

Island County Shoreline Master Program Department of Ecology Comment Summary.

Ecology public comment period April 24th to May 24th 2013, Public Hearing May 1, 2013

July 9, 2013

Comment # Topic and format	Commenter	Specific Comment	Island County Response
1: Finfish Aquaculture (Public Testimony)	Steve Erickson , Whidbey Environmental Action Network P.O. Box 53, Langley, WA 98260	Net Pen Industrial operations are not farming. They're defined in law as aquatic versions of so called Confined Animal Feeding Operations, which are more commonly called feedlots.	Thank you for your comment.
2. : Finfish Aquaculture (public testimony)	Steve Erickson , Whidbey Environmental Action Network P.O. Box 53, Langley, WA 98260	Finfish Net pens allowed to dump untreated sewage into water. No other industry of any sort's allowed to treat Puget Sound as an open sewer for their waste.	Thank you for your comment.
3. : Finfish Aquaculture (public testimony)	Steve Erickson , Whidbey Environmental Action Network	Fin Fish net pens are permanent ongoing major sources of pollution in Puget Sound. They get to discharge directly in the Puget Sound for free.	Thank you for your comment.
4. Finfish Aquaculture (public testimony)	Steve Erickson , Whidbey Environmental Action Network	Discharging for free is a huge subsidy that we the public provide to this industry, giving it a marked advantage over the conservation restoration of fisheries based on free-swimming fish.	Thank you for your comment.

5. Finfish Aquaculture (public testimony)	Steve Erickson , Whidbey Environmental Action Network	The Island County commissioners have done exactly the right thing by proposing to ban these operations in Island County waters.	Thank you for your comment.
6. Finfish Aquaculture (public testimony)	Steve Erickson , Whidbey Environmental Action Network	Department of Ecology seems to be a captive of the industry in this respect and is refusing to approve the county banning, net pen aquaculture, or finfish feedlots, Is Ecology representing the people here, and the environment? Or is it representing this one industry?	Thank you for your comment.
7. Finfish Fed Lots (public testimony)	Steve Erickson , Whidbey Environmental Action Network	Ecology needs to remove its opposition to approving the aquaculture provisions of the Shoreline Management Program that ban net pen aquaculture.	Thank you for your comment.
8. Shellfish Aquaculture (public testimony)	Diani Taylor Taylor Shellfish Farms 130 SE Lynch Road Shelton, WA 98584	When the Shoreline Master Program Update got to the Board of County Commissioners last fall, the aquaculture section was drastically changed.	Island County has reviewed the changes and met with shellfish industry representatives. After thoroughly discussing these issues, the County feels a number of changes can be made to clarify the code requirements applicable to shellfish growers while ensuring a high level of environmental protection (see attachments “D” & “E”).
9. Shellfish Aquaculture Local Process	Diani Taylor Taylor Shellfish Farms	These SMP changes, released on November 29, were locally adopted at a public hearing on December 27th. This did not allow enough time for substantive public	See response to comment “8”.

(public testimony)		comments or for proper commissioner review.	
10. Shellfish Aquaculture (public testimony)	Diani Taylor Taylor Shellfish Farms	Several changes made to the aquaculture section would functionally prohibit shellfish farming, others go against the Department of Ecology guidelines, and some are simply inappropriate.	See response to comment "8".
11. Shellfish Aquaculture (public testimony)	Diani Taylor Taylor Shellfish Farms	Policy number 10 was added to the November draft, which "states that high pressure water-blast mining of offshore and inner-tidal species shall be prohibited". Concerned policy was intended to address geoduck aquaculture. Feels this policy has no scientific basis. References Univ. of Washington Sea Grant 2011 research.	See response to comment "8".
12. Shellfish Aquaculture (public testimony)	Diani Taylor Taylor Shellfish Farms	Regulation number 7. states that aquaculture in Penn Cove and Holmes Harbor will not be permitted unless the applicant can demonstrate that culture will not result in significant adverse environmental effects in these areas of special concern. It would be impossible for any activity to prove that it will never have any sort of adverse impact. So that would functionally prohibit aquaculture from expanding in those areas. Island County SMP already has no net loss of ecological functions standards.	See response to comment "8".
13. Shellfish Aquaculture (public testimony)	Diani Taylor Taylor Shellfish Farms	Regulation number 7 seems to target Penn Cove Shellfish. Like other changes made late in the local process; it is inappropriate.	See response to comment "8".
14. Finfish Aquaculture (public testimony)	Sarah Schmidt Whidbey Audubon	Feels that the proposed SMP is a significant improvement over what is currently in place	Thank you for your comment.

15. Finfish Aquaculture (public testimony)	Sarah Schmidt Whidbey Audubon	Supports proposed SMP Net pen aquaculture ban. Feels not compatible with the health of our waters and the restoration of our native salmon species.	Thank you for your comment.
16. Finfish Aquaculture (public testimony)	Sarah Schmidt Whidbey Audubon	In regards to Net Pens; when is a water-dependent use no longer reasonable and appropriate? Ecology's concern is that the proposed standards are too restrictive to accommodate this water-dependent use, but we feel it makes no sense to spend millions of dollars on the restoration of ecological functions, i.e. salmon recovery, and simultaneously permitting fish farms which threaten those very salmon.	(Ecology response)
17. Public Access (public testimony)	Jane Seymour Island Beach Access	Island County Code 17.05A.090 Public Access item M: Existing public access shall not be eliminated? Have been eliminated by neighbors putting up walls and by people putting up fences and garages and all kinds of other encroachment into the public access.	Island County makes every effort to enforce the requirements of the SMP but our resources are limited. The proposed SMP update makes it clear that public access encroachments will be considered violations (ICC 17.05A.090.M.2). For additional information see responses to comments: "18", "26", "198", and "256".
18. Public Access (public testimony)	Jane Seymour Island Beach Access	Island County Code 17.05A.090 Public Access item M: Existing public access shall not be eliminated unless an applicant shows that there is no feasible alternative. According to this provision, the county can replace that public access with . . . access of comparable functions and value at another location in the same vicinity." Well, that's contrary to state law. State law mandates every public road that ends at the beach purpose is to get the public to the beach. This is biased in favor of the applicant.	The proposed public access provisions contain both general and specific provisions. ICC 17.05.090.M.1 contains specific and general provisions applicable to public access, including things such as existing views; while ICC 17.05.090.9 states quite specifically that access provided by public road ends, rights-of-way, and utility

			<p>corridors shall not be diminished by the County, neighboring property owners, or other citizens. This specific provision would control over the more general provisions found elsewhere in the public access section.</p> <p>Island County understands the proposed SMP public access regulations seem ambiguous, and agrees that more clarity is required. Accordingly the public access provisions will be changed prior to final adoption so that ICC 17.05A.090.M.1 only applies to “visual access”. In addition ICC 17.05A.090.M.3 will be changed to explicitly state that public access cannot be eliminated except in conjunction with a <i>public</i> project which serves a public purpose, and then only when the project replaces the access with a new access (see attachment “C”).</p> <p>For additional information see responses to comments: “17”, “26”, “198”, and “256”.</p>
<p>19. Public Access (public testimony)</p>	<p>Jane Seymour Island Beach Access</p>	<p>This item M is biased in favor of the applicant. We’re supposed to balance public and private interests. Why not replace the applicant’s parcel with another in</p>	<p>See responses to comments: “17”, “18”, “26”, “198”, and “256”.</p>

		the same vicinity with comparable functions. That would be much easier than trying to replace a single public access in Island County.	
20. SMP protections. (public testimony)	Rein Atteman Washington Environmental Council	The final SMP should be a guiding document that is based on science that will protect existing natural vegetation and promote planting of native plants that will protect critical areas, including fish and wildlife habitat, conservation areas, and critical saltwater habitats.	Thank you for your comment.
20. Public Access (public testimony)	Rein Atteman Washington Environmental Council	The final SMP should provide abundant and appropriate public access	Thank you for your comment.
21. SMP Development (public testimony)	Rein Atteman Washington Environmental Council	The final SMP should responsibly address new development: commercial, residential, and recreational.	Thank you for your comment.
22. SMP restoration (public testimony)	Rein Atteman Washington Environmental Council	The final SMP gives preference to protecting, restoring the ecological functions of the shorelines for water quality, habitat, refuge for salmon, etc. over preference for activities like finfish aquaculture and net pens.	Thank you for your comment.
23. Addressing ecological functions and habitat preservation (public testimony)	Barbara Bennett P.O. Box 202 Greenbank, WA 98253	Feels efforts that we have put into this plan are working within constraints that are philosophically flawed. Specifically dealing with the question of No Net Loss. The calculation of our current ecological functions is made with the assumption that existing uses will be grandfathered in, that water-dependent uses will be assumed to supersede other decisions, that existing of single-family residences should be allowed to continue. These factors restrict us (County, state) from being able to use the lessons that we've learned over the 40	The Island County Shoreline Master Program (SMP) was developed in accordance with the requirements of the State Shoreline Management Act (SMA). The SMA requires the use of the most "current, accurate, and complete scientific and technical information available". In order to comply with this requirement, Island County's consultant team (ESA Adolfson)

		years since the SMA was created.	<p>prepared a detailed Shoreline Inventory and Characterization report. In addition Island County's consultant team prepared a Cumulative Impact Analysis which demonstrates that the proposed SMP update is based on a "no net loss" standard.</p> <p>It is not possible to return the shorelines of Island County to a natural "pre-development" condition, nor is this the stated purpose of the SMA. Notably the SMA requires that reasonable development and uses of shoreline areas be balanced with the need for ecological protection.</p>
24. Addressing ecological functions and habitat preservation (public testimony)	Barbara Bennett	Departmental representatives should think carefully about ways to affirm that we have learned a lot of lessons about uses and boundaries and shorelines that we need to be able to preserve in Island County. Once these things are altered, the opportunity to restore them cannot substitute for their original functions.	Ecology response.
25. Public Access (public testimony)	Mike McVey Island Beach Access	First, while the need for public access is clear, and the goals and policies of the program, the future will depend very much on the county and the state's willingness and ability to enforce existing laws. Unlike some other parts of the program, which focus on how private owners will develop and care for shoreline property, the public access portion of the program deals almost entirely with public lands and	<p>Island County makes every effort to enforce the provisions of the existing SMP and intends to fully and properly implement the proposed SMP update upon adoption.</p> <p>For additional information see</p>

		hence will require county involvement. We hope the county is willing to make this commitment and provide resources in making the goals and policies a reality.	responses to comments: “17”, “18”, “26”, “198”, and “256”.
26. Public Access (public testimony)	Mike McVey Island Beach Access	We’re concerned that the county has not updated the maps showing the public beach access points that are included in the update. Providing information regarding public access locations is one of the goals of our program and of the SMP. It’s important that the information be as accurate as possible, at this time the public access resources maps, referred to, has a variety of errors, including the locations shown as public accesses that are not in fact public, showing locations that don’t exist, public access or road ends that are difficult or impossible to find and new access points that do not appear on the map.	The maps showing public access locations are only intended to be illustrative. It is not feasible for Island County to perform the detailed title research necessary to state conclusively what is, or is not publicly owned. Island County has made the best possible effort to inventory known or verifiable public access locations.
27. Public Access (public testimony)	Mike McVey Island Beach Access	We would also like to emphasize the importance of the county role in maintaining the road and accesses to the beach or to viewpoints. Many of the road ends are difficult to find, because they are overgrown. They’ve been planted in. There are encroachments of all kinds in them, and things that obscure the fact that the road end exists. In some cases there are aggressive caretakers who come out and yell at old people who try to walk down a public access, because they don’t want them there.	See responses to comments: “17”, “18”, “26”, “198”, and “256”.
28. Shellfish Aquaculture (public testimony)	Ian Jefferds Penn Cove Shellfish LLC P.O. Box 148 Coupeville, WA 98239	Requests the Department of Ecology return the Dec.2012 Island County Shoreline Master Program-adopted by the Island County Board of Commissioners on December 27 back to the Island County Board of Commissioners and request and require that they incorporate the proposed revisions that the SMP suggested in a letter sent to you	(Ecology response)

		yesterday by my colleague Miss Diani Taylor.	
29. Shellfish Aquaculture (public testimony) Also see May, 1, 2013 Comment letter	Ian Jefferds Penn Cove Shellfish LLC	The changes Diani Taylor suggested in her letter were those which we both believed had been mutually agreed upon by the county and us in the shellfish farming business during meetings with the planning director and planning staff, following our input at several public hearings during the fall of 2012 regarding the SMP. The changes recognize the benefits of the eco-system services provided by shellfish farming and, therefore, designates aquaculture as a preferred water-dependent use of the shorelines of the state.	See response to comment "8".
30. Shellfish Aquaculture (public testimony) Also see May, 1, 2013 Comment letter	Ian Jefferds Penn Cove Shellfish LLC	I was extremely disheartened at the end of the rushed late-night SMP meeting on December 27, 2012 when the county commissioners revised and approved the SMP submitted to you. The policies and regulations previously agreed upon were drastically revised by the county commissioners following the November 29 public hearing. This totally disregarded the best available science and input provided by Miss Taylor and myself in prior letters, conversations, and meetings at public hearings and with county staff. Furthermore, those changes were made at the behest of the county commissioners without the opportunity for us to make further public comment,	See response to comment "8".
31. Shellfish Aquaculture (public testimony) Also see May, 1, 2013 Comment letter	Ian Jefferds Penn Cove Shellfish LLC	An example these SMP changes are Item 7 of the Aquaculture Use Regulations, which stated: "Aquaculture in Penn Cove and Holmes Harbor will not be permitted unless the applicant can demonstrate the culture will not result in adverse environmental impacts." As a shellfish farmer that's been diligent in protection of Penn Cove for over 37 years, I will say	See response to comment "8".

		that this particular regulation is not only misdirected, but offensive. It appears that the actual intent of the county commissioners might have been to prevent finfish aquaculture from coming to the county. If that was the case, then that should have been specifically stated so that the final SMP continues to allow for shellfish aquaculture and the opportunities, and benefits which it provides here in Island County.	
32. Shellfish Aquaculture (public testimony) Also see May, 1, 2013 Comment letter	Ian Jefferds Penn Cove Shellfish LLC	To be told that the new SMP would require us to try and prove that we're not doing harm to Penn Cove indicates a lack of understanding or willing disregard to acknowledge that the water quality in Penn Cove has been kept clean, primarily by our efforts,	See response to comment "8".
33. Shellfish Aquaculture (public testimony). Also see May, 1, 2013 Comment letter	Ian Jefferds Penn Cove Shellfish LLC	It's important, in the process of updating the SMP, that we do not now create a barrier, which unintentionally or otherwise, to shellfish farming,	See response to comment "8".
34. Boat Ramps (public testimony)	Dennis Gregoire Port of South Whidbey 1804 Scott Road Freeland WA 98249	The Shoreline Master Program needs to provide is a vision for the South Whidbey boat ramps, so they are functioning properly.	The proposed SMP update allows for the maintenance and operation of existing legally established uses. See responses to the following comments: "46", "258", "259", "262", and "270".
35. Shoreline Environments Designations (public testimony)	Dennis Gregoire Port of South Whidbey	Proposes a new shoreline environmental designation that is boat ramps/parks for those six facilities that exist in South Whidbey. These areas are currently designated residential. They're publicly-owned property. Port has drafted a model ordinance, or a model environmental designation.	See responses to the following comments: "34", "46", "258", "259", "262", and "270".

36. Shoreline Inventory (public testimony)	Dennis Gregoire Port of South Whidbey	Island County shoreline inventory didn't address sediment movement which takes place on the west side of Whidbey Island. It is enormous.	Island County's Shoreline Inventory does address sediment movement on the west side of Whidbey Island. Specifically, both the Shoreline Inventory and Characterization Report and the Cumulative Impact Analysis addressed coastal erosion, and sediment transport. In addition Island County commissioned a study in 2005 entitled "Island County Feeder Bluff and Accretion Shoreform Mapping"; this document is used frequently for shoreline planning and permitting purposes. For additional information see response to comment "37"
37. Sediment Management (public testimony)	Dennis Gregoire Port of South Whidbey	A sediment management program is needed, Especially for west side of Whidbey and the boat ramps.	Sediment movement was considered in the development of the proposed SMP update. Also, the implementing regulations contain numerous provisions which are intended to maintain naturally occurring coastal-geologic processes. For additional information see response to comment "36"
38. Economic Development (public testimony)	Dennis Gregoire Port of South Whidbey	There is a SMA requirement for addressing economic development in the Shoreline Master Program. But there is no economic development	Island County is currently in the process of the reviewing and updating the Comprehensive Plan.

		<p>element in the County Comprehensive plan. You can't do an economic development for your shoreline without an economic development in GMA. How does Island County plan to address this gap?</p>	<p>As part of this review, economic development issues will be considered countywide. The SMA requires that locally adopted SMPs include an economic development element for shoreline areas; however, Island County is not required to develop a broader economic development plan at this time. For more information see response to comment "260".</p>
<p>39. Shoreline permitting for Canal Communities (email)</p>	<p>Jerri Reynolds Mariners' Cove Waterways Committee</p>	<p>Request SMP language changes to make permitting more streamlined and defined for canal communities</p>	<p>The proposed SMP update contains numerous provisions which are unique to canal communities. These provisions streamline permit processes and generally make allowances for uses and activities which would otherwise be prohibited or difficult to permit, including; special setbacks (ICC 17.05A.090.D), setback reduction provisions (ICC 17.05A.090.J), docks (ICC 17.05A.110), and bulkheads (ICC 17.05A.110.B). The proposed SMP update will also establish a process by which designated canal communities can obtain a "master permit" to cover a variety of future activities.</p>
<p>40. Definitions (email)</p>	<p>Jerri Reynolds Mariners' Cove Waterways Committee</p>	<p>Proposes new definition for Canal Community Master Plan. See Comment letter appendix for specific language</p>	<p>The proposed SMP contains provisions for Canal Community Master Plans (ICC 17.05A.110.B.23). While this</p>

			section does not allow dredging to be included, dredging can already be permitted through a Conditional Use Permit. The purpose of the Community Master Plan was to allow for an easier permitting path for small projects which reoccur frequently (such as docks).
41. SMP 17.05A.080, TABLE 1: Shoreline Use Classification Table. (email)	Jerri Reynolds Mariners' Cove Waterways Committee	Proposing a new footnote 13 and proposing that each item marked "C" in the Aquatic Environment or in the Shoreline Residential be footnoted to note 13. <i>All uses and activities listed as "Conditional Use" are eligible to be considered as part of a "Canal Community Master Plan" for Canal Communities only as defined in 17.05A.070.</i>	ICC 17.05A.110.B.23 states that " <i>once adopted, new and replacement docks, piers and floats in the Canal Communities that comply with the standards of the master plan and are adjacent to the canal would be allowed as permitted uses</i> ". However, there does appear to be a conflict between this provision and the use table; accordingly, Island County will amend the use table prior to final adoption to include a notation next to "private docks, piers, & floats" entry to indicate that these uses do not require an S-CUP when they are located in a designated canal community and are consistent with an approved canal community master plan (see attachment "A").
42. SMP 17.05A.110.A.3 Shoreline Stabilization (email)	Jerri Reynolds Mariners' Cove Waterways Committee	As the adopted SMP language reads 17.05A.110.A.3 Shoreline Modification Regulations, bulkheads on new lots would likely be prohibited. In the case of canal communities, new bulkheads should be allowed so that existing platted lots can be developed similarly to	Island County understands these concerns and believes that allowing "infill" bulkheads in canal communities should be a permitted use or allowed through an approved

		the existing developed single family lots. Proposes new section and is attached as Item III in the appendix. The new section borrowed language from 17.05A.110.A.2 – Existing Structural Shoreline Stabilization.	canal community master plan. Unfortunately the provisions of WAC 173-26-231(a)(iii) prohibit bulkheads on vacant lots.
43. SMP Vegetation Conservation (email)	Lydia Garvey 429 s 24th Street Clinton, OK 73601	Preserve existing vegetation through shoreline environment designations and uses.	Each Shoreline Environment designation (except Shoreline Residential Canal Community) has an associated buffer requirement. All native vegetation within the required buffer must be maintained and may only be altered under very limited circumstances. In addition ICC 17.05A.090.K contains specific provisions for the protection of shoreline vegetation, including vegetation outside of established buffer areas.
44. SMP Vegetation Conservation (email)	Lydia Garvey	Include areas with high quality habitat and native vegetation in a “Natural” environment	The Shoreline Environment designation policies of the proposed SMP update identify ten designation criteria applicable to the Natural Environment. These designation criteria identify “areas that are critical to the support of priority, sensitive, threatened, or endangered species”, “areas of waterfowl concentration”, and “forested riparian areas predominantly composed of native vegetation with diverse plant communities, multiple canopy

			layers, and the presence of large woody debris available for recruitment to adjacent water bodies”. Shoreline areas that are consistent with these criteria, as well as other applicable criteria, have been designated Natural Shoreline Environments.
45. SMP buffers (email)	Lydia Garvey	Include shoreline buffers that are based on science.	The Island County Shoreline Master Program (SMP) was developed in accordance with the requirements of the State Shoreline Management Act (SMA). The SMA requires the use of the most “current, accurate, and complete scientific and technical information available”. In order to comply with this requirement, Island County’s consultant team (ESA Adolfson) prepared a detailed Shoreline Inventory and Characterization report. In addition, Island County’s consultant team prepared a Cumulative Impact Analysis which demonstrates that the proposed SMP update is based on a “no net loss” standard. The buffers identified in the updated SMP were based on the findings of the Shoreline Inventory and Characterization report and the Cumulative Impact Analysis. As stated above, these studies

			synthesized the most current, accurate, and complete scientific and technical information available. Buffers and other regulatory requirements were subsequently developed using this information.
46. SMP 17.05A.080, Table 1: Shoreline Use Classification (email)	Chris Parsons, AICP Partnership & Planning Program Washington State Parks & Recreation Commission P.O. Box 42650 Olympia, WA 98504	Shoreline Use Classification Table allows for public boat launches as a conditional shoreline use for both the Natural and Rural Conservancy Shoreline Environment Designations(ED). Yet the Rural Conservancy ED does not allow parking lots and the Natural classification allows parking for a water dependent uses. Providing boat ramps for trailered boats without offering parking for the trailers and vehicles in the Rural Conservancy EDs will not be workable. We suggest that parking lots be a permitted activities in the Rural Conservancy environment designation.	Public Parks are identified as a permitted use in all Shoreline Environments (except the Aquatic and Natural Environments) and parking lots that are a necessary and essential element of a public park would be permitted in these Environments. ICC 17.05A.100.D.2 specifically requires that adequate boat trailer parking be provided in conjunction with approved public boat launches. In addition, ICC 17.05A.100.L.16 clarifies that parking associated with a public beach access point is permitted, and the definitions section of the updated SMP (ICC 17.05A.070) includes launch ramps in the definition of public access. Therefore, parking lots associated with a public park and boat launch facility would be a permitted use in all shoreline environments (except the Natural and Aquatic). For additional information see

			responses to comments: “34”, “258”, “259”, “262”, and “270”.
47. Shoreline Environment Designation (email)	Chris Parsons, AICP Washington State Parks & Recreation Commission	Camano Island State Park is proposed to be designated as a Natural Environment Designation, although the area along State Park’s property at Lowell Point has existing built recreational facilities, including a parking lot for boater’s trailers, a boat ramp and boat dock, a restroom and picnic shelter. We suggest designating this shoreline as Rural Conservancy because of these features.	Island County agrees that it would be more appropriate to classify the developed portions of Camano Island State Park as Rural Conservancy and will amend the proposed map(s) prior to final adoption as shown on attachment “G”.
48. Management of shoreline erosion and bluff failure (email)	Tim Verschuyl 3300 Green Road Oak Harbor, WA 98277	Island County only considers shoreline management within 200’ measured horizontally of the Salish Sea. Most drainage problems initiate well beyond this 200’ limit. I suggest including all area seaward of the first through road paralleling the coast. The State 200’ standard is a minimum standard. It often falls short of the top of the bluff.	It would not be possible for Island County to dramatically reconsider the extent of the jurisdiction of our SMP at this time. However, storm-water, clearing, grading, and other land development activities are already regulated by other Island County codes.
49. County Assessor valuation policy (email)	Tim Verschuyl	Current Island County Assessor valuation policy for shoreline parcels encourages poor stewardship. All shoreline parcels values are determined assuming an “excellent view”, with no adjustment in value for a lesser view that often results from retention of bluff slope vegetation.	Taxation and assessment policies are outside the authority of the Island County SMP.
50. SMP Enforcement (email)	Tim Verschuyl	Enforcement of hazardous bluff slope tree clearing and bald eagle screening requirements depends upon neighbor reporting neighbor, once the building permit process is completed. Since the neighbor is often guilty of the same clearing violations, additional violations go unreported.	Island County intends to fully and properly implement the proposed SMP update; however, our enforcement resources are limited.

51. Shoreline drainage systems (email)	Tim Verschuyt	Many shoreline drainage systems, including tight lines to the beach, are poorly designed and not maintained. Walk along the shore north and south of the Ledgewood failure to see tight lines hanging dry or coiled below after falling to the beach. Few flow water.	The proposed SMP update can only regulate future activities. While there are many existing drainage tight-lines that do not meet current standards, or that were not installed with the proper permits and approvals our enforcement resources are limited. Island County makes every attempt to bring drainage systems up to code whenever possible in conjunction with proposed development activities.
52. Shoreline drainage systems (email)	Tim Verschuyt	Shoreline driveways may be paved without a permit or drainage plan, accelerating runoff.	There are no provisions in the proposed SMP update that would allow the percentage of impermeable surfaces to be increased on a site without permits or approvals. Even if no permit were required, the activities would still be required to comply with the applicable provisions of the SMP. ICC 17.05A.090 specifically limits the maximum allowable ratio of impermeable surfaces.
53. Bulkhead Replacement (email)	Tim Verschuyt	Bulkheads are allowed to be replaced (50% per year) even though adjacent neighbors without bulkheads (and not permitted to install one) are harmed by the neighbor with the bulkhead.	The SMP does allow existing legally established bulkheads to be replaced. Adjoining property owners are also eligible to construct bulkheads, if necessary, and if

			consistent with the provisions of ICC 17.05A.110.A.3.
54. Stormwater Pollution (email)	Tim Verschuyt	Road side polluted storm drainage enters the Salish Sea unchecked. Upland drainage is not controlled all the way to salt water.	The proposed SMP update can only regulate future activities.
55. Educational incentives program for shoreline property owners (email)	Tim Verschuyt	An educational incentives program for shoreline properties does not exist. Suggests a “point system plan”, offering the incentive of decreased property valuation for taxation, depending upon the degree of responsible stewardship (somewhat like the Current Use Property Tax Program). It could decrease bluff failures, benefit salmon recovery and tourism, and serve to educate shoreline property owners about responsible stewardship. Yes, it would result in a tax shift whereby public benefit is gained. But bluff failure results in a tax shift whereby public and private loss occurs, and a decrease in total tax revenue.	The Island County PBRS program will be reviewed and possibly updated as part of Island County’s ongoing Comprehensive Plan review.
56: Sea level Rise not addressed in SMP. (email)	Tim Verschuyt	We just dismissed sea level rise with Island County’s latest Shoreline Management Plan. WSU studies (and many more) point to sea level rise – up to 22” by 2050 on Whidbey.	Sea level could be a factor in the review of future permit applications if warranted. Notably Shoreline Development Policy C-6 requires that the effects of sea level rise be considered to minimize future flood impacts.
57. Incentive Program (email)	Tim Verschuyt	I suggest an incentives program for shoreline property owners that encourages environmentally responsible development and stewardship. Such as encouraging soft shore protection, even seaward of existing bulkheads; the handling of on-site and through-site storm drainage; maintaining existing vegetation, especially on the bluff slope; encouraging minimal impervious surface areas; respecting habitat preservation. 59% of Island County shoreline parcels are greater than 3 acres in size. That’s large enough	These factors were considered in the development of the updated SMP. The Island County PBRS program will also be reviewed, and possibly updated, as part of Island County’s ongoing Comprehensive Plan review.

		to offer some meaningful choices in deforestation, grading, impervious area, habitat protection, storm drainage, and shoreline protection.	
58. Incentive Program (email)	Tim Verschuyt	A Current Use point system could be established to educate shoreline property owners, and to encourage environmentally responsible stewardship. This point system could rate beneficial and harmful practices. The total could relate to property valuation for taxation.	See response to comment “55”.
59. Sea level Rise not addressed in SMP. (email)	Tim Verschuyt	Island County is similarly vulnerable the storm damage on the East Coast seen from Hurricane Sandy: Vulnerable Whidbey shoreline: The row of homes across the “dike” by Swan Lake. Mariners Cove. Dugualla Bay Heights. Even high bluff properties will experience bluff and structural failure with sea level rise.	See response to comment “56”.
60. SMP Aquaculture changes (letter)	Diani N. Taylor Taylor Shellfish Farms 130 SE Lynch Road Shelton, WA 98584	Concerned that many SMP Aquaculture policies and regulations are inconsistent with state law and are overly burdensome. Suggests County adopt Revisions in Appendix A. See comments 61-73 and appendix A for rationale. Suggested deleted text in strikeout , additions underlined.	See response to comment “8”.
61. SMP Chapter VI: Policies for Shoreline Uses B. Aquaculture (letter)	Diani N. Taylor Taylor Shellfish Farms	Policy 1. Aquaculture is a preferred, water-dependent use of regional and statewide interest that is important to the long-term economic viability, cultural heritage and environmental health of Island County. <u>Properly managed, it can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline.</u>	See response to comment “8”.
62. SMP Chapter VI: Policies for	Diani N. Taylor Taylor Shellfish	Policy 2. Aquaculture uses and developments should: a. Protect and improve water quality;	See response to comment “8”.

<p>Shoreline Uses B. Aquaculture (letter)</p>	<p>Farms</p>	<p>b. Minimize damage to important shoreline habitats and resources such as eel grass beds; c. Minimize interference with navigation and normal public use of surface waters; and, d. Minimize the potential for cumulative adverse impacts, such as those resulting from in-water structures/apparatus/equipment, land-based facilities, toxic loading, and substrate disturbance/modification (including rate, frequency, and spatial extent).</p>	
<p>63. SMP Chapter VI: Policies for Shoreline Uses B. Aquaculture (letter)</p>	<p>Diani N. Taylor Taylor Shellfish Farms Diani N. Taylor Taylor Shellfish Farms</p>	<p>Policy 3. Delete existing policy and replace with the following: <u>3. Flexibility to experiment with new aquaculture techniques should be allowed. The potential impact of new aquaculture techniques on existing uses and natural systems should be considered. New developments in the vicinity of an experimental aquaculture project should be restricted or denied if they could compromise the monitoring and data collection of the experimental project. Experimental aquaculture is still subject to the permitting and regulations under all applicable state and federal agencies. "Experimental aquaculture" means an aquaculture project that uses methods or technologies which are unprecedented or unproven.</u></p>	<p>See response to comment "8".</p>
<p>64. SMP Chapter VI: Policies for Shoreline Uses B. Aquaculture (letter)</p>	<p>Diani N. Taylor Taylor Shellfish Farms</p>	<p>Policy 4. Delete existing policy and replace with the following: <u>4. Aquaculture should not be allowed in areas where it would result in a net loss of ecological functions, adversely impact native eelgrass and macro algae, or significantly conflict with navigation and other legally established water-dependent uses.</u></p>	<p>See response to comment "8".</p>

65. SMP Chapter VI: Policies for Shoreline Uses B Aquaculture (letter)	Diani N. Taylor Taylor Shellfish Farms	Policy 8: 8. The Countywide density of finfish net-pen aquaculture and raft culture operations should be limited as necessary to minimize cumulative environmental impacts.	See response to comment "8".
66. SMP Chapter VI: Policies for Shoreline Uses B. Aquaculture (letter)	Diani N. Taylor Taylor Shellfish Farms	Policy 10: 10. High pressure water blast mining of offshore and intertidal species shall be prohibited.	See response to comment "8".
67. SMP 17.05A.100 Shoreline Specific Use Regulations B. Aquaculture 1 (letter)	Diani N. Taylor Taylor Shellfish Farms	Regulation 2. All aquaculture operations may require a shoreline conditional use permit that outlines uses and monitoring requirements based on site specific conditions and scientific indicators of the given operation. Permits will be issued for 5 to 10 year periods with renewals permitted where no significant adverse impacts or net loss of ecological functions have occurred.	See response to comment "8".
68. SMP 17.05A.100 Shoreline Specific Use Regulations B. Aquaculture 1 (letter)	Diani N. Taylor Taylor Shellfish Farms	4. All aquacultural facilities and activities shall <u>should be located and designed so as to avoid a net loss of ecological functions, to avoid adverse impacts on native eelgrass and macro algae. Operation of the aquaculture facility or activity will not likely result in a net loss of shoreline ecological functions. Where such impacts cannot be avoided, they should be minimized.</u>	See response to comment "8".
69. SMP 17.05A.100 Shoreline Specific Use Regulations B. Aquaculture 1	Diani N. Taylor Taylor Shellfish Farms	7. 7. Aquaculture in Penn Cove and Holmes Harbor will not be permitted unless the applicant can demonstrate that culture will not result in significant adverse environmental effects in these areas of special concern.	See response to comment "8".

(letter)			
70. SMP 17.05A.100 Shoreline Specific Use Regulations B. Aquaculture 1 (letter)	Diani N. Taylor Taylor Shellfish Farms	10. Proposals for aquacultural uses <u>should be located and designed to avoid or minimize the shall demonstrate that they will not spread of disease to native marine or aquatic life or and establishment of new nonnative species which cause significant ecological impacts.</u>	See response to comment "8".
71. SMP 17.05A.100 Shoreline Specific Use Regulations B. Aquaculture 1 (letter)	Diani N. Taylor Taylor Shellfish Farms	11. Floating and submerged aquaculture structures shall be located so as to not unduly restrict navigational access to waterfront property or interfere with general navigation, and other <u>legally established</u> water-dependent uses, including normal public use of the surface waters. Floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with U.S. Coast Guard	See response to comment "8".
72. SMP 17.05A.100 Shoreline Specific Use Regulations B. Aquaculture 1 (letter)	Diani N. Taylor Taylor Shellfish Farms	22. Experimental aquaculture projects may be allowed as a shoreline conditional use. Monitoring of specific environmental conditions may be required at the applicant's expense prior to or during operation as a condition of approval, to provide proof of compliance with the permit.	See response to comment "8".
73. SMP 17.05A.100 Shoreline Specific Use Regulations B. Aquaculture 1 (letter)	Diani N. Taylor Taylor Shellfish Farms	30. Proposed aquaculture applications shall submit the following information at a minimum:... i) Environmental assessments including further baseline studies may be required depending upon existing conditions, the nature of the proposal, and probable <u>significant</u> adverse environmental impacts. Baseline and periodic monitoring, as required by permit, shall be at the Applicant's expense by County approved consultants unless otherwise provided for;	See response to comment "8".
74 SMP consistency with	Diani N. Taylor Taylor Shellfish	A. Island County SMP must be consistent with State Shoreline Mgt. Act (SMA) and State SMP guidelines.	See response to comment "8".

SMA (letter)	Farms	(RCW 90.58.020 & 90.58.080)	
75. SMP water dependent use preference requirements (letter)	Diani N. Taylor Taylor Shellfish Farms	B. Under the SMA and State SMP Guidelines local governments must give preference to water dependent uses (RCW 90.58.020, WAC 173-26-241 (3) (b) (i) (A)). Aquaculture is preferred water dependent use of the shoreline that provides important ecological benefits and must be protected from harmful activities. SMP's are required to promote this preferred use and protect aquaculture from activities that threaten water quality and critical saltwater habitat including shellfish beds	See response to comment "8".
76. State and Federal Aquaculture Policies. (letter)	Diani N. Taylor Taylor Shellfish Farms	C. The Federal National Shellfish Initiative and the Washington State Shellfish Initiative emphasize the importance of shellfish aquaculture to coastal economies and ecosystem health. Both Initiatives indentify aquaculture as a preferred water dependent use must be promoted by local governments and protected from potential harmful activities.	See response to comment "8".
77. Washington Sea Grant Geoduck Aquaculture Research (letter)	Diani N. Taylor Taylor Shellfish Farms	D. Washington Sea Grant confirms limited impacts of Geoduck Aquaculture. Because Geoduck aquaculture has beneficial impacts and limited disruptions within the range of natural disturbances; promoting this use is consistent with both the SMA and best available science.	See response to comment "8".
78. Washington State Shorelines Hearings Board Geoduck Aquaculture Decision (letter)	Diani N. Taylor Taylor Shellfish Farms	E. July 2012 SHB decision (No. 11-019, (Long branch) confirmed that Geoduck aquaculture is a preferred use of the shoreline that has long term benefits for the state and insignificant adverse environmental impacts. This SHB decision is consistent with other SHB decisions recognizing shellfish aquaculture as a preferred water-dependent	See response to comment "8".

		use.	
79. Federal nationwide permit #48 (letter)	Diani N. Taylor Taylor Shellfish Farms	F. US Army Corps of Engineers Nationwide permit #48 recognizes commercial shellfish aquaculture has minimal adverse impacts.	See response to comment "8".
80. December 2013 SMP changes (letter)	Diani N. Taylor Taylor Shellfish Farms	G. The most recent version of the County's draft SMP are confusing onerous and serve no environmental protective function.	See response to comment "8".
81. December 2013 SMP changes (letter)	Diani N. Taylor Taylor Shellfish Farms	These SMP changes compromised much of hard work all parties spent to develop well balanced aquaculture policies and regulations.	See response to comment "8".
82. December 2013 SMP changes (letter)	Diani N. Taylor Taylor Shellfish Farms	G. These SMP changes, released on November 29, were locally adopted at a public hearing on December 27th. This did not allow enough time for substantive public comments or for proper commissioner review. Recommend that the changes be revoked as suggested in appendix A of comment letter.	See response to comment "8".
83. Proposed SMP update revisions (letter)	Diani N. Taylor Taylor Shellfish Farms	H. Taylor Shellfish recommends that Ecology require the proposed Appendix A revisions to the Island County adopted SMP	Ecology response
84. British Columbia documentary on salmon decline in Fraser River watershed (email)	Elliot Meneshe Greenbelt Consulting Clinton WA	Documentary explaining the connections between Sockeye Salmon decline in Fraser River basin and establishment of the Atlantic Salmon net pen farming along the migration routes including the Strait of Georgia. Transmittal of sea lice, diseases, bacteria pathogens and viruses from farmed fish to wild stock is presented as major factor in decline of wild sockeye salmon runs.	Thank you for your comment.
85. Salmon Net Pens (email)	Elliot Meneshe Greenbelt Consulting	Environmental impacts of salmon net pen farming are poorly understood. The environmental and public	Thank you for your comment.

		health risk are far greater than the economic benefit.	
86. Salmon Net Pens (email)	Elliot Meneshe Greenbelt Consulting	You have to be more careful with an Island.	
87. Salmon Net Pens, Ecology guidance. (email)	Elliot Meneshe Greenbelt Consulting	Ecology interim guidance aquaculture document seems to minimize the magnitude of the inherent threats and risks salmon net pens. Some fisheries scientists disappointed in Ecology and concerned with their cavalier treatment of the effects and impacts of aquaculture.	Thank you for your comment
88. Net Pen Environmental Impacts. (email)	Elliot Meneshe Greenbelt Consulting	Confining large numbers of fish in pens, creates enormous amounts of uncontrollable effluent waste which dramatically increases threats to water quality and human health, and increases the risk of introduced diseases in wild salmonid populations.	Thank you for your comment
89. Aquaculture permit conditions (email)	Elliot Meneshe Greenbelt Consulting	Proposes that all permits for aquaculture operations be as stringently conditioned as possible and that applicants be required to pay for frequent monitoring and post a bond commensurate with the potential damage the operation may cause.	Thank you for your comment.
90. Island County SMP (email)	Elliot Meneshe Greenbelt Consulting	Commends Island County for their position regarding the permitting of salmon net pens and enacting legislation which better protects the welfare of its citizens and the environment than is required by Ecology.	Thank you for your comment.
91. Top of bluff residential setbacks (email)	Bill Viertel Whidbey Island	1. For existing un-built bluff top lots, it is my understanding a home could be built closer to the bluff edge than the new regulations specify as long as it is no closer than existing homes on either side of it. Is this true?	Setback standards for new homes and accessory structures adjacent to steep bluffs are identified in ICC 17.05A.090.D. The Island County Clearing and Grading Ordinance (11.03 ICC) also contains standards applicable to development near geologically hazardous areas. There are also several provisions that

			<p>allow the required buffers and setbacks to be reduced in or order to prevent an unlawful “taking”. Specifically ICC 17.05A.090.E allows setbacks and buffers to be reduced when insufficient area exists outside of the required buffer and setback to allow for a reasonable building site. Also the variance process set forth in ICC 17.05A.130.G allows development standards to be modified if the standards in question would deny all reasonable use of a given parcel.</p> <p>While ICC 17.05A.090.E does allow for “common line setbacks” to be established based on the setbacks of adjoining residences it was only intended to apply to marine and lake setbacks/buffers and not steep slope buffers/setbacks. This provision will be clarified prior to final adoption as shown on attachment “B”.</p>
92. Top of bluff residential setbacks (email)	Bill Viertel Whidbey Island	2. For existing bluff top homes, it is my understanding that remodel additions to the present footprint must meet certain setback requirements that may be more stringent than the existing home’s setback. Is this true? If so, this seems to be an illegal “taking” of value from the homeowner without compensation.	See response to comment “91”.

93. Top of bluff residential setbacks (email)	Bill Viertel Whidbey Island	3. For existing bluff top homes which experience a recent bluff landslide if a home needs to be moved back from the new bluff edge, is its new location then subject to the new, much greater setback distances (which may be even deeper than the existing lot), or can it be moved back to be consistent with existing homes on either side of it? If it is subject to the new, greater setbacks this would seem to be an illegal taking of value without compensation.	Island County takes the safety of its current and future residents seriously. Recent events have demonstrated the risks inherent in building near steep slopes and geologically hazardous areas. Accordingly, the policies and regulations of the updated SMP have been developed with the goal of ensuring the highest margin of safety, while ensuring that the rights of property owners are respected. When a home must be moved due to a landslide, it is neither unreasonable nor unlawful to require that it be located a safe distance from a bluff crest.
94. Shoreline project review. (email)	Bill Viertel Whidbey Island	Such scenarios should not be decided by how a County Planning Dept. employee feels on the day one seeks to build a home on a shallow lot add a room, or move back a house. These scenarios should be enumerated overtly in the new Plan.	See response to comment "91". Permit decisions are based on Island County code requirements as well as any required/ applicable technical documentation, and not on how an employee feels.
95. Sea Level Rise (email)	Bill Viertel Whidbey Island	Master Plan does not seem to take into account rising sea levels due to global warming.	See response to comment "56".
96. Sea Level Rise (email)	Bill Viertel Whidbey Island	The principle of allowing natural processes to take their course is justifiably going to come under heavy attack, since the process will not be natural in the strict sense of the term. How will the County cope	See response to comment "56".

		with landowners seeking protection from this unfolding disaster? Will we not have to consider major jetty-like structures? (La Push example)	
97. Salmon Net Pens (email)	Diane Kendy 672 Arbor Crest Lane Langley, WA 98260	For the record, please incorporate Mr. Menashe's net pen comments below as my own. (Comments #85-90)	Thank you for your comments.
98. Public Trust Document (email)	Elliot Meneshe ICFPBA	Urges Island County to keep the guiding tenets of the Public Trust Doctrine firmly in mind during their final deliberations of the SMP Update.	Comment noted.
99. SMP Public Access Ch. V item D, 1705A.090. M (email)	Elliot Meneshe ICFPBA	To protect the public trust, such weak language as "should be encouraged to...", "may" which have found their way into the SMP Update--- should be replaced with the more robust auxiliary verb, "Shall". Weak wording dilutes the letter of the law.	Island County agrees with this comment. Accordingly, the word "may" has been used in those instances where an action is recommended and within the discretion of the approving authority; whereas, the terms "must" and "shall" have been used in those instances where an action is required in order ensure compliance with policies and regulations of the SMA and SMP.
100. Aquaculture and Salmon Net Pens (email)	Melissa Lebo 3989 Saratoga Road Langley, WA 98260	See Elliot Menashe comments #85-90. Commenter would like these comments to be considered hers for the public record.	Thank you for your comments.
101. Aquaculture and Salmon Net Pens (email)	Ann Medlock, Langley WA.	See Elliot Menashe comments #85-90. Commenter would like these comments to be considered hers for the public record.	Thank you for your comments.
102. Aquaculture and Salmon Net Pens (email)	Rick Ingrassi M.D., M.P.H. 205 Fifth Street Langley, WA 98260	See Elliot Menashe comments #85-90. Commenter would like these comments to be considered his for the public record.	Thank you for your comments.

103. Vegetation Conservation (email)	Franziska McKay 9020 12th Ave South Seattle, WA 98108	SMP: Preserve existing vegetation through designations and uses	See response to comment "43".
104. Vegetation Conservation (email)	Franziska McKay	SMP: Include areas with high quality habitat and native vegetation in a "Natural" environment	See response to comment "44".
105. Shoreline Buffers (email)	Franziska McKay	SMP: Include buffers that are based on science	See response to comment "45".
106. Aquaculture and Salmon Net Pens (email)	Rolf Seitle Langley, WA	See Elliot Menashe comments #85-90. Commenter would like these comments to be considered his for the public record.	Thank you for your comments.
107. Geoduck Aquaculture(email)	Rolf Seitle Langley, WA	I am familiar with previous proposals to open DNR aquatic lands to commercial aquaculture. Selling geoducks to Japan for small profit to the State at considerable risk to our aquatic environment is a bad idea.	Thank you for your general comment.
108. Aquaculture and Salmon Net Pens (email)	Tom Cahill Whidbey Island	See Elliot Menashe comments #85-90. Commenter would like these comments to be considered his for the public record.	Thank you for your comments.
109. Aquaculture and Salmon Net Pens (email)	Annapoorne Colangelo Whidbey Island	See Elliot Menashe comments #85-90. Commenter would like these comments to be considered his for the public record.	Thank you for your comments.
110. Top of bluff residential setbacks (email)	Bill Viertel Whidbey Island	Hopes to see the provision for moving a home back from the bluff, if required by sloughing or concern over potential sloughing, be more overtly addressed in the final SMP, i.e., specific mention be made of the common line setback allowance subject to safety considerations of the specific situation. With rising sea levels, this is NOT going to be an uncommon scenario.	See responses to comments "91" & "93".
111. Top of bluff residential setbacks	Bill Viertel Whidbey Island	It is NOT reasonable to expect that a bluff property owner should have been aware of the risk that the	See responses to comments "91" & "93".

(email)		County would no longer permit their house because their property is too shallow to meet new setback and buffer requirements. Recommends setback regulations that specifies that the distance moved back should be as close to the new setback requirements as practical (even if the lot is too shallow to actually meet them) without violating other setback requirements (road setback) or requiring the removal of old growth trees.	
112. USDA article: <u>Aquaculture is Agriculture, Exports and Jobs</u> (email)	Ian Jefferds Penn Cove Shellfish LLC P.O. Box 148 Coupeville, WA 98239	Importance of Aquaculture to the nation's food supply system.	Thank you for your comment.
113. USDA article: <u>Aquaculture is Agriculture, Exports and Jobs</u> (email)	Ian Jefferds Penn Cove Shellfish LLC	Needs to be an understanding and acceptance that start-up of an aquaculture operation is treated no differently than any other agriculture enterprise.	Thank you for your comment.
114. USDA article: <u>Aquaculture is Agriculture, Exports and Jobs</u> (email)	Ian Jefferds Penn Cove Shellfish LLC	Calls for a streamlining of governmental regulations and permitting that are science based and recognizes the unique aspects of successfully integrating aquaculture operations into diverse aquatic environments.	Thank you for your comment.
115. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Dr. James K. Johnston, 1842 Lola Beach Lane Oak harbor, WA 98277	SMP non-conforming standards that allow a nonconforming structure to be rebuilt if any unintentional damage does not exceed 75% of the value of the structure, is an egregious requirement! Feels decision to allow a damaged nonconforming structure to be rebuilt must not be left to a potentially poorly trained or biased government employee.	The 75 percent threshold does <i>not</i> apply to existing legally established residences and would <i>not</i> prohibit an existing legally established residence from being reconstructed if damaged or destroyed.

			<p>There seems to be a number of misconceptions regarding the new SMP. Most significantly, there seems to be widespread concern that the new SMP is more restrictive than the old SMP with respect to non-conforming structures. This is not the case; in fact, in a number of respects the new SMP is less restrictive. Under the current SMP if a non-conforming structure is damaged or destroyed it must be brought into compliance with the currently applicable regulations if the damage exceeds 75 percent of the value of the structure. In contrast, the new SMP specifically states that all legally existing residences are conforming uses. This is an extremely important consideration because it essentially eliminates the damage threshold applicable to non-conforming uses.</p> <p>The 75 percent would not prevent a home from being rebuilt in the event of a catastrophe. Specifically ICC 17.05A.090.E(3) states that existing homes that are within a required setback or buffer may be rebuilt or replaced, provided they are rebuilt within the established</p>
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			<p>footprint. Also ICC 17.05A.140.A states that legally established homes that do not meet to the setback requirements of the new SMP shall be considered “conforming structures”. The 75 percent threshold is only applicable to non-conforming structures, since existing homes are by default “conforming structures”, the 75 percent threshold would not prevent an existing home from being rebuilt.</p> <p>For additional information see responses to comments: “266”, “120”, “148”, “150”, “151” “188”, “193”, “209”, and “217”.</p>
116. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Dr. James K. Johnston, 1842 Lola Beach Lane Oak harbor, WA 98277	Feels 17.05A.140 (H) is in direct violation of the Fifth Amendment to the Constitution of the United States. Neither the state nor the county has the right to deny continued use of private property without just compensation. The decision of whether to repair or replace a damaged home must, of right, be left to the property owner and an architect or contractor.	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151” “188”, “193”, “209”, and “217”.
117. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Dr. James K. Johnston, 1842 Lola Beach Lane Oak Harbor, WA 98277	Any property damaged by any event, which met code at the time of construction, must remain under the protection of current County Codes and allow the property owners to repair or rebuild at their discretion, regardless of the amount of damage.	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151” “188”, “193”, “209”, and “217”.
118. SMP, Sec. 17.05A.140 (H)	John Staaf Coupeville, WA	If a home is destroyed and becomes non-conforming due to increased set-backs, that home should be able	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151”

nonconforming uses (email)		to be rebuilt even if it is 100% destroyed. SMP non-conforming standards that allow a nonconforming structure to be rebuilt if any unintentional damage does not exceed 75% of the value of the structure, is very unfair to homeowners.	“188”, “193”, “209”, and “217”.
119. SMP, Sec. 17.05A.140 (H) nonconforming uses (Karen Stewart 5/6/13 email)	Mac McDowell Oak Harbor, WA	SMP non-conforming standards that allow a nonconforming structure to be rebuilt if any unintentional damage does not exceed 75% of the value of the structure, is very unfair to homeowners. Recommends Island County Board of Commissioners change regulation to 100% destruction.	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151” “188”, “193”, “209”, and “217”.
120. SMP residential setbacks (email)	Mike and Cathy Horrobin 2720 SW Scenic Heights Street Oak Harbor, WA. 98277	We strongly urge you to revisit the new SMP setback codes. Concerned new setbacks, could possibly make our home non-conforming.	The new SMP states that residential structures and appurtenant structures that do not meet the requirements of the new SMP with respect to setbacks and buffers “shall be considered a <i>conforming</i> structure” (ICC 17.05A.140.A). For additional information see responses to comments: “115”, “266”, “148”, “150”, “151” “188”, “193”, “209”, and “217”.
121. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Mike and Cathy Horrobin	If there was a catastrophic event on the island, would we be able to rebuild on our existing place if our home was damaged or destroyed?	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151” “188”, “193”, “209”, and “217”.
122. Beach Pollution (email)	Mr. Lewis Brantley	Concerned with black plastic discs washing up on beaches. Discs have Penn Cove Shellfish Farm identification.	Comment noted.
123. Beach Pollution (email)	Whidbey Environmental Action Network Preservation	Include Lewis Brantley’s Protection Island Beach pollution assessment in the public record including: Concerned with black plastic discs washing up on	Your comment has been noted and included in the record.

	Education Restoration Box 53, Langley, WA 98260	beaches. Discs have Penn Cove Shellfish Farm identification.	
124. SMP, Sec. 17.05A.140 (H) nonconforming uses. (email)	Leanne Finlay PO Box 126 Freeland, WA 98249	If a legally home is destroyed, that home should be able to be rebuilt even if it is 100% destroyed. Too completely take out case-by-case sensible decisions makes absolutely no sense, and is just not acceptable.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
125. SMP, Sec. 17.05A.140 (H) nonconforming uses. (email)	Eleanor Craddock River 1664 Hastie Lake Road Oak Harbor, WA 98277	SMP non-conforming standards that allow a nonconforming structure to be rebuilt if any unintentional damage does not exceed 75% of the value of the structure is arbitrary. Why is the value of the foundation not included in the 75 percent? The regulation also flies in the face of local historic preservation efforts. Penn Cove has many shoreline structures built in the 1900's that are included in the Ebey Prairie Historic District. Existing property rights should also be recognized.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
126. SMP, Sec. 17.05A.140 (H) nonconforming uses. (email)	Eleanor Craddock River	The regulation also flies in the face of local historic preservation efforts. Penn Cove has many shoreline structures built in the 1900's that are included in the Ebey Prairie Historic District. Existing property rights should also be recognized.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
127. SMP, Sec. 17.05A.140 (H) nonconforming uses. (email)	Fred and Cheri STILWELL	Opposes SMP non-conforming standard that allow a nonconforming structure to be rebuilt if any unintentional damage does not exceed 75%. This provision needs to be deleted and GRAND FATHERED as it applies to the current and any subsequent owners.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
128. Shoreline Restoration Plan language revisions. (Karen Stewart	Barbara Bennett, Program Coordinator WSU Island County Beach Watchers	In one passage WSU Island County Beach Watchers are referenced incorrectly as Island County Beach Watchers – so the name needs to be consistent (memorandum 2.27.13)	Comment noted

5/14/13 email)	P.O. Box 5000, Coupeville, WA 98239		
129. Shoreline Restoration Plan language revisions. (Karen Stewart 5/14/13 email)	Barbara Bennett, Program Coordinator WSU Island County Beach Watchers	Memorandum 2.27.13 also indicates that Beach Watchers will monitor remediation sites in collaboration with the MRC.	Comment noted
130. Shoreline Restoration Plan language revisions. (Karen Stewart 5/14/13 email)	Barbara Bennett, Program Coordinator WSU Island County Beach Watchers	In another part of the restoration plan it describes Island County Departments and programs and states that Island County "supports WSU Extension and its Beach Watcher and Shore Stewards programs" - this implies that the County provides financial support for both programs and the Extension office. This needs to be clarified what the County endorses and what the County actually support financially.	Comment noted
131. SMP, Sec. 17.05A.140 (H) nonconforming uses. (email)	Sean McCabe Senior Director Contract 5302 W. Buckeye Rd. Suite 103 Phoenix, AZ 85043	See comment #127	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
132. SMP, Sec. 17.05A.140 (H) nonconforming uses. (email)	Doug and Sandy Stanford 360.969.2886 885 Shorecrest Dr Oak Harbor, WA 98277	See comment #127. Provision is also an infringement on the rights of property owners	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
133. SMP, Sec. 17.05A.140 (H) nonconforming uses. (email)	Roberta Tarr Clinton, WA	See comment #127	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
134. SMP:	Dean Enell	Aquaculture practices (1) be required to obtain a	See response to comment "8".

Aquaculture (email)	Langley	special use permit and (2) the burden of proving they are not causing ecological harm be upon the applicant rather than the permitting party.	
135. SMP: Aquaculture (email)	Dean Enell Langley	Recommends keeping language in our SMP that allows local jurisdictions to place restrictions on the type of industry that might want to set up in their area.	Island County believes that the language of the proposed SMP update, combined with the provisions of the State Environmental Policy Act (SEPA) allow sufficient regulatory flexibility to address unanticipated proposals or industries.
136. SMP: Aquaculture (email)	Dean Enell Langley	Concept of 'experimental' aquaculture shorelines needs to be dealt with so the burden of 'no harm to the environment' is assured as part of any application for permit and is paid for by the applicant using best available science and NOT industry standards. Danger of exploitation is high. Example individual geoducks sold for \$100 a piece.	See response to comment "8".
137. SMP goals and Policies, page 30, Aquaculture Policies. (email)	Dean Enell Langley	Supports Aquaculture policies 3, 6, 9 & 10.	Comment noted.
138. SMP 17.05A.090 .B Aquaculture. (email)	Dean Enell Langley	Supports Aquaculture regulations 17.05A.090 .B numbers 2, 5, 7, 9, 10, 12, 13, 14, 15, 20, 21, 22 & 30.	Comment noted.
139. Public Beach Access (email)	Dean Enell Langley	The County needs to develop an overall public access plan and schedule. Various Island County public access citizen groups have previously identified over 90 County owned road ends going to the beach as well as dedicated public beaches.	See responses to comments: "17", "18", "26", "198", and "256".
140. SMP, Sec.	Diane Van	See comment #127. Notification of property owners	See responses to comments: "115",

17.05A.140 (H) nonconforming uses (email)	Wyn garden 801 Shorecrest Dr. Oak Harbor, WA 98277	that are impacted by this proposal should have been a priority.	“266”, “120”, “148”, “150”, “151” “188”, “193”, “209”, and “217”. Island County has made every effort to provide opportunities for public participation and comment.
141. Beach Maintenance (email)	Diane Hinz	Beach weeding is needed to control noxious weeds. But it’s difficult if not impossible to enforce beach property owners to weed their privately owned beach.	Comment noted, Island County cannot force private property owners to weed their beaches.
142. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Diane Hinz	Opposes SMP non-conforming standard that allow a nonconforming structure to be rebuilt if any unintentional damage does not exceed 75%.	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151” “188”, “193”, “209”, and “217”.
143. Canal Communities Master Plans (email)	Andrew Messer Lagoon Point Greenbank, WA	Request that Canal Communities master plans as provided for in the ICSMP, must define setback, bulkhead, piling, dock and gangway standards for their own canal lots, exclusive of any conflicting general standards that may be contained in the ICSMP.	See response to comment “39”.
144. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Andrew Messer	The general provision in the ICSMP limiting the rebuild in case of catastrophic event to 75% damage or less, should be 100% for the canal communities, due to existing limitations already imposed on these small lots.	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151” “188”, “193”, “209”, and “217”.
145. Lagoon Point Canal Community Master Plan (email)	Andrew Messer	It is desired to develop a general set of approved standards for these projects through a master plan, specific for Lagoon Point, so that a lot owner planning a project conforming to these standards may obtain a permit “on the spot”. Any other project would proceed through the current approval process.	See response to comment “39”.
146. Lagoon Point Canal Community Master Plan	Andrew Messer	The community common areas also require ongoing maintenance as well a potential future development, currently requiring extensive approval processes each	It would not be appropriate to include all possible future developments within the scope of a

(email)		time. Common Areas: Jetty, canal maintenance dredging, boat launching ramp and dock, bulkheads and riprap bounding the community canal, parking lot and bridge maintenance. Note: Unclear whether commenter would like these activities included within master plan.	canal community master plan. The purpose of the master plan provisions is to provide an easier permitting path for routine projects that all share common characteristics (such as docks). See response to comment "39".
147. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Pierce Scranton Jr MD 2506 Sunlight Beach Rd. Clinton, WA	See comment #127	See responses to comments: "115", "266", "120", "148", "150", "151" "188", "193", "209", and "217".
148. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	John Shepard 2620 Sunlight Beach Rd. Clinton, WA	Department of Ecology and Island County are threatening to destroy the value of our property by approving SMP, Sec. 17.05A.140 (H) nonconforming uses.	The proposed SMP provisions are less restrictive with respect to nonconforming structures than the current provisions which have remained unchanged since approximately 1976. For additional information see responses to comments: "115", "266", "120", "150", "151" "188", "193", "209", and "217".
149. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	John Shepard	If SMP Sec. 17.05A.140 (H) is approved by the Department of Ecology and Island County would be acting to harm the victims of a disaster who have done no wrong.	The proposed SMP update would not prohibit an existing legally established home from being rebuilt. For additional information see responses to comments: "115", "266", "120", "148", "150", "151" "188", "193", "209", and "217".

150. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	John Shepard	If passed would be doing financial harm to the non-waterfront property owners of Whidbey Island. Realtors selling these waterfront properties would have to disclose to potential buyers that they would not be able to rebuild on the property should it be severely damaged. This would also reduce waterfront property values thereby increasing the property tax rate for non-waterfront property owners.	Island County does not believe the proposed update would not result in financial harm. For additional information see responses to comments: "115", "266", "120", "148", "151" "188", "193", "209", and "217".
151. Island County Policies	John Shepard	Island County should not adopt policies that destroy property values and should focus on providing services that help and not harm victims of fire or other disasters.	Island County does not believe the proposed update would not destroy property values. For additional information see responses to comments: "115", "266", "120", "148", "150", "188", "193", "209", and "217".
152. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Charles Watts Sunlight Beach Rd. Clinton, WA	See comment #127.	See responses to comments: "115", "266", "120", "148", "150", "151" "188", "193", "209", and "217".
153. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Jeri Reynolds Mariners' Cove Waterways Committee	The Mariners' Cove community will be very much affected by current provisions in the proposed ICSMP of a 75% damage threshold for rebuilding after a catastrophic event as stated in Paragraph H of Section 17.05A.140 relating to Nonconforming Development.	See responses to comments: "115", "266", "120", "148", "150", "151" "188", "193", "209", and "217".
154. SMP, Sec. 17.05A. 090 Table 3 (Minimum Shoreline Buffers & Setbacks) (email)	Jeri Reynolds	Concerned about setbacks and buffers for canal communities, Table 3 shows a 40' setback, but in the discussion of setbacks for a canal community, there is reference to 50% of the landward setback, so it is unclear if our allowable setback is 20' or would be held to the stricter 40'. If the latter, no rebuilding or new construction would be possible in Mariners'	Island County has discussed this matter with a representative from the Mariners Cove community and we believe that their concerns have been addressed.

		Cove. We have previously asked Island County for interpretation of this provision.	
155. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Jerri Reynolds	We ask that the damage threshold for a catastrophic event be 100%, and that the setbacks for rebuilding and new construction be allowed, either by stated variance or by line of sight, to maintain the value of our properties.	Island County has discussed this matter with a representative from the Mariners Cove community and we believe that their concerns have been addressed. For additional information see responses to comments: "115", "266", "120", "148", "150", "151" "188", "193", "209", and "217".
156. Canal Community Master Plan (email)	Jerri Reynolds	In favor of a Master Plan with Island County that would show all of these provisions in one place to streamline permitting and understanding of the SMP as it relates to our canal community.	See response to comment "39".
157. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Jay Holman, rtd. city mgr. Issaquah, WA	Opposes SMP non-conforming standard that allow a nonconforming structure to be rebuilt if any unintentional damage does not exceed 75%.	See responses to comments: "115", "266", "120", "148", "150", "151" "188", "193", "209", and "217".
158. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Scott Price	Opposes SMP non-conforming standard that allow a nonconforming structure to be rebuilt if any unintentional damage does not exceed 75%. Update this regulation so that buildings are replaceable with up to 100% loss.	See responses to comments: "115", "266", "120", "148", "150", "151" "188", "193", "209", and "217".
159. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Scott Price	Property owner does not have control over whether or not a home is destroyed by fire at 74% or 76%, and they should not be financially devastated due to circumstances beyond their control or plan.	See responses to comments: "115", "266", "120", "148", "150", "151" "188", "193", "209", and "217".
160. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Patricia Davis, 6212 Brighton Beach Road, Clinton, WA 98236.	See comment #158.	See responses to comments: "115", "266", "120", "148", "150", "151" "188", "193", "209", and "217".

161. Insurance & Property value impacts. (email)	Patricia Davis	Concerned that Insurance may or may not cover the house depending on my coverage if Sec. 17.05A.140 (H) is approved. Property value would also be significantly impacted. Potentially lose hundreds of thousands of dollars on land that was valueless.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
162. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Randy Wilcox 2490 Sunlight Beach Road Clinton, WA 98236	See comment #158.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
163. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Randy Wilcox	Supportive of requiring a replacement structure to meet current structural and sanitation codes but not requirements such as setbacks or others that would result in the inability to rebuild the structure on the land it previously occupied.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
164. Property value impacts	Randy Wilcox	The value of most waterfront structures is in their location and this is not something that can be insured.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
165. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Susan Cotter Langley WA	Having your home getting damaged is enough, punishing those by not allowing rebuilding of that home further punishes the homeowner.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
166. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Joe and Michaella Diggins 755 Bay Front Lane, Oak Harbor	See comment #127.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
167. Insurance & Property value impacts. (email)	Joe and Michaella Diggins		See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
168. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Joe and Mary Magnano Sunlight Beach Whidbey Island	See comment #127.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
169. Property	Joe and Mary	A high percent of the value of our waterfront holding	See responses to comments: "115",

value impacts	Magnano	is in the land. If we were unable to rebuild because of new setbacks, our land would lose all value to us.	"266", "120", "148", "150", "151", "188", "193", "209", and "217".
170. Property value impacts from Sec. 17.05A.140 (H) (email)	Robert and Judith Winquist Sunlight Beach Whidbey Island	See comment #169.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
171. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Mary Alice Kostka 743 Bay Front Lane Oak Harbor, WA.	See comment #127.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
172. Adopted SMP (email)	Dan Haldeman Langley, WA,	Supports Island County adopted SMP	Comment noted.
173. Property value impacts from Sec. 17.05A.140 (H) (email)	Pam and Pat Brust 6414 Bay Road Freeland, WA 98249	See comment #169.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
174. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Greg Dykes	See comment #127.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
175. Property value impacts from Sec. 17.05A.140 (H) (email)	Greg Dykes	See comment #167.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
176. Property value impacts from Sec. 17.05A.140 (H) (email)	Ivan & Beverly Werstiuk Langley, WA	See comment #127.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
177. Sec. 17.05A.090. M Public Access (email)	Mike McVay President ISLAND BEACH ACCESS & ISLAND	There is a good deal of corruption in the language that applies to PUBLIC BEACH ACCESS section. Lobbying groups are pressuring Ecology and this has softened "shall" to "may" where it is obviously a	See responses to comments "17", "18", and "26".

	CITIZENS FOR PUBLIC BEACH ACCESS	concession to developers & property owners. These changes diminish the PUBLIC'S right to access the beach at PUBLIC road ends. They must not be allowed to stand as written.	
178. Sec. 17.05A.090. M Public Access (email)	Mike McVay	General supportive reference to WEAN draft public access comments. See WEAN public access comments Comment # 277-285	See responses to comments: "17", "18", "26", "198", and "256".
179. Finfish Aquaculture Impacts (email)	Barbara Brock 3302 Walnut Court Camano Island, WA 98282	I have grave concerns about allowing Fin Fish net pens in Island Co. waters! Specifically the negative effects of concentrated waste. Spread of disease when fish are concentrated in confined areas. These concerns seem especially worrisome with Island County's location at the intersection of 3 of Puget Sound's main salmonid rivers, the Skagit, Stillaguamish, and Snohomish.	Thank you for your comments.
180. Finfish Aquaculture Impacts (email)	Barbara Brock	It makes no sense to spend millions of dollars to recover salmon, yet allow such a major threat to salmon to be located in their migration routes with the Skagit, Stillaguamish and Snohomish rivers.	Thank you for your comments.
181. Sec. 17.05A.090. M Public Access (email)	Barbara Brock	Strongly support provisions to the SMP that provide the public with actually public access!	Comment noted.
182. Sec. 17.05A.090. M Public Access (email)	Barbara Brock	Supports WEAN draft public access comments. See WEAN public access comments Comment # 277-285	See responses to comments: "17", "18", "26", "198", and "256".
183. Salmon Net Pens. (email)	Melissa Lebo 3989 Saratoga Road Langley, WA 98260	supporting a ban on Atlantic Salmon net farming in Island County as well as discontinuing any subsidy to such farming in Puget Sound	Thank you for your comments.
184. Salmon Net	Melissa Lebo	The long term health of Puget Sound salmon, and	Thank you for your comments.

Pens Impacts (email)		thus everything that is dependent upon our native fish, depends upon protecting our waters from the disease and disruption caused by penning salmon in high concentrations in our waters.	
185. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Rod Russell	See comment #127.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
186. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Dale Pinney First Western Development Services Mutiny Bay	The regulation does not define the actions or situation that the over 75% damaged house must comply with. Code interpretation would dictate that these houses would have to be considered as new development and have to comply with current regulations. This would create hardship for older homes on small waterfront lots.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
187. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Dale Pinney First Western Development Services Whidbey Island	What is the motive for this regulation? The value of setting back one destroyed home while other non conforming homes remain provides little enhancement value.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
188. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Dale Pinney	Most Island County waterfront houses platted in the 1950's and 1960's are nonconforming uses. There is little flexibility on such lots to re site a house to meet current code.	The proposed SMP update contains numerous provisions authorizing setback modifications and reductions for areas of existing development. For additional information see responses to comments: "115", "266", "120", "148", "150", "151", "193", "209", and "217".
189. SMP, Sec.	Dale Pinney	One the major SMP objectives is no net loss of	See responses to comments "23"

17.05A.140 (H) nonconforming uses (email)		ecological functions. Eliminating some nonconforming structures through this regulation goes beyond no net loss and potentially enhances ecological functions.	and responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
190. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Dale Pinney	Replacement of a home that is 75%-100% damaged will not represent a net loss if it's replaced in the same location.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
191. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Dale Pinney	Concerned with impacts on property insurance	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
192. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Dale Pinney	Were real estate appraisers or professionals consulted on the 75% damage threshold?	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
193. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Dale Pinney	There is no SMP goal or policy that supports a need for a home 100% or less damaged, to be located anywhere other than where it was originally located.	The proposed SMP specifically allows existing legally established homes to be rebuilt within an established footprint. For additional information see responses to comments: "115", "266", "120", "148", "150", "151", "188", "209", and "217".
194. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Dale Pinney	Requests that the Department of Ecology recommend to Island County that they modify Sec. 17.05A.140 (H) to " damage to an extent of 100% of its real evaluation including foundations, may be reconstructed to those configurations existing immediately prior to the time the structure was damaged"	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
195. SMP, Sec. 17.05A.140 (H)	Barbara Lindahl P O box 736	Concerned that shoreline property owners won't be able to sell their property if regulation is enacted.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".

nonconforming uses (email)	Langley, WA 98260		“188”, “193”, “209”, and “217”.
196. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Barbara Lindahl	Replacing the septic tank or putting in a new foundation will be more than 75% of the appraised value of the house.	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151” “188”, “193”, “209”, and “217”.
197. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Barbara Lindahl	Why would the State/Island County ever enact a law that could destroy someone’s estate and that would take property off the property tax rolls?	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151” “188”, “193”, “209”, and “217”.
198. Wonn Road Land Swap (email: Beach Access)	Mike McVay President Island Beach Access & Island Citizens For Public Beach Access P.O. Box 934 Langley, WA 98260	How did the won road land swap proposal end up in the SMP? Where did this proposal get started--who first proposed it within the county, how did it find its way into the SMP and what is the Island County BoC position on the issue.	For additional information see responses to comments: “17”, “18”, “26”, and “256”.
199. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Norman & Catherine Ledbetter 2488 Sunlight Beach Rd Clinton, WA 98236	Objects to proposed nonconforming standard and request reconsideration. Regulation also jeopardizes County tax base.	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151” “188”, “193”, “209”, and “217”.
200. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Kim and Valerie Mill-Stephan Mutiny Bay Whidbey Island	See comments # 188 thru 194. Same comment letter submitted.	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151” “188”, “193”, “209”, and “217”.
201. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Clayton S Engebretsen Mutiny Bay Whidbey Island	See comments # 188 thru 194. Same comment letter submitted.	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151” “188”, “193”, “209”, and “217”.
202. Salmon Net	Elizabeth Guss	Opposes salmon net pens in Island County waters.	Thank you for your comment.

Pens	Langley, WA		
203. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Bob Trimble Whidbey Island	Non conforming houses should be able to be rebuilt even if 100 percent of it is destroyed. Island County Commissioners should have acted to provide us the same protections available under other jurisdictions' SMP's.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
204. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Herman and Barbara Dreessen, 727 Bay Front Lane Oak Harbor, WA. 98277	See comment #127.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
205. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Dave Sem Shorecrest Dr Oak Harbor	See comment #127.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
206. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Frederick E. Wilmot President, Dugualla Community, Inc. Whidbey Island	See comment #127.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
207. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Michael and Deborah Spence 748 Bay Front LN Oak Harbor WA 98277	Opposes SMP non-conforming standard that allow a nonconforming structure to be rebuilt if any unintentional damage does not exceed 75%. Reconsider this action and change the language of the Plan to avoid this costly and destructive outcome.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
208. SMP "Should" Definition	Ronald Young Young Associates Project Services, Ltd. 8281 Coho Way Clinton, WA 98236	The term "Should" should be defined as "Preferred" and not as "Required unless certain conditions or exceptions are met".	The definitions section of the proposed SMP defines "Should" as meaning: <i>"The proposed action is preferred unless there is a demonstrated, compelling reason, based on policies of the SMA and this Chapter, against taking the action"</i> .
209. SMP, Sec.	Ronald Young	Existing structures and homes along the shoreline that	Existing legally established homes

17.05A.140 nonconforming uses (email)	Young Associates Project Services, Ltd.	were legally constructed and met the regulatory requirements in place at the time they were constructed should be classified or designated as conforming structures and not designated as "nonconforming structures" if they don't meet the newer, more restrictive requirements of the new regulations.	are classified as conforming uses in the proposed SMP update (ICC 17.05A.140.A). For additional information see responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", and "217".
210. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Ronald Young Young Associates Project Services, Ltd.	See comment #158.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
211. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Ronald Young Young Associates Project Services, Ltd.	See comment #169.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
212. Fin Fish Net Pens	Ronald Young Young Associates Project Services, Ltd	Fin Fish Net Pens should not be allowed in the waters of Island County.	Thank you for your comment.
213. SMP sec. 17.05A.090, Table 3, Setbacks: Historic Beach & Canal Communities (email)	Ronald Young Young Associates Project Services, Ltd	Any new construction on the few vacant lots in these areas or the replacement of existing structures is not likely to result in additional loss of ecological function.	See response to comment "23" and responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
214. SMP sec. 17.05A.090, M. #5 Public Access (email)	Ronald Young Young Associates Project Services, Ltd	Item M no. 5 of the SMP states that physical public access SHALL (emphasis mine) be incorporated into all ... subdivisions of 5 or more lots. This should be changed to SHOULD. Property takings concern with SHALL requirement.	Using the word "Should" in this context would not be consistent with WAC 173-26-221(4). Public access must be provided in conjunction with land divisions resulting in five or more parcels. Using the word "should" in this

			context would be contrary to Washington State Department of Ecology regulations. Island County does not believe that requiring public access as a condition of subdivision approval represents a taking.
215. SMP sec. 17.05A.090, M. Public Access (email)	Ronald Young Young Associates Project Services, Ltd	The focus should be on improving and using these existing public access points and not on requiring property owners to create new ones. Island County doesn't have the staff or budgetary resources to adequately develop and maintain the existing access points, let alone try to manage additional ones.	WAC 173-26-221(4) requires that Island County develop a plan for creating new access points, and as a part of this plan, new developments must include provisions for public access.
216. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Mark and June Van Wygarden 761 Bay Front Lane, Oak Harbor, WA	See comment #127.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
217. SMP sec. 17.05A.090, Table 3, Setbacks (email)	Mark and June Van Wygarden	Under the proposed SMP changes, we would not be allowed to build on our vacant lot because of the buffers and set-backs. Limited vacant shoreline lots should be grandfather in for buffers, and restrictions that were in place at the time the lot was legally created. Impacts on property values also a concern.	ICC 17.05A.090.E allows for "common line setbacks" to be established based on the setbacks of adjoining residences in order to account for areas of existing development. Also, several provisions have been provided for reducing buffers in those instances where insufficient lot area exists outside of required buffers or setbacks if necessary to accommodate a reasonable building site.

			For additional information see responses to comments: “115”, “266”, “120”, “148”, “150”, “151”, “188”, “193”, and “209”.
218. Sec. 17.05A.100 C. Beach Access #6. (email)	Hugo Flores Aquatic Resources Division Washington Department of Natural Resources PO Box 47027 Olympia, WA	On State Owned Aquatic Lands (SOAL) floats must have unobstructed grating over at least 50 percent of the surface. Suggested language: <i>On State Owned Aquatic Lands (SOAL), managed by Washington State Department of Natural Resources (DNR), floats must have unobstructed grating over at least 50 percent of the surface.</i>	Since most marine docks are constructed over tidelands owned by the State of Washington, Island County believes it would be appropriate to amend the proposed SMP to require that 50 percent of the overwater surface be constructed of open unobstructed grating (the current requirement is 45 percent) as shown on attachment “F”.
219. 17.05A.100 D. Boating Facilities 1. H) Marians & Float Plane bases, (email)	Hugo Flores WA DNR	Restrict long term moorage to approved marinas: Island County should develop language that specifies the percentage limit for residential use of slips within a marina that do not adversely impact habitat or interfere with water-dependent uses. (WAC 332-30-171).	Island County has very few large scale commercial marinas and very few areas which could support new commercial marinas. The additional regulatory complexity that would be involved in developing new live-aboard regulations is not warranted at this time. The County believes that the Department of Natural Resources could negotiate similar conditions during the leasing agreements for tidelands owned by the State of Washington.
220. Sec.17.05A.110 A. Shoreline Stabilization (email)	Hugo Flores WA DNR	Suggested language: <i>New bulkheads or hard bank armoring are not allowed on state-owned aquatic land (SOAL), managed by Washington State Department of Natural Resources (DNR), except under extraordinary circumstances.</i> WA DNR will	Island County currently requires, and will continue to require, that all applications include a “property owner authorization form”. Essentially applicants must

		not allow new armoring on SOAL unless it is under extraordinary circumstances, for example to protect existing infrastructure.	demonstrate that they own the property involved in the application. In the case of State owned tidelands, applicants would be required to produce an applicant authorization form signed by the DNR or an executed lease agreement between the applicant and the DNR. It would then be the responsibility of the DNR to ensure the proposal is consistent with their leasing policies.
221. Sec. 17.05A.110 #6 Shoreline Restoration or Beach Enhancement (email)	Hugo Flores WA DNR	Possible inclusion of an additional policy noting; <i>l). On State Owned Aquatic Lands (SOAL), managed by Washington State Department of Natural Resources (DNR), new fill, or additional fill will not be allowed except for authorized restoration and habitat creation projects on a site by site basis where the agreement defines the bathymetric, seasonal and quantitative limits.</i> WA DNR does not allow fill on SOAL except when authorized for remediation, restoration and habitat creation projects.	See response to comment "220"
222. Sec. 17.05A.110 B. Moorage Facilities (email)	Hugo Flores WA DNR	Possible inclusion of an additional policy noting; <i>27 On State Owned Aquatic Lands (SOAL), managed by Washington State Department of Natural Resources (DNR), there are set standards and requirements which shall be adhered to regarding moorage facilities.</i> WA DNR incorporates conservation measures aimed at reducing the impacts of boating facilities in the marine environment.	See response to comment "220"
223. Sec. 17.05A.110 C. Grading and	Hugo Flores WA DNR	In evaluating proposed aquaculture actions, the County should work with WA DNR, Washington State Department of Fish and Wildlife (DFW), area	See response to comment "220"

Filling (email)		tribes, and shellfish interests to determine the suitability of proposed locations, <i>design and implementation requirements</i> , and aquaculture type for each specific proposal.	
224. Sec. 17.05A.110 D. Dredging and Dredge Materials Disposal (Policies) (email)	Hugo Flores WA DNR	Possible inclusion of an additional policy noting; <i>12. Dredging, including sand and gravel mining, will not be allowed on State Owned Aquatic Lands (SOAL), managed by Washington State Department of Natural Resources (DNR), except where required for; navigation; trade and commerce; flood control; maintenance of water intakes; or other public health and safety purposes.</i>	See response to comment "220"
225. Sec. 17.05A.110 E. Breakwaters, Jetties, Groins, Tide Gates and Weirs. (email)	Hugo Flores WA DNR	Possible inclusion of an additional policy noting; <i>8. On State Owned Aquatic Lands (SOAL), managed by Washington State Department of Natural Resources (DNR), there are set standards and requirements which shall be adhered to regarding new fixed breakwaters.</i> DNR will not authorize new fixed breakwaters.	See response to comment "220"
226. SMP Public Access Policies & Regulations (email)	Monica Guzman, MSW 220 2nd St Langley WA 98260	Due to a deficiency of public coastal access and regular encroachment by private property owners; recommend protection of any present legislation that promotes beach access and to removed from policies and ordinances language such as "may" or "shall" that will leave ordinances open to interpretations.	See responses to comments: "17", "18", "26", "198", and "256".
227. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Sue and Frank Amato 6290 Barr Beach Rd. Freeland WA 98259	See comment #127.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
228. Net Pen Fish Farming	Barbara Bennett, Program Coordinator WSU Island County Beach Watchers	Encourages Ecology to respect the local community's proposal to ban net fish farming.	Thank you for your comments.

	P.O. Box 5000, Coupeville, WA 98239		
229. Aquaculture	Barbara Bennett, WSU Island County Beach Watchers	Encourage Ecology to modify the IC SMP as requested by I. Jefferds of Penn Cove Mussels and B. Taylor of Taylor Shellfish (See comments 60-83).	(Ecology response)
230. SMP general comment	Barbara Bennett, WSU Island County Beach Watchers	Concerned that SMP is fundamentally biased to support alteration of and development of shorelines through exemption of grandfathered uses, and prioritization of water related and water-dependent uses. Bias is at odds with: -SMP intent to avoid loss of ecological functions and services; Application of best practices and lessons learned; State's commitment to restore Puget Sound; Locally-specific attention to vulnerabilities and needs; The Public Trust Doctrine in fostering alteration of shorelines.	See response to comment "23"
231. SMP effectiveness for long term shoreline protection	Barbara Bennett, WSU Island County Beach Watchers	The SMP process that updates a successive "current baseline" for assessment of "no net loss" with each SMP update establishes a moving baseline that is ineffective as a standard for long-term protection and restoration of ecosystem services and serves to institutionalize a progressive demise of shoreline functions.	See response to comment "23"
232. . SMP effectiveness for long term shoreline protection	Barbara Bennett, WSU Island County Beach Watchers	SMP standards that impose a requirement for restoration only on parity with cumulative impacts fail to leverage the SMP to incentivize restoration beyond the current baseline and guarantee compromised shoreline functions in perpetuity.	See response to comment "23"
233. SMP effectiveness for long term shoreline protection	Barbara Bennett, WSU Island County Beach Watchers	-Establish value for un-altered shorelines as a desirable water dependent use that supports the State's commitment to healthy marine waters and harvestable seafood;	Island County feels that addressing many of these concerns would need to be done by amending the SMA. Island County has developed an

recommendations		<ul style="list-style-type: none"> -Incentivize protection of unaltered, functioning shoreline conditions; -Discontinue grandfathered protections that compromise shoreline functions; -Institute adaptive baseline standards to sustain and/or improve functions; -Target and reward progressive improvement in ecosystem functions; -Incentivize restoration that exceeds cumulative impacts; -Consider historic records of pre-development conditions to set goals for restoration; -Leverage sea-level rise to restore access and uses consistent with the Public Trust 	SMP that is consistent with current SMA requirements. See response to comment "23".
234. SMP refinement to improve and protect shoreline functions.	Barbara Bennett, WSU Island County Beach Watchers	Consider, on a broad scale, ways to refine the SMP process to discontinue practices that are proven to be counter productive in shoreline management, restore damage to shorelines, protect functioning shorelines, benefit from lessons learned and respect locally tailored solutions.	See response to comment "23"
235. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Michael and Deborah Spence 748 Bay Front LN Oak harbor WA 98277	See comment #158.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
236. Support ban on Salmon Net Pens	Dave Anderson Freeland	Urges Ecology to support ban on net pens in the new Island County Shoreline Master Program. Particularly concerned with Atlantic Salmon farming impacts: threats to native salmon; sea lice, interbreeding, establishing populations.	Thank you for your comments.
237. Salmon Net Pens Impacts.	Dave Anderson Freeland	Aesthetics issues: No Island county waters with or without adequate depth or current for net pens. County shorelines are dominated by either view	Thank you for your comments.

		and/or waterfront properties or incredible natural areas, unacceptable net pen locations.	
238. SMP general comment (email & attachments)	Tim Trohimovich, AICP Director of Planning & Law Futurewise 816 Second Ave. Suite 200, Seattle WA	Island County's current SMP update is an opportunity to significantly improve protection for Puget Sound and the county's other shorelines. Futurewise strongly supports the SMP update. We urge Ecology to adopt the update with some improvements to better protect Puget Sound and comply with the Shoreline Management Act and the SMP Guidelines.	(Ecology response)
239. Supports following SMP sections: (email & attachments)	Tim Trohimovich, Futurewise	17.05A.090A.6 & 17.05A.090C.13: protect fish and wildlife habitat conservation areas (spawning and holding areas). 17.05A.090B Archaeological, Historic, and Cultural Resources regulations: Especially B.1. ICC 17.05A.090C.2:No net loss mitigation requirements 17.05A.090, table 3: Minimum lot width for the Natural and Rural Conservancy environments 17.05A.090M, Public Access: Supports all but 17.05A.090M.5.	Comment noted.
240. SMP sec. 17.05A SMP Regulations and Procedures CAO buffers (email & attachments)	Tim Trohimovich, Futurewise	Clarify that the shoreline jurisdiction will expand as necessary to provide the buffers required to protect critical areas within shoreline jurisdiction or provide that the critical areas regulations will protect critical areas within shoreline jurisdiction. Expanded buffers for associated wetlands and Geological hazard areas need clarification. ICC 17.05A.090C.13.j(i) is an example. RCW 36.70A.060 (2) is the requirement to adopt regulations to protect critical areas. We recommend either that shoreline jurisdiction be expanded to include the necessary buffers or that critical areas buffers apply to critical areas in shoreline jurisdiction whose buffers would extend outside shoreline jurisdiction.	Critical areas outside of SMA jurisdiction will be protected through other (non SMP) regulations.

241. 17.02A.130 Applicability to Critical Areas within Shoreline Jurisdiction (email & attachments)	Tim Trohimovich, Futurewise	List the CAO provisions that will not apply to critical areas within shoreline jurisdiction and their protection measures;	This is a valid concern and a potentially significant issue; however, addressing it at this time would require amending a significant number of code sections. As a practical matter, any critical area not protected directly by the provisions of the updated SMP is intended to be protected by other Island County regulations.
242. 17.02A.130 Applicability to Critical Areas within Shoreline Jurisdiction	Tim Trohimovich, Futurewise	List the SMP provisions that will apply to critical areas within shoreline jurisdiction and their buffers that extend outside shoreline jurisdiction; or that are adopted by reference.	See comment "241"
243. 17.02A.130 Applicability to Critical Areas within Shoreline Jurisdiction (email & attachments)	Tim Trohimovich, Futurewise	List any other provision of Chapter 17.02, Old Island County Critical Areas Ordinance, and Chapter 17.02A, New Island County Critical Areas Ordinance, the provisions adopted by reference in 17.02A.130(B) shall apply to the administration and enforcement of the critical areas regulations for critical areas within shoreline jurisdiction and any measures required by Chapter 17.02, Old Island County Critical Areas Ordinance, and Chapter 17.02A, Chapter 17.02A, New Island County Critical Areas Ordinance, and the provisions adopted by reference in this section to protect those critical areas.	See comment "241"
245. 17.02A.130 Applicability to Critical Areas within Shoreline Jurisdiction (email & attachments)	Tim Trohimovich, Futurewise	Clarify Agricultural activities occurring on agricultural lands shall continue to be regulated through the Chapter 17.02, Old Island County Critical Areas Ordinance, as amended.	See comment "241"
246. Revise Key	Tim Trohimovich,	The SMP has designated many of the Herring,	Forage fish spawning beaches, or

<p>shoreline Environment Designation to protect spawning areas</p>	<p>Futurewise</p>	<p>Sandlance and Surf Smelt spawning beaches are Natural and Conservancy. But some of these important areas are also designated Shoreline Residential or Shoreline Residential Lagoon Community SMP environment. These areas include some of the northwest and east shorelines of Camano Island. On Whidbey Island they include the Shoreline Residential Environment southeast of Dugualla Bay, the Mariners Cove Lagoon Community Environment, the Shoreline Residential Environments along Penn Cove, the Harrington Lagoon Residential Environment, and the Shoreline Residential Environments at Holmes Harbor. We recommend that these designations be placed in a Natural or Conservancy Environment.</p>	<p>beaches capable of supporting forage fish spawning activity are included in the definition of "Fish and Wildlife Habitat" (ICC 17.05A.070). Irrespective of the underlying buffer and setback requirements, the provisions of ICC 17.05A.090 require that a BSA be developed and mitigation measures be employed. As part of these requirements, the mitigation sequencing provisions of ICC 17.05A.090.C.7 must be employed. The first (preferred) step in the mitigation sequence is to avoid the impact altogether by not taking the proposed action, or not taking the part of the action that results in the impact. This requirement has the effect of imposing additional buffer areas if a site specific demonstration can be made that the proposed development would have a detrimental impact on fish and wildlife habitat.</p>
<p>247. Forage Fish Habitat Protection</p>	<p>Tim Trohimovich, Futurewise</p>	<p>Adopted forage fish habitat protections that apply to any environment and include the recommended protection measures. Particularly concerned about the Shoreline Residential Lagoon Community Environment which does not require any buffer. Mariners Cove contains spawning beaches.</p>	<p>See response to comment "246".</p>
<p>248. Forage Fish Habitat Protection</p>	<p>Tim Trohimovich, Futurewise</p>	<p>The 30 foot wide marine buffer for the Shoreline Residential environment, 50 foot Urban Conservancy</p>	<p>See response to comment "23"</p>

		marine buffer, and the 75 foot Rural Conservancy marine buffer are also not adequate to shade surf smelt eggs. Adequate buffers and other measures must be required to protect these important habitats.	
249. SMP Sec. 17.05A.090 table 3 marine buffers	Tim Trohimovich, Futurewise	Improve the shoreline buffers to better protect the Puget Sound. Concerned about the relatively narrow marine buffers which range from 125 feet to zero feet. None of the SMP shoreline environment buffers will protect all of these shoreline functions as the SMA and the SMP Guidelines require. Recommend that the Natural Environment buffer be increased to 150 feet wide, Rural Conservancy buffer to 125, the Urban Conservancy to 100, and the Shoreline Residential to 50 feet. Wider buffers must also be required adjacent to forage fish spawning beaches if those beaches are not in or adjacent to a Natural or Conservancy environment.	See response to comment "23"
250. SMP Sec. 17.05A.090M.5	Tim Trohimovich, Futurewise	17.05A.090M.5 does not fully comply with the SMP Guidelines because it does not require public access for multi-family dwellings as the guidelines require. Recommend following change: 5. Physical public access shall be incorporated into all development proposals on public lands, all public and private commercial and industrial developments, all publicly funded projects, and all residential subdivisions of five (5) or more lots, <u>and all multi-family developments of five (5) or more dwelling units</u> unless the project proponent demonstrates that any of the following conditions exist: [No change is proposed to the balance of the proposed regulation.]	WAC 173-26-221(4)(d) does not require public access for multifamily housing projects. This is unlikely to be an issue in unincorporated Island County since there are essentially no shoreline areas zoned to accommodate multifamily residential development.
251. Sea Level Rise	Tim Trohimovich, Futurewise	Pg.11 Adopt standards to protect people and property from the damage likely to be cause by sea level rise.	See responses to comments "23", "45", and "56"
253.SMP Sec. 17.05A.100	Tim Trohimovich, Futurewise	Supports the County's proposed prohibition on open finfish facilities in marine waters to protect native	Thank you for your comments.

Aquaculture finfish facilities		<p>salmon. Feels consistent with the SMP Guidelines requirements for no net loss of shoreline ecological functions. see ICC 17.05A.090L, Flood Hazard Reduction, recommend that ICC 17.05A.090L, Flood Hazard Reduction, on page 60 include the following additional standards:</p> <p>12. New lots shall be designated and located so that the buildable area is outside the area likely to be inundated by sea level rise in 2100.</p> <p>13. Where lots are large enough, new structures and buildings shall be located so that they are outside the area likely to be inundated by sea level rise in 2100.</p>	
254. SMP: Public Access	Wilson Binger P.O. Box 157 Greenbank, WA 98253	The Public Access portion of the SMP deals almost entirely with public lands, and hence will require continuing County involvement. I recommend that the SMP contain timelines for action by the County with regard to public access to the shoreline.	See responses to comments: “17”, “18”, “26”, “198”, and “256”.
255. Public Access Mapping	Wilson Binger P.O. Box 157 Greenbank, WA 98253	<p>Concerned that the County has not updated the maps showing public beach access points that are included or referenced in the SMP. The referenced Public Access Resources Map has a variety of errors including:</p> <ul style="list-style-type: none"> -Locations shown as public accesses that are not in fact public; -Locations that don't exist; Public accesses or road ends that are difficult or impossible to find; -New access points that do not appear on the map. <p>A timeline for updating the existing maps and records should be included in the SMP</p>	See responses to comments: “17”, “18”, “26”, “198”, and “256”.
256. SMP: Public Access (Swaps)	Wilson Binger P.O. Box 157 Greenbank, WA	SMP public access section could allow for vacating public accesses and replacing them with another access (swaps). This policy could lead to an	The proposed SMP update does not allow road-end “swaps”. For additional information see

	98253	inequitable exchange that reduces the public's ability to access the shoreline while benefiting private interests. It would be better to not allow swaps as a policy, and make an exception in the future if necessary.	responses to comments: "17", "18", "26", and "198".
257. SMP: Dealing with Existing Public Access.	Wilson Binger P.O. Box 157 Greenbank, WA 98253	Identifying existing public access and road ends and notifying the adjacent property owners as well as the public that the accesses exist and are for the use of all the people of Island County, would be a more effective way of dealing with encroachment on some existing public access sites than having Island County defend each individual site. The SMP should include defined actions to for this approach.	See responses to comments: "17", "18", "26", "198", and "256".
258. Shoreline Inventory report (email & letter) Two 5/24 emails (Gregoire & Molly MacLeod-Roberts)	Dennis Gregoire, Commissioner Port of South Whidbey, 1804 Scott Rd. Ste 101 Freeland, WA 98249	There is limited discussion of problems associated with operating, maintaining and rebuilding boat launch facilities in South Whidbey.	Public access points, boating facilities, marinas, docks, and boat launches have all been addressed in detail in the proposed SMP update. For additional information see responses to comments: "34", "46", "259", "262", and "270".
259. Shoreline Land Use Analysis Report (email & letter)	Dennis Gregoire, Port of South Whidbey	Report does not discuss SMA priority uses including the benefits of water dependent public access facilities such as boats ramps, there is also a total lack of historical context of shorelines.	Policy D(1) of the proposed SMP update gives preference to water dependent uses. Water dependent uses include boat ramps. For additional information see responses to comments: See responses to the following comments: "34", "46", "258", "262", and "270".
260. SMP Economic Element	Dennis Gregoire, Port of South	SMP lacks analysis of economic role that shoreline residential development plays in the Island County	Single family homes are permitted in almost every Shoreline

(5/24 emails & letter)	Whidbey	economy. Port concerned with specific use regulations as they relate to SMP priority uses. See Attachment A-3. Developing a shoreline economic element is not possible until the County prepares a GMA economic element.	Environment. No law, regulation, or policy would prohibit Island County from including an Economic Development Element in the updated SMP prior to the development of an Economic Development Element for the Island County Comprehensive Plan. Importantly, it would not be possible to further delay adoption of the SMP update, while it may take several years to update the Comprehensive Plan and produce a countywide Economic Development Element. For more information see response to comment "38".
261. Citizen involvement (5/24 email & letter)	Dennis Gregoire, Port of South Whidbey	The limitation of the public process to public meetings and hearings, resulted in no opportunities for stakeholders to have educational discussions especially in regards to the use regulations.	Comment noted. See response to comment "140"
262. SMP Shoreline environment designations (email & letter)	Dennis Gregoire, Port of South Whidbey	A separate environment designation is needed for park and boat ramp facilities. This would allow facilitation of repair, maintenance and upgrading of this limited public use and public access opportunity. (see attachment 2) Boat ramp footprints occur in both the aquatic and upland zones.	As proposed, the SMP update allows existing boat ramps and boating facilities to be maintained and repaired. In addition, new boating facilities may be established in appropriate areas. A separate Shoreline Environment designation is not needed in order to facilitate the maintenance and repair of existing boat ramps and boating

			<p>facilities. Island County currently issues Shoreline Exemption Permits for maintenance and repair activities in a timely fashion. For example, in 2011 the Port of South Whidbey submitted a permit application to Island County for ongoing maintenance activities at three of their properties (including the Bush Point boat launch). This permit was determined to be complete on March 21, 2011 and issued approximately a month later on April 26, 2011. After taking into consideration the required public comment period, this permit was issued by Island County the day it was legally possible to do so.</p> <p>For additional information see responses to comments: “34”, “46”, “258”, “259”, and “270”.</p>
263. Overall SMP comment (email & letter)	Dennis Gregoire, Port of South Whidbey	SMP should reflect the unique nature of Whidbey Island’s shoreline, its special feature of significant single family uses and challenge to provide increased public access.	Island County believes these factors were addressed in the development of the updated SMP.
264. Return SMP to Island County (email & letter)	Dennis Gregoire, Port of South Whidbey	Port request that Ecology return the SMP to Island County with direction to provide an opportunity for stakeholder dialogue on how the current draft addresses SMA priority uses; more explanation on no net loss and restoration plans.	(Ecology response)
265. Overall SMP	Dennis Gregoire,	SMP lacks substantive regulations and environment	The proposed SMP contains six

comment (email & letter)	Port of South Whidbey	designations that foster and promote SMA priority uses unique to Island County's shorelines.	<p>"Shoreline Environment" designations; there are substantive regulations associated with each of the six Shoreline Environments and SMA designated priority uses are allowed.</p> <p>For additional information see responses to the following comments: "34", "46", "258", "259", "262", and "270".</p>
266. SMP nonconforming uses (attachment 1) (email & letter)	Dennis Gregoire, Port of South Whidbey	There is a disconnect applying development standards that make priority uses such as single family residential development non-conforming. Alternative approaches should be discussed.	<p>Development standards have not been applied to make single family residential development non-conforming. Notably, ICC 17.05A.140(A) states "<i>Residential structures that were legally established and are used for a conforming use, but that do not meet current standards for density, lot size, setbacks, and buffers shall be considered a conforming structure</i>". In addition, the development of single family homes is allowed in every Shoreline Environment except the Aquatic Environment.</p>
267. SMP High Intensity Shoreline Environment. (email & letter)	Dennis Gregoire, Port of South Whidbey	Proposed SMP has one custom environment (High Intensity designation) which is not appropriate for existing park and boat ramp sites	See responses to the following comments: "34", "46", "258", "259", "262", and "270".

268. Shoreline Inventory report (5/24 email & letter)	Dennis Gregoire, Port of South Whidbey	<u>Excessive Sediment</u> : There is a lack of discussion on the issue of excessive sediment deposition in reaches of Whidbey Island, especially where such deposition impacts the operation and functioning of boat launch facilities. See Attachment A-1 & A-2.	See responses to comments “36”, and “37”
269. RCW 90.58.020 & 90.58.100 (letter)	Dennis Gregoire, Port of South Whidbey	Feels cited RCW criteria was not met in the development of the Island County SMP 90.58.020: <i>Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures,</i> 90.58.100: <i>(6) Each master program shall contain standards governing the protection of single-family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single-family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single-family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment.</i>	The development of single family homes is allowed in every Shoreline Environment except the Aquatic Environment. The proposed SMP contains over eight pages of standards governing the protection of single-family residences against damage or loss due to erosion. These standards were developed to ensure compliance with RCW 90.58.100 and WAC 173-26-231(3).
270. Additional Stakeholder meetings needed about managing public boat ramps. (Letter)	Dennis Gregoire, Port of South Whidbey	Need to have additional discussions with stakeholders (Public Access Group, Chamber of Commerce, etc) about managing Port of South Whidbey boat ramps. Opportunity to incorporate coastal engineering design criteria into managing boat ramps. RCW 90.58.100 (1) (c) & (d) <i>(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;</i> <i>(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;</i>	Island County made a substantial effort to reach out to, and include input from, effected parties including Port Districts. The proposed SMP was only adopted after a significant number of public meetings, hearings, and outreach efforts. The County believes that it has complied with the spirit, intent, and legal requirements of the SMA with respect to public participation.

			With respect to the Port of South Whidbey's boat ramps, the Port is not precluded from utilizing sound coastal engineering principles in the design of projects.
271. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Joe Wishcamper Sunlight Beach Road Whidbey Island	See comment #127.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
272. Salmon Net Pens	Jan Reck Freeland, WA	Salmon Net Pens should be banned in Puget Sound and the Salish Sea.	Thank you for your comments.
273. Finfish Net Pens	Allison Warner 316 Dove Drive Camano Island	Supports Island County's proposed Shoreline Regulations banning net pens in Island County shoreline areas.	Thank you for your comments.
274. Finfish Net Pens Impacts.	Allison Warner 316 Dove Drive Camano Island	Net pen water quality impacts to near shore salmon habitat and fish spawning areas and shellfish aquaculture.	Thank you for your comments.
275. Finfish Net Pens Impacts.	Allison Warner 316 Dove Drive Camano Island	Allowing the net pen industry to use Island County marine waters to grow a non-native species, in a manner which creates waste, breeds disease that could devastate our native salmon stocks is in contradiction to many of the goals of the shoreline management act and the Clean Water Act, and is incorrect balancing of the endangered species act.	Thank you for your comments.
276. Salmon Net Pens	Mike Nestor Windermere Real Estate/CIR Camano Island, WA	NOT in favor of allowing pen raised salmon in Island County waters.	Thank you for your comments.
277. Salmon Net Pens.	Gabe McGuire Fisheries Biologist	Opposes salmon net pen farming in Island County waters. Allowing salmon net pen farming is counter-productive to hundreds of millions of dollars spent on	Thank you for your comments.

		salmon recover and resource management.	
278. Net-pen aquaculture	Ann Speckman Camano Island	Supports Island County's proposed Shoreline Regulations banning net pens in Island County shoreline areas. Allowing net pens would diminish water quality and habitat for native fish stocks, as well as the clams, crab and other marine organisms.	Thank you for your comments.
279. Salmon Net Pens.	Val Schroeder 1369 Arrowhead Road Camano Island, WA 98282	Not in favor of net pens for farmed Atlantic Salmon being allowed in Island County. An environmental intrusion with net pens for farmed Atlantic Salmon being allowed in Island County would be very bad for the environment	Thank you for your comments.
280. Salmon Net Pens Impacts.	Val Schroeder	Twenty-one of the 23 runs of native salmonids listed under the endangered species act migrate through Island County marine waters. We should not expose our wild fish to the disease and parasites in these industrial fish feedlots. Escaping Atlantic salmon establishing in the wild is an additional threat to native salmon.	Thank you for your comments.
281. Salmon Net Pens Impacts.	Val Schroeder	Industrial net pens are profitable because the environmental costs are passed on to everyone else. The industry pays nothing for; its large release of untreated sewage into Puget Sound; for threatening wild fish with disease and parasites; for continuing releases of non-native fish. We need to end these subsidies.	Thank you for your comments.
282. Salmon Net Pens	Charles N. Ingraham Camano Island	Supports Island County's proposed Shoreline Regulations banning net pens in Island County shoreline areas.	Thank you for your comments.
283. Shorelines of Statewide Significance (SSWS) mapping	Jamie Hartley Whidbey Island	Ecology SSWS map incorrectly does not include the northeastern portion of Whidbey Island. I believe this map is wrong for a number of reasons: 1. As Ecology permit reviewer from 1983 to 1987, the northeastern shoreline of Whidbey Island was	(Ecology Response)

		<p>considered a SSWS. The current Island County Shoreline Master Program maps it SSWS.</p> <p>2. The SMA describes SSWS under RCW 90.58.030 (1) (f) (ii)) as named bodies of water that are described as being between two points, RCW 90.58.030 (1) (f) (ii) (D), refers to “Skagit Bay and adjacent area”. Why would the SMA add “and adjacent area” only to the description of Skagit Bay if not to somehow differentiate it from the other listed Shorelines of Statewide Significance? Northeastern Whidbey Island is “an adjacent area” to Skagit Bay.</p> <p>3. If straight line is drawn between Yokeko Point and Brown Point, portions of the shoreline of northeastern Whidbey Island are intersected by that line.</p> <p>4. The large water body between northern Whidbey Island and Skagit County is commonly known as Skagit Bay including the shoreline in question.</p>	
284. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Wendy Campbell de Winter	I request, that the SMP code reflect the request of the Shoreline property owners to be able to rebuild if there is a 75% plus destruction to our domiciles; and that the code language be inclusive of all referenced and related items, sections and lines	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151”, “188”, “193”, “209”, and “217”.
285. SMP Public Access. ICC 17.05A.090(M)(3) (email)	Jane Seymour, Attorney at Law PO Box 1240 Freeland WA 98249	<p>My specific objections to ICC 17.05A.090(M)(3):</p> <p>1. There is no provision in the State RCW upon which to base an action of removing a public beach access for the benefit of a private land owner.</p> <p>2. Removal of public access to the water for the benefit of a private land owner is <u>against public policy</u>, as expressed in the Shoreline Mgt Act RCW 90.58.020: <i>Permitted uses in the shorelines of the state shall be designed and conducted in a manner to</i></p>	See responses to comments: “17”, “18”, “26”, “198”, and “256”.

		<p><i>minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible...</i></p> <p>3. There is a statutory prohibition on action by a county to vacate a county road which abuts on a body of water, RCW 36.87.130 (limiting the power of a county to vacate a county road which abuts on a body of salt or fresh).</p> <p>4. The provision of proposed ICC 17.05A.090 is biased in favor of the private land owner.</p> <p>5. There is no statutory procedure in RCW for the public to participate in the selection of another parcel "of comparable function and value."</p> <p>6. 17.05A.090 (M) (3) appears to have originated from a former Island County employee, who appears to have had the ear of the defendant in Island County v. Montgomery, IC Cause No. 13-2-00183-1 who himself proposed a "land swap" in 2011 as a remedy for his illegal construction of a 4 foot high rock wall across Wonn Road, an Island County Road, for his driveway and installation of septic drainfield.</p>	
286. SMP Public Access. Policy B3	Steve Erickson, Whidbey Environmental Action Network, Preservation Education, Restoration, Box 53, Langley, WA 98260	<p>Comment-1. Recovery of privatized public access and shorelines. This is not consistent with the SMA's direction for public access and recreation. It is also inconsistent with other policies in the update which require recovery of privatized public access. Suggest the following language:</p> <p>Establish workable policies and procedures for</p>	See responses to comments: "17", "18", "26", "198", and "256".

		<p>identifying, cataloguing, mapping, signing, managing, and recovering <u>Recover</u> public access and tidelands where public access to the shoreline may have been lost or impeded by encroachment or other actions by adjacent or nearby property owners.</p> <p><u>4. Within one year from the adoption of this policy establish procedures for identifying, cataloguing, mapping, signing, managing, and recovering access and public shorelines suffering from encroachment.</u></p>	
287. SMP Public Access. Policy 16	Steve Erickson, WEAN	<p>Comment-2. A policy to create a public access plan is meaningful only with a timeline. Suggest the following language:</p> <p>16. The County shall create a public access plan to be adopted as an element of the comprehensive plan <u>concurrent with the 2016 update.</u></p>	See responses to comments: "17", "18", "26", "198", and "256".
288. SMP Public Access. Policy D13	Steve Erickson, WEAN	<p>Comment-3. Remove wobble words that make protecting and recovering existing public access ambiguous. Suggest the following language change:</p> <p>13. Maintain clear records of all public access points including public parks, public road ends, public tidelands, public easements, and other public properties designated for which may provide <u>public access.</u></p>	See responses to comments: "17", "18", "26", "198", and "256".
289. SMP Public Access. 17.05A.090(M)(1)	Steve Erickson, WEAN	<p>Comment-4. Remove wobble words that allow loss of public access. Policy M1 fails to fulfill the County's public trust doctrine responsibility and is potentially inconsistent with the requirements of RCW 35.79.035 and 58.17.212 regarding vacation of road ends that provide public shore access. Suggest the following language change:</p>	See responses to comments: "17", "18", "26", "198", and "256".

		<p>1. Where feasible, n New development uses and activities shall be designed and operated to avoid and minimize blocking, reducing, or adversely interfering with the public's physical access to public shorelines or and must minimize blocking, reducing, or adversely interfering with visual access . . .</p>	
290. SMP Public Access. 17.05A.090(M)(3)	Steve Erickson, WEAN	<p>Comment-5. The County may not permit “swaps” or elimination of existing public access. Policy M3 is plainly inconsistent with RCW 35.79.035 and 58.17.212, as well as other explicit policies in the SMP update. Suggest this revision:</p> <p>3. Existing public access shall not be eliminated unless an applicant shows that there is no feasible alternative and replaces the public access with access of comparable functions and value at another location in the same vicinity.</p>	See responses to comments: “17”, “18”, “26”, “198”, and “256”.
291. SMP definitions 17.05A.070	Steve Erickson, WEAN	<p>Comment-6. Eliminate or combine redundant definitions. The proposed regulations include two definitions of “marine campgrounds. Suggests combining the definitions:</p> <p>Campground, Marine: A primitive campground for hand-carried watercraft (e.g., kayaks, canoes) that is accessed by water, with each site in the campground accommodating up to three tents. Overflow may be allowed at the discretion of the land manager.</p>	See responses to comments: “17”, “18”, “26”, “198”, and “256”.
292. Shorelines of Statewide Significance (SSWS)	Steve Erickson, WEAN	<p>New policy interpreting “Shorelines of Statewide Significance.” RCW 90.58.030 (2) (f) (ii) (D). <i>Skagit Bay and adjacent area -- from Brown Point to Yokeko Point,</i></p>	(Ecology response)

Interpretation		<p>Current Ecology interpretation classifies this shoreline as a Shoreline of the State. New interpretation not consistent with that key language (“and adjacent area”), Ecology’s new interpretation needs to undergo review per the State Environmental Policy Act.</p> <p>We urge Ecology to place this attempt to reduce protection of this shoreline area where it belongs: In a moderately warm, moist environment where it will rapidly decompose.</p>	
293. Atlantic Salmon Net Pens SMP Ban.	Steve Erickson, WEAN	Island County has effectively banned Atlantic salmon net pen feedlots with their adopted SMP. The WA Dept. of Ecology (WDOE) is insisting, as it has with other counties, that these must be allowed. We believe that WDOE is simply misinterpreting the law and ignoring the over-whelming weight of the current science regarding the potential and realized impacts of these aquatic feedlots.	Thank you for your comment.
294. Atlantic Salmon Net Pens Impacts	Steve Erickson, WEAN	Can threats posed by industrial scale Atlantic salmon net pen feedlots can be sufficiently reduced or eliminated to meet the Shoreline Management Act (SMA)? Our conclusion is that it can’t (see comment letter) , given the SMA’s requirements for protection of natural processes and ecosystem and protection of resources of statewide significance, specifically including long term protection of anadromous fish habitat considering cumulative and incremental impacts.	Thank you for your comment.
295. Atlantic Salmon Net Pens Impacts	Steve Erickson, WEAN	Virtually all of Island County’s marine waters serve as both nursery and crossroads for salmonids from throughout Puget Sound. In this context, it is simply	Thank you for your comment.

		not possible to provide the required long term protection if these industrial scale aquatic feedlots are located anywhere within Island County marine waters.	
296. Atlantic Salmon Net Pens Impacts	Steve Erickson, WEAN	Most (though not all) of the threats presented by commercial net pens stem from their scale and permanence. We do not believe that the IC SMP net pen ban is defensible for the much smaller scale finfish net pen aquaculture used in the context of recovery and supplementation of wild stocks.	(Ecology response – LLV; size of net pens requiring NPDES pens; not related to species, but to scale and permanence)
297. Importance of Island County Aquatic Salmonid Habitat	Steve Erickson, WEAN	Use of Island County Marine Waters by Salmonids. Island County “provides critically valuable near shore habitat for migrating juvenile salmonids as well as for their prey, forage fish.” Juvenile salmon from many rivers in Puget Sound use the pocket estuaries and near shore areas of the Whidbey Basin to forage and rear as they adapt to saltwater conditions.	Thank you for your comment.
298. RCW 90.58.020 Legislative findings — State policy enunciated — Use preference.	Steve Erickson, WEAN	Requirements of the Shoreline Management Act. The legislative findings of the SMA provide explicit State policy for local government shoreline management plans: This finding states the primacy of protection of “wildlife, and the waters of the state and their aquatic life” as a singular purpose of the SMA. No mention is made in this bedrock policy statement of aquaculture of introduced (non-native) organisms.	(Ecology response)
299. RCW 90.58.020 Legislative findings — State policy enunciated — Use preference.	Steve Erickson, WEAN	Requirements of the Shoreline Management Act. The statute lists in order of priority seven policy goals local governments must follow in giving “preference to uses” of shorelines of statewide significance. ^{18 19} The first four highest priority goals are particularly relevant to the industrial finfish feedlot issue: <i>(1) Recognize and protect the statewide interest over local interest;</i>	(Ecology response)

		<p>(2) Preserve the natural character of the shoreline; (3) Result in long term over short term benefit; (4) Protect the resources and ecology of the shoreline;</p> <p>These prioritized goals apply to both the WDOE and local jurisdictions.</p>	
	Steve Erickson, WEAN	<p>Requirements of the Shoreline Management Act. <i>Aquaculture is identified as an activity [that] is of statewide interest. . . and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Local government should consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions.</i> (C) <i>Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions . . . or significantly conflict with . . . other water-dependent uses. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts .. Impacts to ecological functions shall be mitigated according to the mitigation sequence described in WAC 173-26-201(2)(e)</i></p>	(Ecology response)
301. Shorelines of Statewide Significance (SSWS) WAC	Steve Erickson, WEAN	<p>Requirements of the Shoreline Management Act. In focusing on the heightened status of shorelines of statewide significance and reiterating the Act's goals, the guidelines note that the SMA raises the status of SSWS in two ways. First, the SMA sets specific preferences for uses of shorelines of statewide significance. Second, the SMA calls for a higher level of effort in implementing its objectives on shorelines of statewide</p>	(Ecology response)

		<p>significance. SMP guidelines under WAC 173-26-251(3)(c) specifically requires local governments to: <i>(i) Identify the extent and importance of ecological resources of statewide importance and potential impacts to those resources, both inside and outside the local government's geographic jurisdiction.</i></p> <p>Further "Ecological resources of statewide importance" are then explicitly defined as including "anadromous fish habitats WAC 173-26-251(3)(d) (i)</p>	
<p>302. Requirements of the Shoreline Management Act.</p>	<p>Steve Erickson, WEAN</p>	<p><i>WDOE Aquaculture Interim Guidance.</i> WDOE issued "Interim Guidance" for aquaculture in Shoreline Master Program Updates in June 2012.</p> <p>In reserving shoreline areas for uses, <i>local governments must give preference to reserving appropriate areas for protecting and restoring ecological functions over reserving areas for water-dependent and associated water-related uses; and give preference to water-dependent uses over other types of shoreline uses.</i> [See RCW 90.58.020 ,WAC 173-26-201(2)(d), and WAC 173-26-251(2).]</p> <p>The SMA's structure and requirements clearly set as the highest priority "wildlife, and the waters of the State and their aquatic life." This policy then flows through the Act's requirements, the adopted guidelines, and the interim aquaculture guidance. Water dependent and associated uses, including industrial finfish feed lots, are permissible only if they do not run afoul of the Act's requirements to ensure the long term protection of anadromous fish</p>	<p>(Ecology response)</p>

		habitats considering incremental and cumulative impacts. The available current scientific evidence is that industrial scale Atlantic salmon feed lots cannot be located in Island County waters and meet this standard.	
303. Atlantic Salmon Net Pens Impacts	Steve Erickson, WEAN	<p>Non-Biological pollution caused by net pen feedlots.</p> <p>Industrial scale net pens are not aquatic equivalents of terrestrial farms. They are aquatic CAFOs (“Confined Animal Feeding Operation”) and are so classified under the federal Clean Water Act. They are feedlots. These feedlots are the only permitted dischargers in marine public waters of untreated fecal matter from vertebrate animals. Aquatic feedlot operators and WDOE have taken position that the “solution to pollution is dilution.”</p>	Thank you for your comment.
304. Atlantic Salmon Net Pens Impacts	Steve Erickson, WEAN	<p>Non-Biological pollution caused by net pen feedlots The areas directly underneath the feedlots themselves are essentially permanent sacrifice zones for emission and deposition of the huge volumes of fish feces generated, as well as uneaten food, etc. Per SMA requirements for consideration of cumulative impacts, Island County is fully justified in rejecting the allowance of known sources of large emitters of such pollution.</p>	Thank you for your comment.
305. Atlantic Salmon Net Pens Impacts	Steve Erickson, WEAN	<p>Non-Biological pollution caused by net pen feedlots. Large portions of the Whidbey Basin have naturally low oxygen and are sensitive to nutrient loading. Given the large volumes of pollution generated by Atlantic salmon feedlots and the impossibility of containment or treatment, these nutrient limited sites are clearly unsuitable for location of aquatic feedlots. Given the SMA</p>	Thank you for your comment.

		requirements to provide long term protection of anadromous fish habitat, including from cumulative and incremental impacts, Island County's policy decision not to allow water quality degradation from Atlantic salmon feedlots is fully consistent.	
306. Atlantic Salmon Net Pens Impacts	Steve Erickson, WEAN	Non-Biological pollution caused by net pen feedlots. Washington requires land based aquaculture to collect all wastes, but net pen feedlots are allowed to simply discharge their waste untreated. By favoring the least environmentally desirable type of aquaculture (net pen feedlots), the state is providing a subsidy to the feedlots, since they simply pass the environmental costs of their operations onto the public.	Thank you for your comment.
307. Atlantic Salmon Net Pens Impacts	Steve Erickson, WEAN	Disease transmission to wild fish. There is no support in any published paper to support the proposition that disease cannot be transferred from fish confined in net pens to free swimming fish. "Impacts on wild stocks from disease interactions may occur via three mechanisms: (1) introductions of alien pathogens, (2) transfer of pathogens that have evolved increased virulence in culture, (3) changes in host population density, age/size structure or immune status that affect the dynamics of established pathogens. All three impacts can occur when cultured fish are released, or maintained in environmentally open systems such as net cages which allow transmission even when the farmed population is contained.	Thank you for your comment.
308. Atlantic Salmon Net Pens Impacts	Steve Erickson, WEAN	Disease transmission to wild fish. Actual experience has now demonstrated that net pen operators, proponents and the agencies that are supposed to regulate them are in denial that easily	Thank you for your comment.

		<p>predictable disease outbreaks can and will occur. They have demonstrated that they lack the capacity to respond effectively in a timely manner. A local jurisdiction that relied on the state agencies to prevent disease transmission from industrial net pen feedlots to wild salmonids would demonstrably fail to meet SMA's requirements to provide long term protection to wild salmonid habitat.</p>	
309. Atlantic Salmon Net Pens Impacts	Steve Erickson, WEAN	<p>Disease transmission to wild fish. The crowded conditions in net pens increase the sheer number of fish that are likely to be infected with any particular disease organism, whether or not it is causing obvious disease or an epidemic. This results in amplification of the disease agent and its much greater abundance in the pen and surrounding waters. A conservative position is to avoid locating industrial net pens in areas generally known to be used by free swimming salmonids. That essentially precludes all Island County waters. See <i>Use of Island County Marine Waters by Salmonids</i>.</p>	Thank you for your comment.
310. Atlantic Salmon Net Pens Impacts	Steve Erickson, WEAN	<p>Parasite transmission to wild fish. While net pen feedlots located in Puget Sound purportedly have only experienced minor infestations of sea lice, as a policy matter they should not be located where they can threaten free swimming fish. There is nowhere in Island County marine waters that is not either used by ESA listed fish or migratory routes for major runs. There is simply nowhere in Island County marine waters where net pen feedlots would not potentially threaten free swimming fish in the event of parasite infestations.</p>	Thank you for your comment.
311. Atlantic	Steve Erickson,	Escapement. Non-native fish from aquaculture	Thank you for your comment.

Salmon Net Pens Impacts	WEAN	provided a contributing factor in the extinction and endangerment of several native fish species.” ⁶⁴ Non-native fishes undoubtedly have contributed to threats and extinctions of native fishes, and many of the former have originated from culture operations.	
312. Atlantic Salmon Net Pens Impacts	Steve Erickson, WEAN	Escapement. Historically, enormous numbers of feedlot Atlantic salmon have (and apparently continue to) escape, both worldwide, in the PNW, and in Washington state waters. The precise number of escapees is rarely known. Escapement occurs both in large pulses from periodic accidents or catastrophes and constant, expected ‘leakage’ of the feedlot fish; leakage is apparently accepted by Washington regulatory agencies. Leakage accounts for an estimated 0.5-1.0% of the total annual production of Atlantic Salmon in the PNW. In the aggregate, this amounts to tens of thousands of fish per year.	Thank you for your comment.
313. Atlantic Salmon Net Pens Impacts	Steve Erickson, WEAN	Escapement. “The two greatest risks appear to be that (1) Atlantic salmon may introduce a serious pathogen to native populations, and (2) escaped salmon will eventually adapt to local conditions as selection favors the survival and reproduction of a few individuals. Despite a long history of failure to establish Atlantic salmon from single or a few deliberate introductions, it seems possible that continuous recruitment of fish escaping from farming operations may eventually lead to locally adapted stocks. At that point, the species may rapidly become a dangerous invasive—a pattern that is often seen in other aquatic plants and animals where a prolonged early colonization period is followed by a rapid phase of exponential growth.	Thank you for your comment.
314. Atlantic	Steve Erickson,	Escapement. Currently, escapement of non-native	Thank you for your comment.

Salmon Net Pens Impacts	WEAN	Atlantic Salmon from net pen feedlots is not effectively prohibited. While the NPDES permits issued by WDOE require reporting escapes and plans in the event of a detected escape, this is not effective regulation for four reasons: 1) self reporting; 2) there are no actual numerical limits on escapement, 3) the ongoing leakage of small numbers of fish is apparently considered acceptable, despite other state regulatory prohibitions on the unpermitted release of non-native species; and 4) there are no real penalties for allowing fish escapement. By failing to place effective limits on escape, WDOE is subsidizing the industry relative to fisheries based on free swimming fish or land based culture.	
315.	Steve Erickson, WEAN	Escapement. Providing this industry subsidy removes any incentive to reduce the risk of escapement and establishment in the wild by, i.e., requiring multiple containment; close monitoring of the actual numbers of fish so leakage can be detected; tagging of marking of all fish so they can be traced back to their feedlot of origin; imposing financial liability for escapes sufficient to drive both technological improvement and place responsibility for the impacts of escapes on the responsible industry; and requiring the use of sterile fish.	Thank you for your comment.
316.	Steve Erickson, WEAN	Escapement. The industrial net pen industry is currently either unable or not willing to take the necessary measures to reduce escapement sufficiently to also greatly reduce the realized and potential negative impacts of escape. Neither are the state regulatory agencies willing to require this. Consequently, it is appropriate for local jurisdictions to take action through local regulation to prevent	Thank you for your comment.

		these impacts.	
317. Net Pen Aquaculture (email letter page 1)	Sarah Schmidt Whidbey Audubon Society 243 Rhodena Drive Coupeville, WA 98239	We support the conclusion reached by the Island County Commissioners that allowing fish net pen aquaculture in Island County waters is not compatible with the value that we place on the health of our waters and the restoration of our native salmon species.	Thank you for your comment.
318. Net Pen Aquaculture and Ecology Aquaculture Interim Guidance (email letter page 1)	Sarah Schmidt Whidbey Audubon Society	DOE's argument in the Aquaculture Interim Guidance that "current permits have changed from earlier ones in that they now include salmon escapement plans, sea lice monitoring plans, and reporting of fish feed, biomass and chemical usage on a monthly basis" is inadequate to balance the threats to native salmon. In an era of tight budgets, there are unlikely to be sufficient funds to enforce permit requirements or to adequately monitor parasites, disease and escapements.	(Ecology response)
319. Net Pen Aquaculture and Ecology Aquaculture Interim Guidance (email letter page 2)	Sarah Schmidt Whidbey Audubon Society	Best available science is supposed to be the standard when developing regulations. Yet examining DOE's web page on net pen aquaculture ¹ , almost all the scientific references were published prior to 2002.	(Ecology response)
320. Net Pen Impacts. Ecology Aquaculture Interim Guidance (email letter page 4)	Sarah Schmidt Whidbey Audubon Society	In the Salmon Recovery Plan quoted on DOE's Aquaculture website, the only references to net pen aquaculture are these: "Escapes from net pens can compete with and prey on native salmon and diseases and pollutants from net pens can cause infections or toxicity that might impair the marine productivity of the region's salmon and	(Ecology response)

		bull trout.” [4-33]	
321. Climate change impacts on native Salmon, (email letter page 4)	Sarah Schmidt Whidbey Audubon Society	Climate change poses increasing risks, as evidenced by a study from the Western Fisheries Research Center: “This study highlights the role of environmental stressors, such as climate change, on the ecology of fish diseases as well as the impact of these diseases on fitness traits important to the survival of natural populations	Thank you for your comment.
322. Net Pen Impacts on Salmon Recovery. (email letter page 4)	Sarah Schmidt Whidbey Audubon Society	It makes no sense to be spending millions of dollars on “restoration of ecological functions,” such as salmon recovery, while simultaneously permitting fish farms that threaten those very salmon with disease, parasites, pollution, and potential invasion. It is no longer an appropriate use.	Thank you for your comment.
323. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Claudean Davis Talbert 817 Shorecrest Dr. Oak Harbor, WA	See Comment # 127	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151”, “188”, “193”, “209”, and “217”.
324. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Claudean Davis Talbert 817 Shorecrest Dr. Oak Harbor, WA	If the new guidelines were in effect and my home was 75 percent or more destroyed, my lot would be rendered useless, unsalable and a great loss to my financial future security.	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151”, “188”, “193”, “209”, and “217”.
325. SMP, Sec. 17.05A.140 (H) nonconforming uses (email)	Jim Jermyn 747 Bay Front Lane Oak Harbor, WA 98277	Opposes SMP non-conforming standard that allow a nonconforming structure to be rebuilt if any unintentional damage does not exceed 75%.	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151”, “188”, “193”, “209”, and “217”.
326. Salmon Net Pens	Martin Schmidt 610 Ellwood Drive Coupeville, WA 98239	Support of the ban on industrial salmon net pens in the new Island County Shoreline Master Program.	Comment noted
327. SMP, Sec. 17.05A.140 (H)	Jim Jermyn 747 Bay Front Lane	As a shoreline homeowner in Island county on a small lot, under this provision, 75+% damage by fire	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151”,

nonconforming uses. Insurance concerns (email)		would not only render my property un-buildable, making it worthless, but would also render my insurance relatively worthless. My inability to rebuild on the same lot would cause significant and irreparable financial harm.	“188”, “193”, “209”, and “217”.
328. Shoreline Restoration Plan Table 4 (letter)	Gerald Pitch 2527 West Beach Road, Oak Harbor, WA	Table 4: points 56, 57, & 58: Removal of tide gates unless they are replaced with some sort of flow restrictions, will cause flooding of farmland and possible harm to local septic systems.	The restoration plan outlined in table four is a conceptual list. Prior to actually undertaking any of the listed projects, a detailed, project specific design and permit review would be required. At that time, any potential flooding impacts would be addressed.
329. Shoreline Restoration Plan Section 2, page 5. (letter)	Gerald Pitch	Degraded area: Enforce County health codes on septic systems, remove derelict buildings.	Comment noted
330. Shoreline Restoration Plan Section 2, page 5. (letter)	Gerald Pitch	What health codes apply? Next door neighbor has been washing furniture, walls, installation, etc into Puget Sound for years.	Comment noted
331. Shoreline Restoration Plan Section 5 pg 23 #3: (letter)	Gerald Pitch	Removal of liter and pet waste from shoreline. How do you get people to pick up after their pets and keep them on leash? Is there a County ordinance? Seems we have a lot of ordinances and little enforcement.	Comment noted
332. SMP, Sec. 17.05A.140 (H) nonconforming uses (USPS letter)	Theodore L. Clifton 460 Kineth Point Place Coupeville, WA 98239	If a nonconforming shoreline home built in a designated buffer or setback is destroyed, that home should be able to be rebuilt within the original footprint, even if it is 100% destroyed.	See responses to comments: “115”, “266”, “120”, “148”, “150”, “151”, “188”, “193”, “209”, and “217”.
333. Fin Fish Net	Carole Dawes	Supports SMP ban on net pen fish farms for three	Thank you for your comment.

Pen Farms. (USPS letter)	732 La Cana Street Coupeville, WA 98239	reasons: 1. Water quality impacts and increase risk to fragile marine environment. 2. Net pens could have pollution impacts on existing Island County shellfish operations 3. Local jurisdictions should have the power to implement stricter guidelines to protect the environment than those dictated by the State of WA.	
334. SMP, Sec. 17.05A.140 (H) nonconforming uses (USPS letter)	Michael E. Taft 218 Lake Ave. Bush Point Freeland, WA 98249	Implementation of this nonconforming standard would make it impossible to rebuild a new home on our lot due to the size of our lot and the requirements of the septic system.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
335. SMP, Sec. 17.05A.140 (H) nonconforming uses (USPS letter)	Michael E. Taft	Implementation of this nonconforming standard would mean not only losing our home but also the value of the lot would be zero. Thus potentially suffering a huge loss of home and property.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
336. SMP, Sec. 17.05A.140 (H) nonconforming uses (USPS letter)	Michael E. Taft	Please review this regulation from the perspective of homeowners it would impact significantly, and allow a home to be rebuilt if it is more than 75% destroyed.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
337. SMP, Sec. 17.05A.140 (H) nonconforming uses (USPS letter)	Jack & Jean Wilcox 2437 Sunlight Beach Road, Clinton, WA 98236	Opposes SMP non-conforming standard that allow a nonconforming structure to be rebuilt if any unintentional damage does not exceed 75%. Rebuilding in the same footprint is an absolute necessity.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
338. SMP, Sec. 17.05A.140 (H) nonconforming uses (USPS letter)	Carolyn Niva Bar Beach Road Freeland, WA 98249	Supports Dale & Karen Pinney's comments. Comments #188 to #194.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
339. SMP, Sec. 17.05A.140 (H) nonconforming uses (USPS letter)	Jamie & Kathy Hunter 820 Grand Ave. Everett, WA 98201	Supports Dale & Karen Pinney's comments. Comments #188 to #194.	See responses to comments: "115", "266", "120", "148", "150", "151", "188", "193", "209", and "217".
			See responses to comments: "115",

			"266", "120", "148", "150", "151", "188", "193", "209", and "217".
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