



PO Box 2664 Sequim WA 98382

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Greg Ballard
Clallam County Department of Community Development
RE: Shoreline Master Program Update
223 East Fourth Street, Suite 5
Port Angeles, WA 98362
SMP@co.clallam.wa.us
gballard@co.clallam.wa.us

I am submitting this for the Olympic Environmental Council and Friends of Miller Peninsula State Park, both 501c3 non-profits. Comments are based on the Planning Commission Recommendation – September 2017 draft.
http://www.clallam.net/LandUse/documents/PCFinalSMP_Sept2017_clean_000.pdf

We wish to compliment you on tightening the language since the last draft. Thank you staff, Consultant Margaret Clancy, and Planning Commission. This 2017 draft is a much better document than earlier ones.

Some of our 2015 comments were addressed; many were not, so we are resubmitting the latter in addition to others relevant to new language inserted in this draft. Herein, follows our questions and suggestive modifications chapter by chapter. Of course, we support the three main policy objectives—shoreline natural resources and functions protections, public shoreline access, and water dependent uses (in some cases), and in that order. As 501(c)(3) organizations focusing on the intertwining of natural resource protections and public health, our comments come from the perspective of protection for our natural resources and functions as a priority.

First, general comments.

TERMINOLOGY

Thank you for deleting the nebulous meaning word “significant” in many places. Remaining are “minimize,” and “balance.” These offer no definitive positions. These terms invite subjectivism and do not suffice to protect our resources. Where used, the language should be given more specificity. Too, mitigation is very overused; almost everything appears able to be mitigated, thus weakening the intent of the three main policy objectives.

AQUACULTURE

The Draft Program proposes to site floating fish pens and shellfish farming in almost ALL County waters/shorelines. There is no distinction made between small-scale family shellfish farming and large corporate shellfish farming. This needs to be considered.

RCW 90.58.020; WAC 173-26-186(8). WAC 173-26-020(13) defines “ecological function” to be the work performed or the role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the

shoreline's natural ecosystem.” Therefore, while aquaculture is of interest to WA State, it is not its priority for shoreline and water use, regardless of the politics.

We do not concur that corporate shellfish farms on acres of shorelines is commercially good. At least 50% of the product are sent to Asia, and the growers make the money while we are left with the polluted water, sediment and beaches, as well as lost property values.

And now Western and British Columbia Tribes, along with environmental organizations, state legislators, and many of the general public have taken positions and legal action to halt net pen fish farms for non-**native** species. There have been three or four major Atlantic salmon escapements into the Sound and a farm collapse from a disease. This industry has proven itself, worldwide, to be a major polluter and the food often unhealthy. Clallam County should be bold and oppose this industry in its water system. If the industry is to continue, it must do so upland.

While the Shorelines Management Act (SMA) does not preclude development on the shorelines, its policies seek to protect against adverse affects to the land, to the vegetation, to the wildlife and to the waters of the state and their aquatic life so that there is “no net loss in ecological function.” Thus, the SMA ultimately strives to preserve the ecological functions of the shorelines and not allow for their degradation.

Also under Agriculture, we comment about a 30-year rotation of forest lands.

SETBACKS

Buffer averaging is not a good idea for new development or totally rebuilt sites. (For guidance, see the scientific analysis just completed by Dave Parks of the WA State Department of Natural Resources. *Bluff Recession in the Elwha and Dungeness Littoral Cells, Washington, USA. Environmental & Engineering Geoscience, Vol. XXI, No. 1, January 2015; and Mapping and Monitoring Bluff Erosion with Boat-based LIDAR and the Development of a Sediment Budget and Erosion Model for the Elwha and Dungeness Littoral Cells, Clallam County, WA.*)

Where properties are too small for a home site with safe setbacks for an estimated 75-year period, perhaps a small vacation structure or a green house could be allowed. Without doubt, for the protection of property owners, natural resources, and County residents that could be sued, the County should disallow properties being built where it is perceived these properties would put property owners in harms way. If these properties are platted or built upon, the County should instruct property owners to move their structures back in order to not be washed away or fall over a bluff. The County could additionally consider ways to assist property owners, if need be, such as setting up a fund to assist lower income property owners with relocating their structures and, in some cases, purchasing properties at a modest price. These properties could not be resold by the property owners, so this would be a win-win for all. This would protect the County and taxpayers against lawsuits from having let these properties be built on and later learning the house and lives are threatened.

In Chapter 2, references to advising property owners of climate change and sea level rise impacts should all be “shall” rather than “should.” The County must be responsible for informing property owners, current and future, that could be threatened by these.

ARMORING/STABILIZATION/JETTIES, etc.

This language could be tightened and more protective of shorelines and marine life.

OTHER

We also comment on mining, dams and permits

SPECIFIC COMMENTS

CHAPTER 1

Let's **replace** "no net loss" (NNL) with "NO LOSS!" I.E. NET O (zero).

"...Local master programs shall include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline; (WAC 173-26-186 (8b))

1.9.1.a

RE: mention of Section 10.2.1, 10.2.2 and 10.2.3 of this SMP. As written, it leads a reader to think these sections are in the RCWs rather than in the SMP. It would be clearer to say "... Section 10.2.1, 10.2.2 and 10.2.3 **of this SMP.**"

1.10.4 Authority

"The County shall periodically... " "Periodically" indicates a set time. Can you state this time period in the SMP? Annually? Bi-annually? Other?

1. 11. 4. " All County development regulations including, but not limited to, zoning subdivision,

Delete comma after "to".

1.11.7. Consistent with the policy and use preferences of RCW 90.58.020, Clallam County should balance the policy goals of this Program along with consideration for other relevant local, state, and federal regulatory and non regulatory programs

Give examples.

"Thus if the use/development is prohibited in the upland Shoreland area"

Place a comma after "Thus" and another comma after "area"

See footnote 3 on page 61; then consider it in relation to Chapter 3 (3.3)

CHAPTER 2

2.3 Aquatic Designation (A)

2.3.2 Purpose: The purpose of the Aquatic designation is to protect and restore the quality and health of marine and fresh waters and the species that depend upon them, while allowing for limited modification for water-dependent uses and public access when located in appropriate areas and developed to avoid a net loss of shoreline functions.

But other language allows uses and mitigations. It is mentioned late in the plan that the number of docks in any one place should mainly be for more than one user and with consideration of the number in the area and consideration of other aquatic issues. Even though there is a rank order of actions to consider, basing this on mitigation re: NNL is of concern, because docks in any area will change the water/sediment dynamics.

Consider a community dock rather than individual ones within the same community.

2.4 Natural Designation (N)

We believe this can also include areas that can be restored, not just to the Elwha and the Lower Dungeness. This came up in a conversation with Ecology over a Port Angeles City reach that if a polluted site was restored to its original/near original environment, such as Ennis Creek for example, it would be eligible for a Natural designation. There might be other Clallam Co. areas that in the future would be such a fit.

2.6.3.e Shoreline Residential Conservancy/SRC

“hunting” Hunting what? Does this include shooting? If so, please confirm whether shot/bullets must be lead free.

CHAPTER 3

Shoreline mining anywhere near residential zones is not appropriate. Beyond damage to natural resources, this impacts wildlife and disturbs area residents with noise and dust. We believe the Jefferson County SMP language is more specific and provides homeowners and recreational users better protection, as well as better protection for our natural resources. Please see the following:

Policies

3.1.1. Replace “should” with “shall” throughout

3.1.1.6 Can we do better than “encourage?” Isn’t BAS required?

3.1.2.1.a Manure spreading. Is this spreading intended to be restricted to farmland? This must be disallowed off farm land and within one mile of residential areas, as it comes with a host of problems: methane emissions, drift, malodors, respiratory health impacts, fly attraction, toxins that could be in the animal manure, and stormwater runoff.

This brings up the unintended point that manure is part of commercial compost/fertilizer that any homeowner, etc. can purchase and use. And animal includes humans. Whatever animal waste – human or non human – ends in the wastewater treatment plant, it will be in most commercial composts. Some language needs developing around this issue. We’d be available to work with you on this.

3.1.2.1.h Change “best management practices” to “best available science.” NOTE the following:

“Wickham ruled that best management practices were not the same as best available science, the standard required under GMA, because they were not designed to “protect” the “function and values” of critical areas nor give “special consideration” to the presence of salmon.”

<http://www.gmhb.wa.gov/LoadDocument.aspx?did=3689> Case No. 98-2-0023c

Court overturns decision on Island County growth management

<http://www.whidbeynewstimes.com/news/202776521.html>

3.1.2.1.i Livestock access to shorelines and buffers should be prohibited, not “mitigated.” It is a loophole. There should not be a waiver.

“Because the Court finds the Dairy’s manure presents a risk of harm to human health, it may also necessarily present a risk of harm to the environment.”

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON Case 2:13-cv-03016-TOR Document 320 Filed 01/14/15 CARE & Center for Food Safety v. Cow Palace

Add a new section: “CAFOs in Clallam County are prohibited”

http://www.foodsafetynews.com/2015/01/antibiotic-resistance-travels-on-dust-from-feedlots/#.VMUqh_7F-z5

3.2 AQUACULTURE

The Washington Administrative code (WAC 173-26-181) provides these priorities for Shorelines of State Significance.

Master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;

No mention is made of Aquaculture or commercial use), yet this Program makes aquaculture a priority.

The concerns in this Draft, as in earlier ones, are floating fish pens and CAFO sized shellfish projects. Fish pens should be sited on land and only where no harm comes to water bodies. This industry earns enough money to locate farms upland. The CAFO sized shellfish farms cannot be done safely. Plastic pipes and nets are used. These float away, pipes break up into plastic pieces, and nets harm wildlife and interfere with recreational use of shorelines and beyond. Aesthetically, large-scale aquaculture is not pleasing. Small-scale shellfish farmers that hand plant for their own use and/or sell locally. These do not have the impact of the CAFO sized operations that ruin the environment and are not intended for local use or bolstering our local economy.

This Draft, like those earlier, does not recognize the specific factors discussed in the SHB decision which are present in Clallam County’s beaches adjacent to Natural Shorelines: “high energy sub tidal environments, bordering on continuous eelgrass beds that provides spawning habitat for nearby herring and are habitat and refuge for other forage fish, including juvenile salmon and various aquatic organism” - SHB No. 13-016. Page 52, paragraph 20. Too, fish wastes and uneaten feed from cages or from PVC tubes cause nutrient loading in waters which then degrade marine waters.

In sum, we do not accept the premise that ”Aquaculture is of statewide interest and important to the long-term economic viability, [not historical] cultural heritage and environmental health of Clallam County.” (3.2.1.1). The dollar benefit is for the grower, the lessor and the industry—

while harmful to the natural resources, wild animals, and neighbors' property values. None of these can be mitigated, and the suggested mitigations are inadequate. The Draft Plan must determine what size shellfish farms can be allowed, allowing the "mom & pop" sized ones only, and allowing only fin fish farming upland.

GENERAL

If aquaculture is permitted, **ensure that the following is added in Section 3.2.5:**

Prior to approving a permit for a new aquaculture use or development, the Administrator shall require, ~~at~~ a visual analysis prepared by the applicant/proponent describing effects on nearby uses and aesthetic qualities and visual aesthetics of the shoreline.

Cumulative Impact Analysis – Expanded requirements

Applicants proposing complex projects, such as multi-species farms, farms on shorelines of statewide significance, farms that have the potential to harm habitat, community recreation use or significant degradation of views and aesthetic values, farms within low-energy shorelines areas including but not limited to bays, coves and estuaries and areas situated adjacent to identified critical areas; farms proposed in areas adjacent to existing aquaculture actives: or when the proposal is the first of its kind in the areas shall be required to provide additional base line information that may include:

- a. Aquatic and benthic organism diversity and abundance
- b. Sediment compaction'
- c. Littoral drift estimates;
- d. Multi-level current flow data;
- e. Water quality
- f. Analysis of flushing rates g. An analysis of impacts of farms within water bodies or within the vicinity of the proposal and
- h. An analysis of visual, aesthetic impacts, and real estate impacts of farms proposed adjacent to residential and high intensity residential SEDS

A cumulative impact analysis shall be required for existing aquaculture sites within an inlet, bay or defined feature and a full EIS and cumulative impact analysis shall be required for new aquaculture projects within the same Shoreline Environment Designation.

The Administrator shall require the applicant to provide baseline and periodic surveys, assessments, and/or operational monitoring by an independent qualified consultant to determine the magnitude of any significant adverse impacts. Permits shall include specific performance measures and provisions for adjustment within a specific time period or termination of the project if monitoring indicates adverse environmental impacts that cannot be adequately mitigated.

FIN FISH

Prior to approving a permit for a new aquaculture use or development, the Administrator shall require a plan to address the potential for net pens to be swept from moorings into navigation lanes and how this will be kept from happening, along with listing fines if it does happen.

If in-water fin fish aquaculture is permitted, the Administrator shall require an operations plan that includes annual monitoring and projections for improvements at the site (e.g. pens, booms, etc.) and their relationship to the natural features (e.g. bathymetry, shorelines, etc.). Also

required will be the source of eggs, juveniles, and bloodstock; type of feed used and feeding methods; chemical use (e.g. antifouling, antibiotics, etc.); and predator control measures.

It has been reported that up to 70 percent of the phosphorus and 80 percent of the nitrogen fed to fish is released into the water through organic wastes, and underneath the floating cages there can be dead zones surrounded by areas extending out 500 feet of decreased diversity. (See: Beveridge, M.C.M. 1996. Cage Aquaculture, 2nd ed. Edinburgh, Scotland: Fishing News Books: 346.; and Boesch, D.F., R.H. Burroughs, J.E. Baker, R.P. Mason, C.L. Rowe, and R.L. Siefert. 2001. Marine Pollution in the United States: Significant Accomplishments, Future Challenges. Pew Oceans Commission, Arlington, Virginia.)

- A salmon farm of 200,000 fish, “releases an amount of nitrogen, phosphorus, and fecal matter roughly equivalent to the nutrient waste in the untreated sewage from 20,000, 25,000, and 65,000 people, respectively.” (See: Hardy, R.W. 2000. Urban legends and fish nutrition. Aquaculture Magazine 26(6):47-50.)

Four out of twelve salmon net pens in Washington State discharged 93 percent of the amount of ‘total suspended solids’ into Puget Sound as the sewage treatment plant serving the city of Seattle.

<http://www.insidebainbridge.com/2014/09/09/aquaculture-arrives-on-bainbridge-potential-environmental-disaster-or-economic-boon>. Whiteley, pers. comm.

Clallam County has several fish streams and rivers where native salmon can be replaced by escaping salmon who suffer from disease acquired in the fin fish net pens. Once this disease spreads into the native streams, the natural runs decline significantly. This has happened in Canada, South America and Norway.

Indeed, On January 10, 2015, a hurricane hit the southern end of Norway, releasing numerous fish, diseased and ready to spawn, now in the wild! Chains the fish fin farms purchased had been certified to withstand 70 tons of load and broke at 30 tons. - See more

at: http://alexandramorton.typepad.com/alexandra_morton/2015/01/farmed-steelhead-threaten-norwegian-wild-salmon.html#sthash.VEJ0fqNp.dpuf Now Norway is deciding that all fin fish farms must be on land. For the full story, go to

<http://alexandramorton.typepad.com/alexandra_morton/2015/01/farmed-steelhead-threaten-norwegian-wild-salmon.html> This has already happened here when 300,000 farmed atlantic salmon escaped the pen in the Port Angeles Harbor and fishermen found farmed fish in wild salmon streams.

On November 13, 2017, the Wild Fish Conservancy filed a lawsuit against Canadian-based Cooke Aquaculture over its August Cypress Island net pen collapse and the escapement of over 100,000 Atlantic salmon, found as far away as British Columbia and the State of Oregon. Under the Clean Water Act, each of the salmon are considered a federal violation, therefore costing Cooke Aquaculture daily for each fish not caught.

SHELLFISH

A distinction needs to be made between small, local shellfish farmers who carefully plant and harvest shellfish and that of the large acreage projects requiring tubes, nets, cages, poles, etc.. The NNL and eco function affects are different between the two.

- Other Plan shortcomings are that it:
- does not provide adequate mitigation for geoduck impacts,

- does not require an adequate assessment of the cumulative impact on Shorelines of State Significance, Does not protect river estuaries from a net loss of ecological functions as provided for in (RCW 90.58.020) and,
- does not give the County's land use administrator strong language in which to assess the mitigation of a project or provide for compliance of the conditions

Serious shellfish farming problems:

- Birds and fish mistake small plastic pieces for food. Ingestion of plastics as detrimental consequences including gastrointestinal blockages, ulceration, perforation and death. Some species suffer from false sensation of satiation and die of starvation after mistaking plastic for food.
- The aquaculture industry has not been able to contain their plastic pipes or plastic nets on the farm sites in Puget Sound. Geoducks push the pipes out of the soil as they mature in their development. Wave action from storms loosens pipes. When labeling of pipes and equipment was required in Pierce County, the pipes were found miles away from the beach site where it was installed. The Center for Biological Diversity, a non-profit organization in California, filed a petition with the Environmental Protection Agency in August of 2014 asking the EPA to issue rules to protect water quality from plastic pollution under the Clean Water Act.

(See Wallace, N. "Debris Entanglement in Marine Environment: A Review" EDS. R.S. V, H.O. Yoshida, NOAA Technical Memorandum. NMFS, NOAA-TM-NMFS-SWFC-5 pp 259-277); Barnes, DKA et al 2009, Accumulation and fragmentation of plastic debris in global environments; and Phil. Trans R Soc B 364 (1526) 1985 [http: nora.nerc.ac.uk/1004/1987](http://nora.nerc.ac.uk/1004/1987))

- Canopy and area netting to protect geoducks from "predators" results in the entrapment of marine birds and death of seals in the sea nets. (See: Moore, K. and D. Wieting. 1999. Marine aquaculture, marine mammals, and marine turtles interactions workshop, 12-13 January 1999. Silver Spring, Maryland. U.S. Department Commerce, NOAA Tech. Memo. NMFS-OPR-16:60;. and Wursig, B. 2001. Aquaculture and marine mammals: potential concerns. In Book of Abstracts, Aquaculture 2001, 21-25 January 2001. Baton Rouge: World Aquaculture Society. 703.) The Rueggerberg and Booth, 1989 report says that cormorants and great blue herons were the animals most frequently killed in their study. (See: Rueggeberg, H., and J. Booth. 1989. Interactions between wildlife and salmon farms in British Columbia: results of a survey. Technical Report Series No. 67, Canadian Wildlife Service, Pacific and Yukon Region, British Columbia, Canada.)
- Predator discouragement techniques such as "seal bombs" and acoustic harassment or deterrent devices may "cause disorientation, pain, or hearing loss in marine species, including fish, sea turtles, and marine mammals (See: Wursig, B. 2001. Aquaculture and marine mammals: potential concerns. In Book of Abstracts, Aquaculture 2001, 21-25 January 2001. Baton Rouge: World Aquaculture Society. 703; Hastings, M.C., A.N. Popper, J.J. Finneran, and P.J. Lanford. 1996. Effects of low-frequency underwater sound on hair cells of the inner ear and lateral line of the teleost fish *Astronotus ocellatus*. Journal of the Acoustical Society of America 99(3):1759-1766; and NRDC. 1999. Natural Resources Defense Council. March 1999. Sounding the Depths: Supertankers, Sonar, and the Rise of Undersea Noise. 21 May 2001. <http://www.nrdc.org/wildlife/marine/sound/sdinx.asp>.)

Add to Plan language:

Any commercial geoduck aquaculture shall not be permitted in Natural shoreline designations, or in estuaries where shorebirds seek protection from windstorms, in the aquatic zones of Dungeness spit, Discovery Bay, or Sequim Bay or in adjacent to beaches that contain forage fish -- sand lance, smelt or herring spawning or pre-spawner herrings areas as outlined in WDFW

spawning data, or located within one half mile of a winter steelhead stream, fall chum stream, Coho stream, or fall Chinook stream as listed on WDFW SalmonScape maps.

To determine the long-term impacts of geoduck planting and harvesting, a monitoring plan should be required as a condition of a permit. Monitoring shall be required prior to bed preparation and prior planting then again after harvesting. Monitoring shall include impacts on shorebirds, benthic community, water quality and impacts on adjacent eelgrass beds. It should note species richness, altered species abundance and distribution, change in community intertidal structure composed of surface species, sub-surface species and bivalves.

To be clear, we oppose the allowance of in-water aquaculture fin fish and large shellfish projects. These acidify waters, ruin bottomlands, and pose other harm. Allowing this industry everywhere gives it priority use of our waters and shorelines. This is not “beneficial” for anyone but the growers. It is not beneficial to residents, recreational users, nor wildlife—who should have first rights to the shoreline and water. It is not a priority of the State’s use of shorelines or waters.

This industry and its widespread use throughout the Strait-Sound is political, irresponsible, and pushed by Ecology. The County should refuse the widespread use of its tidelands and waters for this industry.

The City of Bainbridge Island has called a moratorium and reversed its former position to allow what Ecology is pushing Clallam County to adopt. Clallam County should place a moratorium on siting the industry on tidelands in in waters to until the Bainbridge Island case is determined. <http://www.ci.bainbridge-isl.wa.us/DocumentCenter/View/4501>
<http://coalitiontoprotectpugetsoundhabitat.org/wp-content/uploads/2014/10/2014-BI-petition.pdf>
<https://onedrive.live.com/view.aspx?Bsrc=Share&Bpub=SDX.SkyDrive&resid=72B074B650A56812!112&cid=72b074b650a56812&app=PowerPoint&authkey=!AjY7sJLvKlingDk>

3.2.1.3 Using the term “minimize” contradicts paragraph 3.2.1.2’s intent, which is to not permit where there would be a result in net loss

3.2.1.5 Use of chemicals and fertilizers. These State and Federal regulations are lax and oversight and enforcement by staff is discouraged. This may change when the report to the Governor is released, but history has shown agencies have a ‘hands off’ policy, even if it is just a spoken one.

3.2.1.7 Delete the word “significant.”

3.2.1.10 This wording conflicts with Policy 3.2.1.2. Non native fin fish should not be allowed.

3.2.1.14 This would be giving up County authority, which you should not do.

3.2.2.1 Regulations -- General

Add to this, “Cumulative impacts must be considered.”

3.2.2.13 Helical anchors **do disturb** bottomlands, especially given the number needed to anchor a net pen.

3.2.2.17 Replace “may” with “shall.” “The County shall require applicants...”

3.2.3 Regulations - Commercial Geoduck Aquaculture

We oppose 1.& 3. that commercial geoduck aquaculture may be permitted in all shoreline environment designation and through a CUP and that a single CUP may be submitted for multiple sites within an inlet, bay or other defined feature. This does not equate with NNL. This is politics above natural resource protection and beach access.

3.2.3.3 — a single CUP for multiple sites is unsafe. .4 through .6 = bad and .7 is weak. Setting up geoduck farms, planting and harvesting all ignore the needs of other wildlife to the natural setting prior to geoduck farming. Animal life beneath and above the sediment and sand are native to the area and should not be disturbed. Other wildlife dependent on these natives should be recognized and their “livelihood” not taken away by planting these farms.

3.2.4.3 Regulations – Fin Fish Aquaculture. Aquatic fin fish aquaculture by its very nature is polluting. Minimizing all the toxic products possibly released that are named in this sub section for the size of these facilities, these releases would not be minimal to the surrounds. Again, fin fish projects should be cited upland.

3.2.4.13-16 is good tighter language. Add that these cannot be sited in open waters.

3.2.4.1: Can this come under substantial development rather than CUP?

3.2.4.3: Replace BAC with BAS technologies; delete “and minimize” so that it reads ...and practices to avoid release of herbicides...

3.2.4.7: Vaccination is bad, to, as this travels up the food chain. Healthy food does not need medication.

3.2.4.9: These should not be in-water, and non-native species should not be allowed.

3.2.4.10: The agencies mentioned promote this industry and work for the industry and do not carry out their mandates, as seen from the COOKE debacle at Cypress Island and their admittance to not carrying out their mandates to protect marine life and public health.

3.2.4.16, Line 1: Replace “may” with “shall:” The County shall require the applicant to provide.....

Application Requirements for Aquaculture – Section 3.2.5

3.2.5.6 We suggest aquaculture be permitted as substantial developments (SDP) rather than conditional uses. The latter is controlled by Ecology. The former is controlled by the County and allows County residents to be invested with the authority. A SDP can be made as stringent as a CUP.

They should not be in open waters.

Section 3.3.1 Policies is weak; filled with “should” and “avoids”

3.3.1.6 delete "should be encouraged," and replace with “will provide public access...”

Section 3.3.2.2 “project proponent demonstrates” We witnessed this with Icicle/Cooke net pens. Of course, the proponent will write up favorable info for itself. This is not oversight. Does the next paragraph give confidence?

3.3.3.4 Are the minimum needed to accommodate = pro-industry

3.3.2 Commercial and Industrial Development - Regulations

3.3.2.11 “To preserve shoreline views, new commercial and industrial structures shall not exceed 40 feet in height above the average grade level.” 40 ft/4 stories seems high. What makes 40 ft necessary? Are the views from the shoreline or just from bluffs?

3.4.1.6 Forest Practices

FORESTRY It looks pretty standard for protecting the interests of timber companies.

It defers forestry under Shoreline Management to the standard (awful) Forest & Fish Rules, which were written by the timber industry and passed without scientific validity. The only scientific assessments of F&F at the time found the rules to be not protective.

...F&F was enacted in 1999 and is set to run for 50 years. After that, it can be renewed automatically without scientific review or the incorporation of new scientific information. In addition, adaptive management under the F&F rules (through CMER) is based on consensus, which means no new rules can be adopted without the approval of the timber industry.

Shoreline management forestry harvest limitations are concerning. Timber companies can take 30 percent of the trees each 10 years. **Cutting** 30 percent of the trees in shoreline-managed areas every 10 years is roughly a 30-year rotation. It is not realistic to expect to protect our shorelines and their ecological functions with trees that are 30 years old or younger. Normal forestry is a 40-year rotation on private lands (governed by F&F) and 60 years on DNR lands (managed by the Habitat Conservation Plan of 1997). So there is really no protection for shoreline harvesting.

It's difficult to tell if 3.4.2 (2a) gives them the right to do more clear cutting when someone asks. 3.4.2.2(b) clearly does.

Lacking is protecting shorelines from pesticides. The DNR is responsible for issuing forestry pesticide permits, but the agency is uninformed about what timber companies are doing. Aerial spraying requires a permit, but there is no enforcement or monitoring. The DNR doesn't know what pesticides or pesticide cocktails are being used. Spraying for road maintenance, which typically involves stream crossings, is unregulated. No permit is needed. Along shorelines, no one checks to see how many pesticides make it into water. We know from USGS studies that every stream carries a pesticide load.

3.4.1.4: "should use best management practices" is a low bar. BMP should be replaced with "best available science." In the wake of the Oso landslide, it is said that the DNR is reexamining policies on logging/road building/conversions on landslide-prone areas. These proposed policies should be accessed to see if they might strengthen the requirements of onsite soils/slope stability analysis before planned activities are allowed. This brings me to the following two points:

- steep areas need larger buffers

ADD LANGUAGE RE: CLEARING BIOMASS -- Scraping logged land of limbs, trunks, etc. is detrimental to such land and results in runoff, as well as removes materials for animal needs. Some language should be added that prohibits scraping logged lands.

3.5 Mining.

Please add this new section: Fracking County sand or shoreline resources shall be prohibited.

6. Mining

A. Policies

1. Mining, as defined in Article 2, should be located and conducted so as to provide long-term protection of water quality, fish and wildlife species and habitat, to cause the least amount of disruption to the natural shoreline character, resources and ecology, and to avoid net loss of ecological functions in accordance with this Program and other applicable laws.
2. Mining should not be located and conducted where unavoidable adverse impacts to other uses or resources equal or outweigh the benefits from mining.
3. Mining should not interfere with public access or recreation on the shoreline.
4. Mining should only be permitted when the proponent provides appropriate studies and detailed operation plans demonstrating all of the following:
 - i. Fish habitat, upland habitat and water quality will not be adversely affected. Etc...

RECREATION

3.7.1.2 TYPO: “publically-owned lands” should be spelled publicly-owned

3.7.2.13 Primitive campsites....give examples of places these could be set up.

Add language such as: ... as long as areas are maintained – no damage and no garbage is left.

3.7.2.11 Large recreational developments/Master Planned Resorts should be required to consider climate change-future projections of available water, and permitting agencies should have to ensure home owners and others in those reaches that they would have potable water at least 75 years into the future before a MPR is approved to take water.

3.10.2.7.d: Signs. Add “neon” to prohibited.

3.11.1.5-7: Transportation Policies. Replace “to minimize the need” with “to not need the following”

3.11.1.9 & 17 “Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts.” Is Clallam County expecting to have new railroads?

3.12.1.1 Utilities Policies Replace “should” with “shall.” “New public or private utilities shall be located inland...”

3.12.2, etc. Dams, hydroelectric generating facilities, off-shore wind tidal energy systems should be prohibited.

3.12.3 Regulations 4. should be 1, then renumber those following. Regardless, we do not support dams nor hydroelectric.

3.12.6 Regulations – Off-shore Wind/Tidal Energy Systems These can be harmful to the marine system; quite disturbing. 5.a-e makes the point. What is the science on this?

3.12.7 Regulations – Oil, Gas, and Natural Gas Transmission.

3.12.7.1: Delete from “unless to impacts.” End the paragraph on lines 4 with “will not be permitted.”

3.12.7,1 Delete “areas – infeasible. End with “shoreline.”

3.12.7.3-5: Delete these paragraphs.

3.12.8 Regulations-Municipal/Public Sewage Systems

Where are the outfall pipes in the county?

Public sewage is not clean or safe, due to the many thousands of contaminants and multiple pathogens it can contain. Spewing the effluents along with storm water overflows into open water bodies has and will continue to damage marine life, as is showing up in sediments, animals and their food. For some recent reports, see

<<http://www.wvu.edu/salishseaconference/docs/AbstractsByTrack.pdf>> SSEC 2014 Presentation Abstracts - Western Washington University. There are a number of abstracts on BOD and effluent impacts on sea life. See also, <<http://toxics.usgs.gov/pubs/FS-027-02/index.html>> Pharmaceuticals, Hormones, and Other Organic Wastewater Contaminants in U.S. Streams, June 2002. See also, Science for Sale, David L. Lewis, 2014.

Further, both the WA State Dept. of Health and the WA State Dept. of Ecology have publicly stated that 60% of Puget Sound pathogens are from sewage plants.

It is well known that many products are not treated by sewage treatment; that WWTPs were designed before many contaminants were known to be harmful at low concentrations; that treatment does not effectively remove contaminants, pathogens, and other; that the “escapees” persist when emptied into water bodies; and that minuscule sized particles like microbeads cannot be filtered out with the solids and wind up in water bodies and animals — including those sold for human consumption or are eaten higher up the food chain and then sold for human consumption. This also includes antibiotic resistant bacteria and viruses which, by the way, can be created in WWTPs. For further references, see the attached brochure.

To continue, whatever is released in outfall pipelines should be required to be regularly sampled and analyzed for many known constituents and pathogens, and the best available science used for decontaminating as much as possible should be required in this SMP. Expense should not be spared as any dollar saved up front will save many dollars costing marine life and eventually our own health from food taken from the waters; costs which need to be factored in.

Further, the effluent should not be recycled on land, whether Class A or by any other designation, due to its toxicity.

3.12.10 Regulations – Stormwater Facilities -- f should be first; i.e., a. Add to the present a. prevention rules need to be created that these upland facilities don't destabilize areas, especially those on bluffs.

3.12.10.d Is 35 ft sufficient? Think sea level rise and larger and more forceful wave action, which is now experienced.

CHAPTER 4

4.2.2.1.c Why would one want to co-locate marinas and shellfish beds?! This is not healthy for shellfish beds.

4.2.2.8 Replenishing sediment. “If new or expanded marina facilities adversely affect net sediment transport or other coastal processes to the detriment of nearby beaches or habitats, the

marina operator shall be required to periodically replenish the substrate in these areas to offset adverse impacts.” Will this really offset adverse affects of net sediment transport or coastal processes? Will the sediments be analyzed for contaminants?

4.2.5.7 Are private single-family residential piers and docks extending over water 50 ft too far?

4.3.2.1 Dredging allowed in all designations (but Natural)???

4.5.2.10: Dams should not be allowed. That is what harmed the Elwha salmon and what is harming the Columbia fish. We are trying to bring the back from the brink. Allowing dams reverses the efforts.

4.6.1 POLICIES

4.6.1.4 Delete “should” and replace with “shall.

4.6.1.5 Delete the opening phrase, “Over time.”

4.6.1.8 Replace “minimizes’ with “does not impact.”

4.6.1.14 Delete the word “substantially.” And over time, these could be cumulative, which should be avoided.

4.6.3.3. Additional Rules – Existing Structural Shoreline Armoring Reorder. C should be a; d should be b,; a should be c; etc.

add to the end of e: so as not to impact the properties; and

add to f: shall not contain toxic ash

4.6.8 Regulations - Breakwaters, Jetties, and Seawalls Explain how these can enhance habitat? If these are needed to protect water dependent uses such as harbor, marina or ports, then these uses should not be sited. Mitigation as listed in point c. is not possible. We strongly recommend these structures not be allowed. (4.6.8.1.c. Adverse impacts on water circulation, sediment transport, fish and wildlife migration, shellfish, and aquatic vegetation can be effectively mitigated.)

CHAPTER 5

GENERAL POLICIES AND REGULATIONS

5.1.3.7.c Single family residential enlargements/expansions should not be given variances or other approvals to expand into buffers, critical areas, or heights above established limits by this Program. Why bother to have a Program if these are allowed?

CHAPTER 7 CRITICAL AREAS WITH SHORELINE JURISDICTION

7.6. Regulations – Wetland Protection Standards New shoreline uses and developments shall be located, designed, constructed, and maintained to avoid wetland areas and their buffers. Impacts to wetlands and their buffers shall be prohibited **except** when all of the following conditions are met:

- a. The use or development is specifically allowed by this Program; and
- b. All reasonable measures have been taken to avoid adverse effects on wetland functions and values; and
- c. Compensatory mitigation is provided, in accordance with Section 8.3 of this Program, for all adverse impacts that cannot be avoided; and
- d. The amount and degree of alteration are limited to the minimum needed to accomplish the project

COMMENT: This language sounds more like wetland destruction than wetland protections. We should protect them all instead of allowing passage into them.

7.7 REGULATIONS-- Thanks for defining the Types S, F, Np and Ns the first time it is used.

7.13.1 GEOLOGICALLY HAZARDOUS AREA BUFFERS A minimum buffer of 50 ft is too shallow. This is not protection over a 75 yr period as required—25 years, if lucky. Variances should not be given in such areas. These may not be buildable areas.

7.14.2 If the County signs off on this and there is an accident, the County—meaning the citizens of the County – are liable. **Any property owner that accepts this option should wave his/her right to sue the County.**

7.18.4 Cides of any kind should be disallowed in critical aquifer recharge areas on any size acreage. BAS should replace BMP.

CHAPTER 8 - MITIGATION AND NO NET LOSS

8.3.4 “...or an alternative...ecological benefits.” New shoreline use and development should be kept from adverse impacts. Out-of-kind mitigation sanctions area impacts and net loss. Stick with the overall goal cited in 8.5.1 – no net loss of functions, acreage and values.

CHAPTER 9 SHORELINES OF STATEWIDE SIGNIFICANCE

9.1.2.a “Recognize and protect the statewide interest over local interest.” This is a **double-edged** sword. They are both important. When agencies are not protecting our shorelines of statewide significance, like promoting aquaculture throughout which will be very harmful, local jurisdictions must be able to stand up and protect these resources — these “shorelines of local interest,” and have the ability to take legal action when needed.

This language puts business interests over community interests, such as seen in the aquaculture section, meant to benefit a few businesses, but which is harmful to marine systems, shorelines and residential property owns. It is not beneficial usage for the commons.

9.3.1.c: “Preferred!” Delete “preferred which are”. Rewrite: Uses shall be consistent with control of pollution...

9.3.2.e: NO! “...such as commercial shellfish.” “...and comments from related industry associations...” substantiates our concerns in **9.1.2.a** We notice that citizen and environmental inputs were not included. **9.3.2.g** is substantially better, but what about corporations that can later claim shellfish beds, cross private properties, and claim those shellfish? Is their permit timeless or are the permits for a set period of time and not automatically renewed? Even under CUP, are these never-expiring permits? **9.3.2.12** states these massive corporations that benefit only themselves and not the local community “shall be protected.” If there is another interpretation, please spell it out. **9.3.2.13** – Delete the word “significant.” Here again, the large shellfish company impacts are well known, even to the courts, as are fish farm net pen companies. Protecting them should cease.

CHAPTER 10. ADMINISTRATIVE SECTION

Section 10.2.7: Expiration of Permits and Permit Exemptions

Other communities found that time limits for construction permits did not adapt well to the on-going nature of aquaculture projects. E.G., due to the fact that the long term impacts of geoduck aquaculture has not been studied, we suggest that permits, once granted, be limited to a five (5) year period or for a period of one planting and harvesting cycle, whichever comes first.

Extension of Permit (10.2.7) or Permit Revision (10.2.9) should not be allowed for aquaculture projects without an environmental EIS and showing that the substrate, water quality, priority habitat species, forage fish spawning area have not experienced a net loss of ecological functions during the five (5) year period.

Darlene Schanfald, Ph.D.
OEC Secretary
FMPS Chair