

City of Pasco SMP Periodic Review
Comment List

Comment Number	Date	Commenter*	Email	Comment Topic	Comment Response
1	2/21/2023	Peter C. Rieke, Ph.D. & Jenny Rieke	Petryr_jk@charter.net	<p>Sometime in January and early February, Pasco maintenance personnel removed native vegetation over substantial areas Subreaches 3a and 3b as designated in the Shoreline Master Program (SMP) document of 2016. The majority of the damage is in Subreach 3b and constitutes an area that extends approximately ½ mile in length from just west of the Ivy Glades development to within a short distance of the Chiawana Park boat basin. The damage extends from just north of the Sacagawea Heritage Trail (SHT) towards the river and contours around the larger trees nearer the shoreline proper. Almost all this area is within the 200' shoreline distance from the ordinary high-water mark (OHWM). From observation of this area, some mechanical means such as a "brush hog" or other mowing apparatus was used to remove vegetation to ground level. In a second smaller area located in Subreach 3a just north of the boat basin, native vegetation was completely removed down to and possibly including root systems using some combination of mowing and hand digging. The areas in question are designated as Urban Conservancy in the SMP and policy for such areas is "to protect and restore ecological functions of open space, floodplain, and other sensitive lands, while accommodating low-intensity uses." Subreach 3b is an especially diverse habitat for an urban area and supports a significance wildlife population including many small birds and mammals that use the native bunch grass and rabbitbrush for forage and cover. The area also supports a significant population of birds of prey including Bald Eagles, Osprey and hawks. Fox, deer and beaver are also dependent on this habitat. The area is frequently used by residents who utilize the hiking trails near the river. It is one of the more popular sections of the [shoreline] because of the beauty of the habitat, areas of arboreal shade and protection from wind. We contend that the removal of the native vegetation of such an expansive area designated as Urban Conservancy constitutes a gross violation of the SMP agreement between the City of Pasco and the Dept. of Ecology. As such we are asking as detailed below for:</p> <ol style="list-style-type: none"> 1)Assessment by an independent expert analysis of the extent of habitat, cultural and historical damage. 2)Preparation of a restoration/remediation plan that addresses the loss of habitat and/or cultural damage. 3)Implementation of an educational initiative to inform local citizens of the importance of this type of habitat and how such riparian and upland habitats protect the river from pollution and subsequent eutrophication. 4)Restructuring of the Cities shoreline park management personnel to prevent future such habitat destruction. 5)Documentation of improved management practices in the draft 2023 SMP. The City will need more time to evaluate the current shoreline management practice, plan how to bring them into compliance and document those practices in the new SMP. The Dept of Ecology will need more time to evaluate the new plan, conduct site visits and make expert recommendations. We request that the City ask for and be granted an extension. 	This comment addresses compliance with the current SMP. The City Economic and Community Development Department has shared this comment with other applicable City departments for follow up and will track progress on addressing this issue. Because this is related to an SMP implementation compliance concern it is not necessary to delay the periodic SMP update process.
	2/27/2023	Arrow Coyote - Colville Tribe	arrow.coyote@colvilletribes.com	<p>The project entails the City of Pasco Shoreline Master Program Coalition and Washington State Department of Ecology (Ecology) are seeking comments on the City's Shoreline Master Program (SMP) periodic review and proposed SMP Amendments. The City and the Washington State Department of Ecology have elected to use a joint review process, allowed under WAC 173-26-104.</p> <p>Please note that the project is within the Tri-Cities Archaeological District, numerous archaeological sites (many partially or fully inundated), and Traditional Cultural Properties (TCP). Please be advised your proposed undertaking lies within the traditional territory of the Palus Tribe. The Palus Tribe is a constituent member of and represented by the Confederated Tribes of the Colville Reservation [Colville Confederated Tribes (CCT)]. The CCT is governed by the Colville Business Council (CBC). The CBC delegated to the Tribal Historic Preservation Officer (THPO) the responsibility of representing the CCT with regards to cultural resources management issues throughout these traditional territories of our constituent tribes under Resolution 1996-29. This area includes most of eastern Washington, parts of northeastern Oregon, south central British Columbia, and parts of north central Idaho. In 1996, the CCT also entered into an agreement with the National Park Service to assume state historic preservation officer responsibilities as outlined in Section 101 (d) (2) of the National Historic Preservation Act. The assumption agreement explicitly tasks the Tribal Historic Preservation Officer (THPO), to advise and assist Federal and State agencies and local governments in carrying out their historic preservation responsibilities and for the CCT to carry out their responsibilities for review of federal undertakings regarding cultural resources matters.</p> <p>As the shoreline includes Army District Corps of Engineers managed by the Walla Walla District Corps of Engineers and other possible state and/or federal managed properties, please include all the appropriate laws governing cultural resources. Also, any projects or changes that may affect cultural resources will also need to be consulted on by the CCT and the Washington Department of Archaeology and Historic Preservation (DAHP). Please make sure that this plan includes a section on Cultural Resources, that would include communication with the area tribes, state</p>	The City is committed to coordinating with the Colville Confederated Tribes, other tribes, the USACE and Washington State agencies to identify and protect cultural resources under this SMP.

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3	3/8/2023	Heather Bush, WA Dept of Ecology	hkos461@ECY.WA.GOV	Upon closer review, the current Pasco SMP contains wetland buffer reduction allowances to 65% of the recommended width. This allowance is in excess of what Ecology recommends. I recommend changing it to: (D) The minimum buffer width at its narrowest point shall not be less than 75% of the required buffer width established under this SMP; in addition, the City should use the updated land use intensity table on pgs. D-6 and D-7, from our 2022 CAO Guidance. It's a more complete and better described list (compared to SMP, Table 29.01.520 (8)(b): Land Use Intensity). I also suggest updating the references on pg. 128 & 130 from: Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 1, Publication #06-06-011a, March 2006) and Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans (Version 1, Publication #06-06-011b, March 2006) to our joint agency mitigation guidance document. The current guidance was revised and published in 2021. Lastly, please update Table 29.01.520 to reflect the current mitigation guidance recommendations (compared to Table 6B-1). Compensation ratios for permanent impacts for eastern and western Washington) which has a "preservation" column and eliminates columns for "re-establishment or creation and rehabilitation." You still have time to include these comments/make these suggested changes prior to initial submittal. Please remember to add them to the periodic review checklist, which should reflect all proposed amendments.	Update all sections as suggested
4				A) In general, there is a lack of comprehension among city staff of the SMP requirements especially in the park's personnel. A knowledgeable reader of the SMP can find dozens of violations in which the city and/or shoreline residents are in violation of this document. B)Also, there is no effective way to determine if encroachment upon ecological function has been made especially if that encroachment is gradual in nature. A mechanism to quantify the existing state of habitat along the shoreline is needed that can then be used to quantify any possible encroachment. C)As much of the shoreline is under direct control by the City, any violation of the SMP by the City itself represents a conflict of interest. The Dept. of Ecology should be required to review enforcement decisions under these circumstances. D)There needs to be a greater recognition that a view or vista of the water is not the sole criteria for "visual" public access. The habitat along the shoreline as well as the associated wildlife that that habitat supports has its own aesthetic value. In previous years, shoreline habitats and vegetation have been literally clearcut to provide for the view of local residents. Park users who garner a closer view are presented with an ugly mass of stumps and detritus.	See response to Comment 1.
5				1) The Subreach designation maps were not included in this draft and presumably have not changed since the 2016 SMP. This should be clarified and statement made to such effect.	There are no changes being proposed in the subreach designations or environment designations
6				2) There does not seem to be significant participation of those responsible for maintaining Pasco's shoreline parks. It is clear that transgression of the SMP by parks personnel indicate a lack of understanding of the purpose and intent of the SMP. The city should seek to remedy this lack of communication.	See response to Comment 1.
7				3) The draft makes frequent reference to PMC 29.01 which to the best of this reviewer's knowledge does not exist. Title 29 of the PMC starts with "29.05 Authority and Purpose"	When the SMP is codified in the City's municipal code, then numbering will be changed to match the SMP and the City's municipal code.
8				4) In the paragraph starting with "The SMA was enacted in 1971 ..." should be expanded to review the history of the SMP from the original 1974 franklin county SMP, the adoption by reference in 2003 (unclear of history here), the revision in 2016 and the current revision. It is important to understand the evolution and history of the SMP process.	Update as suggested
9				5) 29.01.020 Applicability(1)(c) "Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding;" is listed as an exclusion. Unfortunately, mowing has resulted in significant, creeping loss of habitat along the shoreline especially in Chiawana Park. This issue needs to be addressed by this document.	See response to Comment 1.
10				6) 29.01.030 Purpose (1)(b)(v) "Ecological functions of the shoreline are maintained and improved over time". This statement should be amended to require the city to have a written plan to improve ecological function especially in areas designated as Native, Urban Conservation or Recreation. Al to often creeping loss of ecological function occurs and some plan is needed to prevent this gradual loss and improve as possible ecological function.	No additional changes planned. The SMP has provisions included to achieve no net loss of ecological functions, and improve functions over time as habitat areas mature.
11				7) 29.01.080 Definitions (7) "Invasive, non-native vegetation species" means the plants listed for Eastern Washington in Washington State Noxious Weed Board Publication # 820-264E (N/6/09), or the latest version of this document". This definition was removed yet the terms invasive and non-native are use throughout the document and need definition. It may be that the referred publication may no longer be available but an explicit definition is still needed.	Add definition back into the document

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12	4/19/2023	Peter C. Rieke	Petvr_jk@charter.net	8) 29.01.080 Definitions (74) "Nonconforming development" or "nonconforming structure" means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program." Should be amended to specifically include water rights as governed by the Dept. of Ecology	Water rights are a separate topic from this provision; no change planned to address this comment
13				9) 29.01.080 Definitions (85)(a) "Visual Access" should be amended to read "Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters, adjoining habitat and wildlife areas. It should be made clear that a visual aesthetic will include vegetation and wildlife that exist along the shoreline and not just a view of the water.	Update as suggested
14				10) 29.01.240 Shoreline Vegetation Conservation (1) states that "Vegetation conservation standards shall not apply retroactively to existing uses and developments. Vegetation associated with existing structures, uses, and developments may be maintained within shoreline jurisdiction as stipulated in the approval documents for the development." A new section should be added here that creates an inventory of current vegetation types that can be used to monitor encroachment on vegetation by land management processes such as brush removal, mowing and other landscaping activities.	The City has an existing inventory, analysis and characterization report of the shorelines that is still accurate for the shorelines area. See response to comment 1
15				11) 29.01.300 Agriculture (10) should read "New agricultural activities shall not remove existing native or non-native vegetation, except for noxious and invasive vegetation, between all cropland or pasture areas and adjacent waters or wetlands pursuant to the critical-areas provisions of this SMP." The current sentence is confusing at best.	Update as suggested
16				12) 29.01.410 Recreational Development (1)(d) "Preference shall be given to the development and enhancement of public access to the shoreline to increase fishing, boating, and other waterrelated recreational opportunities." This should be modified to read "Preference shall be given to the development and enhancement of public access to increase water-enjoyment recreational opportunities." This ensures consideration is given to non-boating activities.	Update as suggested
17				13) 29.01.410 Recreational Development (2)(d) "Recreational developments shall be located and designed to preserve, enhance, or create scenic views and vistas. Should be modified to read "Recreational developments shall be located and designed to preserve, enhance, or create aesthetic enjoyment of the shoreline". Again, it is important to emphasize that a view of the water is not the only aesthetic consideration.	The existing language provides for this aesthetic consideration. No additional change planned.
18				14) 29.01.420 Residential Development (1) "Single-family residential development is a preferred use when it is developed in a manner consistent with SMP provisions." This statement should be deleted. It is unconscionable given our housing shortage that multiunit housing be excluded from consideration.	This provision is consistent with state law. RCW 90.58.020 states in part "Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures..." (italics added)
19				15) 29.01.510 General Provisions (3) (a) "All allowed activities shall use reasonable methods supported by the most current scientific and technical information or accepted BMPs with the least amount of potential impact to the critical areas." This should be modified to read "All allowed activities shall use reasonable methods supported by the most current scientific and technical information or accepted BMPs whichever has the least amount of potential impact to the critical areas." This ensures that old and dated practices be updated to the most current scientific and technical practices.	The existing language provides for this. No additional change planned.
20				16) 29.01.510 General Provisions (3)(a)(iii) "Removal of hazardous trees and vegetation and, when necessary, measures to control or prevent a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act; RCW 76.09, provided that no vegetation shall be removed from a critical area or its buffer without approval from the City". This statement should be deleted and this activity should require a Shoreline Substantial Development Permit. An exclusion may be made for control of fires, flood or storms where immediate danger to property or life exists.	See response to Comment 1.
21				17) 29.01.770 (4)(h)(b) "Eleven thousand two hundred (\$11,200) dollars for all other docks constructed in fresh waters." This should be deleted. Any new dock regardless of size, cost or siting should require a Shoreline Substantial Development Permits	These are required updates. Fair market value for determining Shoreline Substantial Development permits and dock thresholds is found at https://lawfilesext.leg.wa.gov/law/wsr/2022/11/22-11-036.htm and https://app.leg.wa.gov/documents/laws/WSR/2018/21/18-21-013.htm ,

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22				18) 29.01.830 Enforcement (3) "The Shoreline Administrator may commence and prosecute enforcement action jointly with Ecology. Pursuant to WAC 173-27, Ecology may initiate and prosecute enforcement action separate from the Shoreline Administrator". This statement is a conflict of interest is the City itself is the offending party. This section should be amended to require Ecology to review and approve decisions taken by the Shoreline Administrator when the City is responsible for the potential violation.	See response to Comment 1.
23	4/20/2023 - Public Hearing	Cynthia Muse - Citizen of Pasco		Why aren't the SMPs being followed? There are public access issues regarding new multi development. The public access is so important living in a community with a river that runs through it. We are going to keep at this because public access is so critical and I hope they are kept public as much as possible and not developed.	We appreciate your comments and feedback.
24	4/20/2023 - Public Hearing	Peter Rieke - Citizen of Pasco		Before the public comment period is over, I think it would be inappropriate for the Planning Commission to take action. I have given written comment already. The Pasco municipal code numbered in the document doesn't match what is on the website. One thing I will mention tonight - In section 29.01.770d1b - the new addition exclusion for development of \$11,200 for all other docks constructed in fresh waters. This is general and seems like an amendment that could be abused in the future. I think anything on or above the water should require a permit.	Planning Commission action on the proposed updates will be taken after the public comment period ends.
25	4/25/2023	Ashley M. Morton, M.A., RPA - Confederated Tribes of the Umatilla Indian Reservation	AshleyMorton@ctuir.org	Under 4.4 Shoreline Uses and Modifications Element (12) Recreational Development Polices (b) CTUIR CRPP recommends adding "cultural resources".	Update as suggested
26				(13) Residential Development Polices (g) we recommend adding "disturbing cultural resources".	Update as suggested
27				Under 4.6 Historic, Cultural, Scientific, and Educational Resources Element (1) Goals (a) we recommend adding the following "in compliance with State and Federal laws."	Update as suggested
28				Under 29.01.460 Utilities (13) please define minor trenching. Based on what the City considers minor, we may have further comment(s) on this.	Minor trenching is defined as up to 2.5 feet wide and 6 feet deep, and less than 100 feet. This definition will be added to the SMP.
29				Under 29.01.220 Archaeological and Historic Resources 1. While we agree the developer needs to comply with applicable state and federal laws and regulations the City is also required to comply with state and federal regulations and laws. We would like to see in the City's SMP policy under (2) of this section include that the City will: 1) ensure that shoreline development will provide protection to sites and areas that have historic, cultural, and archaeological value in compliance with state and federal laws and 2) as part of the shoreline permit application review process, coordinate with tribal, State, and Federal agencies that maintain inventories of known significant historic, cultural, and archaeological sites.	Add a new item 1 at the beginning of Section 29.01.220 that states: The City will coordinate with tribal, state and federal agencies that maintain inventories of known significant historic, cultural and archaeological sites, and work with these agencies in the permit review process in complying with state and federal regulations and laws to protect sites and areas that have historic, cultural, and archaeological values. Existing policies also reinforce this action, as written, so no additional changes planned.
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