

The following changes are recommended by Ecology pursuant to WAC 173-26-120 (7)

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES [<u>underline-additions</u> ; strikethrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
A	Table of Contents Use and Modifications	Section Title Amendment	7.13 Mooring Structures <u>And Activities</u>7-23	Non-substantive clarifying change. The County requested this change in the title of this section based on comments received during Ecology’s review (Attachment D: line G-36). The change clarifies that this section applies to shoreline modifications, not uses.
B	Table of Contents Appendices	Appendix E placeholder	{placeholder}	Non-substantive change. This placeholder is no longer needed, as the critical area regulations are now included in Appendix E of the SMP.
C	Chapter 1 Relationship to Other Plans and Regulations Section 1.5.C	Par. 2, sentence 1 correction	Further, in order <u>to</u> precluded d ..	Non-substantive clarifying change. Typographical error
D	Chapter 1 Relationship to Other Plans and Regulations Section 1.5.F	Consistency	This SMP <u>Program</u> will be applied consistent with all applicable federal, state and local laws affecting tribal rights.	Non-substantive clarifying change. The County requests this minor change to ensure consistent use of this phrase throughout SMP.
E	Chapter 2 “Accessory Structure”	SMP Definition	Accessory Structure – View Blockage: as it relates to view blockage, buildings and other structures encompassing less than 200 square feet and less than eight <u>ten</u> feet in height from grade level, and fences which are less than six feet in height from grade level.	Non-substantive clarifying change. The identified revision clarifies that the scope of this definition is narrow and applies to the administration of view blockage standards from the SMP. The County have also requested that accessory structures be allowed 10-feet of height, as 8-feet has been determined to be impractical from a construction and usability standpoint.
F	Chapter 2 “Aquaculture”	SMP Definition	Aquaculture: the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state <u>and tribal co-managed wildstock</u> geoduck fishery.	Non-substantive clarifying change. The County requests that the identified change be included in the approved SMP, consistent with the County’s response to comments from tribal interest (attachment D; line B-1) to clarify that the wild stock geoduck harvest is a fishery that is co-managed by the tribes.
G	Chapter 2 “Best Management Practices” New Definition	SMP Definition	<u>Best Management Practices: those practices determined to be the most efficient, practical and cost-effective measures identified to reduce or control impacts to water bodies from a particular activity, most commonly by reducing the loading of pollutants from such sources into stormwater and water bodies.</u>	The identified definition for “Best Management Practices” is requested by the County, in order to correct inadvertent omission. According to the County, the BMP definition was requested (on the record) during Planning Commission review phase, but inadvertently excluded from draft SMP.
H	Chapter 2 “Map”	SMP Definition	Map: refers to the official Shoreline Environment Designations Map (Appendix A), as hereafter modified.	In an effort to avoid confusion, the County requests that the general “Map” definition be deleted from the SMP. This recommendation is derived from the County’s response to comments received during Ecology’s review (Attachment D; line B-2).
I	Chapter 2 “Normal Maintenance”	SMP Definition	Normal Maintenance: those usual acts necessary to prevent a decline, lapse or cessation from a lawfully established condition. Normal Maintenance includes removing debris from or and cutting or manual removal of vegetation in crossing and bridge areas. Normal maintenance does not	Upon further review of specific provisions in the updated SMP, the County requested the identified amendment to normal maintenance definition in the SMP, to ensure consistency with repair and maintenance definition at WAC 173-27-040 (2) (g). According to the County, the critical areas definition for “normal maintenance” was inadvertently incorporated, which is geared toward wetland maintenance activities.

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			<p>include:</p> <p>A. Use of fertilizer or pesticide application in wetlands, fish and wildlife habitat conservation areas, or their buffers;</p> <p>B. Re-digging ditches in wetlands or their buffers to expand the depth and width beyond the original ditch dimensions;</p> <p>C. Re-digging existing drainage ditches in order to drain wetlands on lands not classified as existing and ongoing agriculture.</p>	
J	Chapter 2 "Normal Repair"	SMP Definition	<p>Normal Repair: to restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to <u>a</u> shoreline resource or environment. <u>Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.</u></p>	<p><i>Non-substantive change. The identified addition ensures consistency with the repair and maintenance definition at WAC 173-27-040 (2) (g) as the existing standard only included the first half of WAC definition. The amendment also corrects a typographical error by adding "a" towards the end of the first sentence.</i></p>
K	Chapter 2 "Performance Based Development"	Acronyms and Abbreviations	<p>—PBD— Performance Based Development</p>	<p><i>Non-substantive clarifying change. In responding to comments received during Ecology's review, the County requested that the term "Performance Based Development" be deleted from definitions within the SMP (Attachment D: line B-3). The County's basis for this change is that the term is not explicitly called out in SMP policies or regulation, for which they have concluded that the term does not need to be defined in the SMP.</i></p>
L	Chapter 2 "Predator Exclusion Device"	SMP Definition	<p>Predator Exclusion Device: for an object or activity used to implement pest management in aquaculture practices with the intent of deterring or excluding predators such as moon snails, sea star starfish, crabs, diving ducks, burrowing shrimp or sand dollars. Common methods include, but are not limited to, large canopy nets, mesh, PVC tubes with net caps, flexar plastic tunnels, oyster bags and suspended culture systems.</p>	<p><i>Non-substantive clarifying change. See line B-4 in the comment summary. Based on comments received during Ecology's review, the County requests the subject amendment. In responding the comment, the County confirmed that they intended to define "Predator Exclusion" as either a devise or action. Therefore, they support a broader definition in the SMP with the removal of the words "device" and "for" from definition.</i></p>
M	Chapter 3 Shoreline Jurisdiction - Section 3.1 A. – E. New 6.	Critical Area Buffers in SMP Jurisdiction	<p>A. The Shoreline Master Program jurisdiction applies to all shorelines of the state and their associated shorelands. This includes:</p> <ol style="list-style-type: none"> 1. All marine waters; and 2. Rivers and streams with more than 20 cubic feet per second (cfs) mean annual flow; and 3. Lake and reservoirs greater than 20 acres in area; and 4. Associated wetlands; and 5. Shorelands adjacent to these waterbodies, typically within 200 feet of the ordinary high water mark (OHWM). 	<p><i>Partially In response to comments received during Ecology's review (attachment D; line C-1), the County requested the identified amendments to further clarify that SMP jurisdiction applies to buffers necessary to protect critical areas that are located within shoreline jurisdiction.</i></p> <p><i>Pursuant to WAC 173-26-221 (2) (a), local jurisdictions are provided the authority to include "land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state", under the authority of the updated master program. Further, WAC 173-26-191(2) (a) (ii) (A) requires that Master Programs be "...sufficient in scope and detail..." to ensure appropriate implementation of the SMA and supporting policies.</i></p> <p><i>Further modified to eliminate the former provision under item 6 extending shoreline jurisdiction an additional 75 foot for palustrine wetlands. From an administrative standpoint, it would be unnecessary and confusing to</i></p>

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			<p>6. <u>Buffers necessary to protect critical areas that are located within shoreline jurisdiction as described in this program.</u></p> <p>B. Associated estuarine wetlands: the jurisdictional boundary shall extend 200 feet landward of the OHWM of the wetland;</p> <p>C. Associated palustrine wetlands that extend greater than 200 feet landward of the OHWM of the shoreline: the jurisdictional boundary shall extend 75 feet from to the OHWM of the wetland.</p> <p>D. Critical areas designated pursuant to Chapter 36.70A RCW and located within shoreline jurisdiction shall be subject to the regulations of this Program.</p>	<p>add a new jurisdiction number that doesn't line up with either the standard 200 foot shoreline jurisdiction or the required wetland buffer. The applicable wetland buffer standards will still apply and provide protection for wetland functions, whether inside or outside of the 200 foot shoreline jurisdiction.</p> <p>Therefore, Ecology finds that the proposed change is consistent with state requirements and is necessary to provide sufficient clarity in the updated SMP.</p>
N	Chapter 3 Shoreline Env. Designations Section 3.2.6.C.1.d	Aquatic Designation	The structure or use is located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration <u>and to ensure that the project does not conflict with existing water dependent uses</u> ; and	Non-substantive clarifying change. In response to comments received during Ecology's review, the County requested the proposed amendment to this provision to avoid interference or conflict with existing water dependent uses (Attachment D; line G-23).
O	Chapter 4 Goals & Policies Section 4.6 Goal 5	Archaeology SMP Goal	Goal 5: Protect shoreline features of historic, archaeological, scientific, cultural, <u>scientific</u> and educational value or significance through coordination and consultation with the appropriate local, state and federal authorities, affected Indian tribes, and property owners.	Non-substantive clarifying change. In response to comments received on the proposed SMP, the County supported a minor change to this section to maintain consistency in use of the identified terms throughout the SMP (Attachment D; line D-1).
P	Chapter 4 Goals & Policies Section 4.7.2 Policy SH-27 – SH-31	Aquaculture SMP Policy	<p>Policy SH-27: Aquaculture should not be permitted where it would result in a net loss of shoreline ecological functions and processes, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses. Aquaculture is not required to protect state-listed noxious weed species when control methods are conducted within applicable agency standards. <u>In general, the following preferences apply when considering new aquaculture activities:</u></p> <ul style="list-style-type: none"> • <u>Projects that are not likely to negatively impact critical saltwater habitats.</u> • <u>Projects that involve little or no substrate modification.</u> • <u>Projects that involve little or no supplemental food sources, pesticides, herbicides or antibiotic application.</u> <p>Policy SH-28: Non-commercial and small-scale aquaculture projects should be encouraged through the shoreline exemption process (Section 6.2.3).</p> <p>Policy SH-2928: Aquaculture facilities should be designed and located to avoid:</p> <p>A. the spread of disease to native aquatic life;</p> <p>B. the establishment of new non-native species, which cause significant ecological impacts; and</p>	<p>Non-substantive clarifying change. Similar rationale as item SS (below). The identified change incorporates the County's preferences related to Aquaculture activities from provision 7.4.3.A.6, to the policy section of the SMP.</p> <p>In addition, Ecology recommends the county reword the preference for "projects that do not involve new structures." In the County's Responsiveness Summary to public comments (Attachment D; line G-13), the county states "the intent of the preference list is to encourage projects which are less likely to negatively impact Critical Saltwater Habitats." At present, Ecology is not aware of any technical reports or scientific conclusions indicating aquaculture projects that incorporate use of structures are inherently more likely to impact critical saltwater habitats than those that do not. As noted in WAC 173-26-241(3) (b), "The technology associated with some forms of present-day aquaculture is still in its formative stages and experimental. Local shoreline master programs should therefore recognize the necessity for some latitude in the development of this use as well as its potential impact on existing uses and natural systems." The innovative use of structures may in some cases be a desirable means to avoid or minimize impacts to habitats.</p> <p>Ecology recommends the county either delete the first bullet, or consider replacing it with language that focuses on the county's stated interest, which is a preference for projects that are not likely to negatively impact critical saltwater habitats.</p>

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			<p>C. significant impact to the aesthetic qualities of the shoreline.</p> <p>Policy SH-3029: Upland uses and modifications should be properly managed to avoid degradation of water quality of existing shellfish areas.</p> <p>Policy SH-3130: Planting and harvesting by boat shall be preferred over low-tide harvest methods where feasible.</p> <p>Policy SH-31: Non-commercial and small-scale aquaculture projects should be encouraged through the shoreline exemption process (Section 6.2.3).</p>	
Q	Chapter 5 Gen. Regulations - Section 5.3.2.E	Mitigation Options	<p>When compensatory mitigation becomes necessary on a site where Where documented restoration activities have occurred on the site within the previous five years, but and after the effective date of this Program, such documented restoration may be utilized as mitigation to offset new development impacts, provided the restoration was voluntary and not required as mitigation for prior development impacts. Mitigation credit for prior restoration activities shall be determined upon application for the impacting project, and shall, at a minimum, be commensurate with the proposed level of impact unless additional compensatory mitigation is provided.</p>	Non-substantive change. In response to comments received through Ecology's review, the County recommended the identified change to further clarify intent of this section (Attachment D; line E-2).
R	Chapter 5 Gen. Regulations - Section 5.4.7.A	Fish and Wildlife Habitat Conservation Areas	<p>KCC 19.300 does not apply to Type S waters, defined in WAC 222-16-030, are regulated by this Program and not the buffer and other provisions of chapter 19.300 KCC (Shoreline waters, which are covered by this Master Program.</p>	Non-substantive clarifying change. The County requested this change as part of their response to comments received on the proposed SMP (Attachment D; line E-4). The amended language does not substantively change the provision, but clarifies that critical area provisions no longer apply in shoreline jurisdiction, as the updated SMP incorporates provisions to manage critical areas.
S	Chapter 5 Gen. Regulations - Section 5.5.4.A.1 [new a. and b.]	Other Uses and Modifications In Buffers	<p>1. Trails. Trails shall be limited to five feet in width, except where demonstrated necessary for a water-dependent use. Disturbance to soil, hydrological character, trees, shrubs, snags and important wildlife habitat shall be minimized. Trails in critical area buffers should be located in the outer 25% of the buffer, except where necessary for direct access or viewing points. Pervious surfaces shall be utilized except where determined infeasible.</p> <p>a. Trails in critical area buffers should be located in the outer 25% of the buffer, except where necessary for direct access or viewing points.</p> <p>b. Trails that meet the definition of water-oriented use may be located within shoreline buffers when it can be demonstrated that buffer impacts are limited through mitigation sequencing in accordance with Section 5.3.1.A.</p>	Non-substantive clarifying change. The County requests that the identified language be added related to address water-oriented trails that are located within a shoreline buffer, as the existing provision only addresses critical area buffers.
T	Chapter 5 Gen. Regulations - Section 5.5.4.A.2	Other Uses and Modifications In Buffers	<p>Decks and Viewing Platforms. Decks and viewing platforms may be permitted, but shall be limited to ten by ten (10' X 10') one hundred square feet in size, unless demonstrated that a larger structure will not result in a net loss of shoreline ecological function through submittal of a Shoreline Mitigation Plan (see Section 8.9). Viewing platforms shall not have roofs.</p>	Non-substantive clarifying change. The County requests the identified minor edits, and clarification to ensure that viewing platforms do not conflict with enjoyment of water views from upland areas.

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			<u>except where otherwise permitted through the view blockage standards (Section 5.8).</u>	
U	Chapter 5 Gen. Regulations - Section 5.5.4.C.1, C.2 and <u>[new C.7]</u>	Other Uses and Modifications In Buffers	<p>1. View thinning activities shall be limited to 25% of the total buffer length in the High Intensity and Shoreline Residential designations, <u>and shall retain a minimum of 30% of the live crown;</u></p> <p>2. View thinning activities shall be limited to 15% of the total buffer length in the Urban Conservancy and Rural Conservancy designations, <u>and shall retain a minimum of 30% of the live crown;</u></p> <p>...</p> <p><u>7: An advance site visit may be required by the Department of Community Development in order to confirm the proposed thinning is consistent with this section and critical area protection standards. Site visit request applications may be obtained on-line or in person at Kitsap County's permit center. The County may also utilize site photographs in lieu of a site visit where sufficient detail is available to make a determination on consistency with thinning standards.</u></p>	<p><i>Non-substantive clarifying change. The County requests clarifying amendments to the identified standards to ensure internal consistency with related critical areas standards. Items 1 and 2 incorporate a 30% crown retention requirement that is consistent with Kitsap County CAO requirements for wildlife habitat protection. Item 7 incorporates clarifying language consistent with the County's existing process for review and approval of view thinning within buffers.</i></p>
V	Chapter 5 Table 5.9-1, footnote 3	Bulk and Density table footnotes	Where parcel occurs in a rural zone and is greater than one acres in size, a minimum 20 foot site yard setback shall apply in accordance with KCC 17.382.	<p><i>Non-substantive clarifying change. Typographical correction (delete "s" from acres).</i></p>
W	Chapter 5 Gen. Regulations - Section 5.10.P. <u>[new 6]</u>	Public Access	<u>6. Compliance with the Americans with Disabilities Act (ADA), including being barrier-free and accessible for physically disabled uses where feasible.</u>	<p><i>Non-substantive clarifying change. In response to comments raising concerns related to American with Disabilities Act (ADA) trail standards, the County requests adding an additional public access requirement (Attachment D; line G-41). The County's response notes that ADA accessibility standards are not required by the SMA or SMP-Guidelines. However, they recognize that where feasible, trails should follow ADA standards. Alternatively, where landscaping or physical site characteristics will not allow physical public access, visual access to surrounding shoreline areas should be provided.</i></p>
X	Section 5.10.O Public Access	Trails	Trail access shall be provided to link upland facilities to the beach area <u>where feasible and where impacts to ecological functions can be mitigated.</u>	<p><i>Non-substantive clarifying change. The County requests the amended language to clarify that "no net loss" standards should be considered prior to trail installation.</i></p>
Y	Chapter 6 Permit Provisions, Review, and Enforcement - Section 6.2.2 <u>[new E]</u>	SDP Review Process	<u>E. All applications for Shoreline Substantial Development Permits or permit revisions shall be submitted to the Department of Ecology upon a final decision by local government pursuant to WAC 173-27-130. Final decision by local government shall mean the order or ruling, whether it be an approval or denial, that is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed.</u>	<p><i>Non-substantive clarifying change. The County requests that proposed item E be included in the approved SMP, which reiterates Ecology review process for SDPs, consistent with existing language in subsections 6.2.4.D (CUPs) and 6.2.5.H (Variances) of the SMP.</i></p>
Z	Chapter 6 Permit Provisions, Review, and Enforcement -	SFR Exemption	Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of Kitsap County or a state agency	<p><i>Non-substantive clarifying change. The County requests that the identified clarification be added to the approved SMP to expand on the abbreviated language in this section and to ensure consistency with full exemption language at WAC 173-27-040 (2) (g). In general, the added language is intended to provide further</i></p>

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	Section 6.2.3.C.7		having jurisdiction thereof, other than requirements imposed pursuant to Chapter 90.58 RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance; <u>An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Construction authorized under this exemption shall be located landward of the ordinary high water mark.</u>	clarity to commonly asked questions asked of County staff regarding SDP exemptions.
AA	Chapter 6 Permit Provisions, Review, and Enforcement - Section 6.2.3.C.16.a and b	Fish Passage Exemption	a. The project has been approved in writing by The Washington Department of Fish and Wildlife WDFW; b. The project has received Hydraulic Project Approval (an -HPA) from the Washington Department of Fish and Wildlife WDFW pursuant to C chapter 77.55 RCW;	Non-substantive change. Minor edits/typographical corrections.
BB	Chapter 6 Permit Provisions, Review, and Enforcement - Section 6.2.3.D	Exemptions	Documentation of exemptions. For any project qualifying for a permit exemption that requires Federal Rivers & Harbors Act §10 permits, Federal Clean Water Act §404 permits, or State Hydraulic Project Approval, a permit exemption letter must be prepared. The County may shall also prepare a permit exemption letters for other types of exempt activities in order to document conditions of approval , generally located for activities at or below the OHWM, <u>including but not limited to single-use buoys and floats. Permit exemption requests may be obtained through the County permit center.</u> The County shall document exemptions in the permit system.	Non-substantive clarifying change. According to the County, the proposed revisions reiterate the types of activities at or below OHWM, which must be formally documented via letters of exemption.
CC	Chapter 6 Permit Provisions, Review, and Enforcement - Section 6.2.4.C.2	Addition to Conditional Use Criteria	That the proposed use will not interfere with the normal public use of public shorelines <u>and does not conflict with existing water dependent uses</u> ;	Same rationale as Item N (above).
DD	Chapter 6 Permit Provisions, Review, and Enforcement - Section 6.2.5.D.3	Addition to Variance Criteria	That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this Program, <u>will not cause net loss to shoreline ecological functions and does not conflict with existing water dependent uses</u> ;	Same rationale as Item N (above).
EE	Chapter 6 Permit Provisions,	DNR Lease Note	<u>1. For leases of overwater structures on state owned aquatic lands managed by Washington Dept. of Natural Resources (DNR), approval will</u>	Non-substantive clarifying change. In response to comments received from WA-DNR (Attachment D; line E-9), the County has attempted to incorporate suggested changes, for which they request that identified language

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	Review, and Enforcement - Section 6.3.2.B <u>[new 1.]</u>		<u>be conditioned in accordance with state standards, including but not limited to buffer requirements.</u>	<i>be included in Section 6.3.2 of the SMP, pertaining to Pre-application and Staff Consults. Similar to item # TT (below) the clarifying language would serve as a reminder to applicants to contact WA-DNR when proposing activities on State owned aquatic lands.</i>
FF	Chapter 6 Permit Provisions, Review, and Enforcement - Section 6.4.2.A	Enforcement Process	Any action taken by Kitsap County shall be in accordance with civil enforcement provisions of Chapter 2.116 <u>the code enforcement chapter of Kitsap County Code</u> , as now or hereafter amended, along with the following provisions.	<i>Minor revision requested by the County to accurately reflect a recently updated county code citation.</i>
GG	Chapter 6 Permit Provisions, Review, and Enforcement - Section 6.4.3	Civil Penalties	<u>Pursuant to RCW 90.58.210</u> , any person who fails to comply with conform to the terms of a permit <u>issued under this Program</u> or who fails to obtain a required permit <u>undertakes development on the shorelines of the state without first obtaining any permit required under this chapter</u> Program shall be subject to a civil penalty ies not to exceed one thousand dollars (\$1000) for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.	<i>Non-substantive clarifying change. According to the County, the identified revisions will ensure greater consistency with applicable RCW's.</i>
HH	Chapter 6 Permit Provisions, Review, and Enforcement - Section 6.4.4	Criminal Penalties	Any person <u>found to have</u> willfully engaged in activities on shorelines of the state in violation of the Act, this Master Program, or any rules and regulations adopted pursuant thereto, shall be guilty of a gross misdemeanor, pursuant to RCW 90.58.220.	<i>Non-substantive change. The County requested the identified clarifying amendment, to ensure general understanding of this provision.</i>
II	Chapter 7 Use and Modifications Matrix Section 7.2 – Table 7.2.1, first row	Mitigation Sequence and Developments cross reference	The following permits apply to specific uses, and modifications <u>and development</u> . Individual uses, and modifications <u>and development</u> shall comply with the provisions of this Program, <u>particularly Section 5.3 (Mitigation)</u> , and the Kitsap County Comprehensive Plan as of the effective date of this program.	<i>Non substantive clarifying change. In response to comments received during Ecology's review (Attachment D; line G 44), the County requested that a clarifying note be added to the Use Table in Section 7.2. The note is intended to serve as a reminder that mitigation sequencing applies to all shoreline uses and modifications.</i>
JJ	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.2 – Table 7.2-1	Mooring Structures	Mooring Structures <u>and Activities</u>	<i>Non-substantive clarifying change. The County requested the revised title, which is more aligned with the specific activities addressed in this section of the SMP.</i>
KK	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.2 – Table 7.2-1 Footnote #3	Aquaculture Use Table Footnote	Floating net pens are prohibited south of Hazel Point on Hood Canal, <u>otherwise a CUP shall be required for floating net pens in all other areas and for aquaculture activities in the Natural environment designation where the proposal requires new structures or facilities (see section 7.4.1.)</u>	<i>Non-substantive clarifying change. The County requested the identified amendment to an existing footnote in the SMP use table (Section 7.2). The additional language is not substantive as it essentially serves as a cross-reference to the existing standards provided in section 7.4.1.</i>
LL	Chapter 7 Shoreline Use and Mod Dev Standards	Mooring Structures Footnote	<u>Single-use</u> B uoys exempt.	<i>Non-substantive clarifying change. The identified change further clarifies intent of the original footnote.</i>

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	Section 7.2 – Table 7.2-1 Footnote #10			
MM	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.2 – Table 7.2-1 Footnote #17	Shoreline Stabilization Footnote	Single-family <u>Soft shore</u> stabilization is exempt from a SDP if <u>exemption</u> criteria at Section 6.2.3.C are met.	<i>Non-substantive clarifying change. The County requests the identified changes to this footnote in the SMP, which applies to soft shore stabilization.</i>
NN	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.4.1.C [New 3]	Aquaculture Permit Requirements	<u>3. Wildstock geoduck harvest associated with the state and tribal co-managed wildstock geoduck fishery is not aquaculture. Since a fishery does not constitute development under this Program, it is not subject to its regulations.</u>	<i>The proposed standard was requested by DNR and is intended to further clarify the distinction between commercial aquaculture and the wildstock geoduck fishery, pursuant to WAC 173-26-020 (6). DNR has had similar correspondence with other jurisdictions on this issue, including The City of Langley and Pierce County.</i>
OO	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.4.3.A.6.	Aquaculture	In general, <u>when considering new aquaculture activities, refer to policies at Section 4.7.2 for siting and design preferences.</u> projects that require no structures, submerged structures or intertidal structures are preferred over those that involve substantial floating structures. Projects that involve little or no substrate modification are preferred over those that involve substantial modification. Projects that involve little or no supplemental food sources, pesticides, herbicides or antibiotic application are preferred over those that involve such practices.	<i>See line G-14 in the comment summary (attachment D). In responding to comments specific to this SMP provision, the County reiterated their underlying intent in including a preference list to encourage projects which are less likely to negatively impact Critical Saltwater Habitats pursuant to WAC 173-26-221 (2) (c). Upon further review, the County and Ecology concluded that the preferences are more appropriately listed as guiding policies, for which they are moved to policy 4.7.2 related to siting and design of new aquaculture activities.</i>
PP	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.4.3.A.7.	Aquaculture	Project applicants <u>proposing to introduce aquatic species that have not previously been cultivated in Washington State</u> must obtain <u>are responsible for pursuing</u> required state and federal approvals relating to the introduction of <u>aquatic such</u> species that have not previously been cultivated in Washington State , as determined by applicable state and federal agencies. A plan for monitoring and adaptive management shall also be submitted for County review, unless the operation is conducted in a fully contained system with no water exchange to the shoreline. The County shall provide notice and time to comment for appropriate agencies in accordance with County procedural requirements, and shall circulate the monitoring and adaptive management plan. Upon approval, the plan shall become a condition of project approval.	<i>See line G-15 in the comment summary (attachment D). The County requests the subject change that is consistent with a recommendation provided as a comment during Ecology's review. Amendments provided clarity, but do not appear to substantially change the effect of the provision.</i>
QQ	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.4.3.A.14.	Aquaculture	In order to avoid or limit the ecological and aesthetic impacts from aquaculture siting and operations, the following shall apply: <u>a. Predator exclusion devices shall be firmly attached or secured so as not to become dislodged.</u> <u>b. Predator exclusion devices shall blend with the natural environment.</u> <u>c. Aquaculture operators shall routinely inspect and maintain predator</u>	<i>Non-substantive clarifying change. The County requested the subject change as part of their response to comments submitted to Ecology (see attachment D; line G-16). The identified amendments are similar to previous recommendation provided as a comment during Ecology's review and are intended to limit release of predator exclusion devices from approved aquaculture operations. Also revised order for better flow.</i>

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			<p><u>exclusion devices.</u></p> <p>d. a. Predator exclusion devices may include such as rubber bands, small nets, and area netting. These devices can be dislodged and pose a hazard to birds, marine mammals, and other wildlife and domestic animals, and thus are subject to Kitsap County Public Nuisance regulations (Chapter 9.56 KCC). Predator exclusion methods shall be considered in the following order of preference:</p> <p>i. No predator exclusion, where feasible;</p> <p>ii. Predator exclusion devices that are firmly attached to geoduck PVC tubes and will not become dislodged;</p> <p>iii. Predator exclusion devices that blend with the natural environment, including utilization of gray or other earth tones for PVC tubing; and</p> <p>iv. Predator exclusion devices that can become dislodged into the water column or cause a hazard.</p> <p>e. b. Predator exclusion devices shall be removed as soon as they are no longer needed to perform protective functions, which shall not exceed two years.</p> <p>f. c. Predator exclusion methods shall not be designed to intentionally kill or injure birds or mammals. Predator exclusion methods shall comply with federal and state regulations as determined by applicable federal and state agencies.</p> <p>g. d. When determined necessary to minimize aesthetic and habitat impacts of large-scale projects, the County may require a phased approach to operation. This includes planting and harvesting areas on a rotational basis within the same tideland parcel.</p>	
RR	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.4.3.A. [new 15]	Aquaculture	15. <u>Where aquaculture occurs on state owned aquatic lands, the project proponent shall contact and adhere to Washington Department of Natural Resources requirements.</u>	Non-substantive clarifying change. The County requested this change as part of their response to comments received by Ecology (see attachment D: line G-10). The proposed standard is based on a request from WA-DNR and is intended to serve as a reminder to project proponents to remember to coordinate with DNR when the proposal is located on state owned aquatic lands.
SS	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.6.3.A.5 through 9.	Boating Facilities Health Standards	<p>5. Extended mooring on waters of the state by vessels shall be prohibited, except as allowed by applicable state regulations and where a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.</p> <p>65. Boating facilities must meet applicable federal and state health, safety, and welfare requirements. This shall include, but not be limited to, the Kitsap County Board of Health Ordinance 2008A-01 for On-site sewage requirements, <u>and the</u> Bremerton-Kitsap Board of Health Ordinance 1999-13 for Marina Sewage regulations. In addition, notice of permit application shall</p>	Non-substantive change. The deleted standard has been moved to the "Pier, Docks and Mooring Activates" section of the SMP at 7.13.3.A.21, as the content of the provision is more consistent with these uses. Also the County requested the correction of a minor typographical error and corrected numbering of provisions.

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			<p>be provided to the Washington State Department of Health in order to ensure consistency with state health regulations for shellfish harvest.</p> <p>76. Boating facilities shall protect the rights of navigation.</p> <p>87. Boating facilities shall avoid impacts to littoral drift. Where impacts cannot be avoided, mitigation shall be required.</p> <p>98. All non-water-dependent structures shall be located landward of the OHWM.</p>	
TT	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.7.2.H.3	Commercial Development	<p>The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Act's objectives, such as providing ecological restoration and public access. <u>Water-dependent components of the project and ecological restoration and</u> Any-such access shall be improved prior to occupancy; or</p>	Same rationale as Item N (above).
UU	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.9.3.H	Fill Standards	<p>Fill shall be permitted only in conjunction with a specific use already permitted un the master program or after a proposed use had been approved by the Kitsap County Department of Community Development.</p>	Deleted standard H is redundant to existing standards 7.9.3 E-G, which specify activities fill may be associated with.
VV	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.13	Moorage Structure Standards	<p>7.13 Mooring Structures <u>And Activities</u></p>	Same rationale as Item A (above).
WW	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.13.2.H and I	Moorage Structure Standards	<p>H. For residential docks, written confirmation from each adjoining landowner indicating whether or not a joint-use mooring structure agreement will be entered into; <u>and</u></p> <p>I. Habitat surveys as described in Section 8.10 shall be required for mooring structures, with the exception of buoys, and shall be conducted according to WDFW, Washington Department of Natural Resources, and the U.S. Army Corps of Engineers parameters, where applicable. and</p>	Non-substantive change. The County identified a couple of grammatical corrections as shown in the amended provisions.
XX	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.13.3.A.12	Moorage Structure Standards	<p>During <u>any repair or</u> maintenance, of existing deteriorated treated wood, <u>those portions</u> shall be replaced with alternative materials such as untreated wood, steel, concrete, or recycled plastic, or encased in a manner that prevents metals, hydrocarbons and other toxins from leaching out. If maintenance activities exceed 50% repair or replacement of the existing structure, <u>all applicable development standards in this section</u> then the application requirements in Section 7.13.2 above shall apply, <u>including but not limited to functional grating standards for deck replacement.</u></p>	Non-substantive clarifying change. The identified changes were proposed by the County as a part of their response to comments received by Ecology (attachment D: line G-38). The changes place further emphasis on functional grating replacement and is also intended to avoid potential conflict with the exemption language at WAC 173-27-040 by applying specific standards (to an exemption letter) when repair and maintenance activities exceed 50%, rather than requiring a new shoreline permit.
YY	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.13.3.A.	Moorage Structure Standards	<p><u>21. Proposed moorage facilities should be evaluated to ensure that the project does not conflict with existing water dependent uses.</u></p>	Non-substantive change. In response to comments submitted to Ecology (attachment D: line G-23), the County requested that the identified standard be included as an additional reminder of the use preferences associated with the SMA (RCW 90.58.020). Also see similar rationale at item M (above).

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	<u>New 21.</u>			
ZZ	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.13.3.B.2	Moorage Structure Standards	Where existing covered moorage, covered watercraft lifts, and boat houses associated with single-family residences occur within critical saltwater habitats, the structure shall be removed by the end of the life of the structure, or relocated to avoid critical saltwater habitats at the time of greater than 50% replacement, except where demonstrated to be infeasible.	<i>Non-substantive change, suggesting that a space be added between “boat” and “house” for internal consistency related to similar use of the term in section 5.5.4.A of the updated SMP.</i>
AAA	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.13.3.B.5	Moorage Structure Standards	For sites adjacent to sand lance and surf smelt spawning areas, all in-water work that has the potential to increase suspended sediments in the spawning area during the spawning period shall require a buffer of at least 2’ vertical separation from the tidal elevation of the spawning bed, or a buffer setback of 180’ horizontal distance from the lower edge of the spawning habitat zone. In-water work should occur during the outgoing tide when the water line is below the lower edge of a surf smelt/sand lance spawning habitat zone (5’-6’ MLLW).	<i>Non-substantive clarifying change for consistency. The term “buffer” as used elsewhere in the SMP generally applies to a non-clearing vegetation area, which is not applicable to this standard.</i>
BBB	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.13.3.C.1	Pilings	New or replacement pilings may be made of steel, concrete, plastic, untreated <u>wood</u> , or treated wood <u>where approved for the marine or freshwater environment</u> .	<i>Non-substantive clarifying change. The recommended change clarifies that treated wood may only be utilized where approved for the particular environment.</i>
CCC	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.14.3.A.	Recreation and Public Access	Recreational development shall not result in a net loss of shoreline ecological functions or ecosystem-wide processes, <u>and must not conflict with existing water dependent uses</u> .	<i>Same rationale as Item N (above).</i>
DDD	Chapter 7 Shoreline Use and Mod Dev Standards Section 7.14.3.I and <u>[new M]</u>	Trail Access	I. Trail access shall be provided to link upland facilities with the beach area <u>where feasible and where impacts to ecological functions can be mitigated</u> . <u>M. Public access sites shall be made barrier-free and accessible for physically disabled uses where feasible, and in accordance with the Americans with Disabilities Act (ADA).</u>	<i>Non-substantive clarifying change. The County’s proposed change adds clarification that trail access may not always be feasible (primarily due to critical areas). According to the County, the change also ensures consideration of no net loss standard for trail construction. New provision “M”, Same rationale as provision W(above).</i>
EEE	Appendix B Mitigation Options Section B.2.C.2	Alternative Standards for Impervious Surface Installation	Rain garden option: for new or expanded impervious surface that replaces grass, lawn or non-native landscaping, rain garden installation may be utilized in lieu of the above replanting specifications. Rain gardens shall generally be 50-80% of the new impervious surface size, depending on soil type. Rain gardens may not be appropriate in all locations due to soil type or slope. Staff shall be consulted prior to selecting this option. For additional guidance, see <i>Rain Garden Handbook for Western Washington Homeowners</i> , Washington State University Extension, 2007, <u>now or as hereafter amended</u> . http://www.pierce.wsu.edu/Water_Quality/LID See Figure B.2-2.	<i>Non-substantive change. The County requests this change acknowledging the on-going amendment of the referenced guidance document.</i>
FFF	Appendix B Mitigation Options	New or Replacement	For new development, remove any additional <u>legally established</u> existing over-water and /or in-water structures that are not the subject of the	<i>Non-substantive clarifying change. The requests this change to further clarify the intent of this mitigation option for overwater structures, including avoidance of double counting of mitigation credit, if removal is</i>

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	Section B.4.A	Overwater Structures	application, or and are not otherwise required to be removed because they are not illegal <u>or are the subject of a required clean-up effort.</u>	<i>already required as part of a separate clean-up effort.</i>
GGG	Appendix B Section B.5.E Mitigation Options	Alternative Mitigation Options	Other options commensurate with the level of proposed impact, as may be identified in the City of Seattle Green Shorelines: Bulkhead Alternatives for a Healthier Lake Washington guidebook, or other approved guidance <u>principles for local jurisdictions</u> that provides options to achieve no net loss of shoreline ecological functions.	<i>Non-substantive clarifying change. The County requests authorization to replace the specific reference in this provision with a general reference that acknowledges the variety of future guidance resources anticipated in the future.</i>
HHH	Appendix E Reference to Critical Areas Regulations	Placeholder Title Sheet	{placeholder}	<i>Non-substantive change. This placeholder is no longer needed, as the critical area regulations are now included in Appendix E of the SMP.</i>
III	Appendix E Reference to Critical Areas Regulations	Title Sheet Page E-1	Appendix E. Critical Areas Regulations Incorporated by Reference <u>The following sections of Title 19 KCC, Critical Areas Ordinance, dated February 26, 2007, are incorporated herein and provided in Appendix E for reference purposes, except as supplemented or modified under Sections 5.4.2 – 5.4.7.</u>	<i>Non-substantive clarifying change. The County requests authorization to repeat this existing statement from Section 5.4.1 describing incorporated critical areas ordinance sections as introductory statement in Appendix E.</i>