

**Attachment C - City of Moses Lake Comprehensive SMP Update –  
Comments received during State public comment period**

Comment Topic	Name of Commenter	Specific Comment	Local Government Response and Rationale	Ecology Response
Docks	Rick Trenbeath, Local resident, Lakeshore Dr.	"In section 6-70-01 it states that public access includes docks that touch the water. If this is true for resident docks then who is liable if they get hurt?"	Public access does not include access to private docks.	Ecology staff spoke with this commenter and provided similar feedback.
Noise	Rick Trenbeath	"Section 6.2 Talks about noise caused by industrial manufacturing but what about the boats on the lake that play very very loud music?"	Music played by boats is not “development” that is regulated by the SMP. See Moses Lake Municipal Code 8.28, Noise Control, for existing noise regulations.	Ecology staff spoke with this commenter and provided similar feedback.
Non Conforming Uses	Rick Trenbeath	"Can you tell me were in the proposal you read the Grandfather info." (Upon further conversation with Mr. Trenbeath, he is referring to the status of non-conforming uses and structures).	Non-conforming use provisions are in Chapter 12, Section 12-60.	Concur
Allowed Uses - Natural	Eric Pentico – Washington Department of Fish & Wildlife	WDFW recommends water- dependent (recreation) and transportation facility uses not be allowed in areas designated as Natural within the City of Moses Lake. "Natural environments in the City of Moses Lake contain the most intact riparian environments within the city and provide the best protection to riparian area functions. However, according to table 9.3, buffers in Recreation Areas for water-dependent uses are allowed to be reduced to 0'. Transportation facility setbacks are allowed to be reduced to 100' or 150'. Higher intensity water-dependent uses which require buffer widths to be reduced to 0' and transportation facility uses are not physical alterations which 'serve to protect or enhance any significant, unique, or highly valued feature...', which is the stated policy for natural environment areas in the City of Moses Lake."	Transportation facilities are only allowed in the natural environment as a conditional use permit (See Table 9.2, Ch. 9, p.13). Approval of conditional use permits is limited to those that can meet the criteria listed in 12-20-050, including no significant adverse effects to the shoreline environment, including cumulative impacts of similar projects (Ch.12, p.4). The Transportation Facilities provisions in 7-110 (Ch.7, p.16-18) minimizes roads and bridges in all shoreline environments. The Cumulative Impacts Analysis (Oct. 2013) found no net loss of shoreline functions is anticipated to result from the maintenance or development of transportation uses (p.33).  By its definition, a water-dependent use cannot exist in a location that is not adjacent to the water. Water-dependent uses can't have a setback from the water, or they won't work. So the setback can't be increased. Water dependent recreation uses are only allowed in the natural environment as a conditional use permit (See Table 9.2, Ch. 9, p.12). Approval of conditional use permits is limited to those that can meet the criteria listed in 12-20-050,	Concur

			including no significant adverse effects to the shoreline environment, including cumulative impacts of similar projects (Ch.12, p.4). The Recreational Uses provisions in 7-90 (Ch.7, p.12-13) require no net loss of shoreline ecological functions, compatibility, and minimizing any adverse environmental effects. Recreation is limited to uses that complement their surroundings and protect natural areas (Policy #5). Protection of the natural character, resources, and ecology of the shoreline is addressed in Policy #10. The Cumulative Impacts Analysis (Oct. 2013) found no net loss of shoreline functions is anticipated to result from recreational uses (p.30).	
Setbacks – SR-S	Eric Pentico - WDFW	WDFW recommends Aquaculture, Boating Facilities, and Recreation water-dependent uses not be allowed unless absolutely necessary in SR-S designated areas within the City of Moses Lake and that required buffers for recreational trails be expanded to a minimum width of 25'. "Shoreline areas designated SR-S within the City of Moses Lake demonstrate some ecological impairments, but '...they also retain important ecological functions and have high potential for ecological protection and restoration because they include relatively large tracts that have not been subdivided or include large wetland areas.' (Table 9.1) Proposed buffers listed in Table 9.3 for SR-S designated areas that could hinder properly functioning ecological conditions or interfere with future restoration efforts include the allowed buffer reduction for Aquaculture water-dependent structures and facilities to 0', Boating water-dependent facilities to 0', and Recreation water-dependent uses and paths and trails reduced to 0' and 15'."	<p>Aquaculture: We could prohibit this in the SR-S designation. It was our understanding that we were supposed to allow/encourage aquaculture as a priority use in shorelines.</p> <p>Boating Facilities: The only boating facilities allowed in SR-S are boat lifts. It is our understanding that boat lifts have very minimal impact.</p> <p>Recreation: Same as for Natural, above.</p> <p>Buffers for trails: All recreational uses in the SR-S designation, including trails, are conditional uses, so all the safeguards listed above for Recreational Uses in the Natural Designation are in place.</p>	Aquaculture is exceptionally unlikely in Moses Lake, but as a water dependent use, it should be accommodated where appropriate. We generally concur with this response.
Setbacks – SR-R	Eric Pentico - WDFW	WDFW recommends buffers for water-related, water-dependent and water enjoyment structures and facilities in areas that are currently functioning properly or may possibly be restored to proper functioning conditions be set at a minimum of 65' wide and buffer widths for paths and trails should only be allowed to be reduced to 25'. "Residential uses should have the buffers expanded to a minimum of 65' to retain most functioning conditions and allow for adequate restoration of degraded areas. SR-R designated lands, similar	65' buffers in SR-R: Most of the proposed buffers in SR-R are 50' or more. The proposed residential buffer in SR-R is 25', 50', or 100', depending on the existing conditions. In places where there are existing houses built 25' back from the water and only a few scattered vacant lots, the buffer was set at 25', since there isn't ecological function left to preserve in those areas. The places that did have ecological	Ecology generally concurs with this response. Without further information, it is not clear why the commenter is proposing that 65' is a more appropriate buffer width than those

		to SR-S lands, demonstrate impairments to ecological functions, but 'They retain important ecological functions and have the potential for development that is compatible with ecological protection and restoration.'(Table 9.1) Proposed buffers in table 9.3 that could hinder properly functioning ecological conditions and impair potential restoration efforts include 0' and 50' buffers for Aquaculture water-dependent and water-related structures, 50' Commercial water-related and water-enjoyment buffers, and 35' & 10' Recreation water-oriented uses and Recreational path/trail buffers. In addition, 25' and 50' buffer widths are allowed for dwelling units and non-water-dependent accessory structures in Residential uses areas."	function remaining were set at 50' or 100', depending on how much of a buffer currently exists. This varying-width buffer was a recommendation based on the Cumulative Impacts Analysis. See Recommendations to Meet No Net Loss of Ecological Functions in the City's Shoreline Master Program, Oct. 31, 2013, by The Watershed Company.  25' trail buffer: The Cumulative Impacts Analysis (Oct. 2013) found no net loss of shoreline functions is anticipated to result from recreational uses (p.30).	proposed, and supported by the IAC and CIA documents.
Setbacks - H-R	Eric Pentico - WDFW	WDFW recommends buffers in areas retaining some properly functioning ecological conditions or may be restored should be set for water-related, water-dependent and water-enjoyment structures and Recreation water-oriented uses to a minimum 65' buffer width. Buffer widths for Recreation paths and trails should only be allowed to be reduced to 25'. WDFW recommends buffers in Residential areas be expanded to a minimum of 65' to retain most functioning ecological conditions and allow for adequate restoration of degraded areas. "H-R designated lands demonstrate impairments to ecological functions, but 'They retain important ecological functions and have the potential for development that is compatible with ecological protection and restoration.' (Table 9.1) The proposed buffers listed in Table 9.3 that could hinder properly functioning ecological conditions and impair restoration efforts include 50' buffers for Aquaculture water-related structure and facilities, 50' buffers for Commercial water-dependent and water-enjoyment structures, and 35' & 10' buffers for Recreation water-oriented uses and Recreational paths/trails. For Residential use areas, buffer reductions to 25' are proposed for dwelling units and non-water dependent accessory structures."	50'buffer Aquaculture, 50' Commercial: There are only a few areas designated H-R. All of these areas are zoned Commercial or Industrial. However, in the H-R designation, all commercial uses, even water dependent, are only allowed by conditional use permit. Approval of conditional use permits is limited to those that can meet the criteria listed in 12-20-050, including no significant adverse effects to the shoreline environment, including cumulative impacts of similar projects (Ch.12, p.4). Commercial developments are required to be designed, constructed, operated, and maintained to ensure no net loss of shoreline ecological functions (7-40-020 Policy 8, p.5; 7-40-030 Regulation 2.d, p.6).  35' Recreation: Only water-dependent recreation is allowed outright, water related or water enjoyment recreation uses are CUPs, with all the protections listed above for CUPs.  10' Trail: All water related and water enjoyment recreation uses, including trails, in the H-R environment are conditional uses, so all the safeguards listed above for Recreational Uses in the Natural Designation are in place. The Cumulative Impacts Analysis (Oct. 2013) found	Ecology general concurs with the exception of trail setbacks.  The city provided no rationale for the proposed trail buffer in either the SR-R or the SR-S environments, having reduced the buffer from 50' in previous iterations of the SMP to 10' in the SR-R and SR-S environments. Both of these environments are characterized by areas of special or intact ecological function, and are likely to have wetland buffer overlays. With the exception of trails specific to access a dock, there is no compelling reason trails should be located within the shoreline

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			<p>no net loss of shoreline functions is anticipated to result from recreational uses (p.30).</p> <p>25' Residential: Residential uses, while allowed by the draft SMP in H-R, would be highly restricted by the Commercial and Industrial zoning so would be unlikely to be proposed.</p>	<p>buffer. Trails that parallel the shoreline, depending on the type and construction methods, can be highly destructive to habitat, can create vectors for invasive plants, and can fragment migration corridors. WDFW recommends 25' in its comments.</p>
Setbacks	Eric Pentico - WDFW	<p>WDFW recommends that a 65' buffer be required to retain most functioning ecological conditions and allow for adequate restoration potential of degraded areas. "The SD-D designated areas have '... been found to be relatively intact as regards ecological functions.' and '...has high potential for planned development that combines limited residential use with ecological protection and restoration.'(Table 9.1) Table 9.3 indicates ecological functions and restoration potentials are being adequately protected in most cases. A planned development permit is required for Residential uses."</p>	<p>Trail buffer: The proposed buffer for recreational paths and trails is the same in SR-D as in the Natural Environment.</p> <p>Residential buffer: If reviewing the proposed residential buffer as part of the Planned Development is not sufficient, a specific minimum distance could be set.</p>	<p>SR-D area will be removed and Reach 25 will be afforded AR-R environment designation based on the city designation criteria in Chapter 9, and the lack of applicable standards present in the Municipal Code (Chapter 18.67 – Planned Development District Zone) the city defers to for governing SR-D.</p>
Boating Facilities	Hugo Flores- Department of Natural Resources	<p>7-30 Boating Facilities. 7-30-020.(1) Policies. Page 3. Provide criteria that defines how "maximum feasible protection and enhancement" will be achieved or remove the "maximum feasible" qualifier.</p>	<p>"Maximum feasible" will be removed.</p>	<p>Ecology concurs with this approach, and will include this text edit as a Recommended Change in our Findings and Conclusions</p>
Boating Facilities	Hugo Flores- DNR	<p>7-30 Boating Facilities. 7-30-020 (6). Policies Page 3. Consider using "shall be prohibited" rather than "should" with reference to floating homes, houseboats, and liveaboards.</p>	<p>Per State direction, policies are "should" statements. The "shall" statement comes in the regulation. Floating homes are prohibited in all environment designations in Table 9.2 (under Boating Facilities). A regulation could be added to 7-30-030, the regulations that implement the policies in 7-30-020.</p>	<p>Ecology concurs with this approach, and will work with the city on revised language, should they chose to develop regulations relating to floating homes.</p>

Boating Facilities	Hugo Flores-DNR	7-30 Boating Facilities. 7-30-030 (3). Regulations. Page 4. Provide a numerical value for the minimum required for a dock-to-shore- attachment site abutment.	The minimum for a private dock could be very different from the minimum needed for a commercial or public access dock.	This response does not address the comment provided, it merely states that two different standards may need to be developed. Ecology will coordinate with the city on possible alterations to the text.
Boating Facilities	Hugo Flores-DNR	7-30 Boating Facilities. 7-30-030 (5). Regulations. Page 4. At "...The City shall request technical assistance from agencies with jurisdiction...", consider adding DNR to the list of agencies.	DNR will be added to the list of agencies.	Ecology concurs with this approach, and will include this text edit as a Recommended Change in our Findings and Conclusions.
Boating Facilities	Hugo Flores-DNR	7-30 Boating Facilities. 7-30-030 (13). Regulations. Page 4. At "...Boat houses, as non-water dependent structures, are prohibited.". Consider clarifying how a boathouse can be used as a non-water dependent use. Suggests "Boathouses, as a residential use, are prohibited." as replacement text.	We disagree that a boathouse is a residential use. Our definition of a boathouse is a structure over or immediately adjacent to water, used to store watercraft (Ch. 13). Boats can be stored upland, therefore boathouses are not needed and are prohibited.	Ecology concurs with this response.
Commercial Uses	Hugo Flores-DNR	7-40 Commercial Uses. 7-40-030 (1)(b). Regulations. Page 5. Regards prohibition of non-water-oriented uses where "Navigability is severely limited at the proposed site...". Provide criteria for assessing severe limitation on navigability.	We would be open to suggestions for criteria for assessing severe limitations on navigability.	The comment could provide a sensible improvement to the Draft SMP. Ecology will coordinate with the city on possible alterations to the text.
Archeological and Historical Resources	Eric Oosahwee-Voss - Colville Confederated Tribes	"Please be advised that your proposed undertaking (SMP update) lies within the traditional territory of the Moses-Columbia tribe, one of the twelve tribes that make up the Confederated Tribes of the Colville Reservation (also known as the Colville Confederated Tribes or CCT), which is governed by the Colville Business Council (CBC). The CBC has delegated to the Tribal Historic Preservation Officer (THPO) the responsibility of representing the CCT with regard to cultural resources management issues throughout the traditional territories of all of the constituent tribes under Resolution 1996-29."	Noted.	Noted

Archeological and Historical Resources	Eric Oosahwee-Voss - Colville Confederated Tribes	<p>Commenter includes attached general recommended SMP language, without specific text edits for section as follows: "State and local cultural resources laws apply to shoreline development. State laws include RCW 27.53 (Archaeological Sites and Records), which prohibits the unpermitted removal of archaeological materials and establishes a permitting process, and RCW 27.44 (Indian Graves and Records), which describes how human remains must be treated. This shoreline management master plan requires each project proponent to:</p> <ul style="list-style-type: none"> <li>• Consult with the Department of Archaeology and Historic Preservation (DAHP) and Native American tribes to determine if the projects lie within areas of cultural significance.</li> <li>• Conduct background research at DAHP</li> <li>• Conduct a site assessment if cultural resources are recorded in the proposed project area or if requested by DAHP or Native America tribes</li> <li>• Recover archaeological materials in compliance with RCW 27.53 prior to construction</li> <li>• Consult with the County, DAHP, and Native American tribes if resources are discovered during construction</li> <li>• Consider cultural resources in planning for public spaces and access</li> </ul> <p>Given the importance of shoreline locations throughout the human history of Washington, the potential for cultural resources should be considered high for any shoreline development permit unless demonstrated otherwise. To comply with state and local law, applicants should perform records searches at DAHP and require cultural resources site assessments in high potential areas where resources are recorded on or near the project lands. If the probability of unrecorded resources is high, applicants should be prepared to follow the provisions of RCW 27.53 and 27.44 if cultural resources are identified or encountered during the planning or construction process."</p>	<p>Earlier versions of the SMP included a requirement that subdivisions and commercial development submit a site inspection and evaluation, unless deemed unnecessary by DAHP. This requirement was removed by the Planning Commission as it was felt the other regulations were protective enough. Our current permit process includes notifying DAHP &amp; CCT for all shoreline permits that include ground or lakebed disturbance. If no comments are received, we assume there are no cultural resources concerns about the site/project.</p> <p>In addition, 6-20-030 Regulation 3 (p.3) requires immediate stoppage of work and notification of the City, DAHP, &amp; CCT if anything of possible archaeological interest is uncovered.</p>	<p>Ecology appreciates the thoughtful comments provided by the Tribe. While we believe incorporation of the proposed language would improve the SMP, Ecology generally concurs with this response. The SMP complies with WAC 173-26-221(1). Any changes to the cultural resources section will be at the city's discretion. The city is aware of the need to comply with the provisions of RCW 27.53 and 27.44 as indicated.</p>
Archeological and Historical Resources	Gretchen Kaehler - State Dept. of Archaeology	<p>In regard to 6-20-010, recommended change to this statement would read something like the following: "The following policies and regulations apply to sites, buildings, structures, districts, and objects within the shoreline</p>	<p>The recommended change can be made. Here is the text as modified: The following policies and regulations apply to all "Historical/Archeology Areas" identified</p>	<p>Ecology concurs with this approach, and will include this text edit as a Recommended</p>

**Commented [GT(2)]:** Here we acknowledge the suggestion would improve the SMP. It seems redundant to repeat it below, where it dilutes the point that these improvements are at the city's discretion

**Commented [GT(3)]:** This assessment is not tentative. The city has adopted the minimum requirements that are the basis for our approval.

	and Historic Preservation	jurisdiction that are identified in the Shoreline Inventory and Characterization; that are recorded at the Washington Department of Archaeology and Historic Preservation; and/or within local jurisdictions including the City of Moses Lake, Grant County, and affected Indian tribes; or that have been inadvertently discovered.	<del>in the <i>Shoreline Inventory and Characterization</i> and on all sites, buildings, structures, districts, and objects within shoreline jurisdiction that are identified in the <i>Shoreline Inventory and Characterization</i>; having archaeological or historic resources that are recorded at the Washington Department of Archaeology and Historic Preservation (DAHP); and/or within local jurisdictions, including the City of Moses Lake, Grant County, and affected Indian tribes; or that have been inadvertently <del>uncovered</del> discovered.</del>	Change in our Findings and Conclusions.
Archeological and Historical Resources	Gretchen Kaehler - State Dept. of Archaeology and Historic Preservation (DAHP) (note that comments by this reviewer were provided 56 minutes after the comment period closed on March 4th)	We recommend clarifying Policy 6-20-020 (4) as to the purpose of this policy. It is unclear as to why access to these resources should be at public expense. Access to archaeological sites should be restricted to appropriate parties. Also please be aware the location of archaeological site is exempt from public disclosure to prevent looting and depredation (RCW 42.56.300).	We will delete this policy in Chapter 6, p. 2.	Ecology concurs with this approach, and will include this text edit as a Recommended Change in our Findings and Conclusions.
Archeological and Historical Resources	Gretchen Kaehler - DAHP	We recommend that "The completed archaeological evaluation should be submitted to DAHP and the interested Tribe for review prior to the issuance of any shoreline permits" to Policy 6-20-30(2).	We will incorporate the recommendation as follows: An evaluation and a report meeting the minimal reporting standards of DAHP, prepared by a cultural resource management professional who meets the qualification standards promulgated by the National Park Service and published in 36 CFR Part 61, shall be required before the start of any ground disturbance work in any area known to contain archaeological or historic resources. The City may require such an evaluation prior to the issuance of any shoreline permit or shoreline exemption. <u>The completed archaeological evaluation</u>	Ecology concurs with this approach, and will include this text edit as a Recommended Change in our Findings and Conclusions.

			<u>shall be submitted to DAHP and the interested Tribe for review prior to issuance of any shoreline permits.</u>	
Archeological and Historical Resources	Gretchen Kaehler - DAHP	In the definitions in Chapter 13, we note the inclusion of a definition of "archaeological resources." However, we recommend that definitions for cultural resources be broadened to be clear that the Shoreline Master Program addresses a broader range of cultural resource types.	We would be willing to consider including a definition of cultural resources.	Ecology did not receive an alternate definition of Cultural Resources from the City as a part of its response. As written, the SMP complies with WAC 173-26-221(1).
Archeological and Historical Resources	Gretchen Kaehler - DAHP	In regard to Appendix A Mitigation, it should be made clear elsewhere in the document (such as in section 6-20) that mitigation will also pertain to cultural resources that are negatively impacted and should be identified and implemented in consultation with DAHP, affected Tribes, and other appropriate affected parties.	The Mitigation Appendix is specific to ecological mitigation, with plant survival rates, irrigation, monitoring, etc. Cultural resources impacts would need to be mitigated very differently. Since cultural resources are already regulated by the state, we would defer to state requirements for mitigation should any resources be found.	Ecology generally concurs with this response. The SMP complies with WAC 173-26-221(1). Any changes to the cultural resources section will be at the city's discretion.
Archeological and Historical Resources	Gretchen Kaehler - DAHP	There is little specificity or process with regard to cultural resources. There are also no details on how previously recorded archaeological sites will be recognized during pre-project review. We recommend that the City of Moses Lake enter into a data sharing agreement with DAHP so that archaeological and historic sites can be identified prior to project construction.	Our current permit process includes notifying DAHP & CCT for all shoreline permits that include ground or lakebed disturbance. If no comments are received, we assume there are no cultural resources concerns about the site/project.	Ecology generally concurs with this response. While entering into a data sharing agreement is a sensible recommendation, the SMP as submitted complies with WAC 173-26-221(1). Any changes to the cultural resources section will be at the city's discretion.
Archeological and Historical Resources	Gretchen Kaehler - DAHP	We also recommend adding process and specificity to the shoreline management plan regarding cultural resources. We have attached DAHP's model shoreline management language for that purpose. (commenter provides copy of the DAHP model language for SMPs).	We prefer to keep our regulations as short as possible. We believe we have provided adequate protection with the regulations as proposed.	While the suggested model SMP language may provide for more specificity, and may improve implementation of the cultural resources provisions, the SMP as submitted complies

				with WAC 173-26-221(1).
<b>Comments received during Local Government public comment period – Unresolved at local adoption</b>				
Selected text local submittal document: “City Council Public Hearing and Comments Responsiveness Summary”				
Comment Topic	Name of Commenter	Specific Comment	Local Government Response and Rationale	Ecology Response
Wetlands - mitigation	Jeremy Sikes (Ecology)	p.16. 6-30-070-C-5-e-v (mitigation ratios). <i>While the provisions are generally well written and thorough, this compensatory mitigation standard does not reflect the most current science on wetland mitigation, and per the Cumulative Impacts Analysis (Watershed Co. 2013) will result in net loss of ecological function. Ratios should be similar to those found in Wetlands in Washington State Vol. 2 or Ecology’s Small Cities Guidance which was the source for many of the wetland provisions in this SMP. Wetland impacts from fill also require authorization from Ecology and possibly from the US Army Corps of Engineers. Mitigation ratios...were co-developed by Ecology and the Corps, and would be required for an applicant to obtain the needed permits. Revising the SMP to align with federal and state requirements will ensure that applicants have a predictable process to follow when they wish to do a project that will impact wetlands.</i>	The Planning Commission recommendation of not requiring mitigation for any larger area than has been impacted is supported by the City Council.	This previous comment from Ecology observed that the draft language would not meet the standards required in WAC 173-26-221(c)(i), or 173-26-201(2)(a)(i)(E) and (F) Mitigation. The mitigation language will be revised as a required change.
Wetlands - buffers	Jeremy Sikes (Ecology)	p.18. Table 6.1. Buffers for Category 3 and 4 wetlands have been reduced arbitrarily from 60’ (with additional buffers of 30’ and 60’) and 40’; to 25’ for both categories with no additional area for higher scores.	The Planning Commission recommendation of a 25’ buffer for Category 3 and 4 wetlands is supported by the City Council and has been determined to be adequate based on the Cumulative Impact Analysis developed by The Watershed Company.	This previous comment from Ecology observed that the draft language would not meet the standards required in WAC 173-26-221(c)(i), or 173-26-201(2)(a). Generally Ecology finds the CIA/ CIR to be thorough and well done, however this particular conclusion of the CIA is in error. Buffers for Category 3 and 4 wetlands have been reduced without adequate documented

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			<p>rationale from 60' (with additional buffers of 30' and 60') and 40'; to 25' for both categories with no additional area for higher scores. While we recognize that the CIR report prepared by Watershed Co. made recommendation that Category 3 wetlands should be provided a 25' buffer, the underlying analysis, and the proposed buffers do not reflect the totality of the recommendation. Watershed Co, makes the statement that "...proposed buffers should either be: 1) consistent with existing conditions, or 2) consistent with recommendations of the "most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern" (WAC 173-26-201(2)(a))." This is an incorrect interpretation of the WAC. The analysis of existing conditions is informative and should be considered, those conditions must</p>
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**Commented [GT(5)]:** Some changes here to reflect the latest Findings and Conclusions narrative on page 4.

				<p>be analyzed consistent with the requirement under WAC 173-26-201(2)(a). The analysis performed regarding category 3 wetland buffers presented does not meet the definition under 201(2)(a), having only one, unverified category 3 wetland, along with subjective conclusions about function based on aerial photo interpretation as its basis. In addition, the proposed buffer regulations do not reflect the totality of the CIA recommendations because they do not require additional buffer width for higher habitat scores or for non SR-R designations. Category 4 wetland buffers should align with the science-based buffer of 40 feet (Small Cities Guidance-Ecology Publication No. 10-06-001).</p>
Docks	Jeremy Sikes (Ecology)	p.6. 7-50-020 (Dock Policies). <i>Per RCW 173-26-231(3)(b), SMPs should* contain a provision that "requires new residential development of two or more dwelling units to provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence." The recently adopted Grant County SMP provides clear language and feasibility</i>	The Planning Commission recommendation not requiring new residential development of two or more dwelling units to share a dock is supported by the City Council.	Per WAC 173-29-321(3)(b), the city has not provided "...a demonstrated, compelling reason, based on policy of the Shoreline Management

		<p><i>review standards to this effect, and was developed specifically for Moses Lake (See May 2012 Grant County Draft SMP Section 24.12.390 Private Moorage Facilities, p.64-66)</i></p> <p><i>*Note that when used in the context of an SMP update, "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action (WAC 173-26-020(35)).</i></p>		<p><i>Act and this chapter, against taking the action." Without this, the SMP must require the use of joint use docks when feasible, and revised language will be provided as a required change.</i></p>
Docks	Jeremy Sikes (Ecology)	p.7. 7-50-030 (Dock Regulations). See comments above about joint-use docks.	The Planning Commission recommendation not requiring new residential development of two or more dwelling units to share a dock is supported by the City Council.	Per WAC 173-26-231(3)(b), the city has not provided "...a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action." Without this, the SMP must require the use of joint use docks when feasible, and revised language will be provided as a required change.
Docks	Jeremy Sikes (Ecology)	p.9. 7-50-030-C (Joint-use community docks). Expand this section to include developments of two or more dwellings.	The Planning Commission recommendation not requiring new residential development of two or more dwelling units to share a dock is supported by the City Council.	Per WAC 173-29-321(3)(b), the city has not provided "...a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action." Without this, the SMP must require the use of joint use docks when feasible, and revised language will be provided as a required change.

Docks	Jeremy Sikes (Ecology)	p.15. 7-100-020-7 (Residential). Statement "Individual docks should be allowed for lots in subdivisions with joint-use or community docks" is not consistent with the WAC requirements. See above comments regarding the requirement to provide for joint-use docks on developments of 2 or more dwelling units.	There are currently only 3 developments in city limits where individual docks were limited and joint use (1 development) or community (2 developments) docks were planned. See above comments for limited extent of provisions that affect new shoreline subdivisions.	While it may be accurate that there are very limited circumstances where the provision would apply, this is not determinative in the requirement under the cited WAC that SMPs must require joint use docks where feasible. Revised language will be provided as a required change.
Docks	Jeremy Sikes (Ecology)	p.16. 7-100-030 (Residential Regulations). <i>New multi-unit residential development (including subdivision of land for more than 4 parcels) is required to provide community and/or public access in conformance to local public access plans per WAC 173-26-241(3)(j).</i>	There are only 3 large parcels remaining in the City that this provision would apply to, plus possibly a few smaller ones on the lower Peninsula (see vacant land map).	While it may be accurate that there are very limited circumstances where the provision would apply, this is not determinative in the requirement under the cited WAC that SMPs must require public access for new multi-unit developments. Revised language will be provided as a required change.
Buffers - platted	Jeremy Sikes (Ecology)	p.17. 7-100-030-11 (plats with wetland or shoreline buffers set during the platting process prior to adoption of updated SMP). <i>This section requires some additional discussion between the City and Ecology, and may need to be refined.</i>	Additional discussion between Ecology and City of Moses Lake shall take place prior to final approval of SMP.	Please see Attachments A and B for more detailed discussion.
Public Access	Jeremy Sikes (Ecology)	p.15. 7-100-020-6 (Residential). <i>New multi-unit residential development (including subdivision of land for more than 4 parcels) is required to provide community and/or public access in conformance to local public access plans per WAC 173-26-241(3)(j).</i>	There are only 3 large parcels remaining in the City that this provision would apply to, plus possibly a few smaller ones on the lower Peninsula (see vacant land map).	While it may be accurate that there are very limited circumstances where the provision would apply, this is not determinative in the requirement under the

				cited WAC that SMPs must require public or community access for new multi-unit developments. Revised language will be provided as a required change
Bulkheads	Jeremy Sikes (Ecology)	p.12. 8-30-070 (bulkhead regulations: "A bulkhead-type structure used to stabilize a dock may be permitted, but the size shall be limited to the minimum necessary for the dock. The stabilization structure shall not exceed 2' wider than the dock on each side nor shall it exceed 14' in total width along the shoreline.") <i>There are a number of problems with this provision (list)...Consider removing this provision, or providing detailed standards by which a project that incorporates a mini-bulkhead demonstrates need, avoids impacts, and mitigates for unavoidable impacts, and tie it more to the dock construction process.</i>	This provision was added at the suggestion of Doug Pineo, when he was the Department of Ecology reviewer of shoreline master programs. It can be deleted.	Ecology supports the deletion of this language, but it appears to still be present in the locally adopted draft. The text is deleted as a Recommended Change in our Findings and Conclusions
Buffers	Eric Pentico (WDFW)	Shoreline Residential Special Resource (SR-S) Environment, p.11 to 16 Table 9.2 & 9.3. <i>Shoreline areas designed SR-S within the City of Moses Lake demonstrate some ecological impairments, but "...they also retain important ecological functions and have high potential for ecological protection and restoration because they include relatively large tracts that have not been subdivided or include large wetland areas." (Table 9.1) Some of the proposed buffers listed in Table 9.3 for the SR-S designated areas could significantly hinder properly functioning ecological conditions or interfere with future restoration efforts. ... buffer reductions to 15 ft. wide are allowed for trails in the Recreation use areas. WDFW recommends... required buffers for recreational trails be expanded to a minimum of 25 ft.</i>	Trail: The Planning Commission specifically reduced the recreational trail distance from the initially proposed 50' to 15'.	The city provided no rationale for the proposed trail buffer in either the SR-R or the SR-S environments. These environments are characterized by areas of special or intact ecological function, and are likely to have wetland buffer overlays. With the exception of trails specific to access a dock, there is no compelling reason trails should be located within the shoreline buffer. Trails that parallel the shoreline, depending on the type and construction methods, can be highly destructive to habitat,

				can create vectors for invasive plants, and can fragment migration corridors.
Buffers	Eric Pentico (WDFW)	Shoreline Residential Resource (SR-R) Environment, p.11 to 16 Table 9.2 & 9.3. <i>SR-R designated lands demonstrate impairment to ecological functions, but “They retain important ecological functions and have the potential for development that is compatible with ecological protection and restoration” (Table 9.1).... WDFW recommends buffers for water-related structures and facilities in areas that are properly functioning ecologically or may be restored should be set at a minimum of 65’ and buffer widths for paths and trails should only be allowed to be reduced to 25’. SR-R areas having Residential uses should have the buffers expanded to a minimum of 65’ to retain most functioning ecological conditions and allow for adequate restoration of degraded areas.</i>	... Residential: The residential buffers are based on the Cumulative Impacts Analysis and Recommendations, which found no cumulative impacts for the 25’ and 50’ buffers as proposed. Most shoreline residential lots have already been developed—see Vacant Incorporated Residential Lots map. Buffer for paths and trails: The Planning Commission specifically reduced the recreational trail distance from the initially proposed 50’ to 10’.	The city provided no rationale for the proposed trail buffer in either the SR-R or the SR-S environments. These environments are characterized by areas of special or intact ecological function, and are likely to have wetland buffer overlays. With the exception of trails specific to access a dock, there is no compelling reason trails should be located within the shoreline buffer. Trails that parallel the shoreline, depending on the type and construction methods, can be highly destructive to habitat, can create vectors for invasive plants, and can fragment migration corridors. Ecology can work with the city to develop required language to provide greater specificity in trail location regulations, while protecting the most sensitive riparian areas.