

# Summary of Preliminary SMP Comments from Ecology

Presentation to the Skagit County Planning Commission

July 2, 2013



# Comprehensive Plan SMP Element

SMP Section	Ecology Comments	Action
<b>Policies Section</b>	Some proposed changes to reflect the Guidelines	Add, but rewrite
<b>Policies Section</b>	Some general comments and questions	Clarify with Ecology
<b>Policies Section</b>	Need clarification on the intent of some of the Aquaculture policies	Clarify with Ecology

# Part I Authority and Purpose

SMP Section	Ecology Comments	Action
<b>14.26.020</b> <b>Applicability</b>	Some comments regarding our proposed language and some additional comments regarding federal development on and off federal lands	Clarify with Ecology
<b>14.26.040</b> <b>Relationship to Other Codes, Plans and Ordinances</b>	Questions about our language and incorporation by reference recommendations	Needs some discussion with Ecology

# Part II Shoreline Jurisdiction and Environment Designations

SMP Section	Ecology Comments	Action
14.26.220 Natural	The management policies we have included need to be addressed in the regulations or in the Use Matrix	Work with Ecology to determine best way to address
14.26.285 Boundary Dispute Process	Some comments about the method we have outlined	Needs some discussion with Ecology
14.26.290 Use and Modification Matrix	Some comments about our choices for unclassified use and minor changes to the actual matrix Need to look at upland finfish rearing facilities – as agriculture	Will discuss with Ecology and amend as needed

# Part III General Regulations

SMP Section	Ecology Comments	Action
<b>14.26.310 Environmental Protection</b>	Need to demonstrate that our language meets the no net loss standard	Will discuss and clarify with Ecology
<b>14.26.330 Public Access</b>	Proposed change in language for exceptions	Review guidelines and discuss with Ecology
<b>14.26.350 Water Quality, Stormwater and Nonpoint Pollution</b>	Comment on state and federal standards for in-water construction materials	Will rewrite to reflect comment


# Part IV Shoreline Use and Modifications

SMP Section	Ecology Comments	Action
14.26.415 Aquaculture introduction	General comments regarding definitions and the County's intentions (harvesting shellfish on private property for personal consumption)	Need to meet with Ecology to discuss and clarify
14.26.415(1) When is a shoreline permit required?	Comments regarding our use of the term permit (for an exemption) Detailed comments about what types of activities would need a shoreline permit	Need to meet with Ecology and explain our proposal in detail

# Part IV Shoreline Use and Modifications

SMP Section	Ecology Comments	Action
<b>14.26.415(3) General requirements</b>	Concern with our language regarding impacts to native eelgrass	Ecology did not review 14.26.310 Environmental Protection, so they may not understand that mitigation is required
<b>(3)(d)-(h)</b>	One of best approaches seen so far – simple and does not confound or get crosswise with state and federal regulations. Minimizes them becoming obsolete, avoids causing problems or extra steps for the industry	Celebrate 

# Part IV Shoreline Use and Modifications

SMP Section	Ecology Comments	Action
(4) Floating aquaculture	Comment regarding geoduck tubes not considered structures (AGO 2007)	Will clarify that geoduck tubes are not considered floating aquaculture
(5) Shorelines of Statewide Significance	Well done	Celebrate 
(6) Net pens	Comments regarding distances proposed can be supported through science and Cumulative Impacts Analysis	Will discuss and may remove these numbers after discussion with SAC



# Part IV Shoreline Use and Modifications

SMP Section	Ecology Comments	Action
(7) Geoduck aquaculture	Comment regarding County reliance on monitoring and reporting to other agencies to satisfy local requirements – should apply to all aquaculture permits and not just geoduck	Seems like a good idea and will review with SAC

# Part IV Shoreline Use and Modifications

SMP Section	Ecology Comments	Action
<b>14.26.420 Boating Facilities</b>	Comments reflect that additional work needs to be done in this section to be compliant with the guidelines	Are working to clarify and will meet with ECY
<b>14.26.430 Commercial Development</b>	Comment regarding shoreline access for water enjoyment uses	Will discuss with ECY and clarify our intention
<b>14.26.465 Mining</b>	Comments for some minor changes	Will review and rewrite

# Part IV Shoreline Use and Modifications

SMP Section	Ecology Comments	Action
<b>14.26.470 Recreational Development</b>	Some comments adding “and their buffers” after critical areas to meet no net loss standards	Will review and rewrite
<b>14.26.480 Shoreline Habitat and Natural Systems Enhancement Projects</b>	Comment proposes change to the long term monitoring and maintenance standard (from 3 to 5 years)	Need to check against existing requirements and be consistent

# Part IV Shoreline Use and Modifications

SMP Section	Ecology Comments	Action
<b>14.26.490 Transportation and Parking (3)(b)</b>	Comment to add “buffers associated with” a listing (i)-(iii)	Will discuss with ECY and determine best way to reword for compliance
<b>14.26.495 Utilities</b>	Comments to change some language (“discouraged” to “prohibited unless determined to be infeasible”)	Will discuss with ECY and come up with something that meets their intent, but that works for the County

# Part V Critical Areas

SMP Section	Ecology Comments	Action
<b>14.26.500</b> <b>Application of CAO</b>	Comment about our proposed method of incorporating the CAO	Will discuss with ECY and use the method deemed best for County that meets ECY intent
<b>14.26.550</b> <b>Additional Provisions for FWHCA</b>	Various general comments and questions for clarification	Will meet and discuss with ECY

# Part VII Administration

SMP Section	Ecology Comments	Action
<b>14.26.750 Variances (2) Level I and Level II</b>	Comment suggests that a Level I (administrative variance) with a standard buffer reduction of 50% or less would need to be only 25% reduction for wetland buffers as an admin. variance, citing ECY BAS for wetlands, >25% requires ECY approval through a shoreline variance (Level II Hearing Examiner)	Will meet with ECY wetlands specialist to discuss this. It's consistent with our CAO which did meet BAS when adopted and CAO was not appealed.

# Part VII Administration

SMP Section	Ecology Comments	Action
<b>(5) Final decisions</b>	Ecology wants to receive copies of final decisions of the Administrative Official for Level I variances	Will add language to require that
<b>14.26.795 SMP Amendments</b>	Comment that we need to include criteria for limited SMP amendments	Will review and rewrite to address limited amendments

# Part VIII Definitions

SMP Section	Ecology Comments	Action
Entire section	Various comments regarding the definitions that were included	Currently working to clean them up and remove those that are no longer used in this SMP. Also will add those that are needed and will review ECY comments for compliance with guidelines, too