

Jefferson County Shoreline Master Program (SMP) Update
Shoreline Policy Advisory Committee (SPAC)

9-18-07 Meeting Notes

Location: WSU Learning Center, Spruce Room, Port Hadlock

Attendees: *Committee Members* – Scott Brewer, Dick Broders, John Cambalik, Larry Crockett, Peter Downey, Aleta Erickson, Frank Espy, Jerry Gorsline, Sarah Krueger, Jeffree Stewart (10);
Alternates – Bill Miller, Randy Johnson (2)

Staff & Consultants - Michelle McConnell, Margaret Clancy, Gabrielle LaRoche (3)

Audience – no members of the public signed the attendance sheet or were present (0)

Materials: *Required* - Final Agenda including “Review & Revision Process” diagram on reverse; Chapter 1 – 5 Excerpt of *Committee Working Draft SMP*;

Optional – Fall '07 SPAC Meeting Calendar; SMP Open House flyer;

12:35 pm Welcome & Introductions - Department of Community Development Associate Planner Michelle McConnell opened the meeting with welcoming remarks. ESA Adolfson Senior Project Manager Margaret Clancy and sub-contracted Shoreline Planner Gabrielle LaRoche led off the round-table introductions. Michelle explained the available handouts and that the meeting would be dually recorded, both via analog cassette and digital audio file in an effort to minimize staff time spent on preparing meeting notes. The goal is to use only the digital recording system once it's proven effective. Meeting notes will be prepared using a more concise format. [Note: Digital recording was mostly successful; first 45 minutes of meeting were missed on both digital and analog systems due to operator error.]

Margaret gave the group an overview of project activities completed since the previous SPAC meeting in January 2007:

- Prepared the *May 2007 Final Shoreline Inventory & Characterization Report – STAC Draft* based on input received on the September 2006 draft
- Prepared and revised a complete *April 2007 Initial Review Draft SMP (IRD-SMP)* based on input from internal DCD staff and Ecology review. The revised document is presented as the *September 2007 Committee Working Draft SMP (CWD-SMP)*.
- Prepared a *Draft Cumulative Impacts Analysis (Draft CIA)* for the IRD-SMP. This will be revised to analyze and reflect the Preliminary Draft SMP once prepared. As a discrete contract task, further cumulative effects evaluation will be based on the limited Ecology guidance now available, and may not address any future guidance that is developed mid-project. There was some group discussion regarding the Whatcom County CIA as an example, the highly focused and detailed Bainbridge Island effort and pertinent forest practices issues.

12:55 pm Observer Comment – none was provided

1:00 pm Committee Regrouping Exercises

Margaret reviewed a number of wall chart posters and the format for this and future SPAC meetings:

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- Meeting Purpose – Key points/tasks to cover during the meeting, to be reviewed at meeting close: Provide Project Update; Outline Future Meetings; Preview Meeting Format; Define No Net Loss (NNL); NNL “Force Field” Exercise; Review Chapters 1-3+; Prepare for Next Meeting.
- Ground Rules – Start & end on time; Follow the agenda; Document decisions and next steps; Be prepared; Participate fairly & openly.
- Scope of Authority – A variety of entities are involved in the iterative process of the SMP Comprehensive Update with differing roles and responsibilities: SPAC/STAC have advisory role; Consultants have technical role; Staff will make recommendation to Planning Commission (PC); PC will make recommendation to the Board of County Commissioners (BoCC); BoCC will locally adopt; Ecology will issue final approval. Public participation will occur at every step of the process.
- Consensus – A goal although not a requirement for the committee process: The *STAC & SPAC Roles, Responsibilities, Operations and Schedule* document from May 2006 identifies a system for “Levels of Consensus Scoring” to be used when necessary. This committee process will aim to use a more simple version of this by asking committee members to agree with the statements of “I understand it; I can live with it; I can support it” when looking to confirm group consensus on particular topics and sections of the *CWD-SMP*.
- Parking Lot – A place to record issues that arise during discussion which need further investigation or action.
- Information Gaps – A place to record specific needs for additional facts, figures, and definitions to aid the preparation of policy and regulation language.
- Next Steps – A place to record actions to be taken.
- Future Meeting Outline: Chapter assignments are shown on *Fall '07 SPAC Meeting Calendar*; Line-by-line review will not be completed during committee meetings; Committee members will use the *Comment Matrix* [Note: To be provided via email promptly following meeting.] to track their individual issues throughout the review process and submit at the conclusion; For each topic discussed in meetings:
 - SPAC will be asked what their “make or break” issues are;
 - Margaret/Adolfson will present a topic overview of what the RCW and WAC require, what’s allowed and prohibited etc.;
 - SPAC, consultants and staff will discuss substantive issues and seek consensus after a review of intended changes.

Meetings will close with a query of whether the SMP sections discussed have ample flexibility and compliance.

1:15 pm **Defining “No Net Loss”** – The group participated in an exercise where individuals wrote down their ideas of key components of the NNL definition on sticky notes, posted them on the wall, collectively grouped them into like themes, then discussed and agreed to consensus. The Adolfson team will prepare a written statement to reflect the group’s working definition of NNL for the next meeting. Issues discussed during this exercise included:

- Process
- Balance
- Restoration for Cumulative Impacts
- Habitat Functions
- Landscape Scale
- Precautionary Principle
- Adaptive Management

- How to address NNL outside Jefferson County (regulations vs. policies)

Also see attached Summary of Group Exercises for all individual input as grouped by theme.

2:15 pm NNL Force Field Exercise – The group participated in an exercise where impediments and solutions to attaining NNL were identified. Also see attached Summary of Group Exercises for details.

3:15 pm Break

3:25 pm September 2007 Committee Working Draft SMP – Hard copy excerpts of Chapters 1 – 5 were distributed to committee members along with a CD of the full document. Review and discussion commenced including the following topics and comments:

Chapter 1 – Introduction:

- SPAC reviewed twice during Winter 06/07 meetings;
- NNL as an overarching statement for the full program
- Regulatory versus planning components
- CAO adopted by reference – in whole or by explicit sections? Could change once CAO is adopted
- Add specific, plain language examples
- Definition of Liberal Construction – when a regulation is unclear in applying it to a specific situation, refer to the polices
- Revisions:
 - Page 4, Section F. Applicability, Item 1 - Revise lines 9-12 to read: The Shoreline Management Act's provisions are intended to provide for the management of all development and uses within shoreline jurisdiction, whether or not a shoreline permit is required because many activities that may not require a substantial development permit, such as clearing vegetation or constructing a residence and/or residential bulkhead, can, individually or cumulatively, adversely impact adjacent properties and/or natural resources.
 - Page 4, Section F. Applicability, Item 2 – Add new item d. to read: As recognized by RCW 90.58.350, the provisions of this Program shall not apply to lands held in trust by the United States for Indian Nations, tribes or individuals.

3:55 pm Chapter 2 – Definitions:

- Additional text in header and footer notes
- Identification of definition source
- Consistency/conflict within the SMP and beyond
- Use this list as reference during discussions, pare down for final document

4:00 pm Chapter 3 – Master Program Elements:

- Listed alphabetically
- Purpose and goals
- Inside vs. outside SMP jurisdiction
- Use of word “ensure”

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- Economic development – short term vs. long term disruption/degradation; goal vs. policy/regulation
- Revisions:
 - Page 2, Section C. Historic, Archaeological, Cultural, Scientific and Educational Resources, Item 2a, Line 20: Insert the phrase “where appropriate” before the word “restoring”.
 - Page 5, Section G. Shoreline Use, Item 2c, Line 6: Replace “To ensure” with To encourage.

4:20 pm

Chapter 4 – Shoreline Jurisdiction and Shoreline Environment Designations (SEDs)

- Quick overview today; cover thoroughly next meeting
- There isn’t sufficient OHWM, wetlands, other data to fully map lateral extent of SMP jurisdiction; will depend on site visit for specific permit application reviews
- Additional language needed in Item B2 to explain jurisdictional limits
- Add “disclaimer” text to all maps
- Different term for “High Intensity”?
- UGA, RAMID, RVC, RC etc. all in Chapter 2 Definitions
- All lakes & some marine → Natural
- Rivers → Conservancy
- Limited application of High Intensity
- Show federal/Navy land on Toandos uplands
- SED boundary breaks at obvious physical or land use features (i.e. Little Quilcene River breaks from Natural to Conservancy at Highway 101
- Recommended buffers by water body type, not by SED
- Water dependent uses are excepted from buffers

4:50 pm

Meeting Summary –

- Review Meeting Purpose items – all completed
- Review Parking Lot items –
 1. Cumulative impacts exercise
 2. Adoption by reference of Critical Areas Ordinance
 3. Compatibility with out-of-jurisdiction lands
- Review Information Gaps – none identified

4:55 pm

Adjourn

SUMMARY OF GROUP EXERCISES:

Define No Net Loss (NNL) – Committee members were asked to write down key components/ concepts constituting NNL. The responses listed below (as written) were posted on the wall and the committee arranged them into groups with similar ideas. The ideas were grouped and labeled as follows:

PROCESS

- Baseline
- Needs baseline for measuring compliance
- Standards
- May be addressed through both regulator and non-regulatory programs
- Monitoring/Adaptive Mgmt.
- Analyses
- No NET LOSS is a quantitative analysis
- Enforcement

BALANCE

- No NET LOSS must be based on current science
- Loss balanced by gain
- Sum of positive and negative effects related to projects
- Some negative impacts are prohibited-no mitigation
- Keeping balance through effective restoration
- Negligible loss of use or function
- Limited ecologically environmental impact
- Any project including restoration projects, may have positive and negative effects
- Precautionary principle - when uncertain err on the side of caution
- All human activities causing any (negative) changes are PROHIBITED!!
- Every shorelines action must avoid or fully mitigate its impacts

RESTORATION FOR CUMULATIVE EFFECTS

- Proper function of feeder bluffs and depositional areas
- Landscaping associated with residential uses on shorelines typically removes vegetation that has important ecological functions
- Over water structures built in a manner that does not interfere with/shade submerged vegetation
- Placement of structures is often proposed in areas which, over the long term, cannot support those developments without protective armor or other intrusive measures
- Non regulated actions lead to a net loss of ecological functions. Therefore restoration activities must be undertaken to achieve “no net loss”.
- Shoreline armoring diminishes sediment supply to beaches and changes their profile, habitat character.

LANDSCAPE SCALE

- Mitigation relevant to total environment
- Does not degrade shoreline ecological functions
- Not limited to just the project site
- Maintaining habitat quantity and quality
- Total environment must be considered
- Maintain minimum set of necessary functions
- Maintaining habitat forming processes
- Must consider cumulative effects of multiple projects over time and space
- NO NET LOSS is different depending on scale project>program
- Maintaining habitat connectivity
- Landscape-level conservation
- Address through both on-site and off-site mitigation

Consultant’s Summary:

MAINTAINING HABITAT

(Holistic, Total) (Process, connectivity, quality, quantity)

- Functions not degraded
- Quantitative Analysis
- Baseline
- Compliance (enforcement)

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- Monitoring
- Standards
- Adaptive Management
- Balance
- Landscape Scale
- Restoration for cumulative impacts
- Process
- SCALE (Program VS Project) –
Landscape concept mitigation
- Precautionary Principle-Risk Analysis
- Balance
- Regulatory/Non-Regulatory
- Human Activities>Changes>Prohibited

NNL Force Field Exercise - The committee was asked to identify items that hinder achievement of NNL and then list corresponding factors that help achieve NNL:

FACTORS THAT HINDER NNL

1. Lack of enforcement
2. Regulatory confusion
3. Undefined processes & functions (don't know we're trying to maintain)
4. Unclear definitions (2)
5. Good definitions of baseline (3)
6. Economic disincentives (4)
7. Exempt activities (5)
8. Scientific uncertainty (3)
9. Lack of public understanding (6)
(Looks good, must be good)
10. Sense of entitlement
11. Lack of personal responsibility
12. Disconnect between human & environment
13. Population growth/pressure on limited resource/less suitable land (all the good development sites are taken, the ones that are left are very sensitive, hazardous or constrained ecologically)
14. Legacy uses
15. Evolving baseline
16. Limited jurisdiction
17. Conflicting regulatory mandates (2)
18. Different rules apply to different sections of shoreline (7)
19. Public access impacts (8)
20. High density in rural areas (7)
21. CAO-SMP integration (2+5)

FACTORS THAT ACHIEVE NNL

1. Education, clear standards
2. Write clear standards, consider other related laws, staff participation in SMP development
3. I&C Report, require studies @ permitting, provide list of relevant processes and functions
4. Tax incentives, education
5. Statement of exemption requirements, clear definition of + standards for activity, education, integration, use "stand in" language where possible/practicable
6. Education-proactive
7. Density standards
8. Control when & where, education, management plan