



State of Washington

Department of Fish and Wildlife

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Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia WA

October 26, 2017

Mr. Doug England Chairman
Board of County Commissioners
400 Douglas St. Suite 201
Wenatchee, WA 98801

Hank Lewis Director
Chelan County Community Development
316 Washington St, Suite 301
Wenatchee, WA 98801

Dear Mr. England and Mr. Lewis:

SUBJECT: REQUEST FOR REVIEW AND COMMENT; “CHELAN COUNTY SHORELINE MASTER PROGRAM WORKING ADOPTION DRAFT OCT 10 2017”.

On behalf of the Washington State Department of Fish and Wildlife (WDFW), thank you for the opportunity to comment on your draft Shoreline Master Program. We understand that updating Chelan County’s SMP to comply with new state guidelines is a very large undertaking and we applaud County staff and the Planning Commission for their success in getting to this point. We also appreciate the challenges you face as you seek to balance competing shoreline interests, and defer to the Department of Ecology to provide you with general oversight and assistance as you work to ensure your SMP complies with all mandatory guidelines, rules, and laws.

WDFW’s role in SMP updates is narrower and is based on our agency’s mandate to perpetuate fish, wildlife, and their habitat (RCW 77.04.012). We necessarily fulfill this mandate in partnership with local jurisdictions who have the authority and responsibility to regulate land use and in partnership with landowners who steward the land. In support of this SMP update, our role is to provide science-based technical assistance related to fish, wildlife, and their habitat. The advice we offer can help you comply with the mandate to use “the most current, accurate and complete scientific and technical information” to achieve the No Net Loss standard (WAC 173-26-201)

We previously stated our concerns about some of the aspects of an earlier draft in our comment letter dated June 1, 2016 entitled ‘Public Comment Requested – Chelan County’s Proposed Update to the Shoreline Master Program’ and we would like to continue to work with Chelan County and Ecology to improve the above referenced, current draft. In keeping with our role as your technical advisor, we offer these observations and recommendations.

3.1 Shoreline Jurisdiction

WDFW recommends Chelan County use The *Ordinary High Water Mark* (OHWM) to define its SMA jurisdiction. OHWM is used to determine shoreline jurisdiction, implement regulations, and

establish shoreline buffers and setbacks. The OHWM is defined in RCW 90.58.030(2)(b). WDFW also recommends using WAC 173-22 WAC which contains Ecology's guidance for making OHWM determinations.

3.2 Shoreline Environment Designations

WDFW concurs with the places you have designated as Natural in the inventory and analysis report. WDFW has concerns with large changes from where Natural designations are being proposed for changes to Rural or Urban designations in the undeveloped areas within the county along the shorelines. WDFW would be glad to explain to anyone who disagrees with the above comment why they are important for fish and wildlife consistent with the best scientific and technical information. WDFW suggest this SMP be consistent with the State designation requirement in WAC 173-26-211.

3.8 Shoreline Buffers

WDFW is unable to support the buffer width recommendations contained in the current draft entitled 'Chelan County Shoreline Master Program Working Adoption Draft Oct 10 2017'.

We advise you that in WDFW's opinion your vegetation conservation regulations—specifically the buffer standards contained in Table 3.8-a. Shoreline Buffers - are not consistent with best available scientific and technical information nor the principles and standards specified in WAC 173.26.221(5)(b) and (c). Neither are they consistent with your SMP's stated intention to meet the requirements of the Shoreline Management Act (RCW 90.58), the implementing State rules codified as Chapter 173-26 and Chapter 173-27 of the Washington Administrative Code (WAC) "State Master Program Approval/Amendment Procedures and Master Program Guidelines" that were revised in 2011, and other applicable local, state, and federal laws.

It is our opinion your proposed buffer standards will in many places fail to provide protection for shoreline habitats and will greatly reduce protection of critical fish and wildlife habitat. Buffers of 35', 50', 75' and 100' clearly do not provide for many functions as outlined in our *Management Recommendations for Washington's Priority Habitats – Riparian* (Knutson and Naef 1997). The vast majority of species that are addressed in WDFW's *Management Recommendations for Washington's Priority Habitats – Riparian* (December 1997) have been found to utilize buffer areas at distances greater than 100 feet, many far greater than 100 feet. Furthermore, riparian communities within arid landscapes tend to be *more* sensitive to disturbances than riparian areas in moister forested landscapes. We urge Chelan County to reconsider buffer widths, and adopt baseline buffers more in line with providing for your shoreline's habitat functions. While we appreciate the counties need to balance competing shoreline interests, it is especially important to provide adequate buffers within Natural and Conservancy shoreline designated areas and places that directly influence Priority Habitats and Species. We would be glad to meet with County staff to discuss specific shoreline reaches we feel should be better protected—either through designation as a Natural shoreline, a Conservancy shoreline, and/or through more protective base buffer widths.

Public Safety

Wider buffers than those contemplated in the draft SMP will also protect the public from the dynamic nature of Chelan County shorelines. Beaver and other ecosystem factors and processes affect channel migration in the county, and these changes continue. Inadequate buffers and building setbacks that allow development too close to existing stream channels increase risks to life and property from periodic natural flood events. Amendments to the SMA and GMA in 2003 require Critical Areas, including not only fish and wildlife habitats but also wetlands, aquifer recharge areas, geohazards and channel migration zones, to be managed through the SMP's jurisdiction.

5.18 Shoreline Stabilization Regulations

Since Chelan Counties SMP exempts Single family Residence bulkheads from a shoreline permit. WDFW recommends Chelan Counties SMP include reference to Washington State Aquatic Habitat Guidelines Programs document entitled Integrated Streambank Protection Guidelines which includes a variety of techniques for shoreline stabilization that benefit both property owners and fish and wildlife species.

5.19 Transportation Facilities Regulations

WDFW recommends the Chelan County SMP cite WDFW's guidance manual for road crossings in this section as development guidelines for road crossings entitled 'Water Crossing Design Guidelines' (2013) available at <http://wdfw.wa.gov/publications/01501/> in this section for development guidance for road crossings.

Chelan County's waterways and shorelands support numerous aquatic and upland wildlife species, including threatened, endangered, sensitive, candidate, and other priority species. Riparian areas and their adjacent upland habitats function both as buffers to aquatic habitats (providing functions such as water quality protection, shading/temperature regulation, sediment sources and sequestration, and large wood recruitment) and as habitats in their own right, used by multiple species as travel corridors, breeding and nesting areas, daytime refuges, winter cover, and foraging areas.

Chelan County's shorelines enrich the citizens of Chelan County and Washington State in numerous ways—such as providing fishing and hunting opportunities, controlling flooding, and filtering pollutants for downstream communities. Providing adequate space for fish and wildlife along Chelan County shorelines also provides a visually pleasing landscape, which is good for tourism and the local economy. Your shoreline also provide irreplaceable habitat for fish and wildlife—a public resource—which is why WDFW takes a keen interest in your SMP Update.

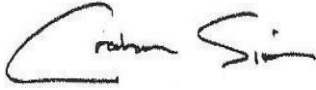
We acknowledge the large step forward the draft SMP represents towards providing for the needs of fish and wildlife and thank you for your hard work. We look forward to continuing to work with you to create a final SMP that meets the needs of fish and wildlife—along with the citizens of Chelan County—and complies with the Shoreline Management Act.

If you have any other questions, please call me at 509-670-0742

Sincerely,

October 26, 2017

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A handwritten signature in black ink, appearing to read "Graham Simon". The signature is stylized and cursive.

Graham Simon
WDFW Regional Habitat Biologist

cc: Keith Folkerts – WDFW Land Use Policy Lead
Carmen Andonaegui – WDFW Region 2 Habitat Program Manager
Lennard Jordan – ECY Shoreline Planner

Knutson, K.L. and V.L. Neaf., 1997. Management Recommendations for Washington's Priority Habitats – *Riparian*. Washington Department of Fish and Wildlife, Olympia, Washington.