



North Central Washington Audubon Society
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May 26, 2021

Jim Brown, Planning Director
Chelan County Department of Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801

Re: File No. ZTA 21-069: Shoreline Master Program Periodic Review Limited Text Amendment

Dear Mr. Brown,

North Central Washington Audubon Society (NCWAS) is a local chapter of the National Audubon Society with approximately 500 members in Chelan, Douglas, Okanogan, and Ferry counties. Our mission is to: Enhance, protect and restore healthy natural ecosystems and native biodiversity using science, advocacy, education and on the ground conservation to promote the welfare of birds in North Central Washington.

We recognize the desire of landowners to develop their property. We also recognize that a healthy natural environment is necessary for sustainable economic growth. Strict compliance with state laws protecting our environment is fully compatible with the protection of the rights of private property owners.

The County's currently adopted Shoreline Master Program (SMP) in several respects is inconsistent with the state Shoreline Management Act, and these inconsistencies are not addressed in the proposed Shoreline Master Program Periodic Review Limited Text Amendment. Through this letter, we are requesting that the Chelan County Board of Commissioners (Board) modify the findings of fact and conclusions that the County's Planning Commission included in its recommendation to approve the Limited Text Amendment. Specifically, we request that the Board, if it adopts the Limited Text Amendment, include a statement in its submittal of the amendment to the Washington State Department of Ecology (DOE) that Chelan County has become aware of discrepancies between its SMP and State law, and has concluded it must revisit the issue of shoreline designations and shoreline buffers for further study for its year-end modifications to the SMP, or for modification in 2022.

The discrepancies that exist between the County's SMP and state law relate both to shoreline designations and their associated buffers as they are applied throughout the

County. This letter focuses on Fish Lake, Lake Wenatchee, and the upper Wenatchee River as particularly clear examples of these discrepancies.

The shoreline designations – “Urban” for large portions of the Lake Wenatchee shoreline and “Rural” for portions of the shorelines of both Fish Lake and Lake Wenatchee – and the associated inadequate buffers would result in an intensity of development inconsistent with preservation of the ecological and cultural function of both lakes. The designations and associated buffers along the upper Wenatchee River do not implement the conclusions of the Wenatchee River Channel Migration Zone Study and therefore would not preserve the ecological functioning of that river system.

As an example of the important habitat that would be adversely affected by the current SMP’s inadequate designations and buffers, Fish Lake contains one of the most outstanding examples of a sphagnum bog in eastern Washington, and contains plant communities that are very rare. In addition to the sphagnum mat, an alkaline fen also occurs at the lake. The juxtaposition of a sphagnum-dominated habitat and the alkaline fen is unusual. In recognition of this important habitat, the US Forest Service, in 1996, established the Fish Lake Bog Natural Research Area to “provide long-term protection and recognition of the palustrine wetland/sphagnum bog ecosystem and associated upland forest communities”. The comments submitted by Joe Rocchio, Program Manager at the Washington State Department of Natural Resources Natural Heritage Program, provide additional detail regarding Fish Lake’s important habitat. In addition, Fish Lake is the only eastern Washington location of the native cranberry, an important indigenous food crop.

Specific discrepancies between the County’s SMP and State law are these:

- The reduced buffers incorporated into the County’s current SMP are inconsistent with the requirements of RCW 90.58.100(1) and WAC 173-26- 201(2)(a) to “base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available”.
- The designation of large portions of Lake Wenatchee’s shoreline as “Urban”, which resulted in reduced and inadequate buffer protections, clearly violates the legislature’s intent for Shorelines of Statewide Significance stated in RCW 90.58.020.
- The designations of portions of the shorelines of both Fish Lake and Lake Wenatchee as “Rural” are inconsistent with the observable conservation value of the lakes and the manner in which public portions of the lakes have been managed.
- The adopted buffer widths associated with the various shoreline designations in the SMP do not meet the requirement of WAC 173-26-186(b) that, “Local master programs shall include policies and regulations designed to achieve no net loss of [shoreline] ecological functions.”

The state's classification of Lake Wenatchee as a Shoreline of Statewide Significance confers additional protection to that waterbody. The Shoreline Management Act states that the following are the priorities, in order, that a shoreline master program must use in its provisions related to any shoreline of statewide significance:

- “(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.”

The designations and associated buffers applied to Lake Wenatchee in the current SMP clearly do not reflect these mandated priorities.

The requirement within the Shoreline Management Act and its implementing rules to “base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available” is critical to any shoreline master program achieving the required “no net loss” of ecological functions. The process leading up to adoption of the County's current SMP did not adequately incorporate the best current scientific and technical information available. Specifically, the following sources were not evaluated nor were their conclusions incorporated into the County's analysis leading to development of the current SMP:

- Identification of Freshwater Sites for Aquatic Reserves Lakes and Rivers of Washington State, updated March 2017, WA DNR.
- Washington DNR Natural Heritage Program, Rare Plant Botanist, Dr. Walter Fertig, and Program Manager, Joe Rocchio
- US Forest Service Establishment record for Fish Lake Bog Natural Research Area
- Confederated Tribes of the Colville Reservation, Cultural Plant Team Supervisor, Roderick Donald
- Fish Lake Water Quality Assessment and Algae Control Plan (July 2018) Funded by WA DOE by Barry C. Moore, and Adrienne Roumasset, The School of Environment Washington State University and Chelan County Natural Resources Department
- The BERKS Consulting Report, Chelan County Shoreline Master Program Update:

- Buffer and Vegetation Conservation Proposal Review by Lisa Grueters (Nov. 8, 2017), commissioned by Chelan County
- Washington Department of Fish and Wildlife letter, Oct. 26, 2017 to Chelan County: Public Comment ... Update to the Shoreline Master Program
 - Washington Department of Fish and Wildlife letter, June 1, 2016 to Chelan County: Public Comment ... Update to the Shoreline Master Program
 - MEMO to Chelan County Board of County Commissioners From: Community Development Date: Aug. 8, 2017, Re: Draft Shoreline Master Program Designation Map

The discrepancies and inadequacies described above were noted and described in further detail in our chapter's comments to the County Planning Commission and staff dated April 12, 2021, and in statements provided to the record by these Chelan County residents: Aaron Rosenblum, ecologist with a local non-profit; Jane Zanol, naturalist and educator; Susan Ballinger, 30-year resident biologist and natural resource educator; and Mary and Tim Gallagher, conservationists and naturalists.

Clearly, the comments from NCWAS and these citizens require the County to reevaluate its SMP with respect to State law.

The current SMP adopted in 2019 was a substantial achievement, but after any such major plan is enacted, inconsistencies are typically identified. This letter has described some critical inconsistencies between the County's current SMP and state law. We request the Board direct the County Planning Commission and County staff to undertake a study of those inconsistencies, and also request the Board to inform the DOE that the County is returning to the study stage on the issues identified in this letter. Respectfully submitted this 26th day of May, 2021,



Arthur Campbell
President, North Central Washington Audubon Society