

Attachment 2
Kittitas County Shoreline Master Plan Update
Comments on January 2014 Final Draft SMP and
Planning Commission July 2014 Revised Final Draft SMP

SMP Section		Summary of Comments Received	Staff Responses/Comments	Recommendations
SMP 1. Framework, purpose, principles & applicability	1.2	<p>There are options under the Shoreline Management Act (SMA) with regards to the extent of SMA jurisdiction. There is an absolute minimum of 200 feet, the floodway plus 200 feet or the entire floodplain. The county has not yet decided on a designation to adopt, but written comments suggest that staff will be recommending the floodway plus 200 feet. There are two arguments to adopt the full extent of the floodplain, administrative simplicity/clarity and science. Administratively, it will be easier for project proponents to understand and for the county to process one set of rules by including the entire floodplain and land necessary for buffers in SMA jurisdiction, the demarcation between the SMP and the CAO will be clear. Scientifically, the inclusion of the entire floodplain and buffers is the only way for the SMP to provide for the protection of ecological functions, no net loss of ecologic functions, and sustaining ecosystem-wide processes as required by the SMA (RCW 90.58.020, RCW 90.58.100(1), and WAC 173-26-201(2)). <i>(J. Marvin YKFP 03/34/14)</i></p>	<p>There are options under the Shoreline Management Act (SMA) with regards to the extent of SMA jurisdiction (RCW 90.58.030(2)(d)). Staff recommends that Kittitas County adopt the minimum shoreline jurisdiction, which would include: all shorelines of the state; upland areas (shorelands) within two hundred (200) feet of the ordinary high water mark of those waters; associated wetlands and river deltas; and floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways.</p> <p>The January 2014 Final Draft SMPs included Shoreline Environment Designation maps that depict each option as well as text and notes to the reader that explain how the two options would impact the text of the SMP document. While the Shoreline Inventory and Characterization Report was done at the more expansive area (e.g. floodplain and adjacent lands), the Citizen Advisory Committee reviewed and generally supported use of the minimum jurisdiction. The Cumulative Impact Analysis reports were done on the minimum jurisdiction and showed that the minimum jurisdiction and the proposed regulations were adequate to protect shoreline ecological functions.</p>	<p>Planning Commission concurred with Staff recommendation to adopt the minimum shoreline jurisdiction and revise Appendix A mapping and Appendix B SED list accordingly. Delete references to High Intensity shoreline environment designation as this shoreline environment designation only exists in the maximum jurisdictional area.</p> <p>Pages 2-3</p>
	1.2	<p>Clarify that the shoreline jurisdiction will expand as necessary to provide the buffers required to protect critical areas within shoreline jurisdiction.</p> <p>The buffers necessary to protect certain wildlife habitats, for associated wetlands, and geological hazards will extend beyond shoreline jurisdiction. For example for associated wetlands, only the wetlands are in shoreline jurisdiction. The required buffer is not unless the county chooses the option of including the 100 flood plain in shoreline jurisdiction, which support. Geological hazard buffers may also extend beyond shoreline jurisdiction. The Shoreline Master Program Guidelines provide in relevant part that: As provided in RCW 90.58.030(2)(f)(ii) and 36.70A.480, as amended by chapter 321, Laws of 2003 (ESHB 1933), any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provision of WAC 173-26-241(3)(e) are not subject to additional regulations. If a local government does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized above, then the local jurisdiction shall continue to regulate those critical areas and required buffers pursuant to RCW 36.70A.060(2).</p> <p>RCW 36.70A.060(2) is the requirement to adopt regulations to protect critical areas. So Kittitas must either provide that shoreline jurisdiction expands to include necessary buffers and the other protective measures necessary to protect critical areas or rely on its critical areas regulations with the amendments needed to comply with the Shoreline Management Act and the SMP Guidelines. <i>(Futurewise 3/31/14)</i></p>	<p>While RCW 90.58.030(2)(d)(ii) provides an option expanding shoreline jurisdiction and including land necessary for buffers for critical areas, there is no statutory requirement for including critical area buffers (including wetland buffers) within shoreline jurisdiction. The Citizen Advisory Committee reviewed and generally supported the use of the minimum jurisdiction.</p> <p>Any critical area buffers located outside of shoreline jurisdiction would be regulated under the County's critical areas regulations (KCC Title 17A).</p> <p>The County is currently working to update their GMA critical areas regulations (Title 17A) based upon Best Available Science, which includes the same scientific and technical information that was used to develop the proposed SMP critical area regulations.</p>	<p>No change.</p>
		<p>I represent Ellensburg Cement Products, Hutchinson Properties, LLC, and JH Properties, L.L.C. My clients own and operate sand and gravel extraction and processing facilities throughout Kittitas County. This includes upland locations that are not subject to shoreline jurisdiction and historical, active sites near Easton, within the South Cle Elum UGA, and near the west I-90 interchange just outside Ellensburg.</p> <p>Objection to Extended Shoreline Jurisdiction</p>		<p>This written comment and verbal testimony was provided at the August 12, 2104 Planning Commission hearing. Planning Commission recommendation is to adopt the minimum shoreline jurisdiction.</p>

SMP Section	Summary of Comments Received	Staff Responses/Comments	Recommendations
	<p>The rationale for expanding shoreline jurisdiction to the optional, "maximum" jurisdiction is not supported in the record. In many locations, the added floodplains extend a half mile to several miles from the water's edge. No separate criteria are proposed to distinguish issues unique to floodplain regulation from restrictions that properly should apply within 200 feet of the shoreline and within associated wetlands. The "blanket" inclusion of floodplains in "extended" shoreline jurisdiction creates several unnecessary conflicts:</p> <ul style="list-style-type: none"> • Extended jurisdiction may double or triple the costs to landowners and the public of implementing the Shoreline Management Act. Kittitas County's financial resources and staff will be stretched to the breaking point just to implement the mandatory, minimum program requirements. Adding extended jurisdiction will dilute staff resources focusing on non-essential permitting and exemption requests. Most of the shoreline restrictions should not properly be applied to floodplains, but the procedural hurdles—and the large number of additional permits—will be added with no additional benefit. Kittitas County has not developed criteria and exemptions that specifically apply to floodplains. • Because projects that are within shoreline jurisdiction require the applicant to file a Joint Aquatic Resource Permit Application (JARPA), extended shoreline jurisdiction subjects a much larger number of local land use decisions to review and challenge by individuals, and by local, state, tribal, and federal agencies who would otherwise not have jurisdiction or standing. JARPA permits in most floodplain areas are an unnecessary, expensive procedural hurdle. Floodplains should be exempted from JARPA permits where appropriate. JARPA permits are a mine field for delay, expense, challenge, and unnecessary litigation. • None of the "use" tables and criteria in the draft SMP address the unique and more limited restrictions that need to be developed for floodplains. <p>Floodplains may be located miles away from the water's edge. For instance, Table 3.10-1 prohibits "non-water oriented uses" even though many of the floodplain locations could not support water use, water views, water enjoyment, or water access.</p> <p>Similarly, Table 5.21, which sets mandatory bulk and dimensional restrictions, does nothing to address flood damage and flood hazard reduction. Instead, when applied to floodplains, Table 5.21 imposes restrictions that have no direct regulatory purpose in floodplain areas that are remote from the water's edge.</p> <p>The restriction of telecommunication towers and utilities may be proper in the view shed of actual shoreline areas, but should not be a blanket, inflexible restriction in floodplains.</p> <p>These are just a few of the many examples where the draft SMP text and restrictions do not address the unique regulatory issues for floodplains.</p> <ul style="list-style-type: none"> • In many cases—notably the South Cle Elum UGA—the proposed "extended" shoreline jurisdiction (and the proposed blanket restrictions) defeats the rationale for the expanded Urban Growth Area boundary if the purpose was to provide housing areas to meet population projections and needs. <p>Kittitas County has regulatory powers that are more direct and better suited to address flood hazard reduction without extending shoreline jurisdiction. The permitting costs and delays are not justified. The expansion of state and federal jurisdiction is not justified. The allowable uses and restrictions in the floodplain should be addressed by specific floodplain criteria that are specific and meaningful for floodplains, not new regulation that is not focused on the special needs of floodplains and overly restrictive in other areas, like requiring water dependent uses, views, and recreational access in areas that may be miles from the water's edge.</p> <p>Finally, if Kittitas County elects to proceed with extended shoreline jurisdiction, it should retain the dual color mapping to distinguish the areas that are in extended jurisdiction from the areas that are required under State law. As a practical matter, extended jurisdiction will create more problems than it solves if exemptions and restrictions that are specific to floodplains are not developed.</p> <p style="text-align: right;"><i>(McElroy Comments 8/12/2014)</i></p>		

SMP Section		Summary of Comments Received	Staff Responses/Comments	Recommendations	
SMP 1. Framework, purpose, principles & applicability	1.7	Applicability	<p>I was wondering if you could explain to me how the SMP interacts with the Bureau of Land Reclamation's current proposal: which is to add a large pipe between Keechelus and Kachess, and then be allowed to drop the water level of Kachess 80 feet below the natural waterline? They recently had community meeting about this project and it's my understanding that the proposed project is now entering the environmental review process. Thanks so much for your time. <i>(Kathy Kearny 2/12/14)</i></p>	<p>The draft SMP contains "Applicability" language in regard to how proposed uses and development would be regulated. See below County Staff response to Ms. Kearny via email on February 20, 2014. Unless specifically exempt, any proposed uses and development on private land must comply with the new SMP.</p> <p>"While I have not confirmed all the project elements, it appears that the portion of this project that is in shoreline jurisdiction is a federal project on federal lands and a shoreline permit is not required. See the text below from the draft Shoreline Master Program (pg 8 - Section 1.7, Applicability).</p> <p>4. Federal lands include, but are not limited to, national forests, national parks, national wilderness areas, and lands owned by the Federal Bureau of Land Management (BLM). The following subsections shall guide the determination of SMP applicability on federal lands:</p> <p>a. Federal development on federally owned land is not required to obtain a shoreline permit, unless otherwise required by law, but shall be consistent to the maximum extent practicable with this master program;</p> <p>b. Non-federal activities, uses and development on federally owned land are subject to this SMP and must obtain a shoreline permit; "</p>	No change.
	2.7	Historical / cultural	<p>The Yakama Nation has twice submitted written comments to Kittitas outlining how cultural resources should be addressed in the SMP. The county has declined to incorporate any of the recommended provisions. It is staffs opinion that the proposed SMP provisions for cultural resources are inconsistent with RCW 90.58.100(1), RCW 90.58.100(2)(g), RCW 90.58.020, and WAC 173-26-221(1). <i>(J. Marvin YKFP 03/24/14)</i></p>	<p>In response to concerns raised in previous comments from Yakama Nation, the County intended to remove text that allowed the Administrator to waive the requirement for cultural resources site inspections on sites documented to contain resources and shared our intent to do so in a February 2014 memo to members of the TAC and CAC. However, due to an oversight, the language remained in the Final Draft SMPs. This language should be removed prior to adoption in order to comply with WAC 173-26-221(1)(c)(ii).</p> <p>Previous comments from Yakima Nation also recommended extensive new language that would require Kittitas County and its jurisdictions to take on more responsibility for reviewing and managing DAHP data for projects. The Final Draft SMPs do not incorporate data sharing or expanded review requirements. The Yakama Nation's most recent comment letter restates their desire for revised requirements.</p> <p>Expanding the local jurisdiction's responsibilities was deemed impractical from a staffing and resources standpoint. Instead, obligations to "prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the office of archaeology and historic preservation" will be met by providing notice to DAHP and affected tribes in advance of development projects. That notification (and review of comments sent in response), together with state law requirements that require stopping work if unexpected resources are uncovered, are adequate to protect archaeological and historic resources. This meets the statutory requirements.</p>	<p>Remove language in 4.1.B.2 that allows Administrator to waive the requirement for cultural resources site inspections on sites documented to contain resources.</p> <p>Page 30</p>
SMP 4. General policies and regulations	4.1	Archaeological & historical resources	<p>The Yakama Nation has twice submitted written comments to Kittitas outlining how cultural resources should be addressed in the SMP. The county has declined to incorporate any of the recommended provisions. It is staffs opinion that the proposed SMP provisions for cultural resources are inconsistent with RCW 90.58.100(1), RCW 90.58.100(2)(g), RCW 90.58.020, and WAC 173-26-221(1). <i>(J. Marvin YKFP 03/24/14)</i></p>	<p>See explanation above associated with comments on Section 2.7.</p>	<p>Remove language in 4.1.B.2 that allows Administrator to waive the requirement for cultural resources site inspections on sites documented to contain resources.</p> <p>Page 30</p>

SMP Section	Summary of Comments Received	Staff Responses/Comments	Recommendations
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">SMP 4. General policies and regulations</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">4.1 Archaeological & historical resources</p>	<p>We recommend that consultations and archeological investigations be required for suspected Cultural and Archeological sites.</p> <p>...The Washington State Department of Archeology and Historic Preservation has developed a predictive model that can identify the likely location of cultural and archeological sites, that information should has require a predevelopment investigation. Native American tribes, bands, and nations and other organizations have professional staff that can determine the likely location of cultural, archaeological, and historic resources and those determinations should also require preconstruction investigation. So we recommend that Section 4.1 be revised as follows with our additions double underlined and our deletions doubles struck through. For the policies and regulations not shown below, we do not recommend any revisions.</p> <p><i>1. The following provisions apply to <u>cultural, archaeological, and historic resources that are either recorded at the Washington State Department of Archeology and Historic Preservation, and/or by local jurisdictions, by Native American tribes, bands, or nations, by the United States Government, that are identified by predictive models or professional judgment as likely to have archaeological and historic resources, or that have been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to RCW Chapter 27.44 (Indian graves and records) and RCW Chapter 27.53 (Archaeological sites and records). Shoreline uses or development that may impact such sites shall comply with WAC Chapter 25-48 as well as the provisions of this chapter.</u></i></p> <p><i>2. Prior to issuance of a permit in areas <u>with suspected, probable, or documented to contain cultural or archaeological resources, a cultural resources site inspection or evaluation by a professional archaeologist shall be required in coordination and consultation with affected Indian tribes. The requirement to conduct a cultural resources site inspection can be waived by the Administrator where a previous inspection and evaluation by a professional archaeologist has documented that cultural or archaeological resources are not on the site.</u> [WAC 173-26-221(1)(c)(ii)] (Futurewise 03/31/14)</i></p> <p>The Yakama Nation has submitted numerous written comments to Kittitas outlining how cultural resources should be addressed in the SMP, these include:</p> <ul style="list-style-type: none"> • A field investigations for all ground disturbing activities; • A data sharing agreement with the Washington Department of Archeology and Historic Preservation (DAHP); • A requirement that any proposal with a known archeological site be investigated by a professional archeologist; and • Archeological surveys for any proposal with a "high risk and or very high risk" for archeological resources based on the DHAP predictive model. <p>Archaeological resources are a cultural resource...Kittitas County is required to utilize a systematic interdisciplinary approach that integrates natural and social sciences, considers all plans, studies, surveys, inventories, and systems of classification, and utilizes all available information, when developing and implementing the SMP [RCW 90.58.100(1)]...Systematic archaeological field investigations of shoreline developments are necessary to insure that still unrecognized archaeological resources are not disturbed (RCW 27.53.040).During the 2014 State Legislative session, the Yakama Nation was able to support the successful passage of Substitute House Bill 2724, an act relating to the exemption of information concerning archaeological resources and traditional cultural places from public disclosure; and amending RCW 42.56.300. Any previous consternation of liability and public disclosure of cultural resources can now be put aside. Substitute House Bill 2724 is effective 06/12/2014. (J. Marvin, YKFP, 6/11/14)</p>	<p>Consistent with Section 2.7, it is the intent of the SMP to protect cultural resources. Adding the word "cultural " as proposed will make this intent explicitly clear.</p> <p>The historic and archaeological resources regulations are modeled on WAC 173-26-221 and are consistent with those requirements. Amendment of the wording is unnecessary. The SMP contains notice provisions to ensure that tribes and Washington State DAHP have appropriate opportunities to comment on proposed development projects in shorelines and communicate findings from predictive models and other resources.</p> <p>In response to Yakama Nation comments, language about waiver provisions has been removed, so Futurewise's suggested modifications are now moot.</p> <p>There are many regulations in the SMP to protect archeological and cultural resources. For example:</p> <ul style="list-style-type: none"> - Developers and property owners must immediately stop work and notify the local government, DAHP and affected Indian tribes if archaeological resources are uncovered during excavation. - Prior to issuance of a permit in areas documented to contain archaeological resources, a cultural resources site inspection or evaluation by a professional archaeologist is required in coordination with affected Indian tribes. - If a cultural resource site inspection or evaluation identifies the presence of significant historic or archaeological resources, a cultural resource management plan must be prepared by a professional archaeologist or historic preservation professional. <p>The County's obligations to "prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the office of archaeology and historic preservation" will be met through these regulations and by providing notice to DAHP and affected tribes in advance of development projects. That notification (and review of comments sent in response), together requirements that require stopping work if unexpected resources are uncovered, are adequate to protect archeological and historic resources.</p>	<p>Incorporate the word "cultural" in Section 4.1.</p> <p>Page 29</p> <p>No change.</p>

SMP Section		Summary of Comments Received	Staff Responses/Comments	Recommendations
SMP 4. General policies and regulations	4.2 Environmental protection & critical areas	<p>Require buffers in Table 4.2-1, Wetland Buffers for Wetlands in Shoreline Jurisdiction, that adequately protect wetlands. After exhaustively reviewing the scientific literature on wetlands, Ecology summarized the study's conclusions on buffer widths to protect wetlands...They generally should range from:25 to 75 feet (8 to 23 m) for wetlands with minimal habitat functions and low-intensity land uses adjacent to the wetland 75 to 150 feet (15 to 46 m) for wetlands with moderate habitat functions and moderate or high-intensity land uses adjacent to the wetland 150 to 300+ feet (46 to 92+ m) for wetlands with high habitat functions, regardless of the intensity of the land uses adjacent to the wetland.</p> <p>More detail on the science behind these buffer recommendations is in Wetlands in Washington State - Volume 1: A Synthesis of the Science pages 5-23 through 5-57. Based on this science report, Ecology prepared recommendations for wetland buffers...We recommend that that the county either use the Alternative 2 moderate density buffers to the low and moderate intensity uses or add separate columns for low and moderate intensity uses and use the Alternative 2 recommended buffers for those use intensities. <i>(Futurewise 03/31/14)</i></p>	<p>Based on a review of the applicable scientific and technical information, as well as County zoning and land uses, the proposed Kittitas County SMP wetland buffer system is adequate to protect wetland functions. The proposed buffer requirements are clearer and more rigorous than the existing County buffer requirements (as implemented) and will allow for more predictable, transparent and protective regulation of wetlands as compared to the current system. See <i>Rationale and Explanation for Proposed Wetland Buffers</i> memo from ESA (July 2014).</p>	No change.
		<p>The mitigation ratios in Table 4.2-2, Wetland Mitigation Ratios for Unavoidable Wetland Impacts in Shoreline Jurisdiction, should apply and the county should not be allowed to reduce them to a 1 to 1 mitigation ratio. Regulation 4.2.1.9.a allows the administrator to reduce wetland mitigation ratios below that allowed in Table 4.2-2 as low as 1 to 1. The mitigation ratios Table 4.2-2 have scientific basis, although science shows that even at those ratios mitigation is not fully replacing lost wetland functions. A one two one ratio will not replace lost wetland functions and so will result in a net loss of shoreline resources in violation of the SMP Guidelines. We urge the county to delete the first three sentences of Regulation 4.2.1.9.a so there will be no net loss of shoreline resources. <i>(Futurewise 03/31/14)</i></p>	<p>This comment appears to confuse wetland mitigation ratios and wetland <u>buffer</u> mitigation ratios. Regulation 4.2.1.9.a states that the minimum wetland <u>buffer</u> mitigation ratio shall be 1:1.</p> <p>The wetland mitigation ratios (table 4.2-2) follow Ecology's guidance.</p>	No change.
		<p>Designation and Protection of Hyporheic Habitat Science previously submitted to Kittitas County through the update process clearly details the presence and importance of hyporheic habitat in the Yakima Basin. Designation and protection of hyporheic habitat will be required for the SMP to ensure no net loss of ecologic function and the protection of ecosystem wide functions. An inclusion of a policy on hyporheic habitat on page 31 is nice, but does not meet the scientific standards in RCW 90.58.100, WAC 173-26-201(2) and WAC 173-26-221(2)(c)(iv)(II) <i>(J. Marvin YKFP 03/24/14)</i></p>	<p>Unlike floodplains, streams, and wetlands, there is no scientifically-accepted and prescribed method for identifying and mapping hyporheic habitat. There is no statutory requirement to designate and protect hyporheic habitat. With regard to hyporheic habitat, WAC 172-26-221(B) states: <i>"Effective management of lake basins and river and stream corridors depends on...regulating uses and development within lake basins and stream channels, associated channel migration zones, wetlands, and the floodplain...as necessary to assure no net loss of ecological functions, including where applicable the associated hyporheic zone, results from new development."</i></p> <p>Buffer standards and the other SMP regulations applicable to channel migration zones, wetlands and the floodplain work in concert to protect hyporheic habitat, but regulations specific to the management and protection of hyporheic habitat are not a common component of SMPs.</p>	No change.
		<p>4.2.D.4.d has no specifics on what type of engineer must prepare plans for development within frequently flooded. Add: who is familiar with hydrology, hydraulics, and fluvial geomorphology. <i>(County Staff 1/27/14)</i></p>	<p>Engineer qualifications should be clarified.</p>	<p>Amend 4.2.D.4 to read:</p> <p>A frequently flooded areas report shall be prepared for development within floodplains. Such report shall be required to be prepared by a qualified professional who is a hydrologist or engineer familiar with hydrology, hydraulics, and fluvial geomorphology, and who is licensed in the state of Washington with experience in preparing flood hazard assessments.</p> <p>Page 38</p>

SMP Section	Summary of Comments Received	Staff Responses/Comments	Recommendations
SMP 4. General policies and regulations 4.2 Environmental protection & critical areas	<p><i>The Yakama Nation submitted written comments to Kittitas County outlining how the proposed reduction standards in Sections 4.2.G.8, 4.2.J.8, 5.20.B.4, 5.20.B.7, 5.20.B.12 are inconsistent with RCW 90.58.020, RCW 90.58.100(5), RCW 90.58.140(3) and WAC 173-26-181(2)(a)(iii), and WAC 173-27-030, WAC 173-27-040(l)b, WAC 173-27-160, WAC 173-27-170, WAC 173-27-210, and WAC 173-27-250.</i></p> <p><i>The county has declined to remove the reduction provisions. Staff maintains its opinion on the legal inconsistencies. Development or use proposals in the Shoreline that do not conform to the specific bulk, dimensional or performance standards of the SMP can only be approved through a variance. The reduction provisions are a watered down variance approved through an administrative process that lacks required notice and comment. The Yakama Nation requires the legal right to review and comment on any reduction of protective provisions that have the potential to harm treaty-reserved resources. (J. Marvin YKFP 03/24/14)</i></p>	<p>Local governments have the authority to establish dimensional thresholds. The SMP clearly states under what conditions a minor buffer reduction could be obtained without a variance. Any greater reduction would require a variance. A buffer reduction would only be allowed under limited circumstances, and mitigation would be required. It is the applicant's responsibility to demonstrate that the reduction would not result in a net loss of riparian habitat functions and values.</p> <p>Provisions for limited buffer reduction are present in many Ecology-approved SMPs, including the SMP for Douglas County (approved in 2009).</p>	<p>No change.</p>
	<p>Clarify 4.2F.3 and 4 for the designation and rating of wetlands.</p> <p>Regulation 4.2F.3 provides that "[w]etlands shall be identified in accordance with the requirements of RCW 90.58.380." RCW 90.58.380 directs the Washington State Department of Ecology (Ecology) to adopt a wetlands delineation manual.</p> <p>However, Ecology no longer adopts such a manual. So we recommend that the following Ecology recommended language, with modifications for SMPs, be substituted for the sentence quoted above:</p> <p>"The identification of wetlands and delineation of their boundaries pursuant to this shoreline master program shall be done by a qualified wetlands professional in accordance with the approved federal wetland delineation manual and the applicable regional supplements. All areas within the shoreline jurisdiction of Kittitas County meeting the wetland designation criteria in the delineation manual are hereby designated critical areas and are subject to the provisions of this shoreline master program for the delineation and protection of wetlands."</p> <p>Regulation 4.2F.4 combines the designation and rating of wetlands in a way that may be unclear. With the above recommended change, Regulation 4.2F.3 will adequately address designation so we recommend that Regulation 4.2F.4 focus on rating and categorizing wetlands. The wetland categories in Regulation 4.2F.4 use the categories from Eastern Washington Wetland Rating System, which we strongly support. However Regulation 4.2F.4 does not require the use of the rating system and neither does WAC 173-22-035. So we recommend that wetland rating and categorization be done using the current version of that publication. Our recommended additions are double underlined and our recommended deletions double struck through.</p> <p>4. Categorization and rating: Wetlands shall be rated based on categories that reflect the functions and values of each wetland. Wetlands shall be <u>rated and categorized</u> identified and delineated by a qualified wetland professional in accordance with <u>the current version of the Washington State Wetland Rating System for Eastern Washington</u> procedure outlined in WAC 173-22-035, as determined using the appropriate rating forms <u>approved by the Washington State Department of Ecology for use with</u> contained in that publication. These categories are generally defined as follows:</p> <p>(Futurewise 03/31/14)</p>	<p>The SMP regulations always intended to use this rating system. The suggested changes are consistent with SMA and also improve clarity for applicants by making it explicitly clear which rating manual applies.</p>	<p>Revise 4.2.F.3 as follows: Delineation: Wetlands shall be identified and delineated by a qualified wetlands professional in accordance with the <u>approved federal wetland delineation manual and applicable regional supplements</u> requirements of RCW 90.58.380. The presence and exact location of a wetland's boundary shall be determined through the performance of a field investigation by a qualified professional wetland scientist. This professional shall field stake, flag or mark the on-site wetland boundary to aid the County in reviewing the development proposal. The County may require the on-site wetland boundary to be surveyed by a professional land surveyor. The County may require an applicant to identify the approximate location or presence of any wetlands within three hundred (300) feet of a proposed development site. Wetlands that occur or extend beyond the boundaries of the development site, onto adjoining properties, do not need to be flagged or formally delineated but their general location must be disclosed in order to assess wetland buffer impacts.</p> <p>Page 41</p> <p>Revise 4.2.F.4 as follows:</p> <p>Categorization and rating: Wetlands shall be rated based on categories that reflect the functions and values of each wetland. Wetlands shall be identified, <u>rated, categorized,</u> and delineated by a qualified wetland professional in accordance with <u>the current version of the Washington State Wetland Rating System for Eastern Washington,</u> the procedure outlined in WAC 173-22-035, and as determined using the appropriate rating forms approved by the Washington State Department of Ecology contained in that publication. These categories are generally defined as follows...</p> <p>Page 41</p>

SMP Section	Summary of Comments Received	Staff Responses/Comments	Recommendations
SMP 4. General policies and regulations 4.2 Environmental protection & critical areas	<p>Include wetland avoidance criteria in the SMP Update.</p> <p>WAC 173-26-221(2)(c)(i)(C) requires that the shoreline master program "provisions addressing alterations to wetlands shall be consistent with the policy of no net loss of wetland area and functions, wetland rating, scientific and technical information, and the mitigation priority sequence defined in WAC 173-26-201(2)(e)." Avoidance is one of the key steps in mitigation sequencing. While we appreciate and support including the mitigation priority sequence in the SMP update, more specific criteria are needed for wetlands. Some wetlands are essentially irreplaceable and others are difficult or expensive to mitigate. So avoidance criteria are necessary to avoid losses of wetland function.6 Avoidance criteria also help developers by reducing need for expensive mitigation. The following language is a modified version of model language prepared by the Washington State Department of Ecology (Ecology).7</p> <p>We recommend that the following subsection be added to proposed Regulation 4.2F:</p> <p><u>5. Criteria for When Wetland Impacts are Allowed</u></p> <p><u>a. Category I Wetlands. Activities and uses shall be prohibited from Category I wetlands, except where an existing public facilities must be expanded or extended into the wetland, a utility must be located in a wetland because there is no other site that can serve the utility's function, or a reasonable use exception or variance allows the impact. Full compensation for the loss of wetland and buffer acreage and all functions that can be replaced shall be provided as required by these regulations.</u></p> <p><u>b. Category II and III Wetlands. For Category II and III wetlands, the following standard shall apply:</u></p> <p><u>i. Where wetland fill is proposed, it is presumed that an alternative development location exists; activities and uses shall be prohibited unless the applicant can demonstrate that:</u></p> <p><u>(A) The basic project purpose cannot reasonably be accomplished on another site or sites in the general region while still successfully avoiding or resulting in less adverse impact on a wetland; and</u></p> <p><u>(B) All on-site alternative designs that would avoid or result in less adverse impact on a wetland or its buffer, such as a reduction in the size, scope, configuration or density of the project, are not feasible.</u></p> <p><u>(ii). Full compensation for the loss of acreage and functions of wetlands and buffers shall be provided as required by these regulations.</u></p> <p><u>c. Category IV Wetlands. Activities and uses that result in unavoidable impacts may be permitted in Category IV wetlands and associated buffers in accordance with an approved critical area(s) report and compensatory mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full compensation for the loss of acreage and functions of wetlands and buffers shall be provided as required by these regulations.</u></p> <p><i>(Futurewise 03/31/14)</i></p>	<p>Wetland sequencing should be clarified for proposed wetland impacts, particularly with regards to Category I wetlands.</p>	<p>Add a regulation that clarifies mitigation sequencing for wetlands:</p> <p><u>4.2.1.1 Wetland Mitigation Sequencing: Proposed activities or uses that would impact wetlands must follow the mitigation sequencing requirement of 4.2.B.2. Wetland impacts may be allowed when there is no reasonable alternative site design that would result in less adverse impact to a wetland or its buffer. Activities and uses within Category I wetlands shall be limited to the following:</u></p> <ol style="list-style-type: none"> <u>An existing public facility that must be expanded or extended into the wetland;</u> <u>Utility construction or maintenance, where there is no other site that can serve the utility's function; or</u> <u>Development associated with an approved variance that allows the impact.</u> <p>4.2.1.42 Compensatory mitigation requirement:</p> <p>Page 46</p>
	<p>Comment: There is an 'a' between buffer and ratio in 4.2.1.9.a that doesn't look it should be there. <i>(County Staff 1/27/14)</i></p>	<p>Typo.</p>	<p>4.2.1.9.a. remove "a" between buffer and ratio.</p> <p>Page 49</p>
	<p>We strongly support the designation of priority habitats in Proposed Regulation 4.2M.1 and recommend designating priority species too.</p> <p>We strongly support the county's decision to designate and protect priority habitat in Proposed Regulation 4.2M.1. We also recommend that priority species be designated and protected too. Priority species are defined in WAC 173-26-020 (29). In a separate email we are also enclosing an updated list of priority species and habitats in Kittitas County. <i>(Futurewise 03/31/14)</i></p>	<p>There is no requirement in the SMP guidelines stating that all priority species must be designated (WAC 365-190-130).</p>	<p>No change.</p>

SMP Section		Summary of Comments Received	Staff Responses/Comments	Recommendations
SMP 4. General policies and regulations	4.2 Environmental protection & critical areas	<p>We strongly support the provisions to designate and protect people and property geological hazards in Proposed 4.2.O and P, but these regulations need to be strengthened to avoid tragedies such as the recent mudslide at Oso in Snohomish County.</p> <p>We strongly support including geological hazards in Proposed 4.2.O and P. The Washington State Department of Natural Resources has an online "Natural Hazards" map. Since the Ecology Coastal Zone atlas does not include information for Kittitas County, we recommend that the Natural Hazards" map be referenced. We recommend that Proposed 4.2.O.2.a. be modified to read as follows with then our additions double underlined and our deletions double struck through:</p> <p style="padding-left: 40px;">a. Areas of historic failures, such as:</p> <p style="padding-left: 80px;">i. Those areas delineated by the Natural Resource Conservation Service (NRCS) as having a "severe" limitation for building site development; or</p> <p style="padding-left: 80px;">ii. <u>Those areas mapped as landslides, as having a liquefaction susceptibility, or having a NEHPR seismic site class of A through D on the most current Washington State Department of Natural Resources Division of Geology and Earth Resources natural hazards web based map</u> u (unstable), uos (unstable old slides), and urs (unstable recent slides) in the Washington State Department of Ecology Coastal Zone Atlas; or</p> <p style="padding-left: 80px;">iii. Areas designated as quaternary slumps, earth-flows, mudflows, lahars, or landslides on maps published as the U.S. Geological Survey or Washington State Department of Natural Resources Division of Geology and Earth Resources.</p> <p style="text-align: center;"><i>(Futurewise 03/31/14)</i></p>	<p>The definition of geologically hazardous areas is specifically detailed in WAC 365-190-120 and incorporated in the SMP. Landslide hazard areas and lands subject to liquefaction are part of the seismic hazard area classification. The use of DNR maps is already specified in 4.2.O.2.a.iii. The proposed additional reference in 4.2.O.2.a.ii would be superfluous.</p>	No change.
		<p>4.2.O-P. pg. 56-60 The geological hazard provisions should be updated to incorporate the Washington State Department of Natural Resources' Liquefaction Susceptibility and Site Class Maps....</p> <p>We recommend that the county substitute the State of Washington Department of Community, Trade, and Economic Development's (now Commerce's) Appendix A: Example Code Provisions for Designating and Protecting Critical Areas Chapter X.50 Geologically Hazardous Areas along with the Liquefaction Susceptibility and Site Class Maps discussed above for the Geological hazards.17 These measures will meet the minimum requirements of the Growth Management Act and protect people and property from these significant hazards.</p> <p>Commerce's Example Code Provisions for channel migration zones are included in the Frequently Flooded Areas chapter starting on page A-65 and in the Fish and Wildlife Habitation Conservation Area. These provisions prohibit new development in channel migration zones, a recommendation we support given the high potential for the loss of lives and property in all of a channel migration zone.</p> <p>One important change we recommend to the example ordinance is that because geological hazards can travel great distances and cause a significant loss of life, there should not be a distance limit in identifying those natural hazards, all hazards that may affect the development should be identified. For those geological hazards that are particularly dangerous, channel migration zones and landslide hazards, development should not be allowed in those areas and their required buffers even for preexisting lots and developments. <i>(Futurewise 03/31/14)</i></p>	<p>The geologically hazardous area regulations were developed to comply with the GMA, SMA, and their associated regulations. Given the variety of the geologic hazards present within the County and the course-scale nature of the existing mapping, the regulations require the submission of a risk assessment prepared by a qualified and licensed professional for proposed uses or developments may occur within a geologic hazard area.</p> <p>A hazard management approach that is customized to specific sites and development types is more useful than generic, prescriptive standards.</p> <p>The current regulations do not require a risk assessment for uses or developments that may occur within seismic hazard areas. This was an oversight and is proposed to be corrected.</p>	<p>Revise 4.2.P.5 as follows:</p> <p style="padding-left: 40px;">Hazard present (non-channel migration zone): If it is determined that a severe erosion hazard, mine hazard, <u>seismic hazard</u>, or landslide hazard....</p> <p>Page 58</p>
		<p>Not sure if this is addressed in the list: The likelihood of future bank protection should be looked at in channel migration hazard study required by 4.2.P.7.b as well. If it's addressed, then nothing. <i>(County Staff 1/27/14)</i></p>	<p>The likelihood of future bank protection is not addressed in this methodology. This standard is appropriate and the provisions to use a methodology developed by Ecology is adequate. No additional requirements are needed.</p>	No change.
		<p>Correct title of floodway maps reference in 4.2.Q.1: . . . with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, are . . . <i>(County Staff 1/27/14)</i></p>	<p>Need to fix map title.</p>	<p>Change reference to read "<i>Flood Insurance Rate Maps and Flood Boundary and Floodway Maps</i>" instead of "The Flood Insurance Study for the County of Kittitas County."</p> <p>Pages 60-61</p>
		<p>Type of engineer required by 4.2.T.2 for development of mitigation plans in frequently flooded areas is not specific. . . . prepared by a civil engineer licensed in the state of Washington, familiar with hydrology, hydraulics, and fluvial geomorphology, and . . . <i>(County Staff 1/27/14)</i></p>	<p>Engineer qualifications should be clarified.</p>	<p>4.2.T.2 make recommended change, as applicable .</p> <p>Page 62</p>

SMP Section		Summary of Comments Received	Staff Responses/Comments	Recommendations
SMP 4. General policies and regulations	4.2 Environmental protection & critical areas	<p>4.2.U-W pgs. 62-65 The Yakima Nation written comments to Kittitas County outlining how the proposed Critical Aquifer Recharge Area (CARA) standards in 4.2.V are inconsistent with the Shoreline Management Act (SMA) and Growth management Act (GMA) (RCW 36.70A.060, RCW 36.70A.170, RCW 36.70A.172, RCW 36.70A.480, RCW 90.58.100, RCW 90.58.610).</p> <p>The county has declined to update the CARA provisions. Staff maintains its opinion on the legal inconsistencies. CARA designation and protection are required under the GMA, and the SMP is required to protect critical areas within its jurisdiction. It does not appear that the CARA standards are consistent with The GMA or its guidelines with regards to water quantity and the critical recharging effects on streams, lakes, and wetlands that provide critical fish and wildlife habitat. Designation and protection of CARA will be required for the SMP to ensure no net loss of ecologic function and the protection of ecosystem wide functions. There is a significant amount of data specific to Kittitas County on water quantity that should be utilized. CARA mapping will need to be conducted consistent with WDOE guidance found in Document No. 05-10-028. CARA maps are more regulatory in nature, and should be reflected in the regulations. <i>(J. Marvin YKFP, 03/24/14)</i></p> <p>-----</p> <p>Science previously submitted to Kittitas County through the update process clearly details the presence and importance of hyporheic habitat in the Yakima River Basin. Designation and protection of hyporheic habitat will be required for the SMP to ensure no net loss of ecologic function and the protection of ecosystem wide functions, consistent with the scientific standards in RCW 90.58.100, WAC 173-26-201(2) and WAC 173-26-221(2)(c)(iv) (II). What are the environmental impacts of excluding hyporheic habitat from SMP designation and protection?</p> <p>The proposed Critical Aquifer Recharge Area (CARA) standards in the SMP are inconsistent with the Shoreline Management Act (SMA) and Growth management Act (GMA) (RCW 36.70A.060, RCW 36.70A.170, RCW 36.70A.172, RCW 36.70A.480, RCW 90.58.100, RCW 90.58.610). CARA designation and protection are required under the GMA, and the SMP is required to protect critical areas within its jurisdiction. It does not appear that the CARA standards are consistent with DOE Publication Number 05-10-028, or the GMA and its guidelines with regards to water quantity and the critical recharging effects on streams, lakes, and wetlands that provide critical fish and wildlife habitat. Designation and protection of CARA will be required for the SMP to ensure no net loss of ecologic function and the protection of ecosystem wide functions. What are the environmental impacts of legally inconsistent CARA designation and protection in the SMP? <i>(J. Marvin, YKFP, 06/11/14)</i></p>	<p>The regulations (in Section 4.2), as proposed, rely on mapping of critical aquifer recharge areas that was done by ESA in 2012. Even Ellensburg, which has no known CARAs, included regulations in the SMP that will apply if CARAs are discovered at a future date.</p> <p>The proposed regulations establish performance standards in all CARAs and condition uses with the potential to adversely affect groundwater quality and/or quantity when located in a medium or high susceptibility CARA. The CARA regulations and standards are consistent with statutory requirements and consistent with regulations approved by Ecology in recent SMPs.</p>	No change.
		<p>Comments submitted in March, June, and December 2013 requested the specific scientific justification for the reduction of existing buffer and setback standards (Table 4.2-1, Table 4.5-1, and Table 5.21-1). The County has not provided any specific scientific justification and has stated in writing that the proposed buffers/setbacks are believed to be sufficient to ensure no net loss of Shoreline ecological function. Without a specific scientific justification, the proposed reduction of existing buffers and setbacks are inconsistent with RCW 90.58.020, RCW 90.58.100(1), and WAC 173-26-201(2). <i>(J. Marvin, YKFP, 3/24/14)</i></p>	<p>The proposed buffer widths are adequate to protect wetland functions. The impacts of reasonably foreseeable future development constructed in compliance with the proposed buffers have been evaluated in a Cumulative Impact Analysis report for each SMP.</p> <p>The proposed buffers were developed based on applicable statutory requirements, including scientific and technical information requirements of WAC 173-26-201, as well as the Kittitas County Inventory and Characterization Report and an analysis of local zoning and land uses. The proposed buffer requirements are clearer and more rigorous than the existing County buffer requirements (as implemented) and will allow for more predictable, transparent and protective regulation of wetlands as compared to the current system. The SMP regulations, as proposed, are sufficient to ensure no net loss of shoreline ecological function. Wider buffers or increased setbacks would unnecessarily burden applicants and property owners without a meaningful corresponding benefit to ecological functions.</p> <p>For a more detailed justification and analysis of buffers, see the <i>Rationale and Explanation for Proposed Wetland Buffers</i> memo from ESA (July 2014).</p>	No change.

SMP Section		Summary of Comments Received	Staff Responses/Comments	Recommendations	
SMP 4. General policies and regulations	4.2	Environmental protection & critical areas	<p>The buffers in Table 4.2-3 Aquatic Habitat Conservation Area Buffers, for Type F, Np, and Ns Waters on p. 50 and Table 4.5-1. Standard Shoreline Buffers (Type S Waters) on p. 75 need to be wider to assure no net loss of shoreline function Maintaining and restoring native vegetation along shorelines is necessary to maintain shoreline functions. Microclimate, the cooling effect of vegetation along rivers that fish and wildlife rely on the summer and the moderation of temperatures they need in the winter, requires a minimum of 200 feet of vegetated buffer.19 Wildlife habitat depends on the species, but required vegetated buffer widths of 250 to 300 feet and wider are common.20 None of the buffers in Table 4.2-3 or Table 4.5-1 are wide enough to maintain these shoreline functions. We recommend that the buffers for the "Natural" environment be 200 feet wide and the buffers for the "Urban Conservancy," "Rural Conservancy," and "F" buffers shall be 150 feet wide. The Type Np water should have 75 foot wide buffers and the Type Ns should have 50 feet wide buffers. These buffers are necessary to maintain shoreline functions in these water bodies. (<i>Futurewise 03/31/14</i>)</p>	<p>The proposed buffer widths are adequate to protect wetland functions. The impacts of reasonably foreseeable future development constructed in compliance with the proposed buffers have been evaluated in a Cumulative Impact Analysis report for each SMP.</p> <p>The proposed buffers were developed based on applicable statutory requirements, including scientific and technical information requirements of WAC 173-26-201, as well as the Kittitas County Inventory and Characterization Report and an analysis of local zoning and land uses. The proposed buffer requirements are clearer and more rigorous than the existing County buffer requirements (as implemented) and will allow for more predictable, transparent and protective regulation of wetlands as compared to the current system. The SMP regulations, as proposed, are sufficient to ensure no net loss of shoreline ecological function. Wider buffers or increased setbacks would unnecessarily burden applicants and property owners without a meaningful corresponding benefit to ecological functions.</p> <p>For a more detailed justification and analysis of buffers, see the <i>Rationale and Explanation for Proposed Wetland Buffers</i> memo from ESA (July 2014).</p>	No change.
	4.2	Environmental protection & critical areas	<p>Land Division pg. 36(6a) 4.2.C On page 36 (6a), land divisions in shorelines areas or locations that contain critical areas are discussed. A concern is the creation or configuring of lots that will of a necessity, require a variance or a departure from protection standards in order to develop them. Once a lot of record is established, protections are subject to downward revision in order for development to occur. In the draft SMP, it is proposed that standard protections apply only in the case where a development creates more than four (4) lots. It would then be possible to perform land divisions and always remain below the threshold where standard protections come into play. This more than four (4) lot standard would lead to uncertainty and unpredictability with respect to protections. We recommend that this more than 4 lot language be set aside and that all lots that are created by configured such that they can accommodate the standard protection provisions. (M. Teske, WDFW June11, 2014)</p>	<p>The standard to make sure newly created lots have suitable area located outside of critical areas and required buffer applies to all land divisions, regardless of number of lots. The four or fewer lot distinction allows for a minimal amount of buffer averaging (up to a 25% reduction) to allow flexibility to accommodate preferred residential uses when the applicant demonstrates there is no feasible site design that could be accomplished without buffer averaging. Subdivisions of five or more lots must adhere to standard buffers with no buffer averaging or reduction. The flexibility for small subdivisions (four or fewer lots) balances environmental protection, preferred shoreline uses and protection of property rights.</p> <p>The County is evaluating the below code language for buffer averaging in the updated critical areas ordinance. This topic is planned for discussion at the September 17, 2014 CAO Citizen Advisory Committee meeting.</p> <p><i>Buffer averaging:</i></p> <ol style="list-style-type: none"> a. <i>Applicability. With buffer averaging, the buffer width is reduced in one location and increased in another location to maintain the same overall buffer area. The Administrator may allow averaging of the standard wetland buffer widths in accordance with an approved critical area report when necessary to accommodate:</i> <ol style="list-style-type: none"> i. <i>A single family residence;</i> ii. <i>A residential subdivision of four (4) or fewer lots;</i> iii. <i>An agricultural structure (e.g barn, loafing shed, farm equipment storage building) covering 10,000 square feet or less;</i> iv. <i>An office, school, commercial, recreational, service or storage building with 4,000 square feet or less of gross floor area and twenty or fewer parking stalls.</i> b. <i>Criteria. Proposals for buffer averaging shall not require a shoreline variance or compensatory mitigation if the following conditions are met:</i> <ol style="list-style-type: none"> i. <i>The buffer has not been averaged or reduced by any prior actions administered by Kittitas County;</i> ii. <i>No feasible site design could be accomplished without buffer averaging;</i> iii. <i>The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and that wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;</i> iv. <i>The averaging will not adversely impact wetland function and values;</i> v. <i>The minimum width of the buffer at any given point is at least seventy-five percent (75%) of the standard width per Table 4.2-1, or twenty-five (25) feet, whichever is greater; and</i> vi. <i>The area that is added to the buffer to offset the reduction is well-vegetated. The Administrator may require vegetation enhancement if needed to ensure this criterion is met.</i> 	<p>Delete land division general regulations for all critical areas (Page 36) and add the following general regulations for environmental protection (Pages 33):</p> <ol style="list-style-type: none"> 4. <u>Land divisions: When new lots are created within shoreline jurisdiction they shall meet all of the following conditions:</u> <ol style="list-style-type: none"> a. <u>All lots shall contain sufficient area outside of the shoreline buffer (see Table 4.5-1), wetland and/or wetland buffer, aquatic habitat conservation area and/or aquatic habitat conservation area buffer, floodway, channel migration zone or landslide hazard area and/or landslide hazard area buffer to accommodate the use and/or development. Land divisions for non-water-dependent and non-water-related developments that create more than four (4) new lots shall adhere to the standard shoreline buffer requirements shown in Table 4.5-1 without buffer averaging or reduction. Buffers that have been averaged or reduced by any prior actions administered by Kittitas County shall not be further averaged or reduced.</u> b. <u>A new lot or parcel may be created in a seismic hazard area as long as there is a note on the face of the plat or other recorded document which indicates the presence of a potential hazard.</u> c. <u>Open space or conservation area lots may be established without a site that is suitable for use and/or development provided there is a note on the face of the plat or other recorded document which indicates the purpose of the lot.</u>

SMP Section		Summary of Comments Received	Staff Responses/Comments	Recommendations
MP 4. General policies and regulations	4.2 Environmental protection & critical areas	The draft SMP is proposing significant reductions of existing Shoreline, stream, and wetland buffer standards (Section 4.2.F.1 Table 4-2, Section 4.2.J.1 Table 4-2, Section 4.2.J.4 Table 4-3 and Section 5.21 Table 2)...Kittitas County has not scientifically substantiated the buffer reductions, inconsistent with RCW 90.58.100(1). What are the environmental impacts of reducing wetland buffers from existing standards? What are the environmental impacts of wetland buffers that are inconsistent with the science and the requirement of RCW 90.58.100(1)? The SMP contains a number of administrative reduction provisions (Sections 4.2.G.8, 4.2.J.8, 5.20.B.4, 5.20.B.7, 5.20.B.12) that are inconsistent with the SMA and its guidelines (RCW 90.58.020, RCW 90.58.100(5), RCW 90.58.140(3) and WAC 173-26-191(2)(a)(iii), and WAC 173-27-030, WAC 173-27-040(1)b, WAC 173-27-160, WAC 173-27-170, WAC 173-27-210, and WAC 173-27-250). Development or use proposals in the Shoreline that do not conform to the specific bulk, dimensional or performance standards of the SMP can only be approved through a variance. The reduction provisions are approved through an administrative process that lacks the required notice and comment. What are the environmental impacts of administrative reduction provisions that are inconsistent with the SMA and its guidelines? (J. Marvin, YKFP, 6/11/14)	Based on a review of the applicable scientific and technical information, as well as County zoning and land uses, the proposed Kittitas County SMP buffer system is adequate to protect critical area functions. The proposed buffer requirements are clearer and more rigorous than the existing County buffer requirements (as implemented) and will allow for more predictable, transparent and protective regulations compared to the current system. For a discussion of wetland buffers in particular, see <i>Rationale and Explanation for Proposed Wetland Buffers</i> memo from ESA (July 2014).	No change.
		Buffers (4.2.G.8 pgs. 44-46 and 4.2.K.8 pgs 52-53) There are proposed buffers reductions from the levels that were established in the existing SMP. The rationale and BAS that justify these reductions is lacking. This too is a significant issue. (M. Teske WDFW, June 11, 2014)	For more detailed justification and analysis of buffers, see the <i>Rationale and Explanation for Proposed Wetland Buffers</i> memo from ESA (July 2014).	No change.
		The proposed Shoreline buffers (setbacks) in Section 4.2.J.1 Table 4-2 (page 49) and Section 5.21 Table 2 (page 118) are a substantial decrease from the existing SMP standards in Section 14, page REG-6. The existing SMP provides a 100-foot structural setback from the ordinary high water mark for the Urban, Rural, and Conservancy Environments, and a 200-foot structural setback in the Natural Environment. The proposed High Intensity (new Urban) is reduced to 75 feet and the Natural is reduced to 150 feet. Section 4.2.J.1 Table 4-2 and Section 5.21 Table 2 are inconsistent. Section 5.21 Table 2 lists the setback for the Shoreline Residential as 50 feet. If 50-feet is the proposed standard, then that equates to a 50% reduction. Kittitas County has not scientifically substantiated the buffer/setback reductions, inconsistent with RCW 90.58.100(1). What are the environmental impacts of reducing Shoreline structural setbacks from existing standards? The existing CAO (KCC Title 17A) protects Type 1 Shoreline streams with a maximum 200-foot riparian buffer. The proposed Shoreline Buffers in Section 4.2.J.1 Table 4-2 (page 49) are a fraction of the existing standard in the the CAO. Kittitas County has not scientifically substantiated the 100-foot buffer reduction, inconsistent with RCW 90.58.100(1). What are the environmental impacts of reducing Shoreline riparian buffer from 200-feet to 100-feet? The County has not provided any specific scientific justification for the buffer/setback reductions. Without a specific scientific justification, the proposed reduction of existing buffers and setbacks are inconsistent with RCW 90.58.020, RCW 90.58.100(1), and WAC 173-26-201(2). (J. Marvin, YKFP, 6/11/14)	The proposed buffer widths are adequate to protect wetland functions. The impacts of reasonably foreseeable future development constructed in compliance with the proposed buffers have been evaluated in a Cumulative Impact Analysis report for each SMP. The proposed buffers were developed based on applicable statutory requirements, including scientific and technical information requirements of WAC 173-26-201, as well as the Kittitas County Inventory and Characterization Report and an analysis of local zoning and land uses. The proposed buffer requirements are clearer and more rigorous than the existing County buffer requirements (as implemented) and will allow for more predictable, transparent and protective regulation of wetlands as compared to the current system. The SMP regulations, as proposed, are sufficient to ensure no net loss of shoreline ecological function. Wider buffers or increased setbacks would unnecessarily burden applicants and property owners without a meaningful corresponding benefit to ecological functions. For more detailed justification and analysis of buffers, see the <i>Rationale and Explanation for Proposed Wetland Buffers</i> memo from ESA (July 2014).	No change.
	4.3 Flood hazard reduction	Comment: Correct name of plan referenced in 4.3.B.5 is – Kittitas County Multi-jurisdictional Hazard Mitigation Plan (<i>County Staff 1/27/14</i>)	Need to correct plan title.	4.3.B.5 change reference from "Kittitas Hazard Plan" to "2012 Kittitas County Multi-jurisdictional Hazard Mitigation Plan." Page 68

SMP Section		Summary of Comments Received	Staff Responses/Comments	Recommendations
SMP 4. General policies and regulations	4.4 Public access	Amend Proposed 4.4.B.3 to comply with the SMP Guidelines for public access...we recommend that Proposed 4.4.B.3 on page 70 of the SMP Final Draft be modified to read as follows with our additions double underlined and our deletions double struck through: 3. <u>New shoreline use and development by private entities shall provide public access when the development would, either generate a public demand for one or more forms of such physical or visual access, or would impair existing legal access opportunities or rights, or is a use that is not a preferred shoreline use under the Shoreline Management Act and so is required to provide public access to locate within shoreline jurisdiction such as new non-water oriented commercial uses and new non-water-oriented industrial development.</u> (Futurewise 03/31/14)	These proposed revisions are consistent with SMA.	Amend 4.4.B.3 to read: New shoreline use and development by private entities shall provide public access when: a. the <u>The development would either generate a public demand for one or more forms of such physical or visual access;</u> b. or would <u>The development will impair existing legal access opportunities or rights; or</u> c. <u>The development is not a preferred shoreline use (e.g. non-water oriented commercial or industrial development).</u> Page 71
	4.4 Public access	Amend Proposed 4.4.B.9 to comply with the SMP Guidelines for public access...We recommend that Proposed 4.4.B.9 be modified to read as follows with our additions double underlined and our deletions double struck through. 9. Dedicated space for physical public access shall be incorporated into all use and development proposals on public lands, all public and private commercial and industrial uses and developments, <u>all multi-family residential developments of more than four dwelling units,</u> and all residential subdivisions of greater than four (4) parcels unless the project proponent demonstrates that any of the following conditions exist: [No additional amendments proposed to 4.4.B.9.] (Futurewise 03/31/14) Proposed 4.4.B.11 on page 72 of the proposed SMP updates allows single-family residential developments of greater than four parcels but less than ten parcels to meet their public access requirements by providing community access to the shoreline or to a common waterfront tract for the non-commercial recreational use of the property owners and guests within the subdivision. This is inconsistent with WAC 173-26-221(4)(d)(iii) which requires public access, not just access for owners and guests. WAC 173-26-241(3)(j) provides that "new multiunit residential development, including the subdivision of land for more than four parcels, should provide community and/or public access in conformance to the local government's public access planning and this chapter." Some may argue that this provision allows smaller residential subdivisions to provide only community access. It does not in this case. As we have seen above, WAC 173-26-221(4)(d)(iii) requires public access for the subdivision of land into more than four parcels unless one of several conditions are met. None of those conditions is applicable to all subdivisions of more than four but less than ten lots. For example, WAC 173-26-221(4)(d)(iii)(A) allows an exception to the requirements for public access "[w]here the local government provides more effective public access through a public access planning process described in WAC 173-26-221(4)(c)." But Kittitas County has not undertaken a public access planning process as described in WAC 173-26-221(4)(c). A WAC 173-26-221(4)(c) public access planning process is also the "public access planning" referred to in WAC 173-26-241(3)(j). Since Kittitas County has not undertaken WAC 173-26-221(4)(c) public access planning process and none of the other conditions in WAC 173-26-221(4)(d)(iii) apply to all subdivisions of more than four and less than ten lots, Proposed 4.4.B.11 violates both WAC 173-26-221(4)(d)(iii) and WAC 173-26-241(3)(j). So we recommend that 4.4.B.11 be deleted. (Futurewise 03/31/14)	These proposed revisions are consistent with SMA. WAC 173-26-241(3)(j) does appear to provide some flexibility in how public access is provided, consistent with the proposed SMP language in 4.4.B.11 (Jan 2104 SMP – 4.4.B.10 in September 2014 SMP) However, for overall document consistency and in order to implement other policies related to public access, it makes sense to eliminate the language and standardize public access requirements (and exceptions) for all residential developments of more than four units. Public access could still be visual rather than physical and there are still exceptions to the requirement where provision of access would be create safety or health hazards, be disproportionately expensive, cause unacceptable environmental impacts, or create other conflicts that cannot be mitigated.	Amend 4.4.B.9 to read: Dedicated space for physical public access shall be incorporated into all use and development proposals on public lands, all public and private commercial and industrial uses and developments, <u>multi-family residential developments of more than four dwelling units,</u> and all residential subdivisions of greater than four (4) parcels unless the project proponent demonstrates that any of the following conditions exist: Page 71-72 Delete 4.4.B.10 (formerly 4.4.B.11) Page 72

SMP Section		Summary of Comments Received	Staff Responses/Comments	Recommendations
4.5	Shoreline buffers & vegetation conservation	<p>Comments submitted in March, June, and December 2013 requested the specific scientific justification for the reduction of existing buffer and setback standards (Table 4.2-1, Table 4.5-1, and Table 5.21-1). The County has not provided any specific scientific justification and has stated in writing that the proposed buffers/setbacks are believed to be sufficient to ensure no net loss of Shoreline ecological function. Without a specific scientific justification, the proposed reduction of existing buffers and setbacks are inconsistent with RCW 90.58.020, RCW 90.58.100(1), and WAC 173-26-201(2). (<i>J. Marvin, YKFP, 3/24/14</i>)</p> <p>The checklist states that SEPA environmental review is limited to the "minimum shoreline jurisdiction". As provided in previous comments and the scientific record, the inclusion of the entire floodplain and critical areas buffers is the only way for the SMP to provide for no net loss of ecologic functions, and sustaining ecosystem-wide processes as required by the SMA (RCW 90.58.020, RCW 90.58.100(1), and WAC 173-26-201(2)). What are the environmental impacts of excluding large areas of shoreline associated floodplains from SMP jurisdiction? What are the environmental impacts of excluding critical areas buffers from SMP jurisdiction? (<i>J. Marvin, YKFP, 6/11/14</i>)</p>	<p>These buffer widths were developed based on applicable statutory requirements, including scientific and technical information requirements of WAC 173-26-201, and the Inventory and Characterization Report. The impacts of reasonably foreseeable future development constructed in compliance with the proposed buffers have been evaluated in a Cumulative Impact Analysis report for each SMP.</p> <p>The SMP regulations, as proposed, are sufficient to ensure no net loss of shoreline ecological function. Wider buffers or increased setbacks would unnecessarily burden applicants and property owners without a meaningful corresponding benefit to ecological functions.</p>	No change.
	5.5	Boating facilities, marinas, piers, and docks	<p>Verbal comments were received at the August 12 Planning Commission hearing in support of accommodating boat launches for rafts and drifts boats on the County rivers, particularly Yakima River.</p>	
		<p>My name is Eric Dyer. I live in the Thorp area currently but previously lived near Robinson Canyon. My family and I have been in the county for 12 years. One of the main attractions for us living here has been the rural character of the county as well as the ability to get out under the sun and stars and enjoy the outdoors. I am an avid fisherman and spend a fair amount of time on the Yakima river. One of the main issues regarding the river that I have seen, is the lack of public access in the form of launches. There has been a loose affiliation of public and private launches along the river but it is spotty at best and a person needs to be "in the know" with certain land owners in order to be able to gain access to parts of the river. Currently, there is no access to the river below the diversion dam near Mcmanamy rd. The next spot to put a boat in is the K.O.A. The launch at Rinehart park is in poor condition and once you get below Ringer road the takeouts are spotty and far between.</p> <p>I recently came across the counties new master shoreline program documents after becoming aware that one of the private launches was being closed due to an issue between the county/state and the land owner. My self and several of the local fly shop owners and guides are concened that with the new S.M.P. regulations, more of the smaller private launches will cease to exist. This will cause a hardship for the local operators who bring a fair amount of money in to the county through their businesses. There are a lot of rumors currently circulating regarding some of these launches. It is my belief that there is a justifiable concern based on some of the new rules that will be implemented and more so in their application. In other words there is a concern that we will be "red taped" out of river access.</p> <p>The current launch situation is sketchy at best. Ideally , what would be best for all users, would be a series of launches that are spaced evenly along the river from both ends of the county. They would be accessible by all and not just a few who have managed to make deals with landowners and thy would be placed to allow access to the entire length of the river.</p> <p>It is my understanding, that the counties rural status means that our "best uses" include recreation. It is my belief and the belief of others, that we are not doing our best to provide that with the boat launch and river access situation we currently have.</p> <p>I would be happy to be a part of any committee or group that would represent the county on this and try and find a solution to this problem. I also know of several local store owners and guides who would likewise be happy to put in time to try and figure out a solution to the current problem. I believe that we could find ways to put together a group including city, county, state and private resources that can locate areas, find funding and build such ramps. I am currently reaching out to as many of the local operators along the river as I can in hopes of getting more input and help.</p>		<p>This letter was submitted to the Board of County Commissioners prior to the Planning Commission public hearing and was submitted by staff into the Planning Commission hearing record. See the following Staff recommended amendments om regard to boat launches: Section 3.10 – addition of primitive launch ramps Page 25 Section 5.5 – additions and clarifications for boat launches Page 85-86 Section 7 – new definitions for boat launch ramps Page 143</p>

SMP Section		Summary of Comments Received	Staff Responses/Comments	Recommendations
SMP 5. Shoreline use and modification policies and regulations	5.5	Boating facilities, marinas, piers, and docks I believe the benefits to the county in terms of jobs, tourism and the well being of local residents would be well worth the time and effort. I can be reached through this email address or you may call me in person. (Eric Dyer 08/08/14)		
	5.7	Dredging & dredge material disposal The county takes their dredge and excess material to established pit sites that are not always screened from the road. Include provision in 5.7.B.17 to allow disposal on established pit sites or stockpile areas owned by a public agency that meet all other conditions except for the screening. (County Staff 1/27/14)	Section 6.2 governs ongoing nonconforming structures and uses. Continued use and operation of an unscreened pit site is consistent with the provisions of 6.2. 6.2.4.a allows nonconforming uses to continue consistent with their lawfully established scale and range of uses. 6.2.3.b allows nonconforming structures to be enlarged or expanded as long as the enlargement does not increase the extent of nonconformity.	No change.
	5.11	In-stream structures The proposed SMP requires that all in-stream structures be engineered (5.11.B.6). Some flexibility in the standards is requested. Not all in-stream restoration can or needs to be engineered; it is often a matter of scale and location. Constructed logjams in the Yakima River require engineering based on the volume of flow and the potential effects on downstream property. However, the Yakama Nation has successfully implemented a wood replenishment project in Taneum Creek, a shoreline of the state, without any engineering. The science has shown that placing logs in-stream that are as long as 1 to 2 times the bankfull width have a negligible potential to effect downstream property. The logs cannot travel far downstream without racking up on each other and re-forming natural log jams. Some of the logs placed in Taneum Creek were intentionally placed for movement downstream and interaction with the stream channel and other wood. Some wood placed in Taneum Creek is "constructed" onsite without any engineering; the idea is to jumpstart nature, something that just cannot be engineered. In May of 2011, a year after approximately 1,200 logs were placed, an estimated 500-year flood occurred in Taneum Creek, and not one single Yakama Nation log reached the private lands downstream. (J. Marvin, YKFP, 03/24/14)	Due to concerns about safety and jurisdiction liability if a permitted in-stream structure associated with a restoration project caused property damage, the Final Draft SMPs retained the engineering requirement for in-stream structures. To help with the financial costs associated with restoration, the Draft SMPs contain provisions for reducing or waiving permitting fees associated with such projects.	No change.
		In-stream Structures (5.11 pgs 95-96) Although these comments are geared toward the draft SMP, it is desirable that there be harmony between the county SMP and the county GMA, or that there be no conflicting language in the two plans. GMA directs that counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. Some of the language in the draft SMP conflicts with achieving conservation, protection and enhancement of anadromous fisheries that is called for in GMA. Also, the draft reads: "The jurisdictions shall require professionally engineered design of any proposed in-stream structure." This language from the draft persists and is overly broad. It could unnecessarily limit restoration and dramatically increase the cost of all in-stream anadromous restoration projects in every setting. Elsewhere in the draft, it appears restoration may be exempt but confusion is created and there appears to be an inconsistency. Projects that mimic a natural process, such as trees recruiting to a channel, shouldn't necessarily require that level of engineering investment. When introducing woody debris, managers are intentionally seeking to mirror a natural process that past shoreline management has significantly interrupted and caused to be a less frequent. This SMP provision could prevent the very action that GMA directs with respect to anadromous fish. (M. Teske, WDFW June 11, 2014)	Streams are dynamic and complex systems and some restoration projects have failed to achieve their desired goals because they were not properly designed or engineered. Requiring professional engineering is one of the best ways to ensure that restoration investments are sound and successful. Improperly engineered structures can cause inadvertent environmental degradation (bank failure for improperly engineered structures) and put people and property at risk. The County could have liability if a permitted in-stream structure associated with a restoration project causes property damage. This regulation is consistent with State law (RCW 77.85.050(5)). To help with the financial costs associated with restoration, the SMP contains provisions for reducing or waiving permitting fees associated with such projects.	No change.

SMP Section		Summary of Comments Received	Staff Responses/Comments	Recommendations
SMP 5. Shoreline use and modification policies and regulations	5.14 Residential development	The siting of residential structures should also take into consideration future need for shoreline stabilization. Add something similar to 5.14(B.1) which states they should be located to avoid the need for future shoreline stabilization. <i>(County Staff 1/27/14)</i>	5.14.A.2 states: Residential development and appurtenant structures and uses should be set back an adequate distance from steep slope areas and shorelines vulnerable to erosion to ensure that shoreline and/or soil stabilization structures will not be needed to protect the residential use (e.g., bulkheads, rip-rap or other shoreline or slope stabilization structures). 5.14.B.2 state: New residential development shall assure that the proposal will not require shoreline or slope stabilization measures. Where located in a designated geologically hazardous area, a geotechnical analysis of the site and shoreline characteristics shall demonstrate that shoreline stabilization is unlikely to be necessary; setbacks from steep slopes, bluffs, landslide hazard areas, seismic hazard areas, riparian shoreline and erosion areas, shall be sufficient to protect structures during the life of the structure; and impacts to adjacent, downslope or down-current properties are not likely to occur during the life of the lots created.	No change.
	5.20 Shoreline Bulk and dimensional standards	The Yakama Nation submitted written comments to Kittitas County outlining how the proposed reduction standards in Sections 4.2.G.8, 4.2.J.8, 5.20.B.4, 5.20.B.7, 5.20.B.12 are inconsistent with RCW 90.58.020, RCW 90.58.100(5), RCW 90.58.140(3) and WAC 173-26-181(2)(a)(iii), and WAC 173-27-030, WAC 173-27-040(l)b, WAC 173-27-160, WAC 173-27-170, WAC 173-27-210, and WAC 173-27-250. The county has declined to remove the reduction provisions. Staff maintains its opinion on the legal inconsistencies. Development or use proposals in the Shoreline that do not conform to the specific bulk, dimensional or performance standards of the SMP can only be approved through a variance. The reduction provisions are a watered down variance approved through an administrative process that lacks required notice and comment. The Yakama Nation requires the legal right to review and comment on any reduction of protective provisions that have the potential to harm treaty-reserved resources. <i>(J. Marvin, YKFP 03/24/14)</i>	Local governments have the authority to establish dimensional thresholds. The Final Draft SMP clearly states under what conditions a minor buffer reduction could be obtained without a variance. Any greater reduction would require a variance. A buffer reduction would only be allowed under limited circumstances, and mitigation would be required. It is the applicant's responsibility to demonstrate that the reduction would not result in a net loss of riparian habitat functions and values. As an example, provisions for limited buffer reduction are present in many Ecology-approved SMPs, including the SMP for Douglas County (approved in 2009).	No change.
5.21 Shoreline Use & Dimensional Standards Table	Comments submitted in March, June, and December 2013 requested the specific scientific justification for the reduction of existing buffer and setback standards (Table 4.2-1, Table 4.5-1, and Table 5.21-1). The County has not provided any specific scientific justification and has stated in writing that the proposed buffers/setbacks are believed to be sufficient to ensure no net loss of Shoreline ecological function. Without a specific scientific justification, the proposed reduction of existing buffers and setbacks are inconsistent with RCW 90.58.020, RCW 90.58.100(1), and WAC 173-26-201(2). <i>(J. Marvin 3/24/14)</i>	The proposed buffer widths are adequate to protect wetland functions. The impacts of reasonably foreseeable future development constructed in compliance with the proposed buffers have been evaluated in a Cumulative Impact Analysis report for each SMP. The proposed buffers were developed based on applicable statutory requirements, including scientific and technical information requirements of WAC 173-26-201, as well as the Kittitas County Inventory and Characterization Report and an analysis of local zoning and land uses. The proposed buffer requirements are clearer and more rigorous than the existing County buffer requirements (as implemented) and will allow for more predictable, transparent and protective regulation of wetlands as compared to the current system. The SMP regulations, as proposed, are sufficient to ensure no net loss of shoreline ecological function. Wider buffers or increased setbacks would unnecessarily burden applicants and property owners without a meaningful corresponding benefit to ecological functions. For more detailed justification and analysis of buffers, see the <i>Rationale and Explanation for Proposed Wetland Buffers</i> memo from ESA (July 2014).	No change.	

SMP Section		Summary of Comments Received	Staff Responses/Comments	Recommendations
SMP 6. Administration and procedures	6.12	Enforcement In section 6.12, enforcement is discussed. The word "may" is utilized regarding the pursuit of code enforcement and penalties. We would like to see a much more affirmative term utilized in the SMP and CAO when discussing the enforcement issue. The term "may" is defined on page 148 of the final draft from January 2014, It reads, "May" means the action is acceptable, provided it conforms to the provisions of this chapter." Enforcing regulations is challenging and an added workload that unanticipated. The term itself and the definition of "may" that is provided relies too heavily on discretion. A language change and a commitment to increase enforcement capacity is needed.	The County used "may" intentionally. Remedying violations voluntarily without enforcement action or penalties is the County's preference. Therefore, preserving room for the County to use discretion on whether enforcement actions and penalties are necessary to achieve the desired outcome in a given case is important. The discretion proposed is consistent with other enforcement provisions in Title 18.	No change.
	6.13	Amendments to Master Program		
SMP 7. Definitions- Acronym List	7	Definitions & Acronym List Extreme low tide is not used in document. (County Staff 1/27/14) IRC should be ICR. (County Staff 1/27/14)	Unnecessary definition. Typo.	Delete definition of "extreme low tide." Page 145 Change IRC to ICR on Acronym list. Page 155
Appendix A: Shoreline Environmental Maps	A.	Shoreline Environmental Mapping Protect high quality in water habitats. Highly functioning aquatic areas must be protected. This is emphasized by recent changes to the SMP Guidelines which clarify the protections needed for in water habitats. Of greatest concern is that highly functioning spawning and rearing areas be identified and protected – preferably with a separate environment. Other jurisdictions have taken this approach, and we recommend the County do the same. Designate more areas Natural It appears that there are additional areas with intact native vegetation that we recommend be designated Natural. (Futurewise 03/31/14)	Highly functioning spawning and rearing areas are prevalent throughout the County, as documented in the Shoreline Inventory and Characterization Report. In addition, priority aquatic species, including ESA-listed salmonid species, are present in almost every County stream and lake. Regulations and policies for the aquatic shoreline environment in the SMP were developed to be protective of high-priority aquatic habitats. Therefore, it was not necessary to designate special "high priority" aquatic habitats. Criteria in the SMP Guidelines were used to categorize and designate shoreline environments (WAC 173-26-211). In the WAC, the condition of shoreline vegetation is one of several factors that are used to determine appropriate environment designations. The WAC states that a "rural conservancy" environment designation should be assigned if "the shoreline is currently supporting lesser-intensity resource-based uses, such as agriculture, forestry, or recreational uses, or is designated agricultural or forest land pursuant to RCW 36.70A.170." Agricultural and forestry uses are prevalent throughout the County; therefore, most shoreline areas received this designation. The WAC states that the "natural" shoreline environment generally applies to ecologically intact shorelines that are free from structural shoreline modifications, structures, and intensive human uses. Within the County, areas that meet this definition are generally limited to protected areas, such as the Alpine Lakes Wilderness Area and WDFW wildlife lands.	No change.
		Previous comments submitted pointed out the inaccuracy of the Shoreline jurisdictional mapping in the Naneum and Manastash Watersheds. It does not appear that any edits have been made to the maps contrary to the scientific requirements in RCW 90.58.100(1) and WAC 173-26-201(2)(a). (J. Marvin YKFP 03/24/14)	Shoreline jurisdiction mapping was based on the best information available from the Department of Ecology. It should be noted that the horizontal extent of the shoreline jurisdiction maps are planning-level. In some cases, the County or applicant may need to conduct a field verification to determine the exact extent of shoreline jurisdiction on a given property, based upon the OHWM location. According to WAC 173-18-230(17), Wilson Creek is a shoreline of the state and is identified as a shoreline of statewide significance identified with an asterisk in accordance with WAC 173-18-040(3)(a) – downstream of its confluence with Naneum Creek. However, as noted in a September 20, 2012 memo from ESA, portions of Wilson Creek do not meet the requirements to be considered a shoreline and the creek is not a shoreline of statewide significance. Wilson Creek will be regulated by the SMP as a shoreline of the state downstream of its confluence with Naneum Creek. See Shoreline Designation Map 26.	No change.

SMP Section		Summary of Comments Received	Staff Responses/Comments	Recommendations
Supporting Documents: Restoration Plan	Restoration Plan	Watershed restoration projects as defined in RCW 89.08.460 are exempt from the requirement to obtain a substantial development permit (RCW 90.58.147, RCW 90.58.515, RCW 90.58.580). While local governments are required to review the projects for consistency with the locally adopted SMP, the decision along with any conditions must be issued within forty-five days of receiving a complete application form, and no fees can be charged for accepting and processing applications for watershed restoration projects (RCW 90.58.580). In addition, fish enhancement projects reviewed under RCW 77.55.181(2) are not subject to the requirements of the State Environmental Policy Act (RCW 43.21C.030(2)(c)). Considering the County cannot charge any fees, and must issue a decision within 45 days, is it prepared to require, and review engineering within these parameters? <i>(J. Marvin YKFP 03/24/14)</i>	Due to concerns about safety and jurisdiction liability if a permitted in-stream structure associated with a restoration project caused property damage, the Final Draft SMPs retained the engineering requirement for in-stream structures. To help with the financial costs associated with restoration, the Draft SMPs contain provisions for reducing or waiving permitting fees associated with such projects.	No change.
	Channel Migration (CMZ) Mapping	Numerous comments have been submitted concerning the inaccuracy of the CMZ mapping. It does not appear that any edits have been made to the maps contrary to the scientific requirements in RCW 90.58.100(1) and WAC 173-26-201(2)(a). The maps could be updated with minimal effort, adhering to the referenced methodology and utilizing the Relative Water Surface Elevation (RWSE) data and Reaches data already provided would be a quick fix. <i>(J. Marvin YKFP 03/24/14)</i>	The CMZ mapping was performed using the methodology that Ecology developed, and the mapping was reviewed and approved by Patricia Olson at Ecology. The mapping is course-scale and to be used for planning purposes only. Applicants may provide a special study, performed by a qualified professional, to refine the CMZ mapping at development sites. Additionally, the County is considering performing more-refined CMZ mapping along priority streams (such as the Manastash) in the future.	No change.
		The CMZ map is not yet in a finalized version and contains errors and inconsistencies that should be remedied. Since it is not yet in a finalized version, the threshold determination makes an assumption that cannot be verified at this time. Making a threshold determination at this time appears premature. This is a significant issue and the outcome has considerable influence on our view of the SMP. Additionally, a number of public meetings with the Kittitas County Planning Commission and Board of County Commissioners are planned. Public meetings can and do alter draft proposals based on the testimony received at these meetings. <i>(M. Teske, WDFW 6/11/14)</i>	SEPA was conducted on the January 2014 Final Draft SMP which relies on County CMZ maps included in the ICR. The County's coarse-scale CMZ maps were created using the methodology that Ecology developed, and were reviewed and approved by Patricia Olson at Ecology. The County may choose to refine the mapping in the future, but there are no immediate plans to do so. The SMP contains robust provisions to protect the functions and values of CMZs. Overall, the planning-level CMZ maps, the protective SMP provisions, and the provision for an applicant to provide an in-depth CMZ study work in concert to protect the functions and values of CMZs, while allowing the CMZ mapping to be refined at specific locations on an as-needed basis. The County had adequate information to evaluate likely environmental impacts associated with SMP adoption. The Responsible Official reviewed the SEPA comments. The comment letters did not provide any new environmental information that demonstrated any significant adverse environmental impacts. As such, the County retained the DNS.	No change.
Maps	The Channel Migration Zone (CMZ) maps and the associated mapping tables are inconsistent. There are numerous instances of avulsion hazard areas and erosion hazard buffer analyses in the tables that do not appear in the maps. There are serious issues with the level of detail displayed in the proposed CMZ maps. The scale of the analysis renders the maps virtually useless. Delineating the valley bottom as CMZ, sometimes well outside SMA jurisdiction, leaves no authority for any substantive protection of ecosystem wide functions, and is contrary to the scientific requirements in RCW 90.58.100(1) and WAC 173-26-201(2)(a). What are the environmental impacts of inaccurately mapped channel migration zones? <i>(J. Marvin, YKFP, 6/11/14)</i>	WAC 173-26-201(3)(c) requires jurisdictions to inventory the "general location of channel migration zones." The CMZ mapping was performed using the methodology that Ecology developed, and the mapping was reviewed and approved by Patricia Olson at Ecology. The mapping is course-scale and to be used for planning purposes only. The County may choose to refine the mapping along some high-priority stream reaches (such as Manastash Creek) in the future, but there are no immediate plans to do so. The Ecology CMZ delineation methodology relies primarily on historical indicators of channel migration and geologic mapping. The methodology does not take into account changes in water regimes caused by dams and irrigation withdrawals, which generally have a normalizing effect on stream flows. Therefore, the County CMZ mapping likely overestimates the actual extent of CMZs along County shorelines. The SMP contains robust provisions to protect the functions and values of CMZs. If the County maps indicate that a CMZ hazard is located on or adjacent to a proposed development site, the applicant must either: a) locate the proposal landward of the mapped CMZ; or b) Submit a channel migration study, prepared by a qualified professional with experience in CMZ delineation, showing that either the parcel is disconnected from channel movement by an existing structure that is maintained by a public agency, or that the development site has minimal risk of channel migration during the next 100 years (Section 4.2.P.7). The planning-level CMZ maps and protective SMP provisions protect the functions and values of CMZs. CMZ mapping can be refined at specific locations on an as-needed basis.	No change.	