

## Responsiveness Summary: City of Kelso Locally Adopted Shoreline Master Program (SMP)

Ecology Public Comment Period: September 1, 2015 through 5:00 pm on October 1, 2015

Comment Number	Comment Topic and/or SMP Citation	Commenter(s)	Comment (Summary)	Local Government Response and Rationale	State Response and Rationale
1.	Public access	Consolidated Diking Improvement District No. 3 of Cowlitz County (CDID No. 3) and Drainage Improvement District No. 1 of Cowlitz County (DID No. 1)	Public access can create problems on levee systems because people do not stay on marked paths. People accessing the shoreline down the face of the levee create erosion pathways that have the potential to decrease the structural stability of the levee. The current public access requirements require that all levee improvement projects provide on-site public access to the shorelines. CDID No. 3 and DID No. 1 would like the ability to participate in alternate public access projects in order to protect the integrity of the levee or be able to place restrictions on public access points.		
2.	Public access	CDID No. 3 and DID No. 1	Many of the sections of the levee are constructed on easements that were obtained for diking purposes. CDID No. 3 and DID No. 1 do not have the right to allow access to the property.		
3.	Design standards	CDID No. 3 and DID No. 1	The requirement for new or altered dikes and levees to be designed to 'no greater than the minimum height required' restricts CDID No. 3 and DID No. 1's abilities to design and construct new or improved facilities. Minimum heights needed are dependent on the flow model of the associated river; models are recalibrated as new data is collected. For example the 100-year event in 2005 might only be an 80-year event in 2015. If a levee were raised to meet the minimum height required in 2005, it would need to be raised again in 2015. This places CDID No. 3 and DID No. 1 in the position of having to complete small projects every 5 to 10 years due to minor changes in flood elevation. This could cause more ecological disturbance and cost to property owners than completing one project constructed higher than the 'minimum height required' in anticipation of future changes.		
4.	Chapter 2, Definitions	Washington State Department of Fish and Wildlife, Region 5 (WDFW)	WDFW recommends adding a definition for Conditional Use Permit (CUP).		
5.	Chapter 5.4.1, High Intensity Environment	WDFW	The designation criteria for these (and potentially other) SEDs relate strongly to the Comprehensive Plan. We recommend using ecological criteria to some extent for designating SEDs. Ideally the criteria would link back to the Inventory and Characterization Report (ICR).		
6.	Chapter 6.6 (G), Aquatic Weed Control	WDFW	WDFW has published guidance and permit requirements for removal of aquatic weeds. In this section it would be useful to refer to WDFW publication # APF-1-98, "Aquatic Plants and Fish," available online at <a href="http://wdfw.wa.gov/licensing/aquatic_plant_removal/">http://wdfw.wa.gov/licensing/aquatic_plant_removal/</a> .		

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7.	Chapter 6.6 (J), Shoreline Buffers, and Table 4 of Appendix C, Reach Specific Shoreline Buffers	WDFW	<p>This section states that <i>“All required buffers shall only extend to the waterward face of levees, dikes, railroads, and streets as determined by the City.”</i><sup>1</sup></p> <p>It would be better to specify some criteria used to make this determination of functional isolation. As we commented in our January 23, 2013 letter, riparian forests lying landward of man-made dikes, levees, and roads still offer important habitat functions and values important to sustaining the system. These areas may still be hydrologically connected, even if physically isolated by a road or dike, and offer important functions and values.</p>		
8.	Chapter 7.2.3 (D)(4)(g), Grating	WDFW	<p>WDFW recognizes that the new language is an improvement over previous iterations. WDFW recommends that the updated SMP include language that includes, “60% surface area of the float as well as the pier and ramp”. For guidance on docks, see:</p> <ul style="list-style-type: none"> <li>• WAC 220-110-060</li> <li>• <a href="http://wdfw.wa.gov/publications/00052/">http://wdfw.wa.gov/publications/00052/</a></li> <li>• Other documents available at <a href="http://wdfw.wa.gov/conservation/habitat/planning/ahg/">http://wdfw.wa.gov/conservation/habitat/planning/ahg/</a></li> </ul>		
9.	Chapter 7.5, Appendix D (Restoration Plan)	WDFW	<p>WDFW recommends providing more detail on the in-lieu fee program. We recommend explaining how these funds would be managed and allocated to ensure no net loss of habitat functions. If mitigation is impossible or impractical onsite it should be done offsite by constructing a project with clear restoration objectives that replace the impacted habitat function, or improve a habitat function that has particular value to the local ecology. These details would help identify what the fee would provide.</p>		

<sup>1</sup> The cited language was the focus of a WDFW comment on a previous draft of Kelso’s SMP, and is not included in the June 12, 2015 version of the SMP. WDFW acknowledges that the original language has been changed to consider ecological function; which it considers an improvement. However the comment is still relevant to the reaches in Table 4 of Appendix C where buffers are described as measured “From the OHWM to the waterward toe of the levee”.