
  - C. Rural Environment, Goal Statement 1: Economic Development. Available resources should be utilized consistent with the definition and purpose of the Rural Environment.**
  - D. Suburban Environment, Goal Statement 1: Economic Development. Available resources should be utilized consistent with the purpose and definition of this environment.**
  - E. Urban Environment, Goal Statement 1: Economic Development. The goal of this element is to utilize most efficiently the limited shoreline for industry, transportation facilities, commercial and other developments that are particularly dependent upon their location on, or use of, the shoreline.**
- A. Policy SH-22 Accommodate and promote, in priority order, water-dependent, water-related and water-enjoyment economic development. Such development should occur in those areas already partially developed with similar uses consistent with this Program, areas already zoned for such uses consistent with the Thurston County Comprehensive Plan, or areas appropriate for water-oriented recreation.

PT: We question the “priority order” of water-dependent, water-related, water-enjoyment economic development. Where, specifically, did this come from and/or who determined this priority?

KT: This may be a useful practice for upland development, but it is not useful for shoreline development. We do not believe the saltwater Shorelines of Statewide Significance, should allow commercial aquaculture. Current commercial aquaculture installations on any Shorelines of Statewide Significance should be phased out. Commercial aquaculture is not consistent with protection of the most sensitive areas of tidelands.

JV: The existing use of our shorelands in Zangle Cove is for residential and recreation use – not for commercial use.

- B. Policy SH-23 Water-oriented economic development, such as those aquaculture activities encouraged under the Washington Shellfish Initiative, should be encouraged and shall be carried out in such a way as to minimize adverse effects and mitigate unavoidable adverse impacts to achieve no net loss of shoreline ecological functions.

PT: The Washington Shellfish Initiative is a political initiative and not law. It is inappropriate to include references to the WSI in the SMP. This policy statement should be deleted.

JV: Remove the words “should be encouraged.” Change to “Should be permitted only after careful review...”

JV: “No net loss of shoreline ecological functions” should be change to “net gain of shoreline ecological functions” with full definition of the meaning of “net gain.”

## 19.300.125 Historic, Archeological, Cultural, Scientific and Educational Resources

**Goal: Protect shoreline features of historic, archaeological, cultural, scientific and educational value or significance through coordination and consultation with the appropriate local, state and federal authorities, affected Indian tribes, and property owners.**

JV: “Property owners” are included in this section. As property owners, we are seen as equal stakeholders in the process, along with government entities and tribes. This is justification for inclusion on the STAG or Regulatory Committee.

PT: How does this goal translate into regulatory action? There does not seem to be any implementation of this goal in subsequent chapters. There needs to be a definition of “coordination and consultation”. How are disputes resolved related to value or significance?

- A. Policy SH-24 Prevent damage or destruction of historic, archaeological, cultural, scientific and educational (HASCE) sites through coordinated identification, protection and management with the appropriate local, state and federal authorities and registrars, affected Indian tribes, and property owners.

PT: How does this goal translate into regulatory action? There does not seem to be any implementation of this goal in subsequent chapters. There needs to be a definition of “coordination and consultation”. How are disputes resolved related to value or significance?

- B. Policy SH-25 Provide opportunities for education and appreciation related to HASCE features where appropriate and where maximum protection of the resource can be achieved.

PT: What is the definition of “maximum protection”?

## 19.300.130 Shoreline Use and Site Planning

PT/KT: Of the 13 Policies listed under this heading, 8 Policies, well over half, are for the benefit or related to one industry—shellfish aquaculture industry. This is not appropriate. We question if this SMP update gives such preference/benefit to any other commercial industry and if not, where should they go to get inline? The obvious preference/benefit to the shellfish industry appears biased, especially as the other 5 policies are restrictive of upland use, and none of the policies speaks to recreational use of the shorelines.

**Goal: Preserve and develop shorelines in a manner that allows for an orderly balance of uses by considering the public and private use, along with the development of shorelines and adjacent land areas with respect to the general distribution, location and extent of such uses and development.**

PT/KT: This goal is vague and contradictory and in conflict with previous goals. You can preserve, or you can develop, but you can't do both. What is the definition of "orderly balance of uses"? The sentence has no meaning.

PT/KT: The Goal of this policy speaks of the "orderly balance of uses." But the only specific uses mentioned are single family residential use (SH-27), non-forming structures (SH-38) and shellfish aquaculture, (SH-30, SH-31, SH-32, SH-33, SH-34, SH-35, SH-36, Sh-37) It begins to look significantly unbalanced.

- A. Policy SH-26 For shoreline use and development activities, including plats and subdivisions at full build-out, employ innovative development features to achieve no net loss of ecological functions, such as sustainable and low impact development practices where appropriate.

JV: "No net loss" should be replaced with "Net Gain" and with full definition of "Net Gain."

PT/KT: Since most upland parcels on the shorelines of Thurston County are single-family homes which have existed for decades, we question what this Policy is about. If it is talking about inland "plats and subdivisions," that are not on the shoreline itself, the policy should state that explicitly.

PT/KT: There needs to be a definition of "sustainable and low impact development practices". What characterizes these types of development?

- B. Policy SH-27 Give preference to water-dependent uses and single-family residential uses that are consistent with preservation of shoreline ecological functions and processes. Secondary preference should be given to water-related and water-enjoyment uses. Non-water-oriented uses should be limited to those locations where the above-described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Act. For use preference within shorelines of statewide significance, see Section 19.300.100(B) above.

JV: Preference is to "water-dependent uses and single family residential uses..."

PT: Why are water-enjoyment uses secondary? The recreational use of aquatic waters has a high economic value and attraction to more people in Puget Sound.

- C. Policy SH-28 Designate and maintain appropriate areas for protecting and restoring shoreline ecological functions and processes to control pollution and prevent damage to the shoreline environment and/or public health.

JV: Questions

- Who designates “appropriate area for protecting and restoring shoreline ecological functions, etc. and on what basis?
- Who maintains “appropriate areas for protecting and restoring shoreline ecological functions,” etc.?
- Does this apply to public land/tidelands only?
- Is private property subject to designation?

PT: Water and tides to not stop at arbitrary boundaries. How will cumulative and secondary impacts be accounted for in this policy?

- D. Policy SH-29 Through appropriate site planning and use of the most current, accurate and complete scientific and technical information available, shoreline use and development shall be located and designed to avoid the need for shoreline stabilization or actions that would result in a net loss of shoreline ecological functions.

PT: According to recent studies, the ability to determine and monitor for loss of shoreline ecological functions requires detailed analysis of existing ecological functions (a baseline), and regular monitoring. As Thurston County has acknowledged in testimony, it does not know how many aquaculture operations are currently active, they have no ability or resource to monitor activities. How will this policy be implemented? Baseline analysis must be required.

KT: Shoreline stabilization” and “Shoreline ecological functions” are very different concepts. The term “Shoreline stabilization” is explanatory. “Shoreline ecological function” is vague and needs to be defined.

- E. Policy SH-30 Aquaculture is of statewide interest. Properly managed, it can result in long-term, over short-term, benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with the control of pollution and prevention of damage to the environment, is a preferred use of the water area.

JV: Property managed, it (aquaculture) can result in long-term, over short-term benefit and can protect the resources and ecology of the shoreline.” I don’t believe this is a scientifically defensible position.

JV: “Aquaculture...is a preferred use...” Should read: “Aquaculture...is a **permitted** use...”

KT: Please cite where these statements come from--WAC’s, RCW’s, etc. The statement that “Aquaculture is of statewide interest” is readily found in documents put out by the shellfish industry. It sounds like a case of “if you say it often enough, it becomes true.” This is a strategy of politicians and should not be a strategy for creating common-sense rules related to protection of State shorelines.

PT: In addition to Jean’s comments, I would like to understand the basis in law for the statement that “Aquaculture is of statewide interest.” I would like to see the science behind the statement that it can provide long term benefits. Current practices have only been in use for a short period of time. The

economic benefits of aquaculture in Thurston County are of minimal economic benefit (about \$20M a year for geoduck farming, according to industry estimates. This is about the economic impact of 4 MacDonal'd's restaurants. According to Earth Economics the recreational value of the tidelands is far higher. I see no basis for this being a part of the SMP policy structure.

- F. Policy SH-31 Potential locations for aquaculture activities are relatively restricted by water quality, temperature, dissolved oxygen content, currents, adjacent land use, wind protection, commercial navigation, and salinity. The technology associated with some forms of aquaculture is still experimental and in formative states. Therefore, some latitude should be given when implementing the regulations of this section, provided that potential impacts on existing uses and shoreline ecological functions and processes should be given due consideration. However, experimental aquaculture projects in water bodies should include conditions for adaptive management. Experimental aquaculture means an aquaculture activity that uses methods or technologies that are unprecedented or unproven in Washington.

PT: These facts are an argument for less flexibility, more caution, and more monitoring, not less. Experimental aquaculture technology using technologies that are "unprecedented or unproven" is an argument for caution as unexpected impacts can be devastating on endangered and threatened species. This policy statement has no place in the SMP.

JV: The term "adjacent land use" should be defined. Which "adjacent lands" cause restriction for aquaculture?

KT: **This Policy should be stricken as it is counter to the goals of the SMP. This policy is a disaster waiting to happen.** Please recall the 2015 Seattle Shellfish disastrous use of plastic cups as wild-life exclusion devices next to Tolmie Park. The owners of Seattle Shellfish only cleaned up this mess (thousands of pieces of plastic shards from the cups) when he was reported by a neighbor to the Thurston County Health Department. Thurston County should assess if this is still a problem two years later. This was "experimental technology" if you wish to call it that, but it should have been obvious to the operator that flimsy clear plastic cups, the type that are a dime a dozen at the grocery store, are not appropriate to be used to protect geoduck seeds on Puget Sound tidelands, with tides, waves and current. "Due Consideration" is obviously not something that can be counted on to be performed in thought or deed by a shellfish industry operator. The County must be liable for the permit that it gives to the operator, and so it must have a record of the method used and would wisely be cautious about "experimental methods." Permission to "experiment" on our "fragile tidelands" should NOT be granted by law. Somebody needs to wake up here.

- G. Policy SH-32 Aquaculture activities should be located, designed and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes.

JV: "Long-term beneficial use of the shoreline" should be defined. Does it mean "public benefit" or "private economic gain?"

PT: This policy is contradictory. Aquaculture by its nature changes and disrupts the shoreline ecological functions and processes. **This should be changed, or the entire policy eliminated.**

KT: The phrase "maintains shoreline ecological functions and processes" should be defined.

- H. Policy SH-33 Aquaculture should not be permitted where it would result in a net loss of shoreline ecological functions and processes, adversely impact eelgrass and macroalgae, or significantly

conflict with navigation and other water-dependent uses. Aquaculture is not required to protect state-listed noxious weed species when control methods are conducted within applicable agency standards. In general, the following preferences apply when considering new aquaculture activities:

PT: In above sections kelp is included as well as eelgrass. This should be consistent.

PT: In addition to water-dependent uses this should also include water-related and water-enjoyment uses.

PT: Why is the sentence starting “Aquaculture is not required to protect state-listed noxious ...” in this policy? That would be regulatory in nature, and best left to state agencies, not local specification.

PT/KT: Comments:

- What are “applicable agency standards?”
- Who defines “applicable agency standards?”
- What agency oversees the use of pesticides in Puget Sound and lakes?
- How will the County monitor use of pesticides and who will monitor?
- This policy gives County permission to the Shellfish Industry to spray pesticides on Puget Sound waters. Does this include Imidacloprid, the bee-killing pesticide banned in other countries?
- The phrase “Aquaculture is not required to protect state-listed noxious weed species” is covert way of saying that the Shellfish industry can spray whatever it wants on weeds and critters (ex. Native burrowing shrimp).
- This type of phrasing is dishonest. The County should say directly what it means. Otherwise, it is obvious the County is attempting to hide the truth.

1. Projects that are not likely to negatively impact critical saltwater habitats.

KT: Change to “**Project that will not negatively impact critical saltwater habitat.**” Science should be applied here, not guesswork based on “not likely.” Who decides what is “not likely?”

2. Projects that involve little or no substrate modification.

KT: This would rule out geoduck operations.

PT: Define the term “little”

3. Projects that involve little or no supplemental food sources, pesticides, herbicides or antibiotic application.

KT: Any project that involves supplemental food sources, pesticides, herbicides or antibiotics applications should be banned. We are in the 21<sup>st</sup> century guys. We’ve used enough of this stuff to fill every human being to the brim. We don’t need any more. Operators who are not smart enough to figure out how to grow their product without pesticides, herbicides and antibiotics should find another job. They are helping to ruin our planet and the County should reject this. The County and the State should be ashamed to even consider this in their rules that will be in effect for the next 25-40 years.

Supplemental food sources, pesticides, herbicides, anti-biotics must be banned from use in Thurston County waterways.

I. Policy SH-34 Aquaculture facilities should be designed and located to avoid:

- A. the spread of disease to native aquatic life;

PT: Due to the sensitive nature of shorelines and tidelands, aquaculture facilities should be located in upland facilities with appropriate water quality controls.

- B. the establishment of new non-native species, which cause significant ecological impacts; and

KT: Non-native species should be banned. Any operator who inadvertently introduces non-native species should have permit removed.

PT: The introduction and establishment of non-native species is not allowed.

KT: The term “significant ecological impact” should be defined.

KT: How is “significant ecological impact” determined in a permit process and who monitors “significant ecological impact?”

- C. significant impact to the aesthetic qualities of the shoreline.

KT: Remove the word “significant.” The County cannot assume to be arbiters of significance of aesthetic impact, especially when they are charging property owners the highest of property taxes because of aesthetics.

JV: Who decides what is a “significant impact to the aesthetic qualities of the shoreline? How is this determined?”

J. Policy SH-35 Upland uses and modifications should be properly managed to avoid degradation of water quality of existing shellfish areas.

KT: The term “Existing shellfish areas” must be defined. Does it mean “native shellfish areas” or “commercial/industrial shellfish areas.”

KT: The term “properly managed” must be defined. There are already rules in place for sewer systems and septic systems for upland properties. What else is required here? This policy should be restated if the meaning is for taxpayers to subsidize a single industry. That would be precedent setting for other industrial uses to take priority over family homes and properties

PT: This is far too broad. This policy could lead to a cessation of all residential and commercial development activity in Thurston County. Where is this policy required by the SMA or relevant RCWs and WACs? This looks like a lobbyist’s dream to transfer water quality recovery costs to the public. This policy should be deleted.

K. Policy SH-36 Planting and harvesting by boat shall be preferred over low-tide harvest methods

where feasible.

PT: This is regulation and not policy. It does not belong in this section. It also looks like the work of a lobbyist and is not appropriate here.

JV: Should read “Planting and harvesting by boat shall be required...” It already says, “where feasible.”

PT: Harvesting by boat shall take place only during daylight hours when the operation is within 2,500 feet of a residence or residential neighborhood.

- L. Policy SH-37 Non-commercial and small-scale aquaculture projects should be encouraged through the shoreline exemption process [Section 19.500.100(C)].

KT: “Non-commercial and small-scale aquaculture projects” are not the same. All commercial aquaculture operations, big or small, must be required to go through the same permitting process. They should NOT BE EXEMPT FROM PERMITTING.” This policy is a “slippery slope”, no doubt purposefully promoted by the shellfish industry, to slip through an exemption clause for commercial shellfish aquaculture permits.

PT: It would appear that this policy and other policies in this section related to shellfish aquaculture are politically motivated policies from the commercial aquaculture industry and/or their representatives, proposed as a means to avoid permitting requirements. Any such policy should be eliminated from the Draft SMP Update.

- M. Policy SH-38 In order to facilitate more conforming uses in the shoreline environment provide an administrative Type I permit option to permit reconstruction or remodels of non-conforming structures that propose to make the structures and uses more conforming using innovative design techniques and/or by moving structures further landward of critical areas, their buffers and setbacks or, to the maximum extent possible, remove the structures completely from critical areas, their buffers, and setbacks.

KT: Sounds like war on the single-family dwelling. It conflicts with giving preference to single family dwellings. What is the basis for this type of permit? If it is a current policy, where specifically is it defined. Or is this intended to be a new policy, and if so who is responsible for defining it?

JV: “...to the maximum extent possible, remove the structures completely from critical areas, their butters, and setbacks.” The strength of this statement is of real concern.

PT: Since geoduck PVC plastic and netting is recognized in regulation as a “structure” they should be included in the category of “non-conforming” and subject to the same regulations

## 19.300.135 Public Access and Recreation

**Goal: Provide physical and visual public access opportunities and space for diverse forms of water-oriented recreation in such a way that private property**

**rights, public safety, and shoreline ecological functions and processes are protected in accordance with existing laws and statutes.**

JV: Change "...processes are protected..." to "...processes are **balanced and protected...**"

- A. Policy SH-39 Protect the public's opportunity to enjoy the physical and visual qualities of the shoreline by balancing shoreline use and development in such a way that minimizes interference with the public's use or enjoyment of the water. This may be achieved through regulatory provisions, incentives or other cooperative agreements.

KT: Industrial/commercial aquaculture interferes with the public's use and enjoyment of the water.

KT: A portion of the verbiage from policy SH-39 comes from the 1990 SMP. However, in the 1990 document this verbiage was part of the over-all policy statement regarding the SMP, the "Bigger-Picture" as it were. It was not limited to public access and recreation. It was part of a larger statement regarding the management of the Shorelines.

So, although they used some of the words from the 1990 SMP, the authors of the Draft SMP Update have taken this verbiage out of context and changed the meaning.

While the original version placed an emphasis on preserving the public's rights, the new policy places emphasis on "balancing shoreline use and development" and "minimizing" interference with the public's rights." Since this is a change in the over-arching goals of the SMP, it needs to be specifically clarified as to intent.

You can see the words that were taken out of context from the following:

1990 SMP, Section Two, General Goals and Policies, III Policies:

"To implement this document, the public's opportunity to enjoy the physical and aesthetic qualities of natural Shorelines of the State and Region shall be preserved to the greatest extent feasible consistent with the overall best interest of the people generally. To this end, uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline.

Alterations of the natural condition of the shorelines, in those limited instances when authorized, shall be given priority for single-family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers and other improvements facilitating public access to shorelines of the Region; industrial and commercial developments which are particularly dependent on their location on, or use of, the shorelines of the Region; and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the Region. Permitted uses of the Shorelines of the State and Region shall be designed and conducted in a manner to minimize, to the extent feasible, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

- B. Policy SH-40 Evaluate site-appropriate types and methods of required public access when reviewing all public shoreline development projects and private subdivision of land into more

than four parcels. Based on project-specific circumstances, this may include physical or visual access on or off site.

KT: What specifically is this referring to. The language in this policy is vague and ill-defined.

PT: This should extend to require access buffers in commercial shellfish areas.

- C. Policy SH-41 Acquire, maintain and improve diverse physical and visual shoreline access through public and private efforts. This should be accomplished in a comprehensive and prioritized manner through the use of existing plans and programs, including those that address population growth and shoreline access demands such as the Thurston County Comprehensive Plan, the Thurston County Parks, Recreation, Trails and Natural Resource Preserve Plan (2013) Plan, and other port and state park plans.

KT: What specifically does this policy mean. The language in this policy is general, vague and ill-defined.

KT: What is meant by “comprehensive and prioritized manner?” This is general, vague and ill-defined.

- D. Policy SH- 42 Publically owned, undeveloped road-ends, tax-title lands and rights-of-way adjacent to salt and freshwater shorelines should be evaluated for use as public access points. These lands may be developed for access by a community organization, consistent with Chapter 13.56 TCC as now or hereafter amended.

KT: “Publically” is misspelled. There is a fair amount of mis-spelling in this document that could be easily remedied by using the spell-checker function in Microsoft Word.

KT: This sounds nice, but the first step is a list of such “publicly owned, undeveloped road-ends, tax-title lands and rights-of-way.”.

- E. Policy SH-43 Use shoreline public access points to enhance the public’s understanding and appreciation of shoreline ecology, cultural history, maritime heritage, and location specific rules and boundaries by incorporating educational and interpretive signage and other tools into public access facilities.

## 19.300.140 Restoration and Enhancement

**Goal: Re-establish, rehabilitate and/or otherwise improve impaired shoreline ecological functions and processes through voluntary and incentive-based public and private programs and actions that are consistent with the *Shoreline Restoration Plan* (Appendix C). (Note: this section does not address required mitigation sequencing related to specific development proposals; see Section 19.400.110(A) for mitigation standards.)**

KT: In many instances, it would be far more effective and less costly to simply not degrade the shoreline, particularly the tidelands, in the first place. To this end, the permitting of geoduck aquaculture and other forms of commercial industrial aquaculture that uses some 43,560 PVC

pipes per acre, about 7 miles of PVC weighing some 16 tons, many of which *escape from their location, or otherwise use plastic nets and bags should be banned.*

- A. Policy SH-44 Integrate and facilitate voluntary and incentive-based cooperative restoration and enhancement programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or processes.

KT: We agree that we should embark on restoration and enhancement programs for our shorelines. But if this is an aspect of the “no net loss of ecological function” or even an adjunct to the “no net loss” policy, it is critical that those participating in these programs should be advised of this policy and what it means—that their efforts are in effect making up for impacts of others who impact for financial gain.

PT: All shorelines restored under an incentive program should be placed into conservation status and any development of the tidelands should be prohibited.

- B. Policy SH-45 Identify restoration opportunities through sources such as the *Thurston County Shoreline Master Program Update Inventory and Characterization Report*, salmon recovery plans, local watershed plans, Puget Sound Nearshore Ecosystem Restoration Project (PSNERP), and the Salmon Recovery Lead Entity Habitat Work Schedule, and authorize, coordinate and facilitate appropriate publicly and privately initiated restoration projects. This shall be accomplished through the *Shoreline Restoration Plan* (Appendix C), which addresses the following:

KT: We agree that we should embark on restoration and enhancement programs for our shorelines. But if this is an aspect of the “no net loss of ecological function” or even an adjunct to the “no net loss” policy, it is critical that those participating in these programs should be advised of this policy and what it means—that their efforts are in effect making up for impacts of others who may impact for financial gain. If it is not part of the “no net loss” policy, then where does it fit into the scheme of “no net loss” policy?

1. Identification of degraded areas and sites with potential for ecological restoration;
2. Restoration goals and priorities;
3. Existing and on-going projects and programs;
4. Additional projects and programs to achieve the restoration goals;
5. Funding sources, timelines and benchmarks for implementation; and
6. Monitoring effectiveness of restoration projects.

- C. Test Policy SH-46 Encourage and facilitate restoration and enhancement projects for Priority Habitats and Species. (Washington Department of Fish and Wildlife, PHS Program).

KT: This is a well-meaning goal that is contradicted by allowing industrial shellfish aquaculture on the tidelands using approximately 7 miles/16 tons of PVC and plastic netting to create a monoculture. Citizens who aware of the contradictions of the County policies are less likely to support restoration projects, as restoration projects often use taxpayer money.

- D. Policy SH-47 Shoreline ecosystem protection and restoration projects shall be prioritized, located and designed utilizing the most current, accurate and complete scientific and technical information available to promote resiliency of habitats and species.

PT: Define “resiliency of habitats and species”. What is the relevant section of SMA, RCWs, WACs, or TCCs? How does this relate to no net loss of ecological functions and processes?

## 19.300.145 Transportation and Utilities

**Goal: Plan, locate and design transportation systems and essential utility facilities in shoreline areas where they will have the least possible adverse effect on shoreline ecological functions and/or processes and existing or planned water-dependent uses.**

- A. Policy SH-48 Plan, locate and design proposed transportation, parking facilities, and utility facilities where routes will avoid a net loss of shoreline ecological functions or will not adversely impact existing or planned water-dependent uses.
- B. Policy SH-49 Parking facilities in shorelines are not a preferred use. Such facilities shall only be allowed as necessary to support an authorized use and only when environmental and visual impacts are avoided and minimized.

KT: This Policy is not clearly written. Define “Parking facilities” and “in shorelines.”

- C. Policy SH-50 New or expanded transportation routes and essential utility facilities shall, to the extent feasible:
  - 1. Be located in areas that do not require shoreline stabilization, dredging, extensive cut/fill and other forms of shoreline alteration;
  - 2. Be limited to local access and public shoreline access routes;
  - 3. Be located in existing rights of way and corridors; and
  - 4. Not be built within shoreline jurisdiction when other options are available.
- D. Policy SH-51 Transportation and utility projects shall be consistent with the public access policies and plans of this Program.
- E. Policy SH-52 Provide for alternate modes of travel, including pedestrian, bicycle and public transportation, where appropriate.
- F. Policy SH-53 Maintenance of existing transportation corridors and utility facilities shall be carried out in a manner that:
  - 1. will avoid a net loss of shoreline ecological functions; and
  - 2. where feasible and appropriate, improve shoreline ecological functions.

KT: Define what types of “existing transportation corridors and utility facilities” that “improve shoreline ecological functions.” Give an example, as this seems completely contradictory. Maybe the writer has something in his/her mind, but the reader is not a “mind reader.”

Unavoidable adverse impacts shall be mitigated.

KT: How or in what manner will “transportation corridors and utility facilities that cause impacts to the shoreline be mitigated? This is another case of contradictory policy that needs explanation. Looks like somebody just threw this in there.

## C. South Puget Sound Policies

1. Policy SH-54 Thurston County recognizes that South Puget Sound is a unique and significant marine resource. As such, Thurston County should work to minimize use conflicts, exercise responsibility toward the South Sound’s resources, and require commitment to water-quality preservation.

PT: There are many aspects to protecting the marine resource. Water quality is an important aspect, but it is one of many. Protection of endangered, threatened and sensitive species, preservation of native tideland vegetation, preservation of tideland structure, and so forth, should be added to this section.

2. Policy SH-55 In planning for the future development of South Puget Sound, the statewide interest should be protected over the local interest.

KT: What specifically is the meaning of “statewide interest vs. local interest?”

3. Policy SH-56 The Alliance for a Health South Sound (AHSS) is a regional organization comprised of Thurston, Kitsap, Pierce and Mason County governments, and the Squaxin Island, Nisqually, and Puyallup tribes. The AHSS has been recognized by the State, including the Puget Sound Partnership, and the counties as having an important role in protecting, enhancing, and restoring the resources of South Puget Sound. As such, the AHSS has developed the South Sound Strategy, incorporated herein by reference, which should be consulted for guidance when reviewing new shoreline projects in South Puget Sound.

PT: The AHSS lacks representation from mid-sound, upper-sound, and island counties. Puget Sound is connected across all of these areas. Additionally, AHSS lacks representation of environmental organizations, citizen groups, recreational groups, shoreline property owners, and other stakeholders. It is an inappropriate resource for policy guidance.

KT: The AHSS may be a reputable organization, but it does not seem wise to name any non-governmental organization in a set of rules that may be in effect for 30-40 year

4. Policy SH-57 The public interest in South Puget Sound concerns the natural character and the future development. The scope of the public interest concerning the future development of South Puget Sound includes all residents of the state, tribes, the four county governments, and federal- and State-owned lands.

PT: The scope of public interest far exceeds this defined group. This policy should be more expansive and inclusive, or eliminated.

KT/PT: Comment:

- “Natural character” of what?

- “Future development” of what?
- What specific policy are you attempting to convey?
- This “policy” appears to be an opinion regarding public interest rather than a policy.
- Are you using the term “public interest” to describe a generic group of people that include “all residents of the state, tribes, the four county governments, and federal and State-owned lands.”? If so, the “federal and State-owned lands” are not people.

OR

Are you trying to say that the public is interested in “all residents of the state, tribes, the four county governments, and federal and State-owned lands,” in which case “federal and State-owned lands” works, but nothing else does in the sentence?

Policy SH-57 is both ill-defined and contradictory. It says that “the public interest in South Puget Sound concerns the natural character and the future development.” **This is not a policy, but an ill-defined opinion.**

If the County is trying to say its policy is to preserve the natural character of the shoreline related to future development then it cannot, at the same time, promote policies that encourage industrial activity on the tidelands that use approximately 7 miles/16 tons of PVC along with plastic netting per acre of tideland along with dredging of the entire acre at harvest.

We request that this “policy” be clarified. There must be consistency of policy statements and assertions of “concern” if the County wants this Draft SMP Update to be accepted as credible.