

**City of Bremerton SMP: Comment Response Matrix**  
**SMP Joint Public Comment Period, October 23 – November 23, 2020**  
**SEPA Comment Period, December 15 – December 29**

Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
1	WDFW	SMP: 2.040(b)(2)	WDFW suggests adding "and the City should support Kitsap County land use activities that align with the Gorst Creek Subarea Plan prior to annexation."	The City agrees with this addition to subsection 2.040(b)(2) within the General Policies Section of the SMP.
2	WDFW	SMP: 7.010(b)	WDFW suggests adding a list item for removal of overwater structures.	The City agrees with this addition to Figure 7.010(b), Shoreline Buffer Reduction Mitigation Options table. This addition gives the applicant another option to ensure a no-net loss of shoreline ecological function when paired with a reduced buffer for a proposed single-family structure.
3	WDFW	SMP 8.080(j)	WDFW recommends requiring that residential subdivision not reduce lot depth in such a way that buffer setbacks would be reduced. (Considering that setback width is a percentage of lot depth).	Shoreline buffers must only be reduced through options prescribed within 7.010(6), Setback and Buffer Reduction and Figure 7.010 (b): Shoreline Buffer Reduction Mitigation Options. The original lot depth (prior to a subdivision) prevails and cannot be reduced by subdivision alone.  No change is proposed.
4	WDFW	SMP: 8.090(p)	WDFW recommends adding that outfalls must be located to avoid and minimize impacts to submerged aquatic vegetation, forage fish spawning beds, and shellfish beds. Sewer outfalls can damage submerged aquatic vegetation through nutrient loading, can cause contamination of shellfish beds,	Stormwater facilities are typically determined by gravity and ground contours. Sometimes there is not an option where they can be placed. However, avoidance and minimization to impacts to site sensitive areas listed within this comment will be added. This comment will be addressed with the following addition to this provision:

Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
			and can damage forage fish spawning beds through scour and pollution.	<i>Outfalls must be located to avoid and minimize impacts to submerged aquatic vegetation, forage fish spawning beds, and shellfish beds. If this provision cannot be met, the applicant will demonstrate that alternatives with less to no impact on aquatic vegetation and shellfish beds are not feasible due to design constraints.</i>
5	WDFW	BMC 20.14.330 (h)(1)	Are these changes based on Ecology buffer guidance?	<p>The standard wetland buffer table (Table 20.14.330(h)(1)) is based on Ecology’s buffer guidance provided in 2018. To meet the intent of the City’s code commensurate to level of wetland buffer impact, the requirement to either replant the standard buffer or enlarge the standard buffer has been removed. Many wetlands within City limits are urbanized in nature, leading to a presence of invasive species. As a result, enacting larger standard buffers or requiring the applicant to clear and replant the buffer, when the development avoids buffer impacts altogether, is more burdensome on the applicant compared to a 25% buffer reduction (without buffer re-vegetation) so long as wetland minimization measures are met. If larger buffers are utilized without impact or buffer averaging, equivalent wetlands protection is met in-terms of greater buffer conservation when compared to a combination of reduced buffers and wetland minimization measures, as prescribed under Table 20.14.330(h)(3).</p> <p>No change is proposed.</p>
6	WDFW	BMC 20.14.730 (d)(1)	Suggest replace "plantings" with "vegetation."	The City agrees with this comment. The term “plantings” will be replaced with “vegetation.”

Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
7	WDFW	BMC 20.14.730 (d)(1)	Enhancement should be at a higher ratio to account for temporal loss of vegetation function during the time it takes to mature. We do not have exact guidance on appropriate ratios but the applicant should demonstrate that the proposed ratio will compensate for temporal loss as well.	In response to this comment, the City will increase the mitigation enhancement ratio to 1.5:1 when stream buffers are directly impacted or reduced. This increase will capture the temporal loss of impacted vegetative cover. As an alternative, the City may consider allowing an applicant to opt for a more dense plant spacing requirement to ensure long-term success of the mitigation plantings. The alternative approach is as follows: <i>In a case-by-case basis, the Director may consider a smaller enhancement ratio, no less than 1:1, where the applicant provides a greater density of on-center plant spacing that required.</i>
8	WDFW	BMC 20.14.330 (d)(1)	Is this based in science? It seems deciduous trees like big leaf maple may need greater spacing than coniferous trees... Or recommend using a straight 10 ft OC recommendation for all trees.	The City's intent is to incentivize the planting of conifers by allowing lower density spacing requirements along shoreline areas as conifer may provide higher habitat benefit than deciduous tree species. The City recognizes this incentive may only be applicable to marine and lake shoreline areas rather than riparian corridors. Thus, the amendment will be pulled from BMC 20.14.330(d)(1) and instead placed within the SMP, specifically within 7.020(a)(5) Vegetation Conservation.
9	Suquamish Tribe	BMC 20.14.330 (h)(2)	The Suquamish Tribe does not support buffers less than 50'. Smaller buffers may be protective for some functions but not water quality.	The City's proposed amendment is consistent with the Department of Ecology's July 2018 wetland technical guidance. <a href="https://fortress.wa.gov/ecy/publications/parts/1606001part1.pdf">https://fortress.wa.gov/ecy/publications/parts/1606001part1.pdf</a>
10	Suquamish Tribe	2.030(d)(1)	Delete "historically supported by" and replace with "of cultural significance to"	The Historical, Cultural, and Educational Goal (2.030(d)(1)) currently includes protecting shoreline areas with cultural and/or historical importance prior to the suggested change. As we

Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
				are already making amendments to this section, we will incorporate the suggested change.
11	Suquamish Tribe	2.090	Construction of new in water structures should not result in a downgrade of commercial shellfish harvest areas.	<p>The review of this section of the SMP falls outside the scope established in this periodic update, as identified in the Gap Analysis Report. The Gap Analysis identifies the scope of the periodic update, which includes updates based upon legislative amendments, minor critical area revisions and procedural changes meant to add flexibility to the code and make more user-friendly. As such, no changes were made to this section of the SMP. Consideration of such comments may be undertaken during the City's next comprehensive SMP update.</p> <p>No change is proposed.</p>
12	Suquamish Tribe	2.095	New dredging should be prohibited.	<p>Dredging regulations located under 9.040 prohibit new dredging activities except where absolutely necessary. The SMP narrowly construes dredging allowances for new activities in instances of navigation, environmental remediation, or habitat restoration projects. Further, dredging for water-dependent activities is permitted at the state level via WAC 173-26-231(3)(f) so long as material disposal avoids or minimizes significant ecological impacts.</p> <p>No change is proposed.</p>
13	Suquamish Tribe	2.095(b)	Add Suquamish Tribe for agency concurrence otherwise this could negatively affect Tribal	The City will continue to notify the Suquamish Tribe as outlined in the existing SMP, CAO, and SEPA noticing requirements.

Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
			Treaty resources or access (and for consistency with 9.040).	No change is proposed.
14	Suquamish Tribe	5.040	Seeding of shellfish should be considered an exempt activity if seeding native species.	<p>The City agrees with this comment. This also aligns with the State Legislative Amendment 2019c, Kelp, eelgrass, and native oyster restoration, in addition to 2011b Geoduck aquaculture, as discussed in the City’s SMP Periodic Update Gap Analysis, Table 2-1. The legislative amendment 2011b is already captured under the existing SMP whereby the definition of aquaculture does not include the harvest of wild geoduck.</p> <p>No change is proposed.</p>
15	Suquamish Tribe	5.040(j)(3)	New shoreline stabilization should not be exempt.	<p>Per WAC 173-27-040, referenced under SMP section 5.010(j), this is a state-mandated regulatory framework originally adopted by the City, as required, for instances where an applicant may be granted an exemption from the substantial development permit process. Constructing “normal protective” bulkheads can only be utilized with a shoreline exemption when protecting an existing single-family residence and appurtenant structure from loss or damage by erosion and cannot create dry land.</p> <p>No change is proposed.</p>
16	Suquamish Tribe	5.040(j)(8)	New overwater structures should not be exempt.	Exemptions, located under SMP section 5.010(j)(8), are pursuant to WAC 173-27-040, a statewide requirement within shoreline jurisdiction and are identical to this state provision. Further, residential dock construction under a very small cost threshold (\$22,500 for saltwater, \$11,200 for freshwater), in addition to

Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
				<p>overwater structure replacement as a method of repairing overwater structures with like structures, as this principle meets no-net-loss of shoreline ecological function at the time of the City's SMP Inventory and Characterization Report.</p> <p>No change is proposed.</p>
17	Suquamish Tribe	5.040(j)(13)	Removal of noxious weeds should be an exempt activity (not just if it is recommended in an EIS).	<p>This requirement, located under SMP section 5.010(j)(13), is a direct copy of WAC 173-27-040(2)(n) which discusses the threshold criteria for utilizing herbicides for aquatic noxious weed removal with a shoreline exemption over a shoreline substantial development permit. Department of Ecology oversees and licenses application of herbicides for such activities. As a result, certain herbicides can only be used under EIS recommendation.</p> <p>No change is proposed.</p>
18	Suquamish Tribe	7.010(b)(v)	Should also include Suquamish Tribe concurrence (as a co-manager of the States' resources).	<p>We will notify as outlined in the SMP, CAO and SEPA requirements.</p> <p>No change is proposed.</p>
19	Suquamish Tribe	Figure 7.090(a)	Urban Conservancy is intended to protect and restore ecological functions. Permitted uses should not include over water structures, stabilization, or dredging.	<p>Urban Conservancy's current policies and standards do require that this designation protect and restore ecological functions of lands within the shoreline, consistent with WAC 173-26-211(5)(e). Though over-water structures, stabilization, and dredging are permitted uses in Urban Conservancy, the City would not approve a proposal contrary to the policies and standards in this designation, or other regulations of the Shoreline Master Program. Chapter 8 and 9 of the</p>

Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
				<p>City's SMP regulates over-water structures, stabilization, and/or dredging activities to ensure these activities are happening per code.</p> <p>No change is proposed.</p>
20	Suquamish Tribe	8.050(l)	Offshore log storage should be prohibited. The State has put a lot of resources into cleanup of wood waste.	<p>Off-shore log storage is only allowed in the Industrial Shoreline designated areas which, for the City of Bremerton, includes Naval Base Kitsap and the area by Penn Plaza. Per Federal Law, the City does not regulate the Naval Base, so this provision would only potentially be feasible within a small area of Bremerton. The area by Penn Plaza is already developed with upland uses and a marina. As such, the marina would likely conflict with off-shore log storage. Even in the unlikely event the marina were to be removed, a new proposal for log storage at Penn Plaza would need to demonstrate no-net-loss of shoreline ecological function in order to be considered for approval.</p> <p>No change is proposed.</p>
21	Suquamish Tribe	8.060(e)	Add "will not result in a commercial shellfish harvest area downgrade".	<p>If a development proposal resulted in a commercial shellfish harvest downgrade, the proposal must also meet No Net Loss (NNL) of shoreline ecological function, per SMP 2.030, General Goals, SMP 2.040, General Policies, and the corresponding NNL definition found in SMP Chapter 3, Definitions. The City would not approve a proposal that does not meet the NNL requirement (including those proposals that impact shellfish harvest). As such, no additional change is proposed to this SMP provision.</p>

Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
22	Suquamish Tribe	8.060(k)(7)	What is the basis of the 40 slip threshold for a pump out? All marinas should have pump out facilities.	<p>Marinas under the 40 slip threshold consist of privately owned residential communities where upland residents store their boats in-water. Generally, these boats are predominantly day-use and do not have a waste holding tank. This contrasts with the three public marinas within City limits exceeding the 40-slip threshold; these marinas contain pump out facilities.</p> <p>In addition, this existing regulation doesn't impact existing development prior to the original comprehensive SMP update. Further, the City does not anticipate future public marina projects to be placed along City shoreline areas that would be above or below the slip threshold.</p> <p>Per WAC 173-26-241(3)(c), Boating facilities must meet health, safety, and welfare requirements, including water quality standards, as required by the Clean Water Act and NPDES Phase II permit requirements (adopted by the City in July 1, 2019). As such, the City believes there are adequate mechanisms in-place to prevent illicit discharges of this nature, or authority to fine violators of these provisions. In conclusion, no change to this slip threshold for requiring a new pump out facility will be made at this time.</p>
23	Suquamish Tribe	9.070(b)	Unless another project is selected and agreed upon by the city, Tribe and resource agencies.	<p>The City does not anticipate conflicts with restoration activities being proposed. The Restoration Plan objectives (i.e. goals) are consistent with other City and resource agency goals.</p> <p>No change is proposed.</p>




Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
24	Suquamish Tribe	9.070(f)	Add "primary"....structures....	<p>Both legal primary and appurtenant single family residential structures are given equal weight when permitted under a shoreline exemption per WAC 173-27-040(2)(g). Further, single family residential development is the predominant use along City shorelines of the state and is recognized by state law (WAC 173-26-241(3)(j)(i)) as a, "...priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment..."</p> <p>As such, no differentiation is warranted to place greater emphasis on preserving primary structures over appurtenant structures when designing restoration projects.</p> <p>No change is proposed.</p>
25	Suquamish Tribe	9.080	Add language specifying that bulkheads, jetties, weirs and groins disrupt shoreline processes and alter habitat and will require mitigation.	<p>Proposals to construct, modify, and repair bulkheads, jetties, weirs, and groins must adhere to 9.080(i) Vegetation Management, where vegetation shall be planted and maintained on shoreline modification structures to minimize visible impact and restore and enhance all disturbed areas effected by an approved structural measure using native plant material with similar diversity and structure to the native climax community.</p> <p>No change is proposed.</p>
26	Suquamish Tribe	9.080(1)	Add "immediate"....danger (meaning within a year or two)	<p>This reference is presumed to be to regulation (b)(1). The SMP regulatory provision currently matches state law under WAC 173-26-231(2)(a), General principles applicable to all shoreline modifications. No change is proposed.</p>

Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
27	Suquamish Tribe	9.080(f)(4)	Enhancement material added to a beach must be appropriately sized material as per WDFW (sizing for stability will result in armored beaches and material that is too large).	<p>This provision currently requires beach enhancement material be, "...generally similar to that of the natural beach sediment." As prescribed, enhancement material similar to natural beach sediment is unlikely to result in armored beaches.</p> <p>No change is proposed.</p>
28	Suquamish Tribe	BMC 20.14.340(f)(1)	Add additional language regarding Category I bogs and heritage sites. The Department of Ecology has said that creation or re-establishment of Category I wetlands, specifically bogs and heritage sites, is not possible. There are so few of these wetlands that impacts should be avoided and/or prohibited and rehabilitation and enhancement are on a case-by-case basis only. The Category I ratios provided in the table are suitable for other Category I wetlands that are not bogs or heritage sites.	The City agrees with this comment and will add language regarding Category I bogs and heritage sites to BMC 20.14.340(f)(1).
29	DOD Department of the Navy Naval Base Kitsap	5.010(h)	<p>The Navy is not aware of a use or area under federal exclusive jurisdiction that is established through state statute. Recommend deleting "or state" from the first sentence.</p> <p>Recommend adding Jackson Park Housing Complex and Camp McKean to the list of federal lands identified in the second sentence of 5.010(h).</p>	<p>Per WAC 173-22-070 and discussed within the Gap Analysis Table 2-1, 2017f, Lands under exclusive federal jurisdiction are not subject to the jurisdiction of the SMP. State statute RCW 37.08.180 refers to acquisition of land by the U.S. government for permanent military installations, for example. As such, this language will remain unchanged.</p> <p>Regarding the federal lands list, the City understands this is may not be a comprehensive list of federal facilities. However, Jackson Park</p>

Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
				Housing Complex and Camp McKean will be added to the list of federal lands under SMP 5.010(h).
30	DOD Department of the Navy Naval Base Kitsap	SMP Maps	All maps included in the Shoreline Master Program need to be updated to show that federal lands are not included within the shoreline jurisdiction of the Shoreline Master Program. As examples, Figure 3-4a, Figure F-16 (Map 16), and Map 4c all incorrectly show Naval Base Kitsap Bremerton and the Puget Sound Naval Shipyard within the shoreline jurisdiction of the Bremerton Shoreline Master Program.	Although these maps depict Naval Base Kitsap as an Urban Shoreline Environment Designation, as characterized in the Shoreline Inventory and Characterization Report, this is merely for illustrative purposes. Section 5.010(h) affirms that all lands under exclusive federal jurisdiction are not subject to the City Shoreline Master Program and Chapter 90.58 RCW – Shoreline Management Act of 1971.  No change is proposed.
<b>SEPA Public Comments Received</b>				
31	Susan Digby	Stormwater SMP 7.010(6)	There is one further issue related to surface water runoff from shoreline properties. I think that going forward we need to mandate permeable surfaces such as coarse gravel, permeable concrete or permeable pavers for driveways that are in close proximity to the water as opposed to asphalt or concrete surfaces. New science has shown that we need to ensure that surface water carrying pollutants is absorbed into the ground where it has some chance of being naturally filtered and diluted before reaching the Sound. In addition to pollutants such as oil and engine products that we already knew were harmful, recent work shows that chemicals in tires are highly toxic to salmon and result in significant mortality. Salmon on their way to spawn in	Proposed edits to the SMP, including SMP 7.010(6), Setback and Buffer Reduction, encourage mitigation options such as biofiltration/infiltration systems, required for an applicant to reduce their buffer to accommodate new development. These green stormwater strategies promote better filtration of contaminants with performance requirements built in, including retaining 70% of the site’s annual stormwater runoff for poor infiltrating soils and 99% for sites containing well-drained soils. As such, no change is proposed.

Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
			Chico Creek, Clear Creek and Barker pass through waters surrounded by the City of Bremerton. It is imperative that we prevent situations where water carrying highly toxic surface pollutants drain directly into the Sound.	
32	Susan Digby	CSO Overflow SMP 8.090	My most major concern relating to shoreline is that of storm water runoff and sewage overflows from shoreline sites. In heavy rains storm water runoff and sewage are currently directed into the various parts of Puget Sound that the City of Bremerton abuts. I am particularly concerned that these overflow events will grow in severity as the population of the City of Bremerton increases and as the climate changes. With climate changes we can expect more severe rain events in addition to more rain. Currently we have an antiquated sewer pipe system and a waste water treatment plant that appears to be smaller than needed. What plans are there to provide overflow solutions that avoid direct sewer outfall from shoreline installations into the Sound?	<p>The City Public Works Department Capital Facilities Plan strives to prevent CSO overflows in the Puget Sound, as evidenced by a \$50 million dollar effort committed in 2009 to replace antiquated sewer and storm pipe systems in a systematic way. According to the City of Bremerton Department of Public Works and Utilities Combined Sewer Overflow Annual Report for 2019 (<a href="https://www.bremertonwa.gov/DocumentCenter/View/8435/Combined-Sewer-Overflow-Annual-Report-2019-PDF">https://www.bremertonwa.gov/DocumentCenter/View/8435/Combined-Sewer-Overflow-Annual-Report-2019-PDF</a>), the City has reduced overflow volume by 99%, as well as frequency of events by 99% compared to the baseline established in 1999.</p> <p>The scope of this SMP periodic update does not include addressing CSO facilities and sewage overflows specifically. However, provisions have been added to SMP 8.090(p), Storm Drainage/Sewer Outfalls, to improve permitting timelines associated with CSO facilities by allowing for administrative approval of a shoreline substantial development permit versus a shoreline variance when the City is able to successfully mitigate for, as well as demonstrate no</p>

Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
				<p>alternatives with less to no impact on aquatic vegetation and shellfish beds are not feasible due to design constraints of such utility infrastructure.</p> <p>No further changes to the SMP are proposed.</p>
33	Susan Digby	SMP Maps	<p>Has there been any consideration to designate lands at the southern end of Mud Bay as urban conservancy? There appears to be land that is generally above high tides that is not owned property.</p>	<p>The underlying zoning at the southern end of Mud Bay, near the OHWM, is exclusively zoned R-10, and is correspondingly designated Shoreline Residential, per its consistency with the purpose statement defined at the state level (WAC 173-26-211(5)(f)).</p> <p>The small section of “white” you may be referring to, found in City Zoning Map 3 (<a href="https://www.bremertonwa.gov/DocumentCenter/View/819/Map-3-PDF?bidId=">https://www.bremertonwa.gov/DocumentCenter/View/819/Map-3-PDF?bidId=</a>, screenshot below) is a map visualization approximating OHWM location.</p>

Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
				 <p>However, the entire parcel is still subject to R-10 zoning, shoreline residential and aquatic designations.</p> <p>A development proposal to expand closer to the OHWM on these lots would first need a qualified professional, as defined within SMP Chapter 3, to delineate the OHWM. An OHWM delineation will establish where the shoreline residential and aquatic designations are for one of these southern properties you note within Mud Bay. In summary, the shoreline residential designation best matches the underlying zoning.</p> <p>No change is proposed.</p>
34	Susan Digby	Sea Level Rise	What is the rate of sea level rise used by the City of Bremerton for purposes of planning?	This SMP periodic update does not establish a sea level rise vertical-foot increase for planning

Comment Number	Commenter	Comment Topic and Section Number (Citation)	Comment	Local Government Response and Rationale
		SMP 2.030		<p>purposes. Rather, the policy edit under SMP section 2.030(b)(7), Conservation and Restoration Goal, sets the stage for future information gathering to support a Climate Strategic Plan, appropriately planning for and supporting regulations that account for sea level rise.</p> <p>No further SMP edits outside of this sea level rise policy amendment are proposed.</p>
35	Susan Digby	SMP Maps	<p>And just to let you know that I don't gripe all the time I want to convey to you that I am very happy to see the Urban Conservancy designation of the small island in Oyster Bay. (Locally known as Pig Island as apparently someone used to keep pigs on it)</p>	<p>Thank you for your comment.</p>