



North Central Washington
AUDUBON SOCIETY

North Central Washington Audubon Society
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February 7, 2022

Chelan County Community Development
316 Washington Street, Suite 301
Wenatchee WA 98801

Re: Proposal to modify the Chelan County Shoreline Master Program

Dear Chelan County Officials,

North Central Washington Audubon Society (NCWAS) is initiating a proposal to modify the Chelan County Shoreline Master Program. Per Section 7.16.2 of the Chelan County Shoreline Master Program, any person may initiate a proposal to change the Shoreline Master Program.

NCWAS is the local chapter of the National Audubon Society covering Chelan, Douglas, Okanogan, and Ferry counties. NCWAS seeks to protect and enhance the environment, native fish and wildlife populations, and habitat connectivity in the counties our Chapter covers. Protecting shorelines of lakes, rivers, and creeks is, therefore, of major concern to us. These water bodies are critical components of a healthy landscape and provide critical habitat and environmental function benefits for numerous bird, mammal, and aquatic species in Chelan County.

NCWAS was active during the 2019 Shoreline Master Program (SMP) Amendment process, and the 2021 minor amendment process. During both processes we submitted written comments to both Chelan County and the Washington Department of Ecology (Ecology). These written comments are included as attachments to this proposal. We raised several concerns regarding the 2019 proposed changes to shoreline buffer widths and certain shoreline designations.

NCWAS requests that Chelan County apply discretion and judgement in revisiting and reviewing the following elements of the SMP:

1. Shoreline buffer widths.
2. Shoreline designations at Lake Wenatchee and Fish Lake.

We further propose that Chelan County budget the funding necessary to complete a review of the above items. Per, Section 7.16.2 of the Chelan County Shoreline Master Program, the Board of County Commissioners may approve a change to the SMP if it makes an express finding that the changes will make the SMP conform more closely to the State Shorelines Management Program, make the program more equitable due to changes in conditions, and result in no net loss of ecological functions. In the following sections we summarize the need to revisit the above topics, and how the proposed changes will meet the above criteria.

Shoreline Buffer Widths

The vegetated buffers provided by riparian habitat adjacent to water play a critical role in ecological processes that provide shoreline functions. These functions are wide ranging and benefit both wildlife and humans. As Ecology's *Shoreline Master Program Handbook* puts it "Buffers and setbacks with vegetation conservation support a main tenet of the Shoreline Management Act (SMA) -- protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life."

Contrary to the above, Chelan County significantly reduced shoreline buffer widths in the 2019 SMP Amendment. The "natural environment" designation went from 200/250 feet (high/low intensity) to 150 feet; "conservancy environment" went from 200/250 feet to 100 feet; "rural" went from 100/150 to 100 feet), and "urban" went from 75/100 feet to 50 feet.

NCWAS requests Chelan County revisit the requirements of RCW 90.58.100(1) and WAC 173-26-201(2)(a), which discuss the use and inclusion of scientific and technical information, with regards to the buffer width reductions included in the 2019 SMP Amendment. The Chelan County Commissioners adopted the 2019 SMP Amendment via Resolution 2017-120. The resolution, under Finding of Fact #28(c), states the *Berks and Associates Memo* dated November 8, 2017, cites "various scientific information" supporting the reduction of environmental designations and buffer widths. In the Berks report there is a summary of existing SMP guidance and a comparison of other Eastern Washington Counties' buffer widths, but we find no scientific information supporting the reduction of buffer widths. Two guidance documents cited and summarized in the Berks report that would be considered scientific or technical information per RCW 90.58.100(1) and WAC 173-26-201(2)(a) are *Management Recommendations for Washington's Priority Habitats* by Washington State Department of Fish and Wildlife (WDFW), and Ecology's *Shoreline Master Program Handbook* (SMP Handbook). The following is excerpted from the Berks report: "WDFW prepared management recommendations for Riparian areas in 1997. Buffer widths for Shorelines of the State are about 250 feet [(76 meters)]." The 2011 SMP Handbook guidance states that "Natural" "Conservancy" and "Rural Residential" buffer widths should all be 150-200 feet. The Chelan County 2019 SMP Amendment buffer widths do not meet the above guidance, which is based on scientific and technical information, and is cited in the *Berks and Associates Memo*.

NCWAS requests Chelan County consider adopting buffer widths equal to Riparian Management Zones (RMZs) as described by the Washington Department of Fish and Wildlife in *Riparian Ecosystems, Vol. 2: Management Recommendations* (2020). The document defines the RMZ in forested areas as the average maximum height of the tallest dominant trees, 200 years old or more, for a given site. This is the width "needed to provide full riparian ecosystem function." Providing shoreline protections that are necessary for full riparian ecosystem function including the benefits of those functions, will ensure a more equitable enjoyment of the aquatic and riparian resources of Chelan County.

Shoreline Designations at Lake Wenatchee and Fish Lake

NCWAS requests Chelan County revisit shoreline designations for shorelines surrounding Lake Wenatchee and Fish Lake that were changed as part of the 2019 Amendment. Many parts of these lakes are now designated as "Rural", and a significant portion of Lake Wenatchee's shoreline is designated as "Urban".

Lake Wenatchee is designated as a Shoreline of Statewide Significance by RCW 90.58.030(2)(f)(iv). RCW 90.58.020 states the following regarding use preference for Shorelines of Statewide Significance:

“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.”

Fish Lake and Lake Wenatchee contain priority habitats and several priority species as defined by WDFW. The bog at the west end of Fish Lake is designated a “Wetland of High Conservation Value” by the Washington Natural Heritage Program, and a “Resource Natural Area” by the U.S. Forest Service due to its unique ecosystem qualities and functions. Large portions of the shoreline of both lakes are publicly owned and managed for recreation and conservation uses.

The designation of large portions of Lake Wenatchee’s shoreline as “Urban” and “Rural”, which significantly reduces buffer protections and will encourage increased development, does not meet the legislature’s intent for Shorelines of Statewide Significance stated in RCW 90.58.020, and is not consistent with the documented conservation and societal value of the lakes or the way public portions of the lakes are currently managed. We request Chelan County revisit and revise shoreline designations to meet the intent of RCW 90.58.020. Shoreline designations that meet the above intents will ensure a more equitable enjoyment of the aquatic and riparian benefits and resources of Chelan County.

No Net Loss

NCWAS requests Chelan County revisit shoreline buffer widths and shoreline designations around Lake Wenatchee and Fish Lake in the context of WAC 173-26-186(b) which states: “Local master programs shall include policies and regulations designed to achieve no net loss of [shoreline] ecological functions.”

The Chelan County Commissioners adopted the 2019 SMP Amendment via Resolution 2017-120. The following is stated in the resolution under Conclusion #3, “the Cumulative Impacts Analysis found that the draft Shoreline Management Program will result in no net loss of ecological functions to the shorelines of Chelan County.” However, the Cumulative Impacts Analysis (CIA), dated July 2011, does not reflect the final SMP Amendment adopted in 2019. Buffer widths analyzed in the CIA are as follows: Natural/Conservancy Environments 250 feet (high intensity) / 200 (low intensity), Rural Environment 150 feet / 100 feet, and Urban Environment 100 feet / 75 feet. These buffers are substantially more protective than the buffers eventually adopted. Shoreline designations have changed between the CIA and the 2019 Amendment as well. The CIA does not identify any portion of the Lake Wenatchee shoreline as “urban”, but as discussed above, significant portions of the lake’s shoreline are classified as “urban” in the 2019 Amendment. The above inconsistencies nullify any conclusion in the CIA that the SMP results in no net loss of ecological functions.

NCWAS requests Chelan County review and revise the SMP to ensure it meets the requirements of WAC 173-26-201(1)(c)(iv): “Master program guidelines analytical requirements and substantive standards have been satisfied, where they reasonably apply to the amendment. All

master program amendments must demonstrate that the amendment will not result in a net loss of shoreline ecological functions.”

Conclusions

NCWAS requests and encourages Chelan County to take the following actions in order to meet the intent of RCW 90.58 and WAC 173-26:

1. Amend the SMP to include shoreline buffer widths identified in the *Cumulative Impacts Analysis*, to ensure no net loss of shoreline ecological functions is achieved and remedy inconsistencies resulting from the adoption Resolution 2017-120.
2. Amend the SMP shoreline designations surrounding Lake Wenatchee to meet the intent of RCW 90.58.020 and to be consistent with documented conservation value of the lake and the manner in which public portions of the lake are managed.
3. Amend the SMP shoreline designations of Fish Lake to be consistent with documented conservation value of the lake and the manner in which public portions of the lake are managed.
4. As part of the SMP review process, prepare and make available for public review a report documenting the county’s current status with regards to meeting the basic goal of no net loss of ecological functions relative to the baseline condition established in the *Shoreline Inventory and Analysis Report*.

Sincerely,



Arthur Campbell
President, North Central Washington Audubon Society

ATTACHMENTS:

1. NCWAS 2017 comments to Chelan County
2. NCWAS 2018 comments to Ecology
3. NCWAS 2021 Comments to Chelan County
4. NCWAS 2021 Comments to Ecology
5. Resolution 2017-120
6. Berks and Associates Memo
7. Cumulative Impacts Analysis