

West Richland Shoreline Master Program

Public Comment Response Matrix - Prepared September 15, 2020

From Skylar Marcum - 8/16/2020		
1.	<p>Regarding specific changes in the SMP, I saw that the language in the proposed SMP update at page 4 tries to summarize RCW 90.58.030 is confusing and incorrectly summarized. There should be a semicolon after (OHWM) rather than a comma as is shown now. The comma makes it sound like shorelands include the area that is 200 feet from floodways, which is not correct.</p> <p>Compare the SMP language with the Statutory language (which the SMP is trying to summarize):</p> <p>SMP</p> <p>Shorelands means those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM), floodways, and contiguous floodplain areas landward two hundred (200) feet from such floodways; and additionally all wetlands and river deltas associated with such rivers, streams, lakes, and tidal waters (RCW 90.58.030).</p> <p>RCW 90.58.030(2)(d):</p> <p>"Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such</p>	<p>We agree with your observation that the colon after OHWM should be changed to a semi-color to match the RCW and we will direct AHBL to make that change on the SMP update draft version that is presented at the public hearing and for public comments.</p>

	<p>floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.</p> <p>Can you please track the statutory language.</p>	
2.	<p>In your original update for 2007 guidance (pg. 12) you had a comment that Floodway should be defined in a single way. You subsequently took no action. Seems out of compliance with the legislature and Ecology. It would be beneficial if Floodway was defined in a single way according to the relevant FEMA maps.</p>	<p>In an initial checklist that was completed to scope out necessary changes to the update, AHBL flagged a potential modification to the definition of floodway for the update. (The Ecology checklist listed that in 2007 there were legislative action taken, where options for the defining “floodway” were given). Upon further review we found that no changes are necessary, as the most recent SMP adopted by the City of West Richland was worked on, and approved, following that legislative change.</p>
3.	<p>In general, there are several updates to Wetlands. It would be great if more details or options on mitigation options are provided. As an example, Mitigation Banking.</p>	<p>Wetland mitigation banking provisions are not compulsory; however, they can be explored and considered if there is an earnest interest in potentially pursuing such a program by affected landowners. If you can confirm that such interest exists on your end please let us know, otherwise city staff does not wish to invest resources in exploring this optional topic at this time.</p>
4.	<p>In 2012 the legislature amended the appeal process to the SMP. Can amendments be added to outline the appeal process to the SMP.</p>	<p>Because it is not necessary to detail the process for appealing the SMP which is per state law and is subject to change by the legislature, as you’ve noted, the city will not incorporate such language which would be unnecessary and could be a burden to update/ maintain.</p>
5.	<p>Large portions of Michelle's 213 acres are placed in the "Urban Conservancy". This should be made to be Shoreline Residential. The Floodplain and Floodway development restrictions serve the necessary function of limiting development as needed. The property is zoned as Residential and the SMP designation should match that.</p>	<p>The Urban Conservancy Environment is not incompatible with the assigned zoning across the large area you describe, as the designation specifically is intended to allow “low intensity residential development” within the constraints of the SMP and other environmental regulations (as stated in the purpose statement found in Chapter 3, Section E.3). Furthermore, per the designation criteria, the designation is assigned to areas that “are appropriate and planned for low intensity agricultural, recreational, and residential development that is compatible with maintaining or restoring the ecological functions of the area in the shoreline jurisdiction and that are not generally suitable for water-dependent uses” and which “possess severe</p>

		development limitations, due to the presence of critical environmental features including... flood hazard areas.”
6.	Can you please send me any updated draft for the SMP? I noticed language was moved from Title 14 that was redundant with SMP and would like to cross-reference or check if anything changed here.	The Draft SMP dated June 17, 2020 is currently included on the City’s website and is our most recent draft (that version was provided for the Open House) and it features the new language you reference on page 93 (Chapter 6, Section C) that came from Title 14 previously.
<b>From Debbie Berkowitz, Lower Columbia Basin Audubon Society (LCBAS) – 9/2/2020</b>		
7.	General comment. Some areas along Reach 1 are designated as FWHCAs on the Critical Areas map (Comp Plan 2017) including some with good shrub steppe habitat and some with small cliffs. They appear to be the types of areas that would need to be maintained as habitat to prevent the net loss of ecological functions along the Yakima River in the City. Why are none of these areas designated as ‘Natural’? On P. 64, D1b2a states “Reserve appropriate areas in the shoreline jurisdiction for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.” Where are the areas reserved for protecting and restoring ecological functions? These areas would be needed so that if other areas are developed, there will be no net loss of ecological function.	<p>Comment noted.</p> <p>WAC 173-26-211 (5)(a)(c) provides a criteria for giving a “natural” shoreline environment designation.</p> <p>The Shoreline Inventory and Characteristics Report (SIC Report) from 2013 said that Reach 1 “in its undeveloped state, the shoreline reach’s biological and physical character indicate that limited functions are present, but the reach provides habitat functions that can be protected. Restoration or potentially protection would be appropriate throughout the reach.”</p> <p>The report also assessed the functional assessment of the reach, which is included in Table 10 of the report. For all criteria, the reach scored either moderate or low, but never “high” for hydrologic, vegetation, hyporheic and functions. For habitat function, the reach ranked “moderate.”</p> <p>We suspect that this is why a natural environment was not established or assigned in the West Richland SMP.</p>
8.	General comment. From your response to a question at the open house as to which shoreline areas have been developed since the last update, it sounds like the City’s Gateway area has been developed and that there have been some variances and conditional use permits. What was the mitigation for the Gateway area? Has there been an ecological impact as a result of the implementation of the variances and conditional use permits and, if so, what mitigation has been done?	<p>Information on the Yakima River Gateway Project can be accessed at: <a href="https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=201504536">https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=201504536</a></p> <p>By accessing this link, you can view the Notice of Application and SEPA Determination of Non-Significance as well as the Shoreline Permit Application Form, Legal Description(s) of the project site, Vicinity and Project Area Maps, Project Design Drawings, SEPA Checklist and Habitat Management Plan (including proposed impacts and mitigation). Additionally, there is a Wetland Delineation Report and a copy of the Cultural Resources Inventory that was performed.</p>

9.	P. 136-156 Wetlands. Since the last SMP update in 2014, WDOE has provided new guidance for Eastern Washington wetlands (WDOE 1606002). Many criteria have changed and these should be incorporated so that West Richland is following the Best Available Science in one of the most important wetland areas in the City, i.e., along the Yakima River. A few examples of changes that would reflect current guidance are noted here:	We consulted the publication Wetland Guidance for CAO Updates: Eastern Washington Version (Publication # 16-06-002).
a.	P. 143. Land use impacts table. For example, hobby farms and golf courses in general are considered high intensity. Parks with biking/jogging are considered moderate intensity. Gravel driveways (not paved driveways) serving 1 or 2 residences are considered low intensity.	<p>The <a href="#">publication</a> (page 5) says “Of course, if your jurisdiction includes rural land uses, you should consider using the buffer tables in Appendix 8-D of Wetlands in Washington State, Volume 2 (revised October 2014).”</p> <p>When we consult that publication, we see some of the updates that you mention, and we may make those changes in a future draft; <b><i>we are looking into this further.</i></b></p> <p><b><i><u>FLAGGING - City’s Critical Areas Ordinance should be checked</u></i></b></p>
b.	P. 145, J6. Wetland buffer increases. For example, change ‘may’ to ‘shall’ in first sentence. Include state or federally listed species (not just ‘endangered, threatened, or sensitive species’)	<p>The first sentence refers to increased buffers widths “in accordance with recommendations....” and specifies that decisions are made on a “case-by-case” basis and accordingly the optional “may” instead of the compulsory “shall” is appropriate.</p> <p>As for the species listings, we need time to conduct some research and evaluate if we be required to make changes in a future draft; <b><i>we are looking into this further.</i></b></p> <p><b><i><u>FLAGGING - City’s Critical Areas Ordinance should be checked</u></i></b></p>
c.	P. 147, K2e. The buffer width is not reduced to less than 75% (not 50%) of the standard buffer width or 75 ft for Category I and II, 50 ft for Category III and 25 ft for Category IV, whichever is greater.	<p>we need time to conduct some research and evaluate if we be required to make changes in a future draft; <b><i>we are looking into this further.</i></b></p> <p><b><i><u>FLAGGING - City’s Critical Areas Ordinance should be checked</u></i></b></p>
d.	P. 148-149. Because of the importance of wetlands associated with the Yakima River for many functions	Change made:

	including water quality and salmon recovery, alteration of these wetlands should be strongly discouraged. Mitigation must follow the prescribed sequence listed in Chap. 4 Section 4; a “combination of such measures” (new revision) weakens this requirement and should not be allowed.	<p>The phrase “Mitigation may include a combination of the above measures” appears in WRMC 18.25.140 (ORD 16-17) and so we added the new phrase to match with that.</p> <p>However, this phrase (while used in other SMPs such as the City of Walla Walla and Walla Walla County) could be misleading, and we recognize that The SEPA rules and Section 404 of the federal Clean Water Act both require that a sequence of actions be taken for proposals that will impact wetlands.</p> <p>Therefore, we will dispense with this proposed change.</p> <p><b><i>FLAGGING - City’s Critical Areas Ordinance should be checked</i></b></p>
e.	P. 153. Table should include Rehabilitation.	<p>The table in WRMC 18.25.170 (ORD 16-17) does not include rehabilitation. It is included in the model ordinance in publication 16-06-002.</p> <p>We believe this is recommended guidance but is not required and so no action is planned at this time.</p>
f.	P. 156. Wetland Monitoring Program. Several criteria in WDOE’s latest guidance appear to be missing, including criteria for control of nonnative species, buffer vegetation, monitoring for 10 yrs, a performance bond, etc. These should be included	<p>The current text mirrors what is included in WRMC 18.25.180 (ORD 16-17). At this time, the City does not intend to incorporate the latest guidance as it is not required.</p>
g.	P. 92 ej4. ‘A delineation of all wetland areas that will be altered or used as a part of the development’ should come with a mitigation plan as part of the application so that there is no net loss of ecological function. As noted above, alteration of wetlands along the river should be strongly discouraged by the City because of their critical ecological functions.	<p>Comment noted.</p>
10.	P. 157-161, 121. Critical fish and wildlife habitat conservation areas.	
a.	P. 157 R1. State priority habitats and areas associated with state priority species as well as DNR’s natural heritage program species should be included	<p>We need additional time to research this topic and look up the <a href="#">Richland</a> and <a href="#">Benton County</a> documents you cited, and determine if we will make those changes in a future draft; <b><i>we are looking into this further.</i></b></p>

	<p>in all FWHCAs, not just on ‘government and conservation land.’ According to WAC 365-190-130 (4b), WDFW priority habitats and species should be considered by counties and cities as they include the best available science; DNR’s natural heritage program can provide a list of high quality ecological communities and systems and rare plants. We are asking you to include these in all FWHCAs in the City as has been done by Benton County and by the City of Richland. (We should note that it is not clear from the City’s Critical Areas map which parts of the FWHCAs are on government and conservation land; the only locations specifically mentioned in the text are in Willamette Heights, which we don’t think are subject to shoreline jurisdiction.)</p>	<p><b><u>FLAGGING - City’s Critical Areas Ordinance should be checked</u></b></p>
b.	<p>P. 157 R1. FWHCAs should also include documented habitat, other than accidental presence, of regional or national significance for migrating birds.</p>	<p><u>Change made:</u> We have added “Documented habitat, other than accidental presence, of regional or national significance for migrating birds” as item g in that section. (Change made to the SMP update draft version that is going to be presented at the October Planning Commission public hearing.)</p> <p><b><u>FLAGGING - City’s Critical Areas Ordinance should be checked</u></b></p>
c.	<p>P. 159. FWHCA. “Buffer shall not exceed 150 ft” (new revision). What is the Best Available Science basis for 150 ft? How will this result in no net loss of ecological function? The Department of Fish and Wildlife’s priority habitats and species recommendations often call for buffers wider than 150 ft for many fish and wildlife habitats. The SMP should follow WDFW recommendations as documented in <a href="https://wdfw.wa.gov/species-habitats/at-risk/phs/recommendations">https://wdfw.wa.gov/species-habitats/at-risk/phs/recommendations</a>. For example, the WDFW recommended buffer width for Type S streams is currently 250 ft. And individual species may have significantly larger recommended buffer widths. In the Benton County CAO, a Type F</p>	<p><u>Correction made:</u> The phrase “but in no case shall exceed 150 feet” appeared in a 2014 draft and was subsequently deleted following a comment from Ecology. We inadvertently added it back in. Thank you for the close review; this proposed change will be eliminated.</p> <p>(Change made to the SMP update draft version that is going to be presented at the October Planning Commission public hearing.)</p> <p><b><u>FLAGGING - City’s Critical Areas Ordinance should be checked</u></b></p>

	stream has a 200 ft FWHCA buffer width; a Type S stream like the Yakima River shouldn't be less.	
d.	P. 161. FWHCA, Wildlife corridors. Again, the SMP should follow WDFW recommendations as documented in 'Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Area (Chap. 4, P. 3) or current version. WDFW recommends widths of 150 to 1,000 ft for wildlife corridors depending on the type and number of species likely to use it.	It is our understanding that Ecology (who works with FWHCA) supports the existing buffers as we have established them in the SMP.
e.	P. 158. Habitat assessment should include an analysis of F&W habitat and species within 300 ft of the project site to account for potentially wider buffer widths.	<p><u>Change made:</u> We have made a change as follows:</p> <p>Habitat Assessment. <b><u>A habitat assessment, prepared by a qualified wildlife biologist, shall be submitted for any development activity proposed on a site which contains or is within: (A) 200 feet of a site or area that</u></b> <del>If the</del> the City's Shoreline Administrator has reason to believe that critical fish and wildlife habitat exists on or within, or <b><u>(B) 300 feet of documented habitat for threatened, endangered, or sensitive fish or wildlife species. -200 feet of a property proposed for any development activity, a habitat assessment shall be prepared by a qualified wildlife biologist.</u></b> The habitat assessment shall include, at a minimum, the following: 1) An analysis and discussion of critical species or habitats known or suspected to be located <b><u>on or</u></b> within 200 feet <b><u>(or within 300 feet, as applicable)</u></b> of the project site; 2) A site plan that clearly delineates the critical fish and wildlife habitats found on or within 200 feet <b><u>(or within 300 feet, as applicable)</u></b> of the site.</p> <p><b><u>FLAGGING - City's Critical Areas Ordinance should be checked</u></b></p>
f.	P. 121. Definition of 'pristine shrub steppe habitat.' This is too restrictive a definition for any area of Benton County since there is so little shrub steppe left and very little of that could be classified as pristine (in fact, the County doesn't use 'pristine' in talking about shrub steppe habitat in their CAO).	Based on our consultations with WDFW, our definition is something they concur with.

	Connectivity of disturbed shrub steppe is also very important as is the connection of shrub steppe to riparian areas. Shrub steppe should be based on WDFW's priority habitat designations.	
11.	P. 20 3b3. Critical environmental features. Please add (d) Fish & wildlife habitat conservation areas; (a) should also include steep slopes or geologic hazards in general).	<p>This is for the designation criteria or the Urban Conservancy shoreline environment. It says that the Urban Conservancy shoreline environment designation is assigned to areas that "Possess severe development limitations, due to the presence of critical environmental features including: a. Erosion hazard areas; b. Wetlands; and/or c. Flood hazard areas"</p> <p>In comparison the Shoreline Residential Environment designation is assigned to areas that "do not contain significant environmental hazards or sensitive areas" and the High Intensity Environment designation is assigned where there are areas having "few biophysical limitations to development such as floodways, floodplains, <b>steep slopes</b>, or landslide hazard areas"</p> <p>We feel that in the greater context, your concerns are already addressed.</p>
12.	P. 57. Note 2. Add – 'No net loss of ecological function shall be allowed.'	<p>The SMP document is very clear on the standard of no net loss of ecological functions, and changing the footnote would only add unnecessary repetition.</p> <p>The language in Chapter 3, Section (F)(2)(c) is applicable to all shoreline environment designations and states "Permitted uses shall result in no net loss of ecological functions and shall not degrade other values in the shoreline jurisdiction."</p> <p>No footnote is needed, as it would be unnecessary repetition.</p>
13.	P. 38. Clearing and Grading. Please make it clear in this section (as you do in section 10b, P. 50-52) that clearing and grading is allowed only as part of a shoreline substantial development permit or as a conditional use. Given how often clearing occurs without a permit on our shorelines, stating this up front might help decrease the problem.	Suggestion noted.

14.	P. 68 4a. How are docks that serve fewer than 4 families regulated? Is the cumulative effect considered?	We don't think anyone will put a dock in the Yakima River (due to flows, flooding, functions) for residential purposes.
15.	P. 93 Notice for SMP permits. Please add publication in the TCH legal notices.	<p>The SMP specifies that notice may be made in "Any other manner deemed appropriate by the director to accomplish the objectives of reasonable notice to adjacent landowners and the public" and so publication in the TCH is not precluded.</p> <p>Next, WAC 173-27-110 does not require such publication.</p>
16.	P. 110 BMP definition. This definition is very limited. It should include statements about agricultural and land management activities. It should also talk about protecting vegetation, habitats, and groundwater, as well as sustainability.	<p>The model CAO ordinance says:  "Best Management Practices (BMPs) – Conservation practices or systems of practices and management measures that: (a) Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, or sediment; (b) Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands; (c) Protect trees, vegetation and soils designated to be retained during and following site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas; and (d) Provide standards for proper use of chemical herbicides within critical areas."</p> <p>The SMP says: [STORMWATER DEFINITION]  Best Management Practices (BMPs) – BMPs are the utilization of methods, techniques or products which have been demonstrated to be the most effective and reliable in minimizing environmental impacts. BMPs encompass a variety of behavioral, procedural, and structural measures that reduce the amount of contaminants in stormwater run-off and in receiving waters.</p> <p>And the WRMC Chapter 18.25 does not have a definition.</p> <p>In reading through the SMP we find that the stormwater definition fits the text the best (discussion about clearing and grading, etc.) and the term is never used in relation to conservation / farming activities / etc.</p>

17.	Consider adding a statement that the City strongly encourages bird friendly buildings, especially in the shoreline area (and critical areas). Guidelines from the American Bird Conservancy are available.	Comment noted.
18.	P. 170 Exception 1 (and 2). Where would an existing lot be found that would meet this exception? It should be clarified that an existing lot refers to a lot existing prior to the 2014 SMP (or if this paragraph existed in a previous SMP, then prior to that version).	There are very likely very few lots in shoreline jurisdiction that meet this criterion. Perhaps there could be a location along Reach 1 where there are some cliffs, as you have noted. The following section “g” prevents the creation of additional lots which should eliminate the necessity to cite or state specifically that “existing” lot means prior to the 2014 SMP.
19.	P. 184 DD. Paragraphs 1 & 2. It would be useful to give this more ‘teeth’ by changing ‘may’ to ‘shall’ to maintain the standard of no net loss of ecological function.	<i>(correction, this is on page 176)</i> For the first paragraph, the Administrator “may” suspend or revoke approval for various items which do not necessarily meet the threshold of “no net loss of ecological function” and so it appears that this is already very protective.  For second paragraph – it is preferred to leave “may require or perform periodic monitoring” as this leaves options open for various cases and instances.
20.	Appendix 3 is mentioned but we haven’t been able to find it. Is it on the City’s website?	<u>Change made:</u>  There is no appendix 3 and we have removed the reference (page 7).
<b>From the Confederated Tribes of the Umatilla Indian Reservation (CTUIP) – 9/11/2020</b>		
21.	The CTUIR would like the Shoreline Master Plan to specifically reference and include more information about tribal First Foods and the habitats those foods rely upon.	Comment noted.
22.	The CTUIR would like the wapato ( <i>sagittaria latifolia</i> ) and dogbane hemp ( <i>Apocynum cannabinum</i> ) site I showed you on September 9, 2020 be included as a preservation area in the Plan.	<u>Change made:</u> We added “Private, noncommercial activities that do not include development (such as the harvesting of naturally occurring plants including the wapato - <i>Sagittaria latifolia</i> and dogbane hemp – <i>Apocynum cannabinum</i> by Confederated Tribes of the Umatilla Indian Reservation members) are not considered aquaculture in this SMP and as such are not subject to these policies.” To Chapter 5, Section D, Subsection 3(a), and we made similar changes to the definition of “Aquaculture.”

		<p>“Foraging habitat” is included within the “Priority Habitat” definition.</p> <p>Finally, we added “Areas where the wapato (<i>Sagittaria latifolia</i>) and dogbane hemp – (<i>Apocynum cannabinum</i>) occur, as these species are culturally significant to the Confederated Tribes of the Umatilla Indian Reservation members” to the list of “Habitats and species of local importance” in Appendix 2, Section R(1)(b)(1)(c).</p> <p>(Note: no change to the City’s CAO is necessary since the SMP Appendix 2 regulates uses and development in the City’s Shoreline areas, which covers the location where these species occur)</p>
23.	The CTUIR would also like to ensure shoreline areas are accessible for tribal fishing.	<p><u>Change made:</u></p> <p>The SMP already states the objective to “when and/or where appropriate, make access to such sites [having historic, cultural, scientific, or educational values] available to parties of interest. Design and manage access to such sites in a manner that gives maximum protection to the resource.” Under Chapter 2, Section H Subsection 2(b).</p> <p>We added “Shoreline areas shall be made available for tribal fishing and foraging activities, to the extent allowed under applicable laws and statutes.” To Chapter 4, Section B, Subsection 2(c)(3).</p>
24.	Finally, the CTUIR would like to have access of CTUIR tribal members acknowledged for the exercise of reserved treaty rights to gather First Food resources and raw materials such as the dogbane hemp.	<p>See response for comment #22.</p> <p>While we did not refer to the treaty in the SMP, we have made some changes that support your request.</p>
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