

Compilation of Board of County Commissioners Public Comments

Comment #	Author	Date Received/Mode	Section	Comment Description
1	William McCoy 21026 Miller Bay Rd NE Poulsbo, WA 98370 whmccoy@gmail.com	5/14/2021 Via email	22.400.135 View Blockage	<p>I'm disappointed that my earlier comments and testimony have received no response from anyone, and that the latest advancing draft still has the vague and problematic language that contradicts the goals of the view blockage language and will unreasonably further restrict shoreline property owners' rights.</p> <p>In the current SMP code, and in the standalone view blockage ordinance that previously existed before being folded in to the 2014 SMP, the definition of "principal building", in conjunction with the intrinsic definition of the term "accessory structure", is unambiguous.</p> <p>In the proposed new SMP code, the definition of "principal building" has vague exceptions for undefined terms "converted boat house", "accessory dwelling unit", and (with the removal of the prior definition) "accessory structure". As well, the term "primary structure" is used in a way that suggests that it was intended to have the same meaning as "principal building", but that is not entirely clear, and is it not an intrinsically defined term. One consistent term should be used, and it should be intrinsically defined,</p> <p>The result of the proposed new language would be that my view may be significantly blocked by an adjacent full-on residence that could be construed to be a "converted boat house" (since that is not defined), whose owner may be able to expand it without limitation regarding view blockage (since it is excepted from being considered the "principal building" on that lot), Yet I may not be able to remodel my home because I am being forced to draw a view blockage line to another residence on that same adjacent lot that is further from the water. This makes no sense at all, and is entirely contrary to the original intention to protect views which clearly excepted only small accessory structures (based on square footage and height). If my neighbor has a gigantic boathouse or nearshore dwelling that's a converted boathouse, that blocks both her and my views, so be it, but I shouldn't then have my building envelope pushed back to reflect the location of some other dwelling further back on that adjacent lot.</p> <p>At a minimum, code language should avoid undefined terms that are subject to dispute, such as "converted boat house" and (now) "accessory structure", as well as the (I believe mistaken) use of "primary structure". But it would be much better to simply restore the original language and intent from the standalone view blockage ordinance.</p>

<p>2</p>	<p>Sam Phillips Environmental Scientist Natural Resources Department Port Gamble S'Klallam Tribe Office: 360-297-6289 Cell: 360-265-4711</p>	<p>5/17/2021 Via email (requested PGST to resend during official comment period)</p>		<p>May 5, 2021 Kirvie Mesebeluu-Yobech, Planner Department of Community Development, Kitsap County 615 Division Street Port Orchard, WA 98366 kyobech@co.kitsap.wa.us</p> <p>Dear Ms. Yobech, Thank you for the opportunity to comment on the proposed amendments to the Kitsap County Shoreline Master Program (SMP). I am writing on behalf of the Port Gamble S'Klallam Tribe. The Tribe has a vested interest in the SMP to ensure that its natural resources are protected by County ordinance.</p> <p>In response to comments received:</p> <ul style="list-style-type: none"> • Brian and Donna Mondak – view blockage – 22.400.135 <ul style="list-style-type: none"> • We support the protection of vegetative buffers. They should not be subject to view blockage requirements of neighboring properties. PGST values the vegetative buffers for water quality and ecological functions and encourages the use of trees for screening of buildings as viewed from the water. We oppose the requested change that limits side yard plantings to 6 feet in height. • John Read, Betsy Cooper, Futurewise, Washington State Parks – sea level rise – 22.400.105 <ul style="list-style-type: none"> • We support the comments that sea level rise should be considered in shoreline master programs. • Betsy Cooper – tribal trust lands – 22.100.120.D <ul style="list-style-type: none"> • Port Gamble S'Klallam Tribe is a sovereign nation and its Trust lands are exempt from the SMP. We support the proposed clarification and oppose the request to limit the exemption. • WDFW – hybrid bank protection – 22.150.570 <ul style="list-style-type: none"> • We support the suggested clarification that “hybrid” bank protection shall only include hard elements intended to anchor large wood that will not impact erosion, wood recruitment or littoral drift. We support the suggested clarification that beach nourishment used for compensatory mitigation does not qualify a project as a “hybrid” structure. • Suquamish Tribe – recognition of tribal treaty rights <ul style="list-style-type: none"> • We support the request that the SMP acknowledge tribal treaty rights and shoreline uses. • Suquamish Tribe - 22.600.175 - Shoreline Stabilization <ul style="list-style-type: none"> • We support the request that any proposed project that will be seeking to obtain a ‘hybrid’ bulkhead status shall require a staff consultation. PGST also requests that we have the opportunity to participate in these discussions to ensure that treaty resources are not diminished by reviewing the proposal under a hybrid status.
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			<p>22.400.120.C.1.b – Constrained Lot Provisions – We are concerned with the high number of platted lots along the Hood Canal shoreline in areas zoned for rural development. Constrained lots unable to meet reduced standard buffers in a rural residential zone intended for one dwelling unit per 5 acres should not be eligible for buffer variances.</p> <p>22.400.120.C.2.c – Lateral expansions into the shoreline buffers - We oppose lateral expansions within the shoreline buffer. Lateral expansions increase the value of a structure which incentivizes a landowner to armor a shoreline to prevent natural erosional processes. Any new development should be located outside of a shoreline buffer.</p> <p>22.400.120.D.1.c - Beach stairs –We support the requirement for functional grating and this standard should also apply to beach tram landings. Beach stairs should not be constructed in a way that hardens the shoreline and it is essential that accessory structures such as beach stairs are not eligible for future shoreline armoring. The condition that the structure will be prohibited from armoring should be written into the shoreline development permit. Public notice should be required with or without a project meeting exemption provisions. Landings should not restrict Tribal fishing access, by either interfering with placement of set nets or access to shellfish harvesting. Add that beach stairs placed below the high tide line will require a Corps permit.</p> <p>22.400.120.D.1.d - Beach trams - While the vegetation removal may be minimized, the siting of a beach tram landing should be carefully reviewed by DCD and it is essential that accessory structures such as beach trams are not eligible for future shoreline armoring. The condition that the structure will be prohibited from armoring should be written into the shoreline development permit. Public notice should be required with or without a project meeting exemption provisions. Landings should not restrict Tribal fishing access, by either interfering with placement of set nets or access to shellfish harvesting. Add that beach tram landings placed below the high tide line will require a Corps permit.</p> <p>22.400.120.D.1.f – Water-oriented storage – It is essential that accessory structures such as boathouses are not eligible for shoreline armoring.</p> <p>22.100.125 – List of shoreline waterbodies - We recommend adding Dewatto River to the list of shoreline water bodies.</p>
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				<p>Shoreline access - We are concerned with proliferation of new beach access structures and the establishment of beach trams as a shoreline use. While we understand that public access is one of the stated goals of the shoreline management act, this should not be misconstrued as access for private shoreline landowners on lots constrained by steep coastal bluffs. Private access via beach access stairs and beach trams should not be given preference over protection of the environment. While beach stairs and beach trams may be warranted on a case-by-case basis, they should not be considered a right granted by the SMP.</p> <p>Climate change – We recommend the SMP integrate the results from the Kitsap County Climate Change Resiliency Assessment in the next update, particularly Chapter 10 covering landslides, sediment processes, bluff erosion, storm surge and coastal flooding. The effects of sea level rise should be addressed with managed retreat away from coastal hazards to avoid defensive measures such as hardening of the shoreline. Kitsap County should create a buyout program for geologically hazardous areas on the shoreline to accommodate natural bluff recession that may accelerate with rising sea levels. Eventually this will be necessary to achieve no-net-loss of shoreline ecological function. Consider the Estuary and Salmon Restoration Program <i>Beach Strategies</i> to identify priority bluffs for sediment supply with reach based assessments of potential benefits.</p>
3	Anthony Hitchman 206-295-8984 Tonhit206@gmail.com	5/19/2021 Via Online Open House Comment Portal	22.400.135 View Blockage	Leave 22.400.135 as previously written. The proposed change protects views of neighboring and adjoining properties which is not lawful. Basic real estate law states you can't protect a view. Also using the term "significantly impact" makes permitting a judgement call by the county.
4	Jan Wold	5/24/2021 Via Public Hearing	Aquaculture	<p>Comment on aquaculture section. Reference USACE cumulative impacts analysis for shellfish aquaculture, Kitsap shorelines covered with shellfish aquaculture, contributing to endangered species list, named listed ESA-species in Kitsap, contributes to large plastic debris problem, Hood Canal has high level of carbon dioxide and dissolved oxygen issue. Many aquaculture some are 200 acres in size; using invasive and destructive harvest processes.</p> <ul style="list-style-type: none"> a. Strongly support amending SMP section about CUP for commercial geoduck permits b. Need to review geoduck permits more often, they change often c. County shellfish permits continue forever

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				d. Will email comments
5	Tony Hitchman Kingston, WA	5/24/2021 Via Public Hearing	22.400.135 View Blockage	Been reviewing SMP revisions and surprised that amendment 22.400.135 View Blockage Section was in revision. Encourage you that wording does not move process from subjective to objective and DCD will make decision when reviewing permits. Change will impact neighboring properties and cause issues. Not allowed in real estate law. Don't try to slip something into view blockage section. Encourage the BOCC not to accept amendments to KCC 22.400.135
6	Diani Taylor Eckerson Taylor Shellfish family business (HQ in Shelton, WA)	5/24/2021		Comment from Taylor Shellfish family business. This is a family company, I'm a fifth generation worker. Our headquarter is in Shelton, WA. Thank you for the work to review and update the SMP. It is really useful and important for shellfish farmers to be able to keep farming.
7	Donna M. Simmons, President Hood Canal Environmental Council P.O. 87 Seabeck, Washington 98380 (360) 877-5747 nana@hctc.com	5/25/2021		Enclosed are HCEC's comments on the Kitsap County SMP Update. I will be out of touch for a few weeks so If you need more information please contact Jan Wold at jestuary@hotmail.com . // May 24, 2021 Kitsap County Board of County Commissioners 614 Division St. MS361 Port Orchard, Washington 98366 Re: Hood Canal Environmental Council Comments on Shoreline Master Program Update Attention: Kitsap County Board of County Commissioners: The Hood Canal Environmental Council (HCEC) requests that the following comments be entered into the public record regarding the Aquaculture Section of the Kitsap County Shoreline Master Program Update. 22.600.115 Aquaculture A. Environment Designations Permit Requirements (approximately page 89): Geoduck Aquaculture in All Designations

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				<p>a. HCEC strongly supports this section that requires a Conditional Use Permit (CUP) for all new commercial geoduck aquaculture and existing aquaculture being converted to commercial geoduck aquaculture as proposed.</p> <p>HCEC further proposes that any new commercial non-geoduck aquaculture also requires a CUP. These non-geoduck commercial aquaculture farms such as those raising clams and oysters are using numerous tideland disturbing practices. For example, these include presently dragging harrows on the tidelands in oyster operations as well as using or proposing to use tulip bulb digging machines on the tidelands in oyster operations to dig up the substrate to extract shellfish. These and other shellfish growing activities disturb natural organisms, cause turbidity and release carbon into Hood Canal. All commercial shellfish farms should be reviewed by the county using the CUP process due to the high level of disturbance of these practices.</p> <p>HCEC supports the requirements (approximately page 88) and in particular item 2i. Aquatic and benthic organisms present, including forage fish, and spawning and other life cycle use of, or adjacent to, the site.</p> <p>HCEC also supports item 2j. “Probable direct, indirect and cumulative impacts to items (B) (2)) (a) through (i) of this section; ...”</p> <p>The operational plan requirements are also important Of extreme importance is item I. “Other measures to achieve no net loss of ecological functions consistent with the mitigation's sequence described in WAC 173-26-201 (2) (e)”</p> <p>Development Standards (around page 89) General Standards a. “Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, shall be a preferred use.”</p> <p>HCEC does not support this statement that aquaculture is a preferred use in Puget Sound and in particular should not be a preferred use in Hood Canal. Hood Canal is designated by the Shoreline Management Act as a Shoreline of Statewide Significance . Hood Canal also has some of the worst problems with carbon</p>

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				<p>dioxide in Puget Sound. Many of the activities of any type of shellfish aquaculture lead to releases of carbon that can significantly worsen an already bad situation.</p> <p>b. When a shoreline substantial development or conditional use permit is issued for a new aquaculture use or development, that permit shall apply to the initial siting, construction, and planting or stocking of the facility or farm. Authorization to conduct such activities shall be valid for a period of five years with a possible extension per Section 22.500.105 (H). After an aquaculture use or development is established under a shoreline permit, continued operation of the use or development, including, but not limited to, maintenance, harvest, replanting, restocking or changing the culture technique shall not require a new or renewed permit unless otherwise provided in the conditions of approval or if required pursuant to permit revision criteria in WAC 173-27-100 (H) or this program. Changing of the species cultivated shall be subject to applicable standards of the program, including, but not limited to, monitoring and adaptive management in accordance with subsection (C) (1) (g) of this section.”</p> <p>HCEC supports the inclusion of item c through item n.vii and 2a that are listed below:</p> <p>c. Aquaculture shall not be permitted in areas where it would result in a net loss of shoreline ecological functions, or where adverse impacts to critical saltwater and freshwater habitats cannot be mitigated according to the mitigation sequencing requirements of this program (see Section 22.400.110 (A)).</p> <p>d. Aquaculture shall not significantly conflict with navigation and other water-dependent uses.</p> <p>e. Aquaculture activities proposed within Shorelines of Statewide Significance shall first be subject to the policies for shorelines of statewide significance contained in Chapter 22.300 (General Goals and Policies), and then the policies and regulations contained in this section, in that order of preference.</p> <p>f. In general, when considering new aquaculture activities, refer to policies at Sections 22.300.125(E) through (K) for siting and design preferences.</p> <p>g. Project applicants proposing to introduce aquatic species that have not previously been cultivated in Washington State are responsible for pursuing required state and federal approvals relating to</p>

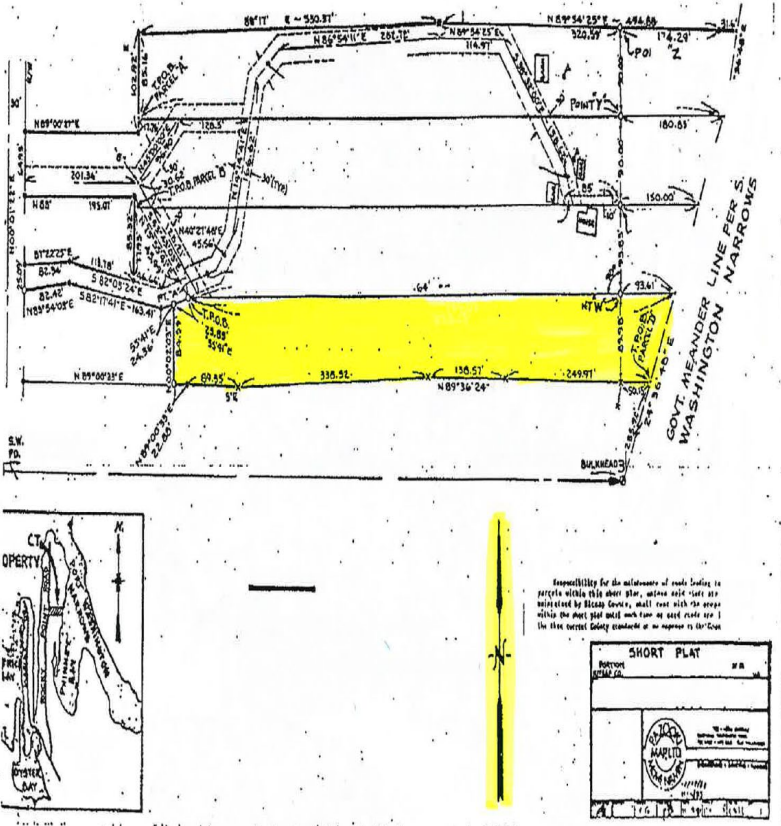
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				<p>the introduction of such species, as determined by applicable state and federal agencies. A plan for monitoring and adaptive management shall also be submitted for county review unless the operation is conducted in a fully contained system with no water exchange to the shoreline. The county shall provide notice and time to comment for appropriate agencies in accordance with county procedural requirements and shall circulate the monitoring and adaptive management plan. Upon approval, the plan shall become a condition of project approval.</p> <p>h. Over-water structures and /or equipment, and any items stored upon such structures such as materials, garbage, tools, or apparatus shall be designed and maintained to minimize visual impacts. The maximum height for items stored upon such structures shall be limited to three feet, as measured from the surface of the raft or the dock, unless shoreline conditions serve to minimize visual impacts (for example: high bank environments, shorelines without residential development), but in no case shall the height exceed six feet. Height limitations do not apply to materials and apparatus removed from the site on a daily basis. Materials that are not necessary for the immediate and regular operation of the facility shall not be stored waterward of the OHWM.</p> <p>i. Aquaculture structures and equipment used on tidelands below ordinary high water shall be of sound construction, with the owners' identifying marks where feasible, and shall be so maintained. Abandoned or unsafe structures and/or equipment shall be promptly removed or repaired by the owner.</p> <p>j. No processing of any aquaculture product, except for the sorting and culling of the cultured organism and the washing or removal of surface materials or organisms after harvest, shall occur in or over the water unless specifically approved by permit. All other processing and related facilities shall be located on land and shall be subject to the regulations for commercial development (Section 22.600.130) and industrial development (Section 22.600.150), in addition to the provisions of this section.</p> <p>k. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation, except for in proper receptacles.</p> <p>l. All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with U.S. Coast Guard requirements.</p>

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				<p>m. The rights of treaty tribes to aquatic resources within their usual and accustomed areas are addressed through direct coordination between the applicant/proponent and the affected tribe(s). Kitsap County will notify affected tribes of new shoreline permit applications utilizing applicable notification process in Title 21 (Land Use and Development Procedures).</p> <p>n. In order to avoid or limit the ecological and aesthetic impacts from aquaculture siting and operations the following shall apply:</p> <p style="padding-left: 40px;">Predator exclusion devices shall be firmly attached or secured so as not to become dislodged. Predator exclusion devices shall blend with the natural environment. Aquaculture operators shall routinely inspect and maintain predator exclusion devices.</p> <p>Predator exclusion devices such as rubber bands, small nets, and area netting can be dislodged and pose a hazard to birds, marine mammals, and other wildlife and domestic animals, and thus are subject to Kitsap County public nuisance regulations (Chapter 9.56).</p> <p>Predator exclusion methods shall not be designed to intentionally kill or injure birds or mammals. Predator exclusion methods shall comply with federal and state regulations as determined by applicable federal and state agencies.</p> <p>When determined necessary to minimize aesthetic and habitat impacts of large-scale projects, the county may require a phased approach to operation. This includes planting and harvesting areas on a rotational basis within the same tideland parcel.</p> <p style="padding-left: 40px;">2. Additional Standards for Commercial Geoduck Aquaculture</p> <p>In addition to the general development standards above, commercial geoduck aquaculture shall only be allowed where sediments, topography, land and water access support geoduck aquaculture operations without significant clearing or grading.</p> <p>HCEC has suggestions for changes to the following three items (2b, 2c, and 2e.) These are:</p>

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				<p>2b. All permits shall take into account that commercial geoduck operators have the right to harvest geoduck once planted unless they are violating their permit.</p> <p>c. All subsequent cycles of planting and harvest shall not require a new CUP, subject to WAC 17 3.27-100.</p> <p>e. Commercial geoduck aquaculture workers shall be allowed to accomplish on-site work during low tides, which may occur at night or on weekends. Where such activities are necessary, noise and light impacts to nearby residents shall be mitigated to the greatest extent practicable.</p> <p>The HCEC appreciates the opportunity to provide comments on the Kitsap County SMP Update.</p> <p>Sincerely,</p> <p>Donna M. Simmons, President Hood Canal Environmental Council (360) 877-5747 nana@hctc.com //</p>
8	Jan Wold POB 1340 Poulsbo, WA 98370 j.creek@hotmail.com	5/27/2021 Via email. Follow up to verbal testimony provided during public hearing on 5/24/2021	22.600.115 Aquaculture	KITSAP COUNTY SHORELINE MASTER PROGRAM UPDATE 2021 HEARING COMMENTS May 24, 2021 I am commenting in particular on the aquaculture section (22.600.115) of the Shoreline Master Program. I have a number of years of experience observing commercial shellfish operations as well as education and years of work experience in the fields of aquatic biology and fisheries. A draft Army Corps of Engineers cumulative effects analysis found that over 20% of Puget Sound and 19% of Hood Canal tidelands were covered by commercial shellfish permits. These are generally in the most critical areas of our estuaries. In Hood Canal about 45% of these commercial farms are in areas of forage fish spawning. We are seeing precipitous drops in many species, including forage fish, eelgrass and threatened and endangered species such as salmon, orcas, marbled murrelets, Western grebes, sunflower starfish and

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				<p>other fish species. We are seeing plastic debris issues. Hood Canal in particular is having elevated levels of carbon dioxide and acidification of the water. According to recent research disturbance of the ocean floor releases large amounts of carbon that adds to carbon dioxide levels and acidification of ocean waters. A federal court recently found that all of the commercial shellfish farm permits in our State are in violation of the Clean Water Act and the National Environmental Policy Act due to the underlying Army Corps commercial shellfish permits in the state of Washington being found to be invalid by the Federal Court.</p> <p>I strongly support the SMP section that requires a Conditional Use Permit (CUP) for all new commercial geoduck aquaculture AND existing aquaculture that is being converted to commercial geoduck aquaculture.</p> <p>I would further propose that changed methods on commercial non-geoduck aquaculture should also require a new county permit or at least an update of any existing permit. These non-geoduck commercial aquaculture farms such as those raising clams and oysters are using numerous tideland disturbing practices. Some of these commercial farms are 200 acres in size. These methods include dragging harrows on the tidelands in oyster operations as well as using or proposing to use tulip bulb digging machines on the tidelands to dig up the shellfish. These and other shellfish growing activities disturb natural organisms, cause turbidity and release carbon into Hood Canal. All commercial shellfish farms should be reviewed by the county periodically due to the high level of disturbance of these practices.</p> <p>It also appears that county shellfish permits continue forever, even if they need to get new Army Corps Permits. This is not appropriate at the county level. This is not a house or building that stays the same in one place over time. This is an activity that is being constantly modified, research data is changing and the number of many plants and animals in Puget Sound are dropping drastically.</p> <p>The General Standards section 1a states that “Aquaculture... shall be a preferred use.”</p> <p>I do not support this statement that aquaculture is a preferred use in Puget Sound and in particular should not be a preferred use in Hood Canal. Hood Canal is designated by the Shoreline Management Act as a shoreline of statewide significance. Hood Canal has numerous threatened and endangered species under extreme threat. Hood Canal also has some of the worst problems with carbon dioxide in Puget Sound. Many of the activities of any type of shellfish aquaculture lead to releases of carbon that can significantly</p>

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				<p>worsen an already bad situation. If this statement is a requirement of the state of Washington then the county should push back on this inappropriate statement when ever possible.</p> <p>The SMP also states that all permits shall take into account that commercial geoduck operators have the right to harvest geoduck once planted. I feel that the county should add after the "...geoduck once planted" the statement "unless they are in violation of their permit".</p> <p>Thank you.</p>
9	<p>GARYT. CHREY chrey@shierslaw.com SHIERSLAW FIRM LLP 600 Kitsap Street, Suite 202, Port Orchard, WA 98366 Telephone: (360) 876-4455 Facsimile: (360) 876-0169 World Wide Web: shierslaw.com</p>	5/27/2021 Via email	View blockage, site specific concerns	<p>Greetings, I am the owner of Kitsap County tax parcel number 032401-3-095-2004 which is an undeveloped waterfront lot on Rocky Point.</p> <p>This email is submitted as a comment on the Shoreline Master Program and as a request for a consultation.</p> <p>I am always available by email chrey@shierslaw.com and by cell 360-620-8522 to answer any questions.</p> <p>I look forward to your reply.</p> <p>The overall concern that I have is what effect the proposed changes to the Shoreline Master Program will have upon my property and in particular whether the view provisions will have an impact on the setbacks applicable to my property.</p> <p>The recent history of my property has involved the Amendments that were made a few years ago to the Kitsap County Development Code regarding lot size regulations in the Urban Growth Areas. My property is an undeveloped waterfront lot. It is Kitsap County tax parcel number 032401-3-095-2004. It has been in my family for 100 years. The lot is long and narrow. It is approximately 90' wide and 800' feet long. The Kitsap County website states the size as approximately 1.64 acres and approximately 71,438 square feet. The lot has several challenging issues such as access, wetlands and topography. There is no sewer service. It was created by a short plat in the 1980's. I have included with this email as an attachment a copy of the recorded short plat that shows my lot (Lot D) in yellow. There are two other undeveloped waterfront lots in the short plat, Lot A and Lot B, that are owned by members of my family. I am interested in building one house on the waterfront on my lot.</p>

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				<p>Thank you.</p>  <p>The image is a technical survey plat. At the top, it shows a meander line with bearings and distances such as N 89° 54' 25" E, 494.88, and N 89° 54' 25" E, 322.07. A yellow highlighted area is present in the lower-middle section. The plat includes a north arrow, a scale bar, and a title block labeled "SHORT PLAT" with a date of 11/19/19 and a signature. A note at the bottom right states: "Responsibility for the measurements of work leading to errors within this short plat, unless such errors are being used by the State of Maryland, shall rest with the person who the plat was made and not with the State of Maryland."</p>

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10	Dana Sarff Environmental Planner Department of Natural Resources Skokomish Tribe	5/27/2021 Via Email		<p>Thank you for the opportunity to comment. Please see the attached comment document. The Skokomish Tribe will be making similar comments to Mason and Jefferson County's regarding their respective 2021 SMP Program eight year reviews and updates. In terms of local government (County) administration, management, and implementation of SMP Programs, this is where the "rubber meets" the road with respect to effects on critical habitat and treaty protected natural resources within shoreline/riparian buffers in our Hood Canal Usual and Accustomed Area (U&A). We hope these comments are instructive and helpful.</p> <p>Respectfully, Dana Sarff</p>



Skokomish Indian Tribe

Natural Resources Department (360) 877-5213

N. 541 Tribal Center Road

Fax (360) 877-5148

Skokomish Nation, WA 98584

Submitted Electronically

May 26, 2021

ReviewSMP@co.kitsap.wa.us

Kirvie Mesebeluu-Yobech, Planner
Department of Community Development
614 Division Street - MS36
Port Orchard, WA 98366

Subject: Skokomish Tribe (Tribe) Comments on the proposed amendments to Kitsap County Shoreline Master Program (SMP) and related code revisions

Dear Mr. Yobech,

Thank you for the opportunity to participate in this process and comment on development of the amendments to this SMP document. While this document update process is mostly limited to changes in the narrative, language, and to word crafting, the Tribe would like to take this opportunity to provide comment on SMP issues that we feel are far more systemic and problematic to protection of our freshwater and marine shoreline habitat and how the SMP process has, through the use of a variety of "loophole" permitting mechanisms, allowed land uses such as timber, agriculture and residential land development to continue to eat away at critical ESA listed habitat, thus short circuiting efforts to restore habitat and recover ESA listed species, including, but not limited to salmon. "No net loss" of habitat is not working. Whether relabeling the mission and goal to achieve "net gain" of habitat will make a difference, only time will tell. The following comments cover a large range of issues, but they are all related, and commonly "meet" at the local level, where the rubber hits the road. We feel these comments are far more substantive and useful to the County than simply restricting comment to a list of what "others" define as "substantive", thereby creating an artificial list of comments that may support a pre-determined, limited, agenda. Please consider these comments in terms of the future of the quality of life in Hood Canal, Kitsap County, and in the Puget Sound region in general.

The Skokomish Indian Tribe (Tribe) and reservation are located primarily within the Skokomish River Basin. The basin is part of the Tribe's much larger usual and accustomed gathering, fishing and hunting area (U&A) within the Hood Canal Watershed (Watershed). These waters are tributary to the waters of Puget Sound in Washington. The Tribe is heavily dependent on shell-fish gathering and fin-fishing for salmon within our U&A, not only for cultural and subsistence use, but also for commercial purposes. It is vitally important that Hood Canal is protected.

There are three **existential threats** to our treaty protected natural resources and thus, to our tribal treaty rights under the Treaty of Point No Point. In general, the Tribe also considers these to be threats to public resources here in Hood Canal.

1. Threats from climate change:

"The U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively, the Services) have acknowledged that the changing climate may threaten the survival of and habitat for some species. As noted by courts and legal scholars, the ESA does not expressly require the Services to consider the effect of climate change in their ESA decisions. However, the ESA and its implementing regulations (1) direct the Services to consider "natural or manmade factors affecting [a species'] continued existence" when determining whether a

species should be protected under the ESA; and (2) require the Services to analyze cumulative effects on a species' survival when analyzing whether federal actions jeopardize a species protected under the Act". (See <https://www.everycrsreport.com/reports/R45926.html>; The Endangered Species Act and Climate Change: Selected Legal Issues: September 20, 2019)

However, the issuance of certain project construction permits can add to or exacerbate the effects of climate change. For instance, within the Water Resource Inventory Area's (WRIA's), the issuance of building permits by counties and/or cities for permit exempt wells has been a subject of controversy for some time regarding surface water and groundwater availability to meet instream flow rules, most of which are not being met by ongoing planning and regulatory efforts. Associated with building permits are also the construction of on-site sewage treatment, or septic systems, and the construction of impervious surfaces. These activities bring their own set of challenges to the conversation regarding habitat conservation, restoration, and mitigation, especially within county or city SMP buffers.

2. Threats to freshwater and marine habitat that support vital ecosystems within the Watershed. Examples include but are not limited to the following:

- Deleterious effects on water quantity and water quality:
 - A. Effects on water quantity caused by instream flow reductions of surface water and excessive groundwater withdrawal for domestic, commercial, and industrial use (over-development)
 - B. Effects on water quality caused by:
 - 1. Point source pollution examples include mining activities and large on-site septic systems (LOSS).
 - 2. Non-point source pollution examples include resource extraction such as large scale timber harvesting, agricultural activities such as livestock watering, construction of residential scale impervious surfaces, vessels at mooring buoys, docks, marinas etc. and construction of residential scale septic systems.
- Loss of habitat: Disappearance of nearshore, intertidal, shoreline, and riverine habitat. This is caused by incremental and cumulative permitted incursion and development within the 200' shoreline management act/shoreline management program (SMP) designated buffer zones and the resultant re-classification of SMP designation buffers from low intensity to higher intensity uses in the "inventory and characterization" studies.
- Proliferation of in/over water structures: bulkheads, piers, floats (PRF), mooring buoys, off bottom or surface aquaculture/mari-culture structures or facilities, etc.

3. Threats that limit "physical" access by our tribal members to these waters so they may gather, fish, and hunt and practice their social and cultural Tribal Treaty Rights. Examples of these threats include, but are not limited to the following:

- Proliferation and cumulative effects of in/over water structures: bulkheads, piers, floats (PRF), mooring buoys, off bottom or surface aquaculture/mari-culture structures or facilities, etc. that impede the following:
 - ❖ Shellfish Harvesting: Tribal members harvest various shellfish species throughout Hood Canal in the U&A. Shellfish include clam and oyster harvest on private tidelands and the subtidal harvesting of geoduck. Geoduck is harvested from about 18 feet to 70 feet below zero tidal height. Tribal members also set pots for shrimp and crab in various locations.
 - ❖ Fin Fish/Salmon Harvesting: Fishing gear deployed in by tribal fishers in Hood Canal consists of marine set and drift gillnets, beach seines, and hand held gear (Dip Nets, Spears, Gaffs, Hook-and-Line). Gillnets can range in length from 660 to 1,980 feet and beach seines 600 to 990 feet. A beach seine generally is a webbed net, rectangular in shape, deep enough to touch the bottom and of variable length. To operate, one end of the net is anchored to the shore; using a boat, the opposite end is pulled in a semicircle away from the beach; this end is then

pulled upstream and back to the shore to completely form a webbed circle. Gradually, the ends of this circle are tightened into smaller circles until the entrapped fish are accessible for sorting. Set gillnets have one end of the net anchored to the shore and the other end anchored by buoy in the water known as passive fishing gear; Drift gillnets have one end of the net in the boat at all times and the other end drifts behind the boat and is known as active fishing gear.

These structures cause damage or loss of tribal shellfish/finfish harvesting gear and are a danger to the health, safety and welfare of our tribal members who are fishing from the shore, diving for geoduck, or salmon fishing from a vessel.

These threats overlap, and are caused not only by natural processes, but by past, present, and ongoing human development within the Hood Canal Watershed in general and more specifically within terrestrial, freshwater, and marine areas that are under the jurisdiction of the following:

1. Clean Water Act (CWA) and the Navigable Waters Protection Rule as implemented jointly by the Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (USACE) under various programs and permitting processes. For purposes of this document, the Tribe refers specifically to the 2020 USACE permitting program under Section 404 of CWA and Section 10 of the Rivers and Harbors Act for issuance of permits in Waters of the United States (WOTUS). This includes both individual permits and the issuance of permits under the Nationwide Permit Program (NWP). Permits covered under this document include, but may not be limited to the following:
 - A. 2020 USACE NWP 3 (Maintenance) activities that allows for *"the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, or of any currently serviceable structure or fill that did not require a permit at the time it was constructed, Additionally, this NWP authorizes the repair, rehabilitation, or replacement of any currently serviceable structure or fill that does not qualify for the Clean Water Act section 404(f) exemption for maintenance."* The Tribe does not support the rehabilitation, replacement, and related expansion of any "serviceable" structure in any SMP designated buffer that did not require a permit at the time it was built. What does "serviceable" mean? This may allow restoration or replacement of derelict or dilapidated non-functional structures (eg: bulkheads, mooring buoys, docks, or old PRF's) that should simply be demolished and removed so that the designated SMP area could be restored to it's natural function.
 - B. 2020 USACE NWP 13 (Bank Stabilization) activities such as hard armoring/bulkheads should only be allowed if the property is in danger of damage or destruction. Bank stabilization with the use of hard armoring/bulkheads will not be required if the 200' "no build" buffer is maintained and enforced. More emphasis needs to be placed on soft armoring alternatives.
 - C. 2020 USACE NWP 10 (Mooring Buoys) activities that include structures such as PRF's
 - D. 2020 USACE Individual Shellfish Permits: All above bottom aquaculture (mari-culture) shellfish growing activities that require off bottom structures such as the following and that formerly required an NWP 48 but that now require a USACE Individual Aquaculture Permit.
 - Suspended "bag" culture (rebar)
 - Cage culture
 - Tray culture
 - Rack and bag culture
 - Surface or floating culture
 - E. 2020 USACE NWP 55 (Seaweed Mariculture) and 56 (Finfish Mariculture) activities that allow above bottom, in/over water mari-culture activities for multi-trophic seaweed, shellfish, and finfish mariculture. (Note: these were formerly referred to as NWP's A and B respectively)
2. Revised Code of Washington (RCW 77.55): Construction Projects in State Waters as implemented by WA State Department of Fish and Wildlife under the Hydraulic Permit Approval (HPA) process.
3. Coastal Zone Management Act (CZMA) as implemented by WA State Ecology (ECY) under the Coastal Zone Management Program (CZMP) planning process.

4. NEPA and the Shoreline Management Act (SMA), as managed and implemented by Jefferson, Mason, and Kitsap counties under SEPA and the Shoreline Management Program (SMP) planning process.

The intent of the freshwater and marine shorelines management, conservation and protection regulation under the Shoreline Management Act has been subverted time and again by local County and City SMP processes' that have allowed, over a period, work arounds for organizations, businesses, or people that have the funding or money to pay for creating and implementing, legal loop holes. These loop holes continue to deleteriously effect critical habitat and the recovery of ESA listed species. Moreover these actions deny tribal and public access to our shorelines. These are public resources.

Pursuant to this the Tribe does not support the issuance of permits by federal, state or local agencies under their respective authorities (including locally issued exemptions, substantial development, conditional use, or variance permits), that continue to allow these types of (new) development activities to occur within the 200' SMP jurisdictional limit on shoreline uplands or in/over aquatic and marine "waters of the state" or Waters of the United States (WOTUS). This does not include permits issued for conservation or restoration/recovery activities, but does include all permits issued to allow aforementioned permanent construction or installation activities. The Tribe supports land uses of parcels within County and City SMP jurisdiction that are considered to be temporary in nature, and not permanent. Permanent development introduces and encourages the removal of critical habitat, permit exempt wells, septic systems, and impervious surfaces into the shoreline management zones and buffers.

The Tribe is premising these comments on the grounds that permanent land use activities, individually, and beyond de-minimus, are cumulatively deleterious, degradative and ultimately destructive to critical habitat for the survival of plants, shellfish, fish, and animals that are vital to the Tribe's ability to sustain our social structure, practice our culture, practice subsistence activities and to commercial fish. Pursuant to this the Tribe deems these activities as a threat to treaty protected natural habitat and/or to our treaty protected right to access these habitats and our natural resources.

Thank you for the opportunity to comment. If you have any questions or concerns regarding these comments please contact Dana Sarff, Environmental Planner, at 360-877-5213 Ext 2201 or at dsarff@skokomish.org

Respectfully,



Joseph Pavel; Director of Natural Resources
Skokomish Tribe

Comment #	Author	Date Received/Mode	Section	Comment Description
11	William M. Palmer, President KITSAP ALLIANCE OF PROPERTY OWNERS	5/27/2021 Via Email		<p>Commissioner Robert Gelder Commissioner Ed Wolfe Commissioner Charlotte Garrido</p> <p>SUBJECT: Shoreline Master Program Update</p> <p>Honorable Commissioners: Please note, the attached letter with KITSAP ALLIANCE OF PROPERTY OWNERS review and critique of the County’s Shoreline Master Program update is virtually the same letter provided to the Planning Commission at their March 23rd Public Hearing.</p> <p>We are</p> <ol style="list-style-type: none"> 1. DCD’s summary of our comments in the matrix does not do justice to what we hope the Board will be able to seriously consider. 2. The Planning Commission’s consideration of the issues we have raised in our review of the proposed Shoreline Master Program update was very cursory in nature. The Planning Commission failed to even read let alone discuss some serious problems KAPO believes are manifest in the SMP update. 3. When oral testimony is limited to 2-3-minutes even when there are less than five people in the audience wanting to express their views, such limitation is nothing but an “obstruction hurdle” for the person with the microphone and when appointed or elected officials do not bother to even read letters and reports submitted by the public, the citizen is left with the opinion that his, her or their opinion has no value and will be “round filed” without serious consideration. Note, reading summaries of comments is just a way to “dis” the citizen. 4. KAPO would like the Board of Commissioners to pay special attention to our paragraphs numbered 3, 4 and 5 found on pages 2 and 3 of our attached letter. Further we would like the Board to make findings of fact in the Board’s final decision that specifically address the issues found in these paragraphs. We believe also, that other points laid out in our letter deserve a response and findings by the Board as well. <p>KAPO is not the only set of commentary that citizens have submitted. Some people asked questions of DCD staff and there is nothing in the “record of testimony” that indicates the individuals received an answer to the questions. That is true even when the Matrix of Comments contain a staff response.</p> <p>Besides the critique KAPO has provided of the SMP, what is even of greater concern is that there is no, as in none, zilch, nada that any of the proposed code language was changed as a result of the comments or recommendations of individual citizens or groups of citizens. The only modifications to provisions of the</p>

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				<p>SMP are changes DCD staff wants, which are in addition to “state mandates.” Witness KAPO’S comment found at point number 6, found on Page 3 of our letter.</p> <p>Those of us who actually studied Civics in high school or college and keep a copy of our US Constitution at our ready access, know that our form of government is supposed to be “of the people, by the people and for the people.” What we in KAPO are observing here in Kitsap County and at other levels, is that the citizens of the County have, at best, a moderated influence on decisions made by our elected officials. The result of which seems to be that we have a government of the bureaucracy, by the bureaucracy and for the bureaucracy. In the last five years especially, KAPO has watched plans and ordinances come before the Board for a decision with recommendations from staff for adoption in which citizens or even professionals working in the community, have had their recommendations rejected without comment.</p> <p>Some day maybe the Board will recognize that a government / citizen partnership like that which created Silverdale and the Ridgetop is the best model for how to plan for our County’s future. Unfortunately, we do not have such a partnership, largely because citizen in put is devalued by summarization and an attitude that says in effect, we told you what we are going to do to you.....what more do you want?</p> <p>Respectfully submitted William M. Palmer, President KITSAP ALLIANCE OF PROPERTY OWNERS</p>



March 2, 2021
May 26, 2021

Kitsap County Planning Commission and
Board of County Commissioners
619 Division Street
Port Orchard, Washington 98366

SUBJECT: Shoreline Master Program Update

Honorable Commissioners:

Kitsap Alliance of Property Owners (KAPO) has reviewed the proposed changes / amendments to the 2014 adopted Shoreline Master Program. Our comments submitted herein, while brief in summary carry with them substantial concern that DCD staff is using every excuse possible to increase the regulatory environment of Kitsap County's permitting process. In case there is any misunderstanding of why that is a concern, KAPO would like to challenge each member of the Planning Commission to individually apply for a Shoreline Substantial Development Permit (SSDP) and do so without involving any professional consultant assistance. KAPO can assure each and everyone on the Commission and likely to include DCD staff that none of the Commissioners could undertake such a task to include the professionals on the Commission.

KAPO, whose organizational formation came about because of shoreline property owner concerns about excessive regulation twenty-one years ago has an abiding and long-standing objection to regulation for regulation's sake. Year after year we have watched Kitsap County staff, appointed and elected officials adopt regulations, specifically in the shoreline and environmental area that have no real scientific basis, and are not founded on a hard analysis of whether past development has created a problem or contributed to a loss (in any way) of habitat or the attributes the residents of the County value. For example, KAPO has requested Kitsap County perform an analysis of prior existing regulations, i.e., those in effect between 1975 and 1999 to document the effect of development permitted under those regulations.

The response to KAPO's request is, "the County cannot afford to undertake such a "baseline study." The County therefore, cannot assert there is a "baseline of existing conditions without such foundational information. No one, not the State Department of Ecology staff, State Legislators, Kitsap County or City officials can make any claim about promoting "no net loss" absent a baseline study. And no one can assert with any

"The small landholders are the most precious part of a state." - Thomas Jefferson

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credibility that "any permit allowing new development" creates a net loss. There is no metric to draw such a conclusion.

With the foregoing as a preface to KAPO's assessment of the proposed Shoreline Master Program Update/Amendments, here are our organizations concerns:

1. DCD staff has ignored interested citizens in the staff report presentation to the Planning Commission by the failure to attach a "hard copy" of the "Consistency Analysis Report prepared by The WATERSHED COMPANY. KAPO understands that the Planning Commission received an earlier copy of this report to be reviewed in one of their work-study sessions. The public has for all-intents-and-purposes has never seen it or had a chance to review its contents. This comment is made because the report is not easily found on DCD's website and only discoverable by clicking on a "hot link" on page 5 of the staff report.
2. Several times in the staff report reference is made to "additional regulations" to be found in an appendix or an attachment to the SMP. For example, reference is made to Appendix F, "List of Shoreline Waterbodies." Another reference is to Appendix E (without stipulating whether this appendix is to the SMP or the CAO). Appendices, by definition are for supplemental information and not for setting forth a subset of new regulations. The same is true for "attachments" of which there are six others besides Appendix F. If staff is going to provide the public with material they can review, all attachments and/or appendices need to be attached to the staff report as delivered to the Planning Commission and made available to the public before their public hearing. Just referencing what may or may not be found on the County's website represents a total disservice to the public, many of which are shoreline property owners. The public review process is therefore flawed.
3. Pertinent to The WATERSHED COMPANY's Consistency Analysis Report, there is no "mandate" for proposed changes beyond page 18 of their report. While it may be desirable to make some changes such as extending the length of time for "non-conforming uses and structures" to be re-established, most of the rest should have detailed vetting involving shoreline property owners and professionals who prepare permit applications. KAPO recommends that all such "nice to have" or staff preferred code changes be removed from Shoreline Master Program Update consideration. No such vetting has taken place. What the staff details as "public involvement" is nothing more than a tale of how staff has informed the public what these regulations will do to them. For example, absent from the staff report is any instance when members of the public made a comment or recommendation that resulted in "language change" in the proposed SMP or one of the related ordinances. Also, there was not even a summary of comments DCD staff did receive. Again, the so-called citizen involvement is nothing more than a presumption.
4. Regarding the answer to the question posed about what is necessary for state law compliance verses internal consistency compliance with other County

codes, it would appear the only necessity prompting amendments to the SMP are those that comply with state law. After June 30, 2021 if there is still other compliance issues the County wants to resolve, the DCD work program can include the work with allowance for detailed vetting of proposed code language.

5. "Other Issues for Consideration" all items 1-24 should be set aside, i.e., removed from the SMP update with the possible exception of items No. 3 and 24. The remaining 22-items should be vetted in detail, involving shoreline property owners and professionals who assist such property owners with permitting. The proposed language for each of the 22 remaining items is problematic. To prevent the circumstance of "regulation for regulation sake," DCD staff, the Planning Commission and ultimately the Board of County Commissioners, along with members of the public need to first identify and then analyze:

- a.) "the problem that needs resolution;
- b.) "how pervasive the problem is;"
- c.) what options exist besides code language to address the problem;
- d.) whether any proposed regulatory measures would impinge on the rights of people who own the property and their constitutional rights of property use;
- e.) If the first three metrics have been defined / satisfied and code provisions are called for, then the least restrictive or minimum level of requirements should be the option pursued not the most onerous or most limiting.
- f.) finally, an assessment has to be made to determine whether or not the County can afford to impose code regulations – both the cost of staff and other County resources.

6. One proposed ordinance change in the "Other Items for Consideration" that is particularly objectionable is No. 15 "Exemptions from SDPs that still must go through a Substantial Development Permit process. **This is an absurd and untenable requirement of the highest order!!!!!!!!!!!!** It is stipulating among other exempt activities and structures, that single-family homes and accessory buildings will be subject to a permit process that takes 6-months to a year to complete before a building permit can be issued either for a new home or an addition to an existing home. This a huge penalty for the property/home owner that will cost thousands of dollars for what here-to-for has been an allowed use without such penalty and allowed with no significant adverse impact on the environment.

Besides this objection, DCD permitting does not have enough man/woman power to process such permits. It is adding an unnecessary workload to an already stressed staff that cannot process permits in a timely manner, i.e. 120-days (with or without a Hearing Examiner approval). Such a proposed requirement is a thoughtless example of why there is a need for *"an assessment of whether or not the County can afford to impose code restrictions, both the cost of staff and other County resources."* **And it is case in point for why there is a need for the kind of filtering criteria listed in 5. a-f above!**

7. Relative to the "Findings," that the Planning Commission will adopt, there is no mention of the impact this Update will have on application fees. Also, there is no consideration, what-so-ever of the situation of "fee compoundment." While this term is not in anybody's lexicon, it describes the situation where an applicant has a project that seemingly requires three-shoreline related permits, a Shoreline Conditional Use Permit, a Shoreline Variance and a Shoreline Substantial Development permit. The combined fees an applicant has to pay in this situation equates to \$10,913.00. That translates to approximately 84 hours of staff processing time for just one project. Quite candidly, if staff is spending any more time processing an application (regardless of interruptions) than 18-hours, they are wasting the applicant's money!!! Perhaps there is an argument proffered that such a "fee compoundment" would rarely or ever occur. The fact that it could occur even once should be cause for concern! Yet, DCD has a current application (supposedly in process) where the applicant has been coerced into paying all three fees and for interest's sake, this applicant is making no physical improvements to their property. When these three fees are added to land use related application fees, the applicant has paid the County \$22,000+ in application fees. **There is no way under God's green earth that such fee amounts can be justified, except when "regulation is adopted for regulation's sake."** Even making allowance for staff to prepare four staff reports (most of which is "boiler plate" thus 25 hours of staff time), that leaves the applicant paying for 144 hours of wasted staff time. If staff is proposing "amendment fixes" to the SMP, why is this issue ignored?


Perhaps KAPO's comment letter is a singular expression of public objection to this SMP update. If that is indeed the case, then the Planning Commission should know that there are many, many property owners affected by such rule changes and in the staff's rush to present documents for public hearing, without prior analysis and proper vetting, again see point Number 5 above, regulations will be implemented for no other reason than for "regulation sake" and because DCD staff or the unaccountable staff of the Department of Ecology want regulations - regulations that in many cases the County cannot afford to implement. Whenever that is true, the property owner or the citizen of the County pays the price, not the staff person or even the elected officials.

Again, KAPO is recommending only the State law compliance amendments to the SMP be adopted at this time. All other proposed amendments should be postponed until they can be thoroughly vetted as described in our Point Number 5 above.

Respectfully submitted,



William M. Palmer, President
KITSAP ALLIANCE OF PROPERTY OWNERS

Comment #	Author	Date Received/Mode	Section	Comment Description
12	<p>Kathlene Barnhart Ecologist</p>  <p>Suquamish Tribe PO 498 Suquamish, WA 98392 360-394-7165 (Office) kbarnhart@suquamish.nsn.us</p>	5/27/2021 Via Email		<p>Kirvie, Thank you for providing a written response on 5/21/21 to the Tribe’s comments on the 2021 Draft SMP. It is our understanding that a public hearing was held on Monday, 5/24 and that the written comment period is extended through Wednesday, 5/26. After review of those responses and verbal communication this afternoon, I have a few follow-up comments and clarifications. Please do not hesitate to reach out if you have any questions or would like to discuss these items further.</p> <p><u>22.400.120(B)(2)(f) Reduced Shoreline Stream Buffers</u> Please clarify. Subsection C states that the “<i>reduced standard buffer may be administratively reduced...</i>”, implying that this section only applies to those situations where the REDUCED standard buffer needs further reduction. The Kitsap County SMP does not provide a reduced standard buffer number for shoreline streams, which is what the initial comment was addressing. It may be helpful to note in the Reduced Standard Buffers section that Shoreline Streams do not have a reduced standard buffer less than the standard buffer (200-feet), similar to what is done for the 50-foot buffer for the High Intensity designation. It would then be clear that any Type II Variance (10% reduction) is based on the 200-foot ‘reduced’ standard buffer.</p> <p><u>22.400.120.(D)(1)(a) Trails</u> Boardwalks should be treated more like stairs as they are structures, unlike trails. Since language was added to require grated material for stairs and landings that are in the buffer or below OWHM, boardwalks should be held to the same standards. It is recommended ‘boardwalks’ be removed as a ‘trail’ option and be addressed in the stairs section. This would include similar requirements for grated decking.</p> <p><u>22.400.120.(D)(1)(a) Trails ; 22.500.105(B) Pre-application and Staff Consultations; 22.600.175 Shoreline Stabilization</u> Previous comments were with respect to coordination and notification on shoreline projects. The County’s responses included, “<i>Once a shoreline application is received and deemed complete, the tribes and WDFW are notified and have an opportunity to be in engaged in the applicant proposal through Notice of Application (KCC 21.04.210) and SEPA determination (KCC 18.04)</i>”. Unfortunately, this is not always the case. Most shoreline permits are qualified as Shoreline Exemption permits, which do not have a Notice of Application. SEPA determinations, if not exempt, are typically provided toward the end of county review cycle. The Tribe is requesting that, 1) we be invited to participate in shoreline-related staff consultation</p>

Comment #	Author	Date Received/Mode	Section	Comment Description
				<p>meetings to address any concerns as soon as possible (especially for overwater or armoring proposals), and 2) the Tribe is provided with the “opportunity to review and comment on all development proposals in the Kitsap County Shoreline...” as per KCC 22.400.130(B)(1). Previous means for the Tribe to review and comment on <u>all</u> shoreline applications included a webpage that was periodically updated with all shoreline development applications. While not a substitute for formal Notice when required, it would help to fill in the gaps for those projects that were exempt from Notice and/or SEPA by providing the “opportunity” noted above.</p> <p><u>22.400.135 View Blockage</u> The comment initially provided was addressed, however language regarding the relation to shoreline buffers appears to have been struck from the Planning Commission draft. This leaves no statement in this section to clarify that the shoreline setbackline is going to be the greater of either the view line or shoreline buffer and setback. While the SMP in general does assert that the more protective setbacks shall apply, it is recommended to include/keep similar language in the View Blockage section to make it very clear that this is the case.</p>
13	Maradel Gale mkgale@uoregon.edu	5/27/2021 Via OOH Comment Portal	Laughlin Cove protection status	I just want to make sure that this revisit to the SMP has not changed the protected status of the property that is Laughlin Cove County park and the property immediately to the north of Laughlin Cove. This area should stay in the most protected, least developable status as was requested in the last SMP update.