



Friends *of the* San Juans

360.378.2319
www.sanjuans.org

P.O. Box 1344
Friday Harbor, WA 98250

To: San Juan County Council
From: Stephanie Buffum, Executive Director, Friends of the San Juans
Date: October 2, 2018

Re: October 8, 2018 San Juan County Council Continued Hearing on Proposed Amendments to San Juan County Code Chapter 18.50 Shoreline Regulations

Friends of the San Juans (“FSJ”) respectfully submits the following comments to support the Shoreline Master Program (“SMP”) recommendations that the Planning Commission made on September 21 and to address the September 26 staff report about those recommendations. We appreciate that the County has proposed many amendments that will help achieve compliance with the June 13, 2018 Growth Management Hearings Board decision, but continue to have concerns about the cumulative effects review and unlimited risk timeframe for soft armoring. The comments below supplement comments that FSJ supplied in its two previous comment letters dated August 13, 2018 and September 18 2018; those letters provide additional detail on the topics discussed here but we limited these comments to what we believe are the most important topics for your consideration not yet fully addressed.

In conjunction with the amendments proposed by planning staff and the planning commission, FSJ supports the following changes in support of compliance with the Shoreline Management Act (“SMA”):

A. Watershed Mapping for In-Watershed Mitigation.

The use of the Puget Sound Nearshore Ecosystem Restoration Project (“PSNERP”) San Juan County sub-basin map or another comparable map that demarks watersheds for the full area of the county for consistency among project applicants, consultants and the SJC Department of Community Development.

B. Armoring.

The identification of a risk timeframe for soft shoreline stabilization to avoid unnecessary soft shoreline armoring.

C. Cumulative Effects Tracking

Establishment of complete tracking for permitted projects and their impacts and periodic evaluation of the likely impacts associated with those projects. This would include a sample tracking system and a commitment to conduct an initial evaluation to demonstrate the adequacy of the approach by December 31, 2019. The process could be refined, and subsequent reviews conducted, every four years.

A. The SMP should provide all county residents with watershed mapping for in-watershed mitigation. Ordinance Section 2, Page 10, Lines 41-44: SJCC 18.50.020.E.3.

To effectively authorize mitigation actions, as well as to track permits and evaluate cumulative impacts, a standard system of identifying watersheds is needed that applies to all of San Juan County. The reliance on qualified professionals to come up with their own, potentially individualized approach has associated costs for project proponents as well as for the county when it comes to reviewing, tracking and evaluating mitigation. The PSNERP map¹ is suggested here because it part of a soundwide map, was peer reviewed, is compatible with the existing SJC stormwater basin map and has been used in the salmon recovery plans and reports that are referenced in the proposed watershed mitigation section amendments to be utilized by applicants in the development of mitigation actions. However, any standardized basin mapping and naming system that includes the full area where shoreline development might occur would address the issues of consistency and inefficiencies for both applicants and staff.

B. The SMP needs to include a risk timeframe for soft shoreline stabilization. Ordinance Section 4, Page 12, Lines 41-43: SJCC 18.50.350.B.

FSJ supports the Planning Commission recommendation for consistency that all shoreline armoring applicants demonstrate that damage is expected within three years. As set forth in FSJ's September 18th comments, a time limit is consistent with the SMP Guidelines' threshold requirement that a structure be presently in danger to allow either hard or soft shoreline stabilization. In addition, the absence of a timeframe for risk would allow the construction of "soft" armor along any non-bedrock San Juan County shoreline at any time because each of the 160 miles of non-bedrock shoreline may be eroding at some rate.

It is also important to keep in mind that the requirement to show an imminent risk of danger is completely separate from the inquiry into the type of stabilization that would be allowed once an applicant makes that first showing. We heard concern at the September 21 hearing that a 3-year timeframe for soft armor would encourage applicants to just apply for hard armor. But the SMP already does not allow this. Instead, once an applicant has demonstrated that their shoreline needed modified with some type of armor, they can receive approval for hard armor only after showing that softer approaches are not feasible. SJCC 18.50.360 establishes a preference for soft approaches, stating that applicants, "shall employ the first feasible alternative in the shoreline stabilization order of preference provided below," and then sets forth, in order, no action, soft armor, and lastly, hard armor.

¹ PSNERP. Sub basin maps were identified throughout Puget Sound, peer reviewed by the PSNERP Strategic Science Peer Review Panel and published in 2012 in the technical publication, *Strategies for nearshore protection and restoration in Puget Sound. Puget Sound Nearshore Report No. 2012-01*. Published by Washington Department of Fish and Wildlife, Olympia, Washington, and the U.S. Army Corps of Engineers, Seattle, Washington. Authors: Cereghino, P., J. Toft, C. Simenstad, E. Iverson, S. Campbell, C. Behrens, J. Burke. 2012). http://www.pugetsoundnearshore.org/technical_reports.html

Thus, there is a two-step process:

- First, show conclusive evidence that damage will occur within three years. SJCC 18.50.350.
- Then, use the softest type of armor that will address your situation. SJCC 18.50.360.

As a result, using a timeframe for risk of damage for soft armor does not encourage applicants to apply for hard armor. Instead, it will decrease the likelihood that shoreline owners will seek build soft armor on their shorelines in response to standard shoreline erosion. As we've heard from Ecology and county planning staff during recent hearings, the intent is that there is no new armor.

C. Cumulative Effects Tracking and Evaluation

We support the language recommended by the Planning Commission and are concerned that the new staff suggestion to largely repeat the text from state regulations, without also explaining how the County would conduct its review, is inconsistent with the SMA and the Growth Board decision. Friends recognizes that the development of a mechanism for tracking permitted activities in the shoreline and the associated process to periodically evaluate impacts of authorized activities on shoreline conditions is a challenging task, yet it is essential for meeting the goals and requirements of the SMA. We urge the council to provide adequate resources for staff and or consultants to develop and implement this system in a timely manner.

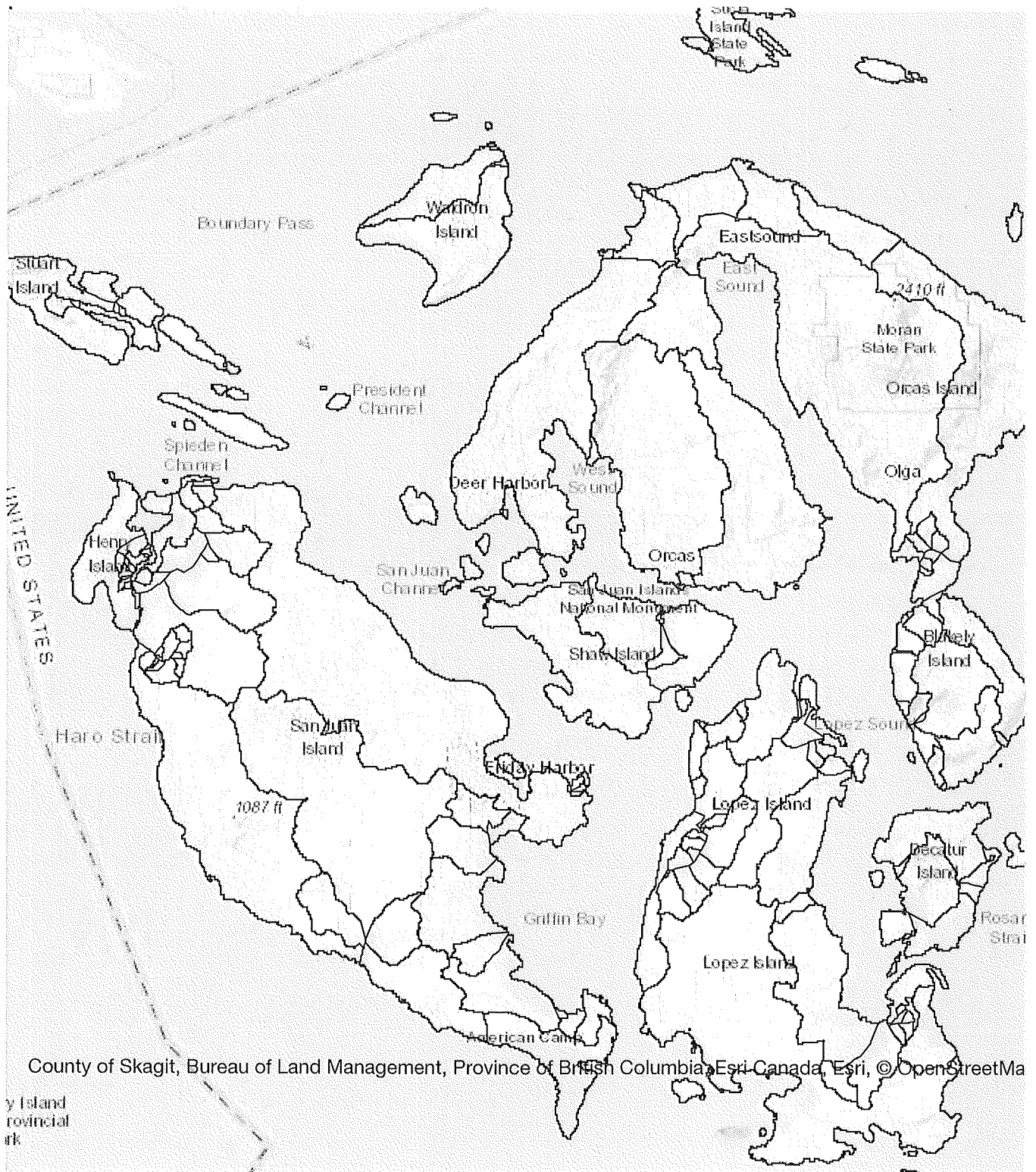
In light of the lack of attention to this topic to date as well as the conversations at the September 21, 2018 joint hearing about staff estimating that they could start to look into this topic in 12 to 18 months at the earliest Friends recommends that adequate resources and a firm timeframe of no more than one year be placed on the implementation of an improved tracking system *and* an associated 'test run' of a cumulative effects analysis. At this time, necessary adjustments can be made to the tracking system as dictated by the cumulative effects analysis and subsequent periodic evaluations can occur at four year intervals as the county proposes. As the numbers of shoreline permits issued each year is relatively small, especially for developments like docks and stabilization, this first analysis should not be overly cumbersome but instead considered part of the development of an effective process.

As it has already been more than 5 years since the cumulative impact analysis was completed as part of the recent SMP update, and nearly 6 years since the Critical Areas Ordinance recommended such a system be established, and no evidence has been offered over the past months that such a system is currently being developed, the county must not wait another four years to demonstrate compliance with the SMA. The San Juan County Marine Resources Committee also recommended this year one initial review to ensure the adequate systems are in place in their August 15, 2018 comment letter.

Consequently, we support the cumulative effects language recommended by the Planning Commission and urge the County also to identify how it would track permits and their impacts.

	additional database attribute fields to support effective tracking and evaluation of impacts suggested new standardized fields for all shoreline projects									
standardized project description field (example headings below)	watershed	shoreform	area change in impervious surface	area change in vegetation	total area impact in shoreline	total area impact above OHW	total area impact below OHW	mitigation required?	site visit?	

AQUACULTURE
 BARGE
 BEACH_ACCESS
 BOATHOUSE
 BOATRAMP
 BULKHEAD
 CLEARING_GRADING
 DOCK
 EAGLE_NEST
 GUESTHOUSE
 LOG_BOOM
 LOGGING
 MARINE_RAILWAY
 MOORING_BUOY
 POND
 RECREATION_AREA
 SEPTIC
 SETBACK
 SHORELINE
 STORMWATER
 TRANSIENT_RENTAL
 WATER
 WETLAND



County of Skagit, Bureau of Land Management, Province of British Columbia, Esri-Canada, Esri, © OpenStreetMap

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Nearshore Assessment Map

+ - PSNERP MAPPING