Responsiveness Summary

Comments Received in Response to Issuance of Notice of Intent to Adopt SMP and SEPA Determination of Non Significance

A Notice of Public Hearing, SEPA Determination of Non-significance and Notice of Intent to Adopt Shoreline Master Program (SMP) was issued by the Town of Concrete on March 21, 2013 and updated on April 19, 2013 in order to provide sufficient time for interested parties including state agencies to comment on the proposed SMP (Notice Attached).

Two sets of comments were received in response to the notice:

A four page letter with a map attachment from the Washington State Department of Natural Resources (DNR) and an e-mail message from Marty Glaser (a property owner within the Town’s municipal boundaries). A response to the DNR letter was provided at the public hearing held on May 28, 2013 and is summarized below.

The DNR letter provides support for a number of the proposed SMP provisions including shoreline environment designations, ecological restoration of the right bank of the lower Baker River and encouraging direct public access to shoreline areas. The letter further confirms an interest in working with the Town, Skagit County, other agencies, Tribes and Puget Sound Energy to identify appropriate activities for the right bank of the Baker River (confluence of the Baker and Skagit River) below SR-20 that maximize ecological restoration while fostering water oriented public use and access. The letter provides specific support for Section 8.2 Boating Facilities, 8.5 Dredging and Disposal of Dredged Spoils, 8.6 Instream Structures and 8.16 Mining.

The Town is encouraged by the Departments support and welcomes the efforts of the DNR to work with the Town on ecological restoration and public access improvements.

The DNR letter also notes that activities proposed for areas that extend below the Ordinary high water mark (OHWM) as well as those located on islands that emerged from bedlands of the Baker/Skagit Rivers particularly those along the right bank of the Baker River located south of SR-20 extending to the Skagit River require authorization from the DNR regardless of ownership of adjacent uplands. Crossings of state owned aquatic lands also typically require departmental authorization. DNR also asserts ownership of the area between the former Little Baker River channel east to the Baker River as state owned aquatic lands. The DNR letter requests that Section 3.3.4 of the Restoration Plan, included as an appendix in the SMP, be amended to indicate ownership of shorelands, bedlands and areas along the confluence that now exhibit upland characteristics be included as state owned aquatic lands.

While the Town does not dispute the Department statutory authority or general claim to aquatic lands, a response regarding a particular claim is outside of the scope of the proposed SMP.
The DNR letter also recommends amending the first sentence of Section 4.1.3 of the Restoration Plan to read: “Work cooperatively with property owner(s) stakeholders and on an inter-jurisdictional basis…”

The sentence currently reads: “Work cooperatively with stakeholders and on an inter-jurisdictional basis with Skagit County to restore shoreline/riparian ecological functions along the right bank of the Baker River and contiguous properties to the south within Skagit County.”

The Town considers “property owners” to be included in the term stakeholders and would include property owners in all discussions concerning proposed restoration activities. The town, however, does not object to the proposed amendment. (DNR Letter Attached)

The e-mail message from Mr. Glaser (dated March 21, 2013) received a response from the Town Planner, Jeroldine Hallberg on March 25, 2013. (Glaser e-mail and response Attached)

No additional comments were received in response to the notice(s) or at the Public Hearing before the Town Council held on May 28, 2013.