

Skagit County Planning and Development Services Shoreline Master Program Periodic Review 2020-2022

This Public Comment Matrix includes a summary of all public comments received during the Board of Skagit County Commissioners comment period and public hearing. Common issues of concern have been binned into 16 separate issues; these issues are numbered 1-16 in column 1 (Issue Ref. No.) and summarized in column 2 (Summary of Concern). The public comments that referenced these issues are indicated in column 3 (Comment Number(s)) and can be cross referenced to the SMP Public Comments available online on the County’s SMP website at: www.skagitcounty.net/smp. Column 4 (Department Response) includes responses to these comments and indicates whether a revision to the proposed SMP is recommended. Due to the length of several comment letters and their corresponding content, separate response matrices (Attachments A, B, C, and D) have been included to respond to comments 27-30 in order to specifically respond to their detailed comments. The full comment letters are numbered 1-30 while the public hearing verbal comments are numbered 31-42. The comments are attached in their entirety to this matrix for reference. An index of public comments is provided below.

Index of All Textual Comments (#1-30)

Comment Number	Submitted On	Name	Organization	Comment Number	Submitted On	Name	Organization
1	2/23/2022	Dennis Katte	LCIA SMP Chairman	13	2/28/2022	Fernando Pratesi	
2	2/27/2022	Anne Winkes		14	2/28/2022	Kirk Johnson	
3	2/28/2022	Lorrie Webb		15	2/28/2022	Stephen Orsini	GIPAC member
4	2/28/2022	Michael Brown	GIPAC member	16	2/28/2022	Paul Newman	
5	2/28/2022	Debbie Clough		17	2/28/2022	Kyle Loring	Evergreen Islands, Washington Environmental Council, GIPAC
6	2/28/2022	Mary Ruth and Phillip Holder		18	2/28/2022	Lynn Lennox	
7	2/28/2022	Randy Good	Friends of Skagit County, President	19	2/28/2022	Molly Doran	Skagit Land Trust, Executive Director
8	2/28/2022	Patty Rose		20	2/28/2022	Arie and Joe Werder	
9	2/28/2022	Kevin and Kirsten Morse		21	2/28/2022	Harvey Moyer	
10	2/28/2022	Jeff Osmundson and Timothy Manns	Skagit Audubon Society, President and Conservation Chair	22	3/1/2022	Hal Rooks	GIPAC, Chair
11	2/28/2022	Oscar Graham		23	3/1/2022	Joseph Burdock	
12	2/28/2022	Oscar Graham and Patricia Bunting		24	3/1/2022	Wende Dolstad	
				25	3/1/2022	Terri Wilde	

Comment Number	Submitted On	Name	Organization	Comment Number	Submitted On	Name	Organization
26	3/31/2022	Jenna Friebel	Skagit Drainage and Irrigation Consortium and Skagit County Dike District #17	28	4/1/2022	Kyle Loring	Evergreen Islands, Washington Environmental Council, GIPAC, Sierra Club, RE Sources, Skagit Audubon Society, Skagit Land Trust
27	3/31/2022	Amy Trainer and Nora Kammer	Swinomish Indian Tribal Community/ Skagit River System Cooperative	29	4/1/2022	Shannon Brenner	WDFW
				30	4/1/2022	Tim Trohimovich	Futurewise

Index of All Verbal Comments (#31-42)

Includes all verbal comments as transcribed from the Skagit County BOCC Hearing held on 3/1/2022

Comment Number	Name	Organization
31	Kyle Loring	Evergreen Islands, Washington Environmental Council, GIPAC
32	Marlene Finley	Board of Evergreen Islands
33	Kathleen Lorence-Flanagan	
34	Hal Rooks	GIPAC, Chair
35	Rein Attemann	Washington Environmental Council
36	Nora Kammer	Skagit River System Cooperative

Comment Number	Name	Organization
37	Stephen Orsini	GIPAC member
38	Molly Doran	Skagit Land Trust, Executive Director
39	Amy Trainer	Swinomish Indian Tribal Community
40	Tom Glade	Evergreen Islands
41	Tim Manns	Skagit Audubon Society
42	Patrick Donnelly	

Skagit County Planning and Development Services
Shoreline Master Program Periodic Review 2020-2022

BOCC Public Comment Matrix SUMMARY AND RESPONSE			
Issue Ref. No.	Summary of Concern <i>Complete comments are attached</i>	Comment Number(s)	Department Response
1	Lake Cavanaugh		
	<p>a. There appears to be inconsistency in Table 14.26.420-1 which references, “Max Height From <u>Surface of Water</u>” (emphasis added). Comments suggest height should be from OHWM to avoid confusion in the text.</p> <p>b. If “Max Height From the OHWM” is used in Table 14.26.420-1, then how would this affect Lake Cavanaugh which has year-round dock use? The regulations need to accommodate stationery piers as well as floating pier ramps. Comments suggest making a footnote to this table to allow for flexibility in meeting this standard.</p>		
2	Climate Change/Sea Level Rise		
	a. The draft SMP does not specifically address the impact of climate change on our county’s shorelines. Please consider including policies and regulations that address climate change and sea level rise.		
	b. Consider non-structural approaches to address the problems climate change will bring to our shorelines. Please include a study of how managed retreat, “the purposeful, coordinated movement of people and assets out of harm’s way” can help alleviate future impacts.		
	c. The SMP draft already includes Residential Policies (6C-15.2), that emphasize locating structures “to avoid [frequently flooded areas] and storm tides or surges ... without placement of extensive flood hazard management facilities or hard shoreline stabilization.” Language should be added regarding avoiding such tidal and storm surge areas at elevations predicted to be impacted for the lifetime of the proposed structure (emphasis added).		
d. Shoreline stabilization structures, in particular hard armoring, have major impacts on shoreline values and functions, including habitat impacts to salmon, orca, and marine birds. Changes are needed to the reduce hard armoring. Currently,			

BOCC Public Comment Matrix			
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	14.26.480(2)(a) prohibits new hard shoreline stabilization with an exception for when an existing primary structure will be damaged within three years. Suggest changing this exception only for cases where the primary structure was in existence at the date of adoption of the SMP.		
3	Shoreline Environment Designations		
	a. Mapping. Why are some slough areas included in shoreline jurisdiction (e.g. McElroy Slough) while other similar sloughs (e.g. Edison) are not included.		
	b. Rural Conservancy SED shoreline. Development in the Rural Conservancy SED should be limited to water-dependent uses to protect those shorelines		
	a. The definition of Rural Conservancy together with the supporting maps depicting the shoreline designation should include those locations in which the Rural Conservancy designation extends landward of existing dikes, levees, and tidegates. Additionally, if the shoreline designation is intended to include a footprint of the existing dikes, levees, and tidegates, there should be a clear statement that the inspection and routine maintenance of the existing dikes, levees, and drainage infrastructure are exempt from the SMP.		
4	Hard Shoreline Stabilization		
	a. Hard armoring accelerates destruction of riparian habitat. Support stricter rules requiring soft armoring only along shorelines. The criteria for allowing new, expanded, or replacement hard armoring are not sufficiently protective of key shoreline ecological resources often adversely impacted by such structures. We suggest adding additional criteria at: <u>14.26.480(4)(b)(v)(D) – Minimize impacts to shoreline ecological resources from impacts of hard shoreline stabilization structures, including to sand lance and surf smelt</u>		

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	<u>spawning beaches, eelgrass beds and critical habitat for Threatened and Endangered species.</u>		
	b. "Boulders" as soft armoring. Revise residential hard armoring sections and reclassify boulders. 14.26.480 (1)(a)(ii) includes boulders within the definition of "soft armoring." Boulders should be included as hard armoring because they have hard solid surfaces and their use can have the same harmful effects as bulkheads.		
	c. 14.26.480 (2)(c) ii – allows new non-water dependent development, including single family residences, to be built in certain circumstances where new hard armoring would be needed to protect them. We suggest this language: <u>No new non-water dependent that will require protection from hard armoring should be built after adoption of the SMP code update.</u>		
5	Timber Cutting		
	a. Timber cutting along shorelines, especially within sloped areas, including feeder bluffs, promotes slope instability and degrades shoreline ecological functions. The draft must delete the authorization for timber cutting along shorelines.		
	b. Temporary access roads. The Planning Commission recommendations include that logging roads within the shoreline zone be exempt from the requirement of submitting a substantial development permit. You should reject this Planning Commission recommendation, for the following reason: Forest practices under the Forest Practices Act are already exempt because they are adequately covered by that Act.		
6	Shoreline Buffer Reduction and Variance		
	a. The Planning Commission's recommendation to allow shoreline buffers to be reduced from between 25% to 50% with only an administrative variance must be rejected. Such reductions should be limited to no more than 25% as		

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	recommended by the WA Department of Ecology. It is very important to prohibit administrative variance reductions without citizen input. It is also concerning to allow any buffer reduction up to 25% without more than an administrative review.		
7	Riparian Buffers		
	a. The SMP update should adopt State of Washington Department of Fish and Wildlife’s up-to-date buffers that are based on science, to protect Chinook and other salmon and the prey on which they rely. At a minimum, buffers should be one site potential tree height (SPTH).		
8	Aquaculture		
	a. Regarding upland structures associated with an aquaculture use (14.26.415(4)(b), what happens when the parcel is fully encumbered by a buffer?		
	b. The SMP must prohibit all commercial net pens, especially in light of the failure of net pens off Cypress Island in 2017 that released thousands of Atlantic Salmon. The SMP must be revised to: 1. Amend Table 14.26.405-1, Shoreline Use and Modifications Matrix for Aquaculture Net Pens from a Conditional Use (CU) to a prohibited (X) 2. Amend 14.26.415(7), Net Pens, by striking the current language and replacing with: (a) New commercial net pen aquaculture operations to propagate non-native finfish or native finfish species in marine waters is prohibited.		
9	Protect Eelgrass and Kelp Beds		
	a. Protect eelgrass and kelp beds from new dock construction and boat canopies. The draft SMP would allow the construction of new docks, boat canopies and other overwater structures to extend over protected kelp and eelgrass beds.		
10	Public Access		
	a. BOCC should support the Skagit County Planning		

<p style="text-align: center;">BOCC Public Comment Matrix <i>SUMMARY AND RESPONSE</i></p>			
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	Commission's recommendation to remove the Skagit Countywide Open Space Concept Plan from this SMP Update.		
	b. With respect to the substance of Section 14.26.350(3) we are very concerned about the consequences of requiring public access to new public structural flood hazard reduction measures, including dikes and levees as provided for in Section 14.26.350(3)(b).		
	c. Table 14.26.405-1 lists water-oriented Recreational Uses as allowed via a CU or SD/E, this includes docks, ramps, and floats as water-dependent forms of recreation. However, docks and launch ramps are prohibited under Boating Facilities in the Natural Environment. Please clarify that public access and recreation, including public docks and launches, on publicly owned land is allowed in all environmental designations when sited appropriately and meeting all protective measures of the SMP to preserve the resources and ecology of the shoreline.		
11	Well Drilling on Guemes Island		
	a. Well drilling regulations are not being applied or enforced on Guemes Island when landowners decide to drill a well without applying for a building permit. Language needs to be added that no wells be drilled within 200 ft of the ordinary high water mark in areas of saltwater intrusion and wells drilled within 1,000 feet of marine shorelines should have a hydrogeological study prior to drilling to avoid further seawater intrusion and damage to existing wells.		
	b. Rescind the Skagit County attorney's 2019 legal opinion that Skagit County cannot regulate wells drilled on Guemes Island if those wells are not linked to a development permit.		
12	Impervious Surface Limits		
	a. The SMP's allowance for 25%-30% impervious surface conflicts with Ecology's Guidelines that limits development to a maximum of ten percent total impervious surface area within the lot or parcel. WAC 173-26-211(5)(b)(ii)(D).		

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13	Nonconforming Structures		
	a. Nonconforming single-family residences must be characterized as nonconforming structures (14.26.510(1))		
14	Monitoring of Shoreline Impacts		
	a. SMP Update does not appear to establish the tracking mechanism required by the Guidelines to assess shoreline impacts.		
15	Exemptions		
	a. Change 14.26.720 (3)(a). Requiring a letter of exemption for activity that does not require federal agency approval adds unnecessary work, time, and cost. To be consistent with WAC 173-27-050 a letter of exemption should only be required if WAC 173-27-050 (1) (a) or (b) apply		
	b. Additional exemptions should be granted to flood hazard reduction measures in the Applicability section of 14.26.350.		
	c. Section 14.26.350(2) should clearly distinguish and address the difference between “new” and “existing” reduction measures in order to maintain Skagit County’s dike and levee system viability repair, maintenance, and restoration		
	d. With respect to subsection (e) of Section 14.26.350, each of the drainage Member Districts of the Consortium have pragmatic permits for dredging work and currently obtain shoreline exemptions for this work. Section 14.26.350(3)(e) should include a specific exemption for such work.		
	e. The SMP should include a specific exemption providing that all flood fighting activities are exempt from the scope of the SMP		
16	Dredging		
	a. Dredged material disposal. Amend both policy (6C – 8.5) and regulation to allow disposal of dredged spoils within the channel migration zone as a form of mitigation as long as it does not fill wetlands or result in other negative impacts. Consider dredge disposal as mitigation for dredging when		

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	designed to benefit habitat and maintain sediment supply and transport. Applicable regulations include Table 14.26.405-1 and 14.26.435(2)(g).		
	b. In 14.26.435(2)(c), recognize that maintenance dredging is necessary to remove accumulated sediment that would impair the functionality of in-water structures that are part of WDFW managed finfish hatcheries. The sediment removal is restricted to reestablishing the existing contours in the immediate vicinity of the structure and necessary to maintain a preferred water-dependent use and lawfully established use		
17	Others		
	c. Replacement of legally existing residences: Add redevelopment or replacement to “How do I use this document?” (4) on page 4: What if you just want to repair, redevelop, or expand an existing structure or modify an existing use? Add the term redevelopment or replacement, as applicable, to section 14.26.620 (3).		
	d. Correct inconsistencies between sections. Change floor area to footprint in 14.26.515 (3) (b) and (d), to be consistent with 14.26.620 (3)(a)(ii)		
	e. Site Specific Considerations: Individual property owners concerned for regulations impacting specific sites and the resulting impact on future development. Concerns include increased runoff from upland development and mining activity.		
	f. Who will bear the burden of implementation of these regulations? I hope you will ask yourselves these questions before signing the adopting ordinance.		

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	g. The SMP's opening recital should include a statement that the SMP also balances the management of flood protection and control as well as drainage		
	h. Is the Skagit County Code reference set forth in Section 14.26.350(3)(d) intended to reference SCC 14.26.370 rather than .360?		
	i. For policy 6C-11.4, please clarify if this is limited to new instream structure proposals or if it also applies to the maintenance of existing instream structures. If it applies to maintenance, please be clear if the enhancement of ecological functions or improvement to ecological processes is required only when there are adverse impacts requiring mitigation or if it is required in all scenarios		

Attachment A – Response to Comment #27

The table below includes comments submitted on Skagit County’s Draft Shoreline Master Program on behalf of the Swinomish Indian Tribal Community (SITC) and the Skagit River System Cooperative (SRSC) on March 31, 2022.

Attachment A – Response to SITC and SRSC Comments (Comment #27)			
Topic	Comment Number	Comment, Concern, or Proposed Change	Department Response
Overarching Issues			
<i>Best Available Science</i>	1	The SMP fails to use “most current, accurate, and complete scientific and technical information available”, and little update to sources occurred in years of SC SMP languish. The SMA’s protective policies should be understood broadly rather than narrowly, as should Ecology’s rules to implement the Act. The SC SMP must incorporate “most current, accurate, and complete Scientific information” including consideration of climate change impacts.	
<i>Climate Change</i>	2	SMP does not acknowledge the ambulatory nature of the OHWM, its expected landward migration in marine and fluvial systems under climate change and SLR, or its jurisdictional impacts of these events on Shoreline Environment Designations.	
<i>Policy Statement 6G-1</i>	3	Policy statement 6G-1 undermines the requirements of the Act; this section uses ‘should’ but county must use “shall” to meet No Net Loss achievement at programmatic and project level.	
<i>Mitigation</i>	4	Mitigation plans must recognize the need to account for failure, climate change, temporal dimensional lost ecosystem services when mitigation is delayed, and for uncertainty.	
<i>Water Quality</i>	5	The Water Pollution Control Act must be complied with in the SMP. The SMP should reference that document to ensure those water quality standards are met.	
<i>Aquaculture</i>	6	New aquaculture should not be permitted in Shorelines of Statewide Significance unless it satisfies policies of RCW 90.58.020.	
<i>Dredging</i>	7	The SMP allows dredging in typed streams, CMZs, and floodways if deemed an agricultural activity/maintenance dredging. That would be in	

Attachment A – Response to SITC and SRSC Comments (Comment #27)

Topic	Comment Number	Comment, Concern, or Proposed Change	Department Response
		violation of state and federal rules. The SMP must only allow dredging when otherwise allowed, as stated in Policy 6C-8.1.	
Recommended Changes			
<i>Shoreline Jurisdiction</i>	8	The County selected the minimum (not maximum) extent of shoreline jurisdiction allowed. Recommend jurisdiction include full 100-year floodplain. Channel Migration Zone (CMZ) references removed from 2016 to 2020 drafts should be replaced.	
	9	SC SMP limits jurisdiction to critical areas and their buffers 'located wholly within' shoreline jurisdiction; it is minimum not maximum protection. Recommend SC SMP jurisdiction (especially for statewide significant shorelines) should include CAO/buffers partly within shorelines.	
	10	County should commit to publicly available maps and GIS products depicting floodplain, floodway, wetlands, feeder bluffs, landslide hazard areas, and CMZs.	
<i>Shoreline Environment Designations</i>	11	SMP does not fully make use of SEDs to ensure an adequate level of protection to shoreline resources and recommend adding "Priority Aquatic" SED.	
	12	Specific map revisions suggested in Appendix A were not addressed.	
	13	SC SMP fails to meet the heightened standards for protecting these special shorelines. There should be a separate section under General Regulations that highlights and provides regulations for the considerable expanse of areas that are Shorelines of Statewide Significance.	
	14	SC SMP should specify Swinomish Tribe among those to be consulted with expertise/status rights as an adjacent jurisdiction.	
	15	SC SMP should ensure "long term over short term benefit".	
	16	We applaud some progress in 14.26.305(4)-(6) to address the importance of mitigation in NNL, but some statements obscure the import of NNL	

Attachment A – Response to SITC and SRSC Comments (Comment #27)

Topic	Comment Number	Comment, Concern, or Proposed Change	Department Response
		applicability to ecological function, processes, and values on local and ecosystem scale.	
	17	The mitigation sequence does not convey the “top priority” for avoiding the impact altogether.	
<i>Provisions waterward of OHWM</i>	18	Concerned that the County is abandoning efforts to delineate the CMZ and incorporate those into the SC SMP; CMZ terminology from Feb 2021 to Apr 2021 drafts is replaced with ‘floodplain’ which refers back to FEMA floodplain developed in the 1980s.	
<i>Flood Hazard Reduction</i>	19	Restore CMZ references in Flood Hazard Reduction section.	
	20	Clarify “reasonably foreseeable” to a less subjective definition. (Suggest 75 years).	
<i>Vegetation Conservation</i>	21	Native vegetation (retention and planting) in the shoreline is not emphasized. Recommend changes to prioritize shoreline planting and retention.	
	22	Unclear language between ‘vegetation retention’ and ‘tree retention’.	
	23	The proposed 3:1 replacement ratio is insufficient (temporal lag, failure rates) for replacing lost mature trees with 3 small seedlings.	
	24	Need assurance that trees planted are maintained and monitored, including thru change in ownership. Need requirement for maintenance, monitoring, deed notice, and surety.	
	25	Policy 6G-3.2 prioritizes conifers, but that policy is not carried through to regulations. Recommend specifying conifers be emphasized and/or specified in code/prioritized lists of vegetation.	
<i>Water Quality and Nonpoint</i>	26	Concerns about recent research/science recognizing pollution and runoff/contaminants of emerging concern. Recommend identifying Water Pollution Control Act and restricting tire crumbs in the shoreline.	

Attachment A – Response to SITC and SRSC Comments (Comment #27)

Topic	Comment Number	Comment, Concern, or Proposed Change	Department Response
Source Pollution	27	Water quality below agricultural areas is poor. Recommend SC SMP ensure at a minimum, WA State WQ Standards for dissolved oxygen, temperature, fecal coliform, and other pollutants are met.	
Aquaculture	28	Concerns regarding commercial finfish net-pen operations (both native and nonnative) due to disease, fish escape, ecosystem impacts, lighting; impacts to native wild fish; new science questions why pens are even “in” the water. Recommend prohibition of ‘commercial finfish net pens (native and non-native) in marine waters’.	
	29	Strengthen requirements for review and permitting rather than minimizing the instances where review/permits are triggered to minimize impacts to environment and eelgrass.	
	30	Concern about a potential loophole between ‘new’ aquaculture and ‘expanded’ aquaculture; SRSC commented on this in 2013 and 2016 and needs a clear definition; SC SMP allows areas left fallow for many years to be ‘expanded’ and not ‘new’ with accompanying eelgrass other impacts.	
	31	Add a regulation to accommodate Eelgrass that has grown into areas previously not vegetated (SLR prediction). Add a regulation for operations expansion/change/new proposals to be permitted as ‘new’.	
	32	Revise Policy 6C-2.1 to more accurately capture the qualified embrace of aquaculture in Ecology’s regulations by including ‘when properly manage” statement.	
Boating Facilities	33	Derelict and unpermitted buoys present a navigational hazard/shellfish bed damage if they lose buoyancy. Recommend labels with SMP permit number and remove those that are in disrepair.	
	34	Installations must prevent dragging anchor chains, such as anchored with a helical screw and mid-water float to avoid scour of bed.	
	35	County should track the location and density of buoys and under SC SMP monitoring report net change in mooring buoy density.	

Attachment A – Response to SITC and SRSC Comments (Comment #27)

Topic	Comment Number	Comment, Concern, or Proposed Change	Department Response
<i>Dredging</i>	36	Clarify reference to Fish and Wildlife Habitat Areas since 'officially designated fish and wildlife areas' is not defined.	
	37	Provide vetting for dredging called 'restoration and enhancement' to ensure it provides benefits to fish and wildlife habitat.	
	38	Additional agencies have jurisdiction over agricultural activities, but SC SMP only offers the NW Clean Air Agency. Recommend adding WA Ecology, FEMA.	
	39	There are types of agricultural activities that are not exempted under 90.58.065, but SC SMP does not require substantial development permit for these activities.	
	40	Definition of 'channelization' is unclear; definition for 'debris' is not offered. Recommend a new offered definition for 'channelization'.	
	41	The term "maintenance dredging" is undefined and confuses agricultural, ditch, and stream dredging with large scale navigation dredging like in the Swinomish Channel.	
<i>Residential Development</i>	42	Beach stairs should be an accessory development and not an appurtenance. Recommend clarifying the separate treatment of accessory (suggest beach stairs, trams, docks) and appurtenant (septics, garage, deck, fence).	
	43	Location of appurtenances should be landward to extent feasible.	
	44	Location of crossing structures should minimize new culverts and bridges in the shoreline.	
<i>Structural Shoreline Stabilization</i>	45	Hard shoreline stabilization definition doesn't represent what is seen in practice. Recommend including 'log timber piles, sheet piles, blanket application of angular rock including spalls and riprap'.	
	46	Boulders should not be listed under soft shoreline stabilization. Without a clear definition in this code for "soft shoreline stabilization", the inclusion of 'boulders' will allow shoreline stabilization measures to be permitted as 'soft shoreline stabilization' that do not follow the most current, accurate,	

Attachment A – Response to SITC and SRSC Comments (Comment #27)

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		and complete scientific and technical information available. They be a supporting element of a soft shoreline stabilization project, but should not serve as a primary feature which is implied in this code.	
	47	“When allowed” should include ‘when they comply with SCC 14.34 Flood Damage Prevention’.	
	48	Upland use has effects on the need for structural shoreline stabilization. Recommend requirement for land use divisions designed that future development of created lots will not require stabilization from geologic or hydrologic conditions within 75 years.	
Transportation Facilities	49	Recommend avoiding “stream adjacent parallel roads.”	
Critical Areas	50	Offer increased specificity for Review and Assessment Reports – who is qualified to prepare and review.	
Fish and Wildlife Habitat Conservation Areas, Buffers	51	Lower Skagit Basin has 112 miles of impaired (T) water quality; the SC SMP fails to account for the substantial extent of impaired waters that limits salmon recovery.	
	52	SC SMP fails to provide comprehensive, integrated approach to vegetation conservation. Recommend restricting variances and buffer averaging along salmon streams or tributaries to salmon streams or a 2004 TMDL stream to achieve NNL.	
	53	Establish protective dimensions for riparian and other buffers, require assessment to include density and diversity of trees, SPTH, current width of buffer.	
	54	Expand the intent of buffers to include these ‘basic riparian forest functions’ including migration corridors, watering rearing, refuge areas, providing organic inputs; reduce fine sediment; regulate the microclimate.	
	55	Add language that riparian areas shall maintain and work to restore 1 SPTH and restore the function and values of the CMZ.	
	56	Buffer averaging should only be allowed with a habitat conservation area site assessment.	

Attachment A – Response to SITC and SRSC Comments (Comment #27)

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	57	Buffer averaging should be restricted on streams with existing water quality impairment.	
	58	Where does the table at the end of SCC 14.26.574 Performance Based Riparian Standards come from and what scientific information does it use? Ecology requires local government to ‘show its work’ when accounting for buffer variances.	
Setbacks	59	Recommend a setback from a marine feeder bluff of 50 feet from the top of slope (or 2x height of slope whichever is greater) for new construction.	
Shoreline Variances	60	The County’s approach includes excessive discretion in administrative officials, no accountability to ensure no net loss is achieved, and fails to account for the degraded riparian habitat buffers and legally temperature impaired water quality in 112 miles of salmon streams. Recommend no variances on legally impaired water quality streams. Variances must be determined essential by the administrative official and required to provide written justification including cumulative impacts analysis.	
<i>New Issues, Comments, and Proposed Code Revisions prompted by Feb. 15, 2022 Draft</i>			
Topic	Comment Number	Comment or Concern	Department Response
SCC 14.26.130(5)	61	This provision was added to the draft SMP stating that “As provided in RCW Title 85 and through the US Army Corps of Engineers PL 84-99 Program, the provisions of this SC SMP do not affect the authorities and powers of diking and drainage districts”. Agriculture is addressed in Policy sections 6C-1 and SCC 14.26.410 making this code redundant. Exempt activities such as “ongoing agriculture” need to meet the requirements of the SMA for no net loss, so the SC SMP may affect districts’ activities even in situations where no substantial development permit is required. To avoid confusion, SCC 14.26.130(5) should be stricken.	

Attachment A – Response to SITC and SRSC Comments (Comment #27)

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<i>Imprecise terminology in Aquaculture provision</i>	62	<p>New provision SCC 14.26.415(7)(b) was added to the SC SMP, but we are extremely concerned that imprecise technology will lead to misinterpretation of this provision. Concerned with the ecological impacts and risks associated with net pen aquaculture, and 'propagation' of fish is an extremely narrow task within the realm of net pen aquaculture. Strongly encourage code revision to eliminate the term 'propagation' and replace it with 'aquaculture' and rely on the definition of 'aquaculture' included in SCC 14.26.415.</p>	
<i>Overwater Canopies</i>	63	<p>Table 14.26.420-1 was modified, removing the specification that boat canopies must use light-permeable fabric. Recommend that the new SMP code encourage removal/storage of the canopy during seasons of the year when the boat and canopy will not be in use. This would meet the desire to protect the boat during boating season, yet reduce shoreline impacts and provide for fuller ecological function on the lakebed for much of the year.</p>	

Attachment A – Response to SITC and SRSC Comments (Comment #27)

Topic	Comment Number	Comment, Concern, or Proposed Change	Department Response
<p style="text-align: center;">Temporary Access Roads for Forest Practices (SCC 14.26.445(1)(d))</p>	64	<p>Retain April 2021 provision regarding ‘temporary access roads.’ The added provision in the February 15, 2022 draft clearly violates the SMA definition of a development per RCW 90.58.030(3)(a). This provision added to the February draft provides an exemption to the SMA that is not allowed in the RCW.</p> <p>We are concerned about the impacts of a temporary access road that includes filling (surfacing, grading, importing non-native materials) within the floodplain and installation of crossing structures (culverts, bridges) within the floodplain. A temporary road constructed for use in Forest Practices that includes fill and/or culverts is clearly a development under state law, yet this provision exempts that development from adequate review.</p> <p>The drafted provision indicates that a temporary road must be properly abandoned, but there is no indication or guidance on proper abandonment. Further, without the oversight of a shoreline SSD or exemption, there is no agency nexus with Skagit County or DNR to ensure that road building and decommissioning within the protected riparian corridor are properly implemented. The types of activities that Skagit County are trying to exclude from their definition of Forest Practices and from the requirement of developments under the SMP are the harvest and retrieval of trees, logs, and timber. These types of harvest activities most certainly would affect damage to forest soils, timber, public resources, and their exclusion by Skagit County is not supported by the WAC.</p> <p>Skagit County should strike the new statement in SCC 14.26.445(1)(d) that exempts temporary access roads from the definition of development and retain the 2021 provision.</p>	
<p style="text-align: center;">Decreasing Buffer Width (SCC 14.26.574(3))</p>	65	<p>Concerned about the reduced evaluation and increased staff discretion to grant a buffer reduction of up to 25%. It reduces the opportunities and notice for public review. Reduction of these protective buffers should be granted after careful consideration of the grounds for justification, risks, and impacts. The County should retain allowable buffer reductions only as a clear and transparent variance permit process, where there are clear standards to demonstrate need and adequate mitigation that is monitored for success with accountability measures.</p>	

Attachment B - Response to Comment #28

The table below includes comments submitted on Skagit County’s Draft Shoreline Master Program by Kyle Loring on behalf of Evergreen Islands, Washington Environmental Council, RE Sources, Sierra Club, Skagit Audubon Society, Skagit Land Trust, and the Guemes Island Planning Advisory Committee. The submittal focuses strongly on incorporating sea level rise and climate change concerns into Skagit County’s SMP Update. Specific comments related to recommended changes are included in the table below. The specific SMP code section referenced can be found in the left-hand column, while the proposed revision can be found in the right column. The commenters proposed language to be removed is shown in strike-through and proposed language to be added is shown in underline.

Attachment B – Response to Comment #28				
Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
<i>Shoreline Uses and Modifications Policies</i>	1	New Policy 6C-6.5	<u>Essential public facilities should not be constructed in flood plains and areas of marine shorelines that are likely to be inundated by sea level rise during the anticipated life span of those facilities.</u>	
	2	6C-15.3	Residential development should be located: (c) to avoid the need for hard shoreline stabilization and flood hazard management facilities <u>during the anticipated life span of that development.</u>	
	3	New Policy 6C-15.12	<u>New shoreline residential development should be designed, located, and constructed to ensure that it will not need to be relocated or reconstructed due to sea level rise during the anticipated life span of that development.</u>	
	4	6C-16.1	Limit use of hard structural stabilization measures to reduce shoreline damage. <u>Use of hard structural stabilization measures will be prohibited except where there is no reasonable alternative to protect a primary structure existing as of 2022.</u>	
<i>Critical Areas Policies</i>	5	6G-2.3	Protect and manage shoreline-associated wetlands, including maintenance of sufficient volumes of surface and subsurface drainage into wetlands, as well as the landward migration of	

Attachment B – Response to Comment #28

Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
			wetlands as a result of sea level rise, to sustain existing vegetation and wildlife habitat.	
	6	6G-2.8	Limit new development in floodplains <u>and areas of marine shorelines likely to be inundated by sea level rise during the anticipated life span of that new development.</u>	
	7	6G-2.9	Regulate development within the 100-year floodplain and <u>areas of marine shorelines likely to be inundated by sea level rise</u> to avoid adverse impacts to shoreline ecological functions and to avoid risk and damage to property and loss of life.	
Flood Hazard Reduction Policies	8	New Policy 6I-1.5	<u>Skagit County shall monitor the impacts of climate change on shorelands, the shoreline master program’s ability to adapt to sea level rise and other aspects of climate change at least every periodic update and revise the shoreline master program as needed. Skagit County shall periodically assess the best available sea level rise projections and other science related to climate change within shoreline jurisdiction and incorporate them into future program updates, as relevant.</u>	
	9	New Policy 6I-1.6	<u>Plans, regulations, and programs related to tidal flooding and storm surge will be coordinated and integrated with the Comprehensive Plan, marine flood hazard plans, National Flood Insurance, and regulations for critical areas and the SMP.</u>	
	10	New Policy 6I-1.7	<u>Non-structural flooding and storm surge hazard reduction measures are preferred over structural measures. When evaluating alternative measures, the removal or relocation of structures in the tidal flood and storm surge-prone areas should be considered.</u>	

Attachment B – Response to Comment #28

Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
	11	New Policy 6I-1.8	<u>Tidal flood and storm surge hazard protection measures will result in No Net Loss of ecological functions and ecosystem-wide processes associated with marine and estuarine shorelines.</u>	
	12	New Policy 6I-1.9	<u>Marine and estuarine ecological systems should be returned to and maintained in the future in a more natural state where feasible including by removal of structures and hard armoring blocking the upward shoreline migration due to sea level rise.</u>	
	13	New Policy 6I-1.10	<u>New lots and new expanded development should be located so they will not interfere with the landward expansion and movement of wetlands and aquatic vegetation as sea level rises.</u>	
<i>Development Regulations - General</i>	14	14.26.305(1)	No Net Loss of Ecological Functions. Uses and developments on Skagit County shorelines must be designed, located, sized, constructed and maintained to achieve no net loss of shoreline ecological functions necessary to sustain shoreline natural resources, <u>considering sea level rise estimates.</u>	
	15	14.26.310-1 Dimensional Standards	<u>10% Hard Surface Limits for all uses in Rural Conservancy.</u>	
	16	14.26.320 General Provisions Applicable Upland of the OWHM	General Provisions Applicable Upland of the OWHM 1(a): New development must be located and designed to avoid the need for future shoreline stabilization to the <u>maximum</u> extent feasible <u>during the life span of the structure and based on sea level rise projections for that time period.</u>	

Attachment B – Response to Comment #28

Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
			1(b): Land divisions must be designed to ensure that future development of the created lots will not require shoreline stabilization for reasonable development to occur or cause foreseeable risk from geological or <u>hydrological</u> conditions, <u>including any change in conditions projected by 2100 due to sea level rise.</u>	
	17	14.26.350 Flood Hazard Reduction	1(c): <u>Actions under this section must be designed to accommodate the amount of sea level rise estimated during the anticipated life span of proposed development.</u> 2(b): That the potential adverse impacts on ecological functions and priority species, <u>including those associated with or exacerbated by sea level rise,</u> can be successfully mitigated;	
	18	14.26.380 Vegetation Conservation	2(g) <u>areas projected to be inundated by sea level rise during the anticipated life span of the proposed development.</u>	
<i>Recreational Development</i>	19	14.26.465	4(c): Recreational developments must be located, designed and operated in a manner consistent with purpose of the environment designation in which they are located and so that no net loss of shoreline ecological functions or ecosystem-wide processes results, <u>considering projected sea level rise.</u>	
<i>Residential Development</i>	20	14.26.470	4(a): Plats and subdivisions must be designed, configured and developed in a manner that ensures that no net loss of ecological functions results from the plat or subdivision at full build-out of all lots. <u>New lots shall be designed and located so that the buildable area is outside the area likely to be inundated by sea level rise in 2100 and outside the area in which wetlands and</u>	

Attachment B – Response to Comment #28

Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
			<u>aquatic vegetation likely will migrate during that time.</u>	
	21	14.26.470	4(b): Residential development must be located and designed to avoid the need for flood hazard reduction measures <u>and for tidal flooding and storm surge protection measures</u> , including shoreline stabilization, <u>based on sea level rise projections during the anticipated life span of the development.</u>	
	22	14.26.470	4(g): <u>Where lots are large enough, new structures shall be located so that they are outside of the area likely to be inundated by sea level rise during the anticipated life span of those structures and outside of the area in which wetlands and aquatic vegetation will likely migrate during that time.</u>	
	23	14.26.470	4(h): <u>New and substantially improved structures shall be elevated above the elevation likely to be gained by sea level rise during the anticipated life span of those structures.</u>	
<i>Shoreline Habitat and Natural Systems Enhancement Projects</i>	24	14.26.475	3(a)(i): Plan and cross-section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography OHWMs <u>as estimated for 2100 based on sea level rise projections.</u>	

Attachment B – Response to Comment #28

Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
Structural Shoreline Stabilization	25	14.26.480	2(a): New hard shoreline stabilization structures are prohibited, except when analysis confirms that there is a significant possibility that a primary structure <u>built before 2022</u> will be damaged within three years as a result of shoreline erosion in the absence of such hard shoreline stabilization structures, or where waiting until the need is immediate results in the loss of opportunity to use measures that would avoid impacts on ecological functions.	
			2(c)(i): To protect an existing primary structure <u>built before 2022</u> , including a residence, when conclusive evidence, documented by a geotechnical analysis, is provided that the structure is in danger from shoreline erosion caused by currents or waves....	
			3(a)(ii)(A): Plan and cross-section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography and OHWMs <u>as estimated based on sea level rise provisions over the anticipated life span of the development.</u>	
			3(b)(iv): An assessment that concludes the replacement structure is designed, located, sized, and constructed to assure no net loss of ecological functions consistent with mitigation sequencing requirements in SCC 14.26.305 and <u>incorporating sea level rise projections for the anticipated life span of the structure.</u>	
Transportation Facilities	26	14.26.485	3(a)(iii): potential for enlargement of inundated areas, <u>including the potential and the area</u>	

Attachment B – Response to Comment #28

Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
			<p><u>projected to be inundated by sea level rise over the anticipated life span of the facility.</u></p> <p>4(a): Transportation facilities must be planned, located, and designed to achieve all of the following <u>at current tidal levels and at tidal levels projected over the anticipated life span of the facilities due to sea level rise:</u></p> <p>(i): Bridge abutments and necessary approach fills must be located, if feasible, landward of associated wetlands or OHWM for water bodies without associated wetlands, <u>as they are projected to migrate during the anticipated life span of those abutments due to sea level rise,</u> provided mid-river bridge piers are permitted.</p> <p>(j): Roads and railroads must not measurably increase flood levels or profiles and must not restrict or otherwise reduce floodplain and floodway capacities <u>at current tidal levels and at tidal levels projected during the anticipated life span of that development due to sea level rise.</u></p>	
Utilities	27	14.26.490	<p>4(a)(ii): Locate and design the project to avoid the need for new structural shoreline stabilization or flood hazard reduction facilities over the anticipated life span of the utilities <u>based on projected sea level rise.</u></p> <p>4(c)(i): Underwater utility lines must enter and emerge inland from fresh and salt water banks, dikes, beaches, or shorelands <u>in their projected location as it migrates over the anticipated life span of the utility lines due to sea level rise.</u></p>	

Attachment B – Response to Comment #28

Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
			4(d)(ii): Permitted water crossings requiring structural abutments or approach fills must set back such facilities landward of the OHWM <u>in the location projected for those water crossings due to sea level rise projections at the end of the anticipated life span of those crossings.</u>	
<i>Standard Critical Areas Review and Site Assessment Procedures</i>	28	14.26.515	4(c): The site assessment shall include: (x) <u>the projected location of the critical area over the anticipated life span of the new development based on sea level rise projections.</u>	
<i>Wetland Performance-based Buffer Alternatives and Mitigation Standards</i>	29	14.26.534	(2)(e) <u>Averaging is prohibited for wetland buffers unless the applicant demonstrates that the buffer will not be adversely affected by projected sea level rise over the anticipated life span of the development.</u>	
<i>Aquifer recharge areas</i>	30	14.26.540	Intent 1(d): <u>limit adverse impacts to drinking water from saltwater intrusion to the maximum extent possible as sea level rises.</u>	
	31	14.26.542	Prohibited Activities (7) Drilling new wells within 100 feet of an existing well that has experienced saltwater intrusion to the extent that chloride levels exceed Washington State maximum contaminant levels.	
<i>Geologically hazardous areas</i>	32	14.26.562	Site Assessment Requirements 2(h): <u>A description of the likely effect that sea level rise projected over the anticipated life span of the development will have on the geologically hazardous area.</u>	

Attachment B – Response to Comment #28

Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
	33	14.26.563	<p>Mitigation Standards</p> <p>2(b): A site assessment is submitted that certifies that:</p> <p style="padding-left: 20px;">(ii) A quantitative slope stability analysis indicates no significant risk to the development proposal and adjacent properties; or the geologically hazardous area can be modified; or the development proposal can be designed so that the hazard is eliminated, <u>all taking into consideration the sea level rise projected over the anticipated life span of the development.</u></p>	
<i>Fish and wildlife habitat conservation areas</i>	34	14.26.572	<p>Site Assessment Requirements</p> <p>(4) <u>A description of the likely effect that sea level rise projected over the anticipated life span of the development will have on the fish and wildlife habitat conservation area.</u></p>	
	35	14.26.574	<p>Performance-based Buffer Alternatives and Mitigation Standards</p> <p>(2)(f) <u>Averaging is prohibited for buffers unless the applicant demonstrates that the buffer will not be adversely affected by projected sea level rise over the anticipated life span of the development.</u></p>	

* See full comment letter for quotes and references made from Skagit Climate Science Consortium notes, Department of Ecology, Skagit River Basin Climate Science Report, and NOAA Sea Level Rise Technical Report.

Attachment C - Response to Comment #29

The table below includes comments submitted April 1, 2022 on Skagit County's Draft Shoreline Master Program public review draft by Shannon Brenner on behalf of the Washington Department of Fish and Wildlife (WDFW). Responses to this April 1, 2022 letter are included in the Comment Response Matrix. The following table includes responses to individual comments originally submitted on June 22, 2021 by Bob Warriner (WDFW) as referenced in the April 1, 2022 letter.

Attachment C – Response to WDFW (Comment #29)			
Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
1	6B-3.6	“Low intensity agriculture” needs to be defined.	
2	6B-4.4	Mitigation actions and quantities should be specified.	
3	6C-1	It might be helpful to have a section about the VSP.	
4	6C-2.1	Activities that have environmental impacts shouldn't be “encouraged”, or at least there needs to be a better description of why they should be encouraged.	
5	6C-5.1	Commercial development should also be encouraged to locate outside of floodplains.	
6	6C-8.6	Please add “aquatic habitats” .	
7	6C-14.2	There should be signage at public areas describing the unique and fragile shoreline areas.	
8	6C-14.3e	Confusing language. Limited “to” designated areas?	
9	6E-1.4	Please add “environmental values and functions” where it says, “developments are designed to”	
10	6F-1.2	There should be a reference to have water crossing structure comply with WDFW guidelines.	
11	6G-1.1	Please add “riparian functions and processes”.	
12	6G-2	Please add a section specifically identifying Alluvial Fans as critical areas to protect, restore and where to avoid development.	
13	6G-3	Non shoreline designated tributaries are important for water quality and should be specifically identified as important places for riparian conservation and improvement.	
14	14.26.305(1)	What is the baseline used to evaluate No Net Loss? If it is not established one should be determined.	
15	14.26.305(4)	Add that mitigation is required when SMP code is violated.	

Attachment C – Response to WDFW (Comment #29)

Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
16	14.26.305(5)d	Preservation does not mitigate and should not be given mitigation credit.	
17	14.26.305(6)f	This should also require a monitoring plan.	
18	14.26.330(11)a	There should be a time requirement for when this is completed (“within one year” or some such thing).	
19	14.26.330(21)	WDFW has a pamphlet for this.	
20	14.26.380(2)	Trees removed should also be documented.	
21	14.26.380(3)(d)(v)(D)	There should be a specific % survival requirement.	
22	14.26.410(1)(c)(iv) & (v)	This should pertain only to wholly artificial watercourses.	
23	14.26.420(3)(a)	A submerged aquatic vegetation survey should be required in marine areas.	
24	14.26.420(4)(c)(i)	Adequate needs to be defined and the entity determining it needs to be identified.	
25	14.26.420(4)(c)(ii)(D)	This is also dependent on location; engineering may be required.	
26	14.26.420(4)(h)(ii)(B)	Who determines this and how?	
27	14.26.435(1)(b)(i)	This should be defined and quantified.	
28	14.26.435(2)(c)	New and expanded moorages should have required compensatory mitigation.	
29	14.26.460(4)(a)	WDFW and Ecology have specific regulations for placer mining, these should be referenced.	
30	14.26.460(4)(e)(ii)	Skagit County will be the local agency for most of these operations, the limits should be specifically referenced in this document.	
31	14.26.460(4)(e)(iv)	Even miniscule amounts of some of these materials can be harmful. There should be stronger language and requirements here	
32	14.26.480(2)	Hard shoreline armor needs to be mitigated; this should be noted here.	
33	14.26.480(4)(c)(A)	Sounds good but should be under the planting heading.	
34	14.26.480(4)(e)(i)	There should be separate sections for hard and soft bank protection.	
35	14.26.485(4)	Water crossing structures must be designed to comply with WDFW standards.	

Attachment C – Response to WDFW (Comment #29)

Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
36	14.26.490(4)(g)(iv)	All diversions of waters of the state need to be screened to comply with WDFW standards.	
37	14.26.522(2)(c)	Should be replaced with more than one tree (3?) and monitored to ensure survival.	
38	14.26.572(3)	In response to the comment (A144). There are many Priority Habitats and Species, not just eagles.	
39	14.26.573(1)	WDFW guidance suggests Site Potential Tree Height (SPTH).	
40	14.26.573(3)(e)	SPTH should be better referenced and maybe explained.	
41	14.26.575(4)(a)(ii)	This language is misleading; applicants shouldn't be encouraged to change or minimize buffers.	
42	14.26.630(3)	WDFW considers the replacement of a dock that has not been functional for 2 years a new dock.	
43	14.26.640(3)	Overall footprint of shoreline stabilization structures should not be allowed to expand.	
44	14.26.735	From reading this section it appears that acquiring a variance is simply a different permit pathway. There needs to be a discussion of when and why this is allowed and how it differs from the standard SMP process including the reduction in shoreline protection.	
45	14.26.735(1)	Who determines what is extraordinary or unnecessary? This needs to be defined or at least the process of determining this should be described.	
46	14.26.735(4)(c)(i)	Reasonable needs to be defined or the process of determining reasonableness needs to be described.	
47	14.26.790(1)	Does Skagit County have the capacity to do this? And if so, is there information (reports, data, etc) available for review?	
48	Map A	The designation of the Skagit Wildlife Area's Wiley Slough site is not assigned and should be shown as "natural"	

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Attachment D - Response to Comment #30

The table below includes comments submitted on Skagit County's Draft Shoreline Master Program by Tim Trohimovich on behalf of Futurewise. Specific comments related to recommended changes are included in the table below. The commenters proposed language to be removed is shown in strike-through and proposed language to be added is shown in underline.

Attachment D – Response to Comment #30				
Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
Sea Level Rise	1	NA	New Regulation: <u>New lots shall be designed and located so that the buildable area is outside the area likely to be inundated by sea level rise in 2100 and outside of the area in which wetlands and aquatic vegetation will likely migrate during that time.</u>	
	2	NA	New Regulation: <u>Where lots are large enough, new structures and buildings shall be located so that they are outside the area likely to be inundated by sea level rise in 2100 and outside of the area in which wetlands and aquatic vegetation will likely migrate during that time.</u>	
	3	NA	New Regulation: <u>New and substantially improved structures shall be elevated above the likely sea level rise elevation in 2100 or for the life of the building, whichever is less.</u>	
	4	NA	To avoid flooding, erosion, and other adverse impacts on shoreline resources, we strongly recommend that the County take a comprehensive approach to adapting to sea level rise and its adverse impacts modeled on the process California's coastal counties and cities use. New Policy:	

Attachment D – Response to Comment #30

Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
			<p><u>Skagit County shall monitor the impacts of climate change on Skagit County's shorelands, the shoreline master program's ability to adapt to sea level rise and other aspects of climate change at least every periodic update and revise the shoreline master program as needed. Skagit County shall periodically assess the best available sea level rise projections and other science related to climate change within shoreline jurisdiction and incorporate them into future shoreline master program updates as needed.</u></p>	
<i>Riparian Buffers</i>	5	Table 14.26.310-1	<p>Consult shoreline management assistance materials provided by the department and Management Recommendations for Washington's Priority Habitats, prepared by the Washington state department of fish and wildlife where applicable. This includes both Riparian Ecosystems, Volume 1 and 2.</p> <p>Based on these new scientific documents, we recommend that shoreline jurisdiction should include the 100-year flood plain and that the buffers for rivers and streams in shoreline jurisdiction be increased to use the newly recommended 200-year SPTH and that this width should be measured from the edge of the channel, channel migration zone, or active floodplain whichever is wider. New development, except water dependent uses should not be allowed within this area.</p>	
<i>Impervious Surface Limits and Lot Widths</i>	6	Table 14.26.310-1	<p>Adopt better impervious surface limits and lot width requirements for areas outside the urban growth area in Table 14.26.310-1 Dimensional Standards.</p> <p>The Shoreline Master Program Guidelines, in WAC 173-26-211(5)(b)(ii)(D), provide that</p>	

Attachment D – Response to Comment #30

Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
			<p>“[s]cientific studies support density or lot coverage limitation standards that assure that development will be limited to a maximum of ten percent total impervious surface area within the lot or parcel, will maintain the existing hydrologic character of the shoreline.” We recommend that the hard surface limits for the Rural Conservancy and Urban Conservancy shoreline environments be limited to ten percent.</p>	
	7	Table 14.26.310-1	<p>We also recommend that Table 14.26.310-1 include minimum lot widths for lots outside urban growth areas. In shoreline areas there is a strong incentive to have narrow lots along the shoreline since waterfront lots are highly valued.</p> <p>While modern rural lot area requirements reduce this likelihood, reasonable lot width requirements prevent long narrow lots that can meet area requirements and still place houses close together. Minimum lot widths need to allow wildlife to pass through residential areas to use upland areas and to use shorelines. A simple lot length to width ratio of 3:1 can address this problem. Another alternative would be to establish 300’ lot widths for the Conservancy and Natural shoreline environments.</p>	
Archaeological, Historic, and Scientific Resources	8	14.26.340	<p>Archaeological, Historic, and Scientific Resources, needs to require predevelopment investigations for areas where archaeological resources are likely to be located.</p> <p>To both protect archaeological resources and to forestall project stoppages, we recommend that SCC 14.26.340(3) and (5) be modified to read as follows with our additions underlined and our deletions struck through.</p>	

Attachment D – Response to Comment #30

Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
			<p>(3) Site inspection and evaluation. Proposals for shoreline development or use in or on areas <u>within 200 feet of a site rated as rated “survey recommended moderate risk,” “survey highly advised high risk,” and “survey highly advised very high risk”</u> by the current version of the <u>Washington State Department of Archaeology and Historic Preservation’s archaeological predictive model or documented to contain archaeological, historic, or scientific resources</u> require site inspection and evaluation by qualified personnel prior to any development activity in or on the site. In areas <u>within 200 feet of a site rated as rated “survey recommended moderate risk,” “survey highly advised high risk,” and “survey highly advised very high risk”</u> by the current version of the <u>Washington State Department of Archaeology and Historic Preservation’s archaeological predictive model or documented to contain archaeological resources</u>, site inspection and evaluation must be performed by a professional archaeologist in coordination with affected Indian tribes.</p> <p>(5) Adjacent and nearby development. Proposals for shoreline development or use adjacent to or nearby areas <u>rated as rated “survey recommended moderate risk,” “survey highly advised high risk,” and “survey highly advised very high risk”</u> by the current version of the <u>Washington State Department of Archaeology and Historic Preservation’s archaeological predictive model or documented to contain archaeological, historic, or scientific resources</u> must be located, designed, and operated to</p>	

Attachment D – Response to Comment #30

Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
			not adversely affect the purpose, character, or value of such resources.	
<i>Buffer Reductions</i>	9	14.26.735(2)(a)	<p>Buffer reductions of more than 25 percent must require a standard variance, not an administrative variance.</p> <p>Allowing buffer reductions of more than 25 percent is inconsistent with best available science and should not be allowed except through a standard variance. The administrative variance should be limited to a 25 percent reduction.</p>	
<i>Mining</i>	10	14.26.460	<p>Amend SCC 14.26.460, Mining, so that it is consistent with amendments to state law and to protect the shoreline environment.</p> <p>SCC 14.26.460(1)(b)(ii) exempts from the SMP "mining that complies with the Washington Department of Fish and Wildlife's Gold and Fish Pamphlet." In 2020, the legislature adopted RCW 90.48.615(2) which prohibits "[m]otorized or gravity siphon aquatic mining or discharge of effluent from such activity to any waters of the state that has been designated under the endangered species act as critical habitat, or would impact critical habitat for salmon, steelhead, or bull trout. This includes all fresh waters with designated uses of: Salmonid spawning, rearing, and migration." We recommend that the SMP Update prohibit motorized or gravity siphon aquatic mining and discharging effluent from this type of mining in shorelines that are the critical habitat for salmon, steelhead, or bull trout and that salmonids use for spawning, rearing, and migration.</p>	

Attachment D – Response to Comment #30

Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
			<p>Gravel mining in flood plains, floodways, channel migration zones, and river bars, active channels, has the potential to adversely impact rivers and streams.</p> <p>If mining is going to be allowed in flood plains, floodways, and channel migration zones, which the County is proposing, then additional standards are needed. First, mines should be located outside the channel migration zone so that they do not increase the rate of channel migration. Second, mines should be no deeper than the bottom of the nearby streams and rivers so when the river moves into the mine, which is a certainty, the impacts will be reduced. Third the mine reclamation plan should have a design so that when the river or stream moves into the mine, the mine workings are not so wide that the captured sediments destabilize the river or stream or increase erosion risks on upstream properties.</p> <p>We recommend that the following new regulation be added on page 129 under “(e)”.</p> <p><u>(vi) Mines should be located outside the channel migration zone unless there is no feasible alternative site and no feasible source of sand and gravel.</u></p> <p><u>(vii) Mines in the 100-year flood plain, floodway, or channel migration zones shall be no deeper than the bottom of the nearby streams and rivers.</u></p> <p><u>(vii) In the 100-year flood plain, floodway, or channel migration zones, the mine reclamation plan shall have a design so that when the river or stream moves into the mine it is not so wide or deep that the captured</u></p>	

Attachment D – Response to Comment #30

Topic	Comment Number	Reference Section	Comment, Concern, or Proposed Change	Department Response
			<u>sediments destabilize the river or stream or increase erosion risks to upstream properties.</u>	
<i>Geologically Hazardous Areas</i>	11	SCC 14.26.562 and SCC 14.26.563	<p>Require analysis of all geological hazards which can adversely impact a proposed development and require case-by-case determinations of landslide buffers including landslide runout areas based on the risk to the proposed development.</p> <p>The Joint SR 530 Landslide Commission recommends identifying “[c]ritical area buffer widths based on site specific geotechnical studies” as an “innovative development regulation” that counties and cities should adopt. So we recommend that all properties that may be adversely impacted by a geological hazard should have their buffers based on a critical areas report for that site. Construction should not be allowed in buffer areas. These standards are necessary to protect Skagit County families and their largest investment, their homes</p>	