



North Central Washington
AUDUBON SOCIETY

North Central Washington Audubon Society
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May 7, 2018

Lennard Jordan
Washington Department of Ecology
1250 W. Alder St.
Union Gap, WA 98903-0009

Re: Chelan County's Proposed Update to its Shoreline Management Program

Dear Mr. Jordan,

North Central Washington Audubon Society (NCWAS) is the local chapter of the National Audubon Society covering Chelan, Douglas, Okanogan and Ferry Counties. NCWAS seeks to protect and enhance healthy bird and other wildlife populations in the counties our chapter covers. The region hosts hundreds of bird species that utilize the wide variety of habitats in the region. Water-based habitats are essential to many birds and mammals. Protecting the shorelines and riparian vegetation of lakes, rivers, and creeks is, therefore, of major concern to us. Because these water bodies are important components of a healthy landscape and provide critical habitat for numerous bird and mammal species, we are concerned about several changes the proposed update seeks to make to the existing Shoreline Master Program (SMP).

We attended Chelan County's hearings in Wenatchee regarding the SMP Update Process and submitted written input to it. We respectfully submit the following input to the process for Department of Ecology's (DOE) consideration of the County's proposed changes.

Overview:

Taken together, the changes to the SMP proposed by Chelan County amount to a significant rollback of existing protections. People value clean water, healthy lakes and streams, and abundant fish and wildlife populations. The generally healthy landscapes and waters of Chelan County are a significant reason many people choose to live here. Looking ahead, the County's population will likely increase dramatically in coming decades. At the same time, climate change will become more pronounced. Global warming and increasing population and development pressures will inevitably pose greater threats to Chelan County's natural water systems going forward. In our opinion, many of the County's proposed changes to its SMP represent attempts to accommodate development by relaxing current regulations at the expense of the future. Because of this,

we strongly suggest the weakening provisions contained in the County's proposed update to the existing SMP be rejected.

Below, please see our comments on specific issues of paramount concern to us.

Shoreline Buffers:

The extent of proposed buffer width reductions contained in the current draft is troubling. The County's shorelines and waters have sustained significant negative impacts over the past century and a half. Reducing the current width of buffers, which are intended to prevent or substantially mitigate these impacts, seem unwise and unwarranted. While some property owners would benefit financially or otherwise from reduced buffer widths, the resulting negative impacts to our natural water systems and critical riparian habitats would fall on the public and future generations.

We believe the SMP, as eventually approved by DOE, should prioritize protection of the County's natural water systems and riparian habitats over development and commercial interests. We suggest the most prudent course would be to retain the existing buffer widths. However, if reductions are approved, they should be less severe than currently proposed. In our opinion, the reductions being considered for "natural environment" (200/250 [high/low intensity] feet going to 150 feet), "conservancy environment" (200/250 feet going to 100 feet), and "rural" (100/150 feet going to 100 feet), are inadequate. We suggest that buffer widths eventually approved be at least 200 feet for "natural" and "conservancy" and 150 feet for "high intensity rural".

Buffer Width Modification Tools:

We are concerned that the numerous buffer width modification "tools" contained in the County's proposed update document would permit property owners to encroach on buffers even further than allowed under the buffer widths that are eventually approved in the revised SMP. Providing numerous tools allowing property owners to move even closer to shorelines seems counter to the protections the SMP is intended to provide. The argument seems to be that flexibility is needed to allow for consideration of special situations such as property dimensions, etc. While the need for flexibility in some cases is understandable, great care should be taken to assure that modification tools can't be abused. The burden of justifying any modification of shoreline protection should fall squarely on the proponent, and to be successful, a modification must include a convincing demonstration that without it no reasonable use can be made of the proponent's property. We suggest the number of modification tools that are eventually approved be kept to an absolute minimum. The goal of the final SMP should be to maximize the protections provided to the County's natural water systems and riparian habitats. Allowing numerous loopholes (modification tools) would have the opposite effect.

Lake Wenatchee and Fish Lake:

Under the Washington State Growth Management Act, Fish Lake and Lake Wenatchee are designated as priority habitats. The Fish Lake Bog is also designated a Resource Natural Area by the U.S. Forest Service due to its unique ecosystem qualities and functions. Given these values, shorelines on the south end of Lake Wenatchee and areas near the bog on Fish Lake currently are designated conservancy environments. All of this is in recognition of important values warranting protection.

The Shoreline Management Plan Update, as submitted, suggests replacing these designations with less protective ones. If approved, the proposed changes would have negative long-term impacts upon these critical areas. For this reason, we oppose these proposed changes, and suggest the current designations be retained.

During the County's update process, one of the Commissioners indicated that the less protective designations being proposed for the lakes would not, in his opinion, have the potential for much change to the shores of Lake Wenatchee. However, if protecting the lake's shoreline is a goal and, therefore, no further encroachment on the shoreline is desired, then why is the County proposing reduced protections for it at all?

Shorelines of Statewide Significance (SSS) and Best Available Science:

Regarding Shorelines of Statewide Significance, the Shoreline Management Act (SMA) states "The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- 1) Recognize and protect the statewide interest over local interest;
- 2) Preserve the natural character of the shoreline;
- 3) Result in long term over short term benefit;
- 4) Protect the resources and ecology of the shoreline;
- 5) Increase public access to publicly owned areas of the shorelines;
- 6) Increase recreational opportunities for the public in the shoreline;
- 7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary."

Given that the threats to the County's natural water systems and riparian habitats will grow over time, assuring the final version of the SMP provides the level of protection required by the State Growth Management (GMA) and SMA is critical. The responsibility for proving the proposed reductions in buffer widths, buffer width modification tools, and the assignment of reduced levels of protection being proposed for SSS entities such as Lake Wenatchee are sufficient and consistent with RCW 90.58.020 priorities must lie solely with the County and be based upon best available science.

The Chelan County hearings we attended in Wenatchee discussed these issues, but we do not remember scientific information being offered in support of decisions they made regarding them. For example, when the issue of buffer widths was addressed, the discussion seemed to center on how far they felt they could go in shrinking them, and still have a chance of being upheld by DOE. Unless the County has supplied convincing supportive scientific information of which we are unaware, the changes proposed relating to these matters should be rejected.

Shorelines that don't qualify for SSS designation, also hold substantial values that directly or indirectly benefit the public and wildlife. In fact, many of them feed SSS entities and are, therefore, functional parts of them. They are, therefore, worthy of the same level of protection and should be afforded such.

Summary:

For all the reasons mentioned above, we believe Chelan County's proposed changes to its SMP prioritize the interests of private and local entities over those of the public, and represent a short-term, rather than long term view. Because this is inconsistent with the goals regarding state shorelines, we opposed DOE approving the plan until the issues we've identified have been resolved.

We appreciate the opportunity to provide input to this process.

Sincerely,
Art Campbell
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