November 14, 2012

To: Board of Commissioners

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CC: Larry Keeton; Lisa Nickel; Dana Daniels; Joe Burcar (Ecology)

Subject: Summary of Public Comments on Second Draft (October 2012)
          Kitsap County Shoreline Master Program Update (SMP)

Introduction
Kitsap County issued a second Draft Shoreline Master Program (SMP) after a first draft was
publicly reviewed in May and June 2012 for the Kitsap County Planning Commission. The
second Draft SMP was issued on October 11, 2012 for a 25-day public review and comment
period ending on November 5, 2012. The second Draft SMP comes after a three-year
intensive public participation process that included a citizen’s Task Force, coordination with
state agencies, cities and Tribes and numerous public open houses, meetings and
presentations (see project history at www.kitsapshoreline.org).

Ninety-three comment letters were submitted during the second Draft SMP comment period.
Several comment letters were substantial in size, and referenced more than one SMP
update topic. All comments have been organized into an index; digitally scanned for the
SMP update record and hard copies organized into one binder. All comments were further
analyzed in terms of the major SMP topic areas of concern.

Public hearings were held by the Board of Commissioners on October 22 and 29, 2012. Of
the 49 citizens who testified, 29 submitted written comments summarizing or expanding on
their oral testimony. Based on staff notes, oral testimony provided by the remaining 20
citizens who did not also submit letters is within the range of comments analyzed below.

The order of comment letter issues of most concern from greatest to least is:

- Port Gamble (43)
- General environmental protection (30)
- Shoreline environment designations (22)
- Shoreline science (19)
- Tribal treaty rights/cultural concerns (13)
- SMP general comments (12)
- Property rights (10)
- Aquaculture (9)
- Definitions (9)
- SEPA (3).

A summary of these topics follows.

**Port Gamble (43):** Comments received on this topic were divided between those who generally support the proposed Port Gamble redevelopment policies for the shoreline portion of the Limited Area of More Intense Rural Development (LAMIRD) at draft SMP section 3.2.3.C (9), and those who are generally opposed to the specific shoreline environment designation policies and development standards for the Port Gamble LAMIRD (34). Arguments in support of the policies reference a desire for economic growth in north Kitsap, and a belief that site-specific impacts of re-development in the LAMIRD can be addressed through a Master Plan review process. Arguments against the SMP Port Gamble policies include concerns over ecological impacts to Port Gamble Bay, concerns regarding the ongoing state/federal environmental clean-up process, concerns regarding density of potential shoreline development, concerns about listing potential uses prior to completion of a master plan review process, as well as historical and cultural impacts to tribal treaty rights and practices in the area.

**General environmental protection (30):** Comments on habitat protection, critical areas, shoreline buffers and stormwater/water quality were categorized under “general environmental protection.” The spectrum of these comments ranged from concern regarding overly-restrictive protection standards and buffer widths for shoreline vegetative and critical saltwater habitats to concern that protection standards and buffers were insufficient to ensure “no net loss” of shoreline ecological functions. Included in the comments regarding burdensome standards and buffer widths were concerns expressed by property rights advocates.

Also in this category are comments received in support of the proposed flexible buffer system as well as for the new mitigation options to assist landowners with choices to achieve and document “no net loss.” Several commenters expressed concern against any buffer width less than 50 feet and against the proposed standards providing the ability to reduce buffer widths to 35 feet – particularly as proposed at the Port Gamble LAMIRD. Finally, a handful of comments were directed at whether the SMP was adequately addressing stormwater runoff from upland areas, and the vulnerability to the water quality of any receiving shellfish area.

**Shoreline environment designations (22):** The comment letters with a focus on this topic were categorized into general support for “Natural” shoreline environment designations for areas with high quality habitat (11); comments expressing concern on the Port Gamble
LAMIRD related “Urban Conservancy” shoreline environment designation (8); parcel-specific comments requesting less restrictive designations (3); and miscellaneous comments on the process that resulted in the proposed designations contained in the October 2012 draft SMP.

**Shoreline science (19):** This category is wide-ranging and overlaps with several other categories including aquaculture, general environmental protection, property rights, and tribal treaty rights. Comments included summaries of scientific publications on shellfish, nearshore ecosystems, shoreline buffers and mitigation. Comments were also received stating personal observations and judgments critical of the draft SMP scientific and technical basis for buffers.

**Tribal treaty rights/cultural concerns (13):** Of the letters with a focus on this topic, the majority state a strong concern for potential impacts to the Port Gamble S'Klallam Tribe with regard to future development in and around Port Gamble, and specifically the LAMIRD. Comment letters specifically authored by area tribes included consistent requests for tribal consultations for all SMP-related permit decision making.

**SMP general comments (12):** The letters in this category typically include comments that address specific language or text changes within the SMP. As such, this is a broad-ranging topic that covers everything from clarification of accessory structures permitted within buffers to which shoreline uses should be permitted within certain shoreline environment designations. This category often overlaps with the other key categories, and therefore will be addressed within other sub-topics.

**Property rights (10):** The letters with a focus on property rights generally include concerns over excessive regulations and undue burden placed on shoreline property owners. For some commenters, this overlaps with a discussion of science and a perceived lack of scientific justification for proposed shoreline protection measures to achieve “no net loss”. Other commenters recommend more regulation of upland stormwater runoff and less regulation on individual shoreline property owners. As stated under the general environmental protection category, some letters include recommendations for a minimum buffer width of no less than 50 feet. Within the property rights category, some commenters recommend a maximum buffer width, ranging from 35 to 100 feet. (As currently proposed, the SMP would include starting Standard Buffers ranging from 50 feet for High Intensity to 200 feet for Natural. Most buffer categories include a flexible buffer range so long as “no net loss” can be demonstrated with the reduced buffer.)

**Aquaculture (9):** The comments with a focus on aquaculture included letters with large attachments and references. The spectrum of comments ranged from enhanced permit streamlining and flexible development standards for aquaculture interests to strong support for limiting shellfish and aquaculture activities through conditional use permits and code-specific limitations.
Definitions (9): The letters with comments in this category include specific recommendations for the Definitions section (SMP Chapter 2).

SEPA (State Environmental Policy Act) (3): A Determination of Nonsignificance (DNS) was issued for the draft SMP on October 12, 2012, and revised on October 26, 2012 in order to extend the comment period to November 5 and clarify commenting procedures. The comments in this category primarily relate to whether the DNS can be supported with regard to the Port Gamble LAMIRD management policies as currently proposed in Section 3.2.3.C (Urban Conservancy Management Policies).