

City of Cle Elum Shoreline Master Program Periodic Review

No.	Commenter	Letter Comment	Response	Action Taken
1.	G. Dohrn (Page 1 of comment letter/email received 2/3/21)	I am wondering about the comment periods identified in the SEPA Distribution letter that was sent out, why two different comment periods, if the public hearing(s) are going to be the same night?	The CAO and SMP have different requirements. Both have required SEPA review, but SMP also has to adhere to the Ecology joint review process, which includes a longer comment period. The review and hearing schedule has been approved by Ecology, who leads the process.	N/A
2.	G. Dohrn (Page 1 of comment letter/email received 2/3/21)	Aren't both updated documents subject to a 60-day state agency GMA review and comment period? Frequently the SEPA and GMA reviews are integrated so that there is a single review and comment period. It looks like the Critical Area comment period is 14/15 days and the Shoreline Master Program comment period is 41/42 days? A public hearing is referenced for March 16th. Is that hearing for both documents? Alex, or Richard may have insights on this, but technically shouldn't they be separate hearings? Is it your intent to run the GMA review after the SEPA review, so that there are two separate review and comment periods? I'll address this later, but I think it would be appropriate to note in the SEPA letter and elsewhere that the SMP is applicable to jurisdictional shoreline areas in the City which includes the Yakima and Cle Elum rivers and their associated wetlands and that the critical areas regulations apply to designated areas not under the jurisdiction of the City's Shoreline Master Program.	The notices, hearings, schedule, and processes have been vetted through and approved by Ecology. The comment periods have been collapsed as much as possible and still be agreeable to Ecology. The March 16th Planning Commission meeting will include two hearings: one for each document/update. The Commerce review periods rarely return comments and are seen as more of a procedural requirement. However, adequate float has been included in the project schedule, should the Commerce review period return substantive comments. The final Council hearing and adoption scheduled for May 24 is also included in case there are any late arriving substantive comments. This is also scheduled for end of May, which is a month before deadline to allow for any additional curveballs. We can add a statement about jurisdictionality to future notices.	N/A

4.	<p>G. Dohrn (Page 2 of comment letter/email received 2/3/21)</p>	<p>I see in that the SEPA Checklist does not include part B, Environmental Elements, in accordance with the provisions of WAC 197-11-235.3.b. I should defer to Richard on this, but the authorization to not address Part B is contingent on the preparation of an environmental summary as identified later in the same WAC (see below).</p> <p>This summary may be in the body of the document or combined with Part D, in my quick review I didn't see it.</p> <p>(5) "Environmental summary and fact sheet."</p> <p>(a) The environmental summary includes the contents required in WAC 197-11-440(4). It should emphasize the major conclusions, significant areas of controversy and uncertainty, if any, and the issues to be resolved, including the environmental choices to be made and the effectiveness of mitigation measures. The summary is not to be a summary of the GMA action.</p> <p>(b) The summary should highlight from an environmental perspective the main options that would be preserved or foreclosed by the proposed GMA action. It should reflect SEPA's substantive policies and focus on any significant irreversible or irretrievable commitments of natural resources that would be likely to harm long-term environmental productivity, taking into account cumulative impacts. A summary of the principal environmental impacts may be presented in chart or matrix form, summarizing the relevant elements of the environment and impact assessment required by WAC 197-11-440 (6)(b) through (e). The summary may discuss nonenvironmental factors and should</p>	<p>It is very common when completing the CAO and SMP updates, to skip section B, and integrating the information from section B into the responses in the rest of the SEPA Checklist, which is what was done in this case. AHBL has used this method for multiple communities statewide.</p> <p>However, AHBL will modify the checklist to include an additional section so that it more clearly follows the WAC more literally, rather than only meeting the intent of the WAC, as is required. This will result a modified DNS, but this modification will not change the schedule because there is no SEPA comment period for this action.</p>	<p>SEPA checklist has been modified to include the Environmental summary and fact sheet</p>
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5.	G. Dohrn (Page 2 of comment letter/email received 2/3/21)	<p>Since the updated CAO only applies outside of jurisdictional shoreline areas and the SMP only applies inside SMP jurisdictional areas, and since both updated documents are subject to separate actions by the City Council, Richard may have comments on the appropriateness of including them in a single SEPA Checklist and Threshold determination.</p>	<p>The SEPA checklist addresses amendments for both the CAO and the SMP. We believe the SEPA checklist addresses impacts for both of these non-project actions.</p> <p>The SEPA has been conducted, was presented to all applicable SEPA entities statewide, and the SEPA comment period is now complete.</p>	N/A
6.	G. Dohrn (Page 3 of comment letter/email received 2/3/21)	<p>I see that the map in the SEPA Checklist highlighting the Shoreline designations includes areas within the city limits, within the unincorporated UGA, and areas in the unincorporated County outside of the City's current or future jurisdiction. I think it would be helpful to include the UGA boundary on this map and related maps, which may help explain why areas outside of the City have Urban shoreline designations. But more importantly, maps should be clear as to what areas are governed by the City's SMP and therefore subject to review and comment.</p> <p>I didn't look closely at the draft SMP, have the City and County executed an agreement that enables</p>	<p>The City's SMP only applies within City limits however the 2016 SMP update was done in conjunction with Kittitas County.</p>	N/A

		<p>the City to make or recommend shoreline designations in the unincorporated UGA? Or does the City's SMP only apply within the City limits?</p> <p>a. Are any changes to the Shoreline Map proposed, if so they should be highlighted.</p>		
7.	G. Dohrn (Page 3 of comment letter/email received 2/3/21)	<p>My review of the draft updated SMP was super fast, am I correct that there are only a few relatively minor revisions proposed?</p>	<p>The SMP was updated in 2016. Then in 2019 the City updated the SMP again based upon a Settlement Agreement with the Yakama Nation. Not only was this document very current already, but there are several sections that are covered by the Settlement Agreement and could therefore were not open for additional review/update. The City underwent the Settlement Agreement process hand-in-hand with Ecology, including having to adhere to the Ecology Joint Public Review Process, so we have been through this process barely a year ago. This may be helpful information for many of your other questions.</p>	N/A
8.	G. Dohrn (Page 3 of comment letter/email received 2/3/21)	<p>We touched upon this before, but I recall that FEMA had revisions to the FIRM map applicable to the City under review that was the source of some concern. Has FEMA officially adopted these maps? If not, what is the status? If so, what is the effect, if any, on the city and the development potential of properties? Would this new map necessitate a review of the City zoning map based on changes in development potential of certain areas?</p>	<p>The FEMA process is for the regulatory floodplains/floodways. The SMP extends 200ft landward of the FEMA floodway boundary. Frequently Flooded Areas are also covered under CAO, so there are interfaces between the FEMA regulated areas and both the SMP and CAO. FEMA maps are intended to be adopted quite soon. We then will have 6 months to adopt our updated Flood Hazard regulations, as applicable. At this time, I believe our ordinance includes a provision</p>	N/A

			<p>to automatically include the new maps, but I will be working on this as the City's Floodplain Manager. I have already received comments on our ordinance from our local Ecology floodplain representative, which I will review soon and share with applicable staff. We will need to include the review, including a hearing, on the Planning Commission's 2021 work plan. However, without knowing when the maps will be formally adopted, we don't know when the soonest/latest dates we can adopt the revisions. I will keep you updated, but am not requesting any additional work from you on this matter at this time.</p>	
9.	E. Torrey – WDFW (Page 1 comment letter/email received 3/16/21)	<p>4.2.C.2 Critical Areas Maps</p> <p>WDFW recommends that the City of Cle Elum add language to this section which makes reference to the Priority Habitats and Species “PHS On The Web” online map. This tool is the definitive source for fish, wildlife, and habitat data which meets the definition of a Priority Habitat or Priority species in the state of Washington. It should be referenced when the city or an applicant is identifying Critical Areas, specifically Fish and Wildlife Habitat Conservation Areas. <i>(Please note that an absence of PHS map data is not an assurance that the site does not contain Priority Habitats or Species, because the map only displays data that have been submitted.)</i></p>	<p>Section 4.2.C.2 addresses all critical areas in general. We believe the more appropriate place to include reference to the PHS On The Web” maps is in section 4.2.M.2. We have also included a reference to the Kittitas County Assessor’s “Compas 3.0” website which includes the PHS mapping.</p>	<p>1. Mapping: The approximate location and extent of wildlife habitat conservation areas, which includes Priority Habitat Species, are shown on the City’s critical areas maps and Kittitas County Assessor’s “Compas 3.0” Online</p>

				<p>Mapping. These maps are to be used as a guide and do not provide definitive information about wildlife habitat conservation area size or presence. The City shall update the maps as new wildlife habitat conservation areas are identified and as new information becomes available.</p>
10.	E. Torrey – WDFW (Page 1 comment letter/email received 3/16/21)	<p>4.2.D.5.B</p> <p>The reference to Priority Habitats and Species Management recommendations should be updated to reference 1997 or later, as the 1991 guidelines are outdated and only used in instances where specific guidelines and management data have not been created.</p>	<p>The SMP currently references the 1991 guidance as amended. We are happy to update this language to reference the 1997 guidance.</p>	<p>Amended language as follows:</p> <p>Mitigation plans for impacts to aquatic and wildlife habitat conservation areas, including</p>

			<p>habitat management plans, shall be prepared by a qualified professional with education/training in wildlife biology or a closely related field, and professional experience in habitat mitigation design, implementation, and monitoring. Where this plan is required for the protection of eagle habitat, the eagle habitat management plan shall normally be prepared by the Washington State Department of Fish and Wildlife, as required under the Bald Eagle Management Rules. The Washington Department of Fish and Wildlife</p>
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				Priority Habitat and Species Management Recommendations, dated <u>May December 1991</u> <u>1997</u> or as thereafter amended, or equivalent federal recommendations, shall serve as guidance for preparing mitigation plans to protect wildlife habitat conservation areas.
11.	E. Torrey – WDFW (Page 2 comment letter/email received 3/16/21)	<p><u>4.2.K Regulations – Aquatic Habitat Conservation Area Buffers</u></p> <p>WDFW has developed recommendations for aquatic buffers, also known as riparian areas. These recommendations are Riparian Ecosystems, Vol. 1: Science Synthesis and Management Implications and Riparian Ecosystems, Vol. 2: Management Recommendations. Volume 1 meets the criteria of being independently peer reviewed sources of Best Available Science for the protection and maintenance of fully functioning of riparian ecosystems. Volume 2 represents WDFW's recommendations on how to apply the science to riparian management.</p>	<p>The Department of Fish and Wildlife's recommendations were published in December, 2020, after the scope of this update was established. Changing the way riparian corridors are delineated by utilizing the CMZ as opposed to OHWL would be an involved amendment that exceeds the remaining resources of the grant provided by the Department of Ecology. This new science may be reviewed and included for future amendments.</p>	No changes made

		<p>The Riparian Ecosystems publications confirm that rather than simply being “buffers” for their adjacent waterbody, riparian zones are important as ecosystems in-and-of themselves, warranting protection and management regardless of the waterbody’s typing. Riparian areas - called Riparian Management Zones (RMZs) - function both as aquatic buffers by protecting and improving water quality, and as terrestrial habitat used by wildlife for movement, nesting, reproduction, foraging, and refugia. In particular, the Best Available Science informs us that the RMZ should be delineated by applying the Site Potential Tree Height (SPTH) at 200 years, as measured from the Channel Migration Zone (CMZ) rather than the ordinary high-water line (OHWL). Additionally, the science tells us that riparian areas of less than 100 feet will not adequately preserve nutrient removal functions and processes to protect water quality for state waters (Vol. 1, Chapter 5.6), nor provide the necessary functions for riparian dependent terrestrial species.</p> <p>WDFW recommends that the City of Cle Elum review the online SPTH tool, and use this to update and inform the “buffer sizing” indicated in Section K: Regulations (PDF page 58).</p>	<p>The City recognizes that there is an online tool for determining Site Potential Tree Height (SPTH). In the future, the City may use this tool in conjunction with assistance from the Department of Fish and Wildlife to update the SMP.</p>	
12.	E. Torrey – WDFW (Page 2 comment letter/email received 3/16/21)	<p>4.2.Q: Regulations – Frequently flooded area designation and mapping</p> <p>We suggest that the city investigate the First Street Flood Factor program and include or reference this resource in this section. The addition of this resource will provide landowners and city planners</p>	<p>The City recognizes that the current FEMA maps are outdated, however statute recognizes FEMA as the regulatory authority for floodplains. In the future the City may look into methods such as these to improve assessment of flood risk.</p>	No changes made.

		with a clearer picture of flood risks compared to only using the 1980 FEMA maps.		
13.	E. Torrey – WDFW (Page 2 comment letter/email received 3/16/21)	<p><u>4.5.B Table 4.5-1: Standard Shoreline Buffers (Type S Waters)</u></p> <p>Please see comment above regarding section 4.2.K.</p>	<p>Comment #11 above states that anything less than 100 feet does not provide adequate protection. However, in Table 4.5-1 the standard shoreline buffer for Type S streams is a minimum of 100 feet. This new science may be reviewed and included for future amendments in conjunction with assistance from the Department of Fish and Wildlife to update the SMP.</p>	No changes made
14.	E. Torrey – WDFW (Page 2 comment letter/email received 3/16/21)	<p><u>4.5.B.4.c: Hazard Tree Removal</u></p> <p>We request that the following language be added to this section:</p> <p>Removal of a hazard tree may be allowed in the shoreline buffer when trimming is not sufficient to address the hazard. The Administrator will encourage the applicant to “top” the tree or otherwise create a standing snag to preserve the functions and values of the shoreline habitat. If the hazard tree is dropped, the hazard tree should remain on site as a downed log. Where the hazard is not immediately apparent to the Administrator, the Administrator may require the applicant to submit a hazard tree determination report prepared by a qualified arborist or forester.</p>	<p>The City is supportive of making this change to encourage the retention of habitat within the shoreline. The City will incorporate this language with an amendment that the applicant is encouraged to keep the downed tree on site.</p>	<p>Amended language as follows:</p> <p>Hazard tree removal: Removal of a hazard tree may be allowed in the shoreline buffer when trimming is not sufficient to address the hazard. The Administrator will encourage the applicant to “top” the tree or otherwise create a standing snag to preserve the functions and values of the shoreline habitat. If the hazard tree is dropped, the hazard tree should remain on site as a downed log. Where the hazard is not immediately apparent to the Administrator, the Administrator may require the applicant to submit a hazard tree determination report prepared by a qualified arborist or forester.</p>

			<p><u>values of the shoreline habitat.</u> <u>If the hazard tree is dropped, it is encouraged that the hazard tree remain on site as a downed log.</u></p> <p>Where the hazard is not immediately apparent to the Administrator, the Administrator may require the applicant to submit a hazard tree determination report prepared by a qualified arborist or forester.</p>	
15.	E. Torrey – WDFW (Page 3 comment letter/email received 3/16/21)	5.5.B.4.f WDFW applauds Cle Elum for including the requirement on the grating of docks. We suggest, however, that the required percentage be dropped to 40% open space. The reason behind this suggestion is that many brands of commercial dock grating products fall between 40-50% open space. We believe that adjusting the open space percentage will allow for greater compliance with this requirement.	The open space requirement is currently at 50%. The City is not opposed to reducing the percentage to assist with ease of product availability.	Amended the language in 5.5.B.4.f as follows: Grating shall cover the entire surface area of the pier, ramp, and/or float. The open area of grating shall be at least fifty percent (<u>50</u> <u>40</u>) as rated

				by the manufacturer.
16.	E. Torrey – WDFW (Page 3 comment letter/email received 3/16/21)	<p>5.11.B.4</p> <p>We request that this sentence be amended as indicated:</p> <p>Natural in-stream features such as snags, uprooted trees, or stumps should shall be left in place unless it can be demonstrated that they are causing significant bank erosion or higher flood stages, or pose an unavoidable hazard to navigation.</p>	<p>As it reads currently, the City's SMP requires that the applicant demonstrate that the features remain in place unless they meet the requirement of inhibiting navigation or causing bank erosion. The City has reviewed this and does not believe that changing the word "should" to "shall" is necessary to enforce this requirement.</p>	No changes made.
17.	E. Torrey – WDFW (Page 3 comment letter/email received 3/16/21)	<p>Channel Migration Zone Maps</p> <p>WDFW suggests that the City of Cle Elum reference or utilize these draft CMZ maps which were developed by Kittitas County. Specifically, we recommend referencing Maps 16, 17, and 18. These maps may be referenced throughout the SMP document or provided in an additional Appendix and thus made available for reference by planners and the general public. These maps would provide valuable information to the general public about how rivers move over time and would likely be a beneficial source of data to Cle Elum officials as they begin to regulate using the updated SMP code language.</p>	<p>We acknowledge that these draft maps could be beneficial to the City and citizens. In the future, the City may choose to work with the County to get these maps finalized and incorporated.</p>	No changes made.
18.	E. Torrey – WDFW (Page 3 comment letter/email received 3/16/21)	<p>Chapter 7: Definitions</p> <p>We suggest that you add the following definitions to this section:</p> <p><u>Riparian</u>: An adjective meaning alongside a waterbody: stream, river, lake, pond, bay, sea, and ocean. Riparian areas are sometimes referred to by different names: riparian</p>	<p>The City will incorporate the definition for "Riparian" as well as the amendment to the definitions for "Critical Areas" and "Mineral Prospecting".</p> <p>A word search was conducted and Riparian Management Zone and Site</p>	<p>The following definitions have been added/amended as follows:</p>

	<p>ecosystems, riparian habitats, riparian corridors, or riparian zones.</p> <p><u>Riparian Management Zone (RMZ)</u>: A delineable area defined in a land use regulation; often synonymous with riparian buffer. For the purposes of this document, we define the RMZ as the area that has the potential to provide full riparian functions. In many forested regions of the state this area occurs within one 200-year site-potential tree height measured from the edge of the stream channel. In situations where a channel migration zone is present, this occurs within one site-potential tree height measured from the edges of the channel migration zone. In non-forest zones the RMZ is defined by the greater of the outermost point of the riparian vegetative community or the pollution removal function, at 100-feet.</p> <p><u>Site-Potential Tree Height</u>: The average maximum height of the tallest dominant trees for a given age and site class.</p> <p>We request that you amend the following definitions as indicated:</p> <p>"Critical areas" includes the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or</p>	<p>Potential Tree Height are not terms currently utilized in the SMP and therefore the definition does not need to be added.</p>	<p>"Critical areas" includes the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or</p>
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	<p>or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company. Natural watercourses such as streams and rivers that carry irrigation water are not considered to be an artificial feature.</p> <p>"Mineral prospecting" means to excavate, process, or classify aggregate using hand-held mineral prospecting tools and mineral prospecting equipment, conducted according to the provisions of WAC 220-110-200 through 220-110-206 WAC 220-660-300.</p> <p><i>The WAC reference is outdated and incorrect.</i></p>	<p>company. <u>Natural watercourses such as streams and rivers that carry irrigation water are not considered to be an artificial feature.</u></p> <p>"Mineral prospecting" means to excavate, process, or classify aggregate using hand-held mineral prospecting tools and mineral prospecting equipment, conducted according to the provisions of WAC 220-110-200 through 220-110-206 <u>220-660-300</u>.</p> <p>"Riparian" means alongside a waterbody: stream, river, lake, pond, bay, sea, and ocean. Riparian areas are sometimes</p>
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			<p><u>referred to by different names:</u> <u>riparian ecosystems,</u> <u>riparian habitats,</u> <u>riparian corridors,</u> <u>or riparian zones.</u></p>
19.	Shane Early – (DNR Comment Letter Received 02/16/2021)	As a comment regarding current updates to the City of Cle Elum's Shoreline Master Program (SMP), the DNR SE-FP notes that WAC 222-30-022 sets riparian management zone (RMZ) widths for timber harvest or other projects that require a forest practices application	The City will review this WAC reference and may coordinate with S Early for clarification on amendment to SMP.