

**From:** [Larry Peterson](#)  
**To:** [Anthony Muai](#)  
**Subject:** SMP Update 2021: Confirming Scope & Impact to Port Projects and Holdings  
**Date:** Tuesday, January 19, 2021 5:58:39 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Anthony,

I watched the December 21<sup>st</sup> open house video and review the DOE Periodic Review Checklist and seek the following confirmations and clarifications.

#1) It appears that **none of the special considerations** (*established building heights above 35ft on portions of the island*) **codified in the 2007/2008 SMP update are to be reconsidered**, therefore those enhancements are not in jeopardy.

**Is that a correct reading of the current effort?**

#2) It appears **updates and revisions relating to wetland delineation and rating are required/under reconsideration.**

**Is that a correct reading of the current effort?**

If so the Port would like to remind the City & State agencies that **Duffy's Pond is part of the USACE drainage system** linked to the McNary Pool levees and the USACE believes with confidence that this function excludes Duffy's Pond for the definition of a wetland. Further note that Duffy's Pond is also under 20-acres in size.

If this process will involve review and possible revision to the City's Critical Area maps and regulations the Port hopes that the confusing designations around Duffy's Pond could be corrected.

The City installed {and State Dept. of Ecology funded} 8-10 foot wide **Duffy's Pond Trail is a clear demarcation point** between the water and associated vegetation and wildlife and the urban and planned urban development and activities to the south of the trail.

<b>Disabilities Act.</b>			
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the <b>2014 wetlands rating system.</b>	Updates needed. Locate documents and consult with Ecology	
<b>2015</b>			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	Wording needs added to the SMP to either reference the statute or incorporate wording to help be consistent with the statute.	New section 18.68.255 added to address the statute
<b>2014</b>			
a.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	Not applicable in Kennewick (no floating on-water residences in City)	None
<b>2012</b>			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures.</b>	Current SMP does not address appeals of the SMP.	None
<b>2011</b>			
a.	Ecology adopted a rule requiring that <b>wetlands be delineated</b> in accordance with the approved	18.59.010 Needs updated	Replaced references to "Washington State Wetland Identification and Delineation

Shoreline Master Program Periodic Review Checklist  
July 2019

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Row	Summary of change	Review	Action
	<b>federal wetland delineation manual.</b>		Manual" and "Identification and Delineation Manual" with "approved federal wetland delineation manual and applicable regional supplements"
b.	Ecology adopted rules for new	Not applicable in Kennewick	None

**THANK YOU**

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