

*Jefferson County Shoreline Master Program (SMP) Update*  
**Shoreline Technical Advisory Committee (STAC)**

**12-14-06 Meeting Notes**

**Location:** WSU Extension Learning Center – Spruce Room, Port Hadlock

**Attendees:** *Committee Members* – Peter Bahls, Peter Best, Richard Brocksmith, John Cambalik, Hans Daubenberger, Marty Ereth, Hugh Shipman, Jill Silver, Stephen Stanley, Jeffree Stewart, Steve Todd; *Alternates* – Susan Grigsby, Bill Miller; (13)

*Staff & Consultants* - Michelle McConnell, Al Scalf, Margaret Clancy, Kent Hale, Gabrielle LaRoche, Christina Pivarnik (6)

*Audience* – 1 member of the public signed the attendance sheet (1)

**Materials:** *Required* - Final Agenda; Project Strategy for Addressing STAC Sub-Group Recommendations (previously distributed to group via email); I&C Map Folio Data Source Summary matrix; Current Code, Draft Amendments and CAO Committee Brief; Battelle’s Marine Shoreline Prioritization Methodology and Maps (previously distributed and available online); Open Public Meetings Act (RCW 42.30) reference information; *Optional* – Ecology Publication #99-113 (2003) Introduction to Washington’s SMA (RCW 90.58); July 6, 2006 DCD memo about SMP Update; Shoreline Smarts Pop Quiz; SMP Comprehensive Update: 6 Easy Steps for Public Involvement;

**2:10 pm Welcome & Introductions** – Project Coordinator Michelle McConnell welcomed everyone and expressed appreciation for their attendance. She introduced Margaret Clancy, Kent Hale and Gabrielle LaRoche with ESA Adolfson. The group of committee members each introduced themselves giving name, committee representation and organizational affiliation and due to small numbers Michelle invited the one person in the audience to identify himself. Doug Peters with WA Dept. of Community, Trade and Economic Development introduced himself as a senior planner with the department’s Growth Management Services.

**2:15 pm Public Comment** – No comments were provided; Public comment period was closed and the committee work session began.

**2:20 pm Shoreline Charrette Primer Follow-up** – Michelle gave a brief re-cap of the 3-day event that took place October 12 – 14<sup>th</sup>, reminded the group that agendas, slideshow presentations and meeting notes from the event are posted on the project webpage, and asked for any comments or questions about the event.

- Committee member Stephen Stanley expressed appreciation for the event
- Committee member Richard Brocksmith noted he’s heard good response from those who attended - both public and agency staff - and that the event was well organized and an appreciated effort by the County to inform and engage the public.

**2:25 pm Finalizing the Shoreline Inventory & Characterization (I&C) Report** – Michelle and Adolfson Project Lead, Margaret Clancy noted to the group that there were three key documents to support discussion of this topic:

- Project Strategy for Addressing STAC Sub-Group Recommendations
- I&C Map Folio Data Source Summary matrix
- Current Code, Draft Amendments and CAO Committee Brief

The group agreed to proceed with discussion of each document in the order shown above, noting that time was limited and requested basic overview with more details and discussion as needed for specific issues.

- Margaret noted that:
  - As the Adolfson team works to finalize the I&C Report, they appreciate and are addressing the input provided by STAC members.
  - The Battelle work will be incorporated into both the I&C Report and the Draft Restoration Plan (RP), although the Adolfson team was still reviewing the work and has some questions they're working with the Battelle team to clarify.
  - The watershed scoring work provided by Stephen Stanley and Susan Grigsby will be very useful in supplementing the landscape-scale analysis and for later use in the restoration plan.

## **2:30 pm**

### Project Strategy for Addressing STAC Sub-Group Recommendations

The group dialogue included the following comments:

- Committee member John Cambalik wondered if the Restoration Plan would include both the Battelle work and the Ecology (ECY) watershed work.
- Committee member Jill Silver noted her concern that data the County should have was missed (e.g. CMZ studies), and that the missing shorelines should be included despite the unfortunate oversight of budget/scope limitations.
- Margaret clarified the difference between “designated” CMZs and CMZ study areas. The draft I&C Report included only the designated CMZ on the east side of the county, but the revised report will include other mapped CMZ identified on the west county rivers.
- Richard noted his concern about STAC Sub-Group Recommendation C, including missing shorelines, and asked what the County's plan was for addressing it.
- Michelle explained that a request to Ecology for timeline extension and budget supplement was currently being prepared. The County would prefer to include the missing shorelines in order to produce the best SMP possible, but budget/scope issues are the reality of the situation.
- Margaret wondered if Ecology would allow a jurisdiction to assign a shoreline environment designation (SED) to a shoreline that was not officially inventoried, and to regulate it as a shoreline under SMP jurisdiction. She noted that since the current inventory requirements are different from what was contained in the 1972 Guidelines, this is what jurisdictions have essentially been doing since the start of the SMA.
- Jill noted the public feels the permit process is too burdensome and doesn't encourage enough protection
- Committee member Steve Todd suggested including the missing shorelines in the SMP even if they're not in the I&C and the RP.
- Margaret suggested that the conservancy SED could apply to un-inventoried reaches to trigger a permit review and require inventory to be collected by the applicant.
- Committee member Jeffree Stewart noted that he wasn't sure about this possibility but would seek input from ECY colleagues and the attorney general.
- Jill noted that the Quileute and the Hoh tribes are closely watching the critical areas ordinance (CAO) work and they do not want to end up with conservancy SED by default.
- Committee member Peter Bahls noted that his firm's recent study in conjunction with Washington Trout shows 9 additional lakes beyond the WAC list should be added to the County's SMP jurisdiction and wondered if they're listed in the I&C Report.
- Margaret confirmed they are currently identified as a data gap.
- John wondered if the ShoreZone unit – scale of data is sufficient for STAC recommendations for policy development
- Committee member Peter Best noted that ShoreZone is the finest scale of data available and all that is needed for planning purposes. He wondered if the boundaries of the different scales (i.e. Drift Cell units and ShoreZone units) match up.

- Kent confirmed that Battelle got the same set of data the Adolfsen did, but the two used different approaches to analysis.
- Michelle confirmed that considerable effort went into making sure that the boundaries of both scales matched up and there were several iterative rounds of review and revision between GIS specialists with Jefferson County, Adolfsen and Battelle to ensure that the data would be clipped in a meaningful and consistent manner. In places where a Drift Cell (DC) boundary missed connecting with a ShoreZone (SZ) point, adjustments were made to correct the difference, shifting the DC boundary to the next nearest SZ based on sediment transport direction, or a DC unit was split in the middle in the case of “no appreciable drift”. She noted that this process of checking and double-checking is actually one of the many issues that slowed the early phase of the project.
- Peter Best made the following comments:
  - Noted that if the two scales match then it should be easy to integrate the data.
  - Suggested that perhaps DC scale data would suffice for determining SEDs for large stretches of shoreline, and that finer SZ scale data would be needed for determining SEDs for smaller stretches of shoreline where conditions were more complex and/or development pressure was more intense.
  - Suggested that determining SEDs is a visual – spatial exercise that would benefit from the assistance of adequate maps.
- Margaret clarified that the Adolfsen DC units are the same as the Battelle DC units
- Peter Best suggested the group consider how the information will be used in terms of broad-to-fine scale and that now was the time to identify where the detail will really be needed.
- Steve noted that STAC Sub-Group Recommendation G called for more detailed maps
- Margaret made the following comments:
  - Clarified that the Final I&C Report text will not describe conditions at the SZ scale.
  - Clarified that the maps contained in the I&C map folio are simply a subset of the information contained in the GIS database.
  - Noted that enough detail is needed to know where to break between SEDs along the shoreline, that there is currently sufficient GIS data to do this, but that not everything will be mapped to the finest level of detail.
  - Noted that the Whatcom County inventory was not at the SZ scale.
- Steve noted that the DC scale may be ok, but suggested that the SPAC be provided more detail as needed.
- Committee member Hugh Shipman wondered if the Battelle data and the I&C data could be nested when needed for a closer look.
- Margaret confirmed that if at some point, not enough data was available for a certain location or parameter options would include applying the most protective measures or using a place-holder until sufficient data was available.
- Peter Best suggested that to the degree possible the team anticipate where more detail was needed and to do that now rather than later.
- Steve noted that several STAC members have expressed concern about missing data and wondered how specific data (e.g. eelgrass) would be considered for use in policy development.
- Margaret noted that the purpose and criteria for SEDs determine the management regulations and that the Battelle information will be used to help guide the development of those regulations.
- Jill noted that the Battelle work applies to the marine shores of East Jefferson County only and expressed concern about how to look at the stressors/impacts to freshwater reaches of the West end in a similar fashion.
- Margaret indicated that typically allowed uses and setbacks (or buffers) have varied according to the SED, but that other standards for water quality protection, erosion control, vegetation conservation, etc.,

are consistent across SEDs. She suggested that for this update, the County adopt an approach whereby the setbacks/buffers from Ordinary High Water be consistent across environment designations but vary according to the the type of water body/shoreline (i.e., lake, river/stream, marine). In other words, setbacks would not vary by SED or use, as is currently the case with the '89 SMP, but would be based on the type of water. As an example, the setback or buffer for rivers would be 150 ft as defined in the CAO. The setbacks for lakes would be ~ 100 ft and the setbacks for marine shores would be ~150 ft OHW. Margaret indicated that these suggested distances for lakes and marine shores were not official recommendations at this point, but were preliminary estimates based on what was developed for Whatcom County. She indicated that additional consideration would need to be given to the issue of setbacks or buffers before final standards could be developed. She also noted that some uses such as water dependent uses and residential uses would likely be allowed in all SEDs and that other considerations such as zoning would be used to determine allowed uses in some designations.

- Peter Best noted there may be case law against buffers determined by function.
- Margaret made the following comments:
  - Clarified that buffers would not be based on function but on the type of water, which is consistent with the approach used for critical areas and consistent with the guidelines;
  - Noted that it sounds like the Planning Commission (PC) Critical Areas Committee is recommending to not include marine setbacks and to shift management of marine shores from GMA/CAO to the purview of the SMP.
- Jill noted that she's been involved in the CAO effort and to anticipate two tracks for CAO recommendations to the PC/BoCC. She indicated there will be a minority report.
- Hugh noted he was not convinced that it would be easy to sort out the SEDs and that the scale of the data may well determine how the sorting goes.
- John suggested the group help provide tools to the SPAC to establish SEDs
- Margaret clarified that uniform setbacks are just one too and that determining allowable uses also helps differentiate SEDs.
- John requested that the terms "setback" and "buffer" be clearly defined.
- Peter Best noted that the uplands are different and that in terms of the "no net loss" (NNL) requirement it's a question of how to measure NNL and at what scale – planning vs. project.
- Steve echoed an earlier comment to note that the discussion on buffers and setbacks may be too detailed but that it's important to discuss what kind of guidance the STAC might provide on the subject.
- Jill noted that the counter-CAO recommendation is being based on Whatcom County
- John noted that Kitsap's 35' buffer was challenged in court and ruled insufficient.
- Jeffree noted that SEDs help determine allowable uses and that a development may be exempt from a permit, but not exempt from the SMP goals, polices and regulations.
- Peter Bahls wondered about a comment that residential development was allowed anywhere despite the SED.
- Margaret clarified that the WAC and the RCW clearly establish that residential uses are a priority use in shorelines and that is might be very difficult to prohibit single family residential development (but not subdivisions) in areas where its allowed by zoning and where it constitutes reasonable use.

In light of being considerably off schedule from the agenda, Michelle suggested that any further comments on the Project Strategy document be submitted to her by Friday 12/22 and that she'd send an email reminder of this request. She recommended the group move forward with the next topic of discussion. The group concurred.

**3:35 pm**

I&C Map Folio Data Source Summary Matrix

- Kent clarified that the column titled “Theme” referred to the legend on the I&C maps and noted the following:
  - The lack of metadata for many data sources is an issue
  - Layers and/or maps that are new since the Draft I&C are not necessarily highlighted in this matrix
  - Some new data are still coming in and will be integrated into the final I&C (e.g. Battelle, Bureau of Reclamation, Perkins study, etc.)
  - Battelle used the 2003 refugia study that included riparian assessment, but the riparian data was not included in the data set. This issue is being investigated, so that it might be added to the Adolfson map folio.
- Hugh noted that the Battelle geomorphology data is better than the ShoreZone data. He also wondered about the lack of feeder bluff data if Battelle indeed used the SZ data
- Steve wondered about the Coastal Atlas slope maps
- Hugh noted that crude data provides ballpark assessment
- Margaret added that Johannessen’s Tala to Kala Point study was included but includes hand-written notes on quad sheets rather than GIS data.
- Jill wondered if upland reaches on the West end (i.e. Goodman Creek, Kalaloch Creek, and Hoh River) would be included and noted that they’re not included in the CAO as a geo-hazard area or as part of the DNR data and that industrial timber conversions should be recognized.
- She added that the Olympic Experimental State Forest was present and that she’d forward any pertinent DNR information
- Steve wondered about undeveloped parcels
- Margaret confirmed that the team has prepared a working map for the committee showing vacant lands based on assessor data and aerial photos
- Peter Best noted that buildable land maps are required by GMA
- Doug Peters clarified that GMA requirement for buildable lands inventory is only for Puget Sound core counties, not including Jefferson County
- Peter Best noted that current zoning doesn’t tell the whole story
- Steve wondered if the County has the 2005 DNR color ortho photos
- Peter Bahls confirmed that the County does have them.
- Kent noted the Adolfson team has only seen black-and-white versions of the photos and, in reference to page 5 of the data source matrix, added that the NOSC forage fish data is not included in the 2006 DFW priority habitat data set that is being integrated into the I&C
- Peter Best noted it would be helpful to support the SPAC and policy development phase to have well documented knowledge of the data sets
- Margaret added that it would also be helpful to add a provision to require collection of newer data.
- Kent noted that a new map is being created for Map 24 to include DOH biotoxin, public harvest areas, commercial harvest areas data as well as some pending tribal data.
- He also noted that for impervious cover, only Eastern Jefferson County was included so far
- Peter Bahls wondered about a PNPTC bulkhead study
- Kent and Margaret both confirmed that they have that study, and that it had been provided in the first data set, and was included in the Battelle work
- Jill noted that there are roadside shorelines in the West end and that Kalaloch beach should be added for shellfish harvest.
- Richard noted a 2003 study by Ron Hirschi
- Peter Bahls wondered about shorelines of the state, especially potential lake shorelines, and about a report for missing river reaches as well.

- Kent noted the state-wide models and suggested to look at whether the shoreline falls within tribal, federal or SMP jurisdiction.

Due to the discussion running over time as compared to the agenda, Michelle suggested the group move forward with the remaining agenda items. To capture any remaining comments on the documents being discussed – especially the map data matrix - she asked the group to provide further input to her (via hard copy, email or phone) by the end of Friday, December 22, 2006 to allow the project team to continue finalizing the I&C Report. The documents would be distributed electronically via email. *The documents were emailed to the group on 12/19/06.*

**4:00 pm      Break**

**4:20 pm**      The group re-convened and continued with the next item on the agenda:  
Battelle's Marine Shoreline Restoration Prioritization

- Peter Bahls wondered about the priorities used for mapping
- Margaret noted that both the functions and stressors will help determine the SEDs
- Richard wondered:
  - what was done and how it will be used
  - if the Battelle work itself was a restoration plan
  - why the differences between the north and south ends of East Jefferson County – and noted that one size doesn't fit all
- Peter Best noted the data was quite useful and wondered how this data differs from what Battelle produced for the City of Bainbridge Island (CBI) project.
- Richard noted the different scales from SZ to Drift Cell
- Peter Best noted that CBI used “management units” that were aggregates of drift cells. He also noted that he liked the polygonal approach – that it was better than the linear approach used with CBI
- Kent confirmed the GIS polygons were established then the data applied to the defined units
- Peter Best noted that the CBI project also considered offshore and upland areas (i.e. lagoons)
- Richard added another example of a spit/accretional shore form
- Steve wondered about the use of the colors that go from dark green to light green and the meaning of the shade.
- Peter Bahls wondered if the NOSC data had been used
- Kent confirmed Battelle has that data but Margaret wondered if it was included since ESAA didn't have it at first.
- Peter Best made the following comments:
  - Described their CBI process and that they decided to keep the scoring/weighting simple.
  - Wondered about the use of the 1 and 10 scores in Table 5 on page 9 of the Battelle methodology.
  - Noted the importance of geomorphology and that all shores can't be treated the same for all control factors.
  - Referenced Table 5 on page 23 of the CBI - Summary of Controlling Factors; and
  - Noted that surrogates can be used to imply impacts/functions
- Hugh made the following comments:
  - Agreed there seems to be a transparency issue with the scoring
  - There are shorter summaries in the CBI work
  - Need to see constituents to better understand
  - Hard to sort/assess just based on method, maps and data tables
- Peter \_\_\_\_\_? Noted that some scoring is hard to understand (i.e. page 10 Ecological Functions)
- Peter Best made the following comments:

- Wondered how they're normalized
- Noted the need for comparing “apples to apples” - stressor impacts and functions are two different things
- Once the group got comfortable with the methodology and trusted the scoring (with any needed caveats) it could be an incredibly useful landscape tool (i.e. restoration planning; forecasting development impacts)
- Different values can be plugged-in to see “what would happen if...”
- He's been using the CBI work for policy revision and restoration plans
- Jeffree noted that the prioritization could be used as objective support for policy decisions
- Richard wondered when are decisions made at the landscape scale
- Peter Best noted that a series of filters is used, with this as one of them
- Jill noted that this is being tried with the CAO work
- Richard noted that the metrics don't seem consistent enough to him
- Committee alternate Susan Grigsby suggested the group quit speculating without Battelle present to explain. She noted that sometimes data and results may not be intuitive, but still be very well thought out and fully defensible.
- Hugh suggested sharing the group's key points with Battelle and wondered if they might present to the group at some time.
- Stephen wondered about the normalization process of dividing SZ length by the total length
- Peter Best noted the following:
  - CBI ran out of time
  - The forage fish data was either “on or off”
  - More data was needed than was available but that should be addressed on a continuum (e.g. if 5 = present and 1 = absent, perhaps 3 = suitable)
- Jill noted she's eager to see the watershed scoring
- Stephen noted that the Adolfsen team is now reviewing it and it will be distributed soon.
- Margaret noted the following:
  - Regarding Richard's comment on site specificity, the Battelle work is still considered coarse scale compared to parcels/sites. The ECY water scoring work is coarse scale, and the RP will be coarse scale.
  - WAC requires identification and prioritization of the general area.
  - RP is a background document for the SMP development. This is different from a mitigation program but will highlight voluntary/incentive opportunities for collaboration.
- Peter Best noted that this work is not useful for mandatory mitigation, but a useful guide for determining mitigation – it helps to confirm/assess that proposed mitigation fits into the landscape context and addresses key limiting factors/needs for different types of resources.
- Hugh noted the RP is not generally like a salmon enhancement plan (i.e. SRF Board), but is typically more general and conceptual
- Margaret noted the RP can help inform the permitting process
- Jill noted the limiting factors analysis (LFA) for WRIA 20 is totally outdated
- AIS noted the Summer Chum recovery plan has a pick list of mitigations that need SEPA review.
- Margaret clarified that the RP will serve as a framework to direct restoration efforts to where they're the most useful

**5:00 pm Public Comment** – One member of the audience provided comment:

- Committee alternate Bill Miller suggested clarifying language for setbacks and buffers, wondering if there are similar or different criteria.

**5:03 pm      Announcements** – Michelle made the following announcements:

- The full Shoreline Charrette is being pushed back ‘til Spring ’07 because the request for EPA funds was denied. The dates of February 5 – 10 are still reserved for public events about the project and an “SMP Road Show” is being planned to visit various areas of the county (West end, Brinnon, Quilcene, Coyle, Shine, Tri-Area, Oak Bay, Marrowstone, etc.) to present a project update and invite public input.
- While the group was recently asked to provide correspondence and materials to help prepare a public records request, the County’s prosecuting attorney’s view is that neither the STAC or SPAC are governing bodies, therefore not subject to open meetings law. In addition, some members have sought internal guidance from their organization, and at least one person was told by a legislative advisor that without being employed or contracted by the County, they are not subject to such a records request. Michelle expressed there is no interest on the part of the project team to hinder professional communications between members, but given the current situation it seems prudent to copy her on all email correspondence. The reference information on RCW 42.30 was distributed. Michelle thanked the group for their patience and cooperation during the recent records request.
- No further STAC meetings are currently scheduled. The final I&C is anticipated in January, the Draft Restoration Plan is anticipated in March and will be reviewed by the STAC.

**5:06 pm      Meeting adjourned**

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