

# North Central Washington Audubon Society Response to Community Development’s Request for additional information regarding ZTA 22-064

NCW Audubon received your letter informing us of our need to provide additional information that will complete our petition. Below, we address the 5 items you listed.

***a. The application materials request a change in shoreline buffers and shoreline designations, but no specific buffer widths or designations are included. Please provide greater detail about the nature/extent of the changes and documentation supporting the proposed changes to the Shoreline Master Program.***

To answer this question, we cite components of our petition, then provide more information supporting it where we think doing so is helpful.

## **Buffer Widths**

Regarding buffer designation widths, our petition states:

Chelan County’s 2019 SMP Amendment significantly reduced shoreline buffer widths for shoreline throughout the county. 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.

We suggest the county again amend the SMP, this time 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.

Specifically, we cite the **Cumulative Impacts Analysis**, page 143, as follows:

### **7.1 Unincorporated Chelan County**

The proposed SMP designates shoreline buffers for unincorporated Chelan County as the larger of the standard riparian buffer (see Table 29 below) and the common line setback. The common line setback is measured by averaging the setbacks of structures existing on adjacent waterfront lots. The County’s approach of using the larger of the riparian buffer and the common line setbacks ensures that new development will protect existing ecological functions and will not progressively encroach on the shoreline in existing developed areas. The County’s vegetated buffer requirements also help minimize the effects of development outside of shoreline jurisdiction on shoreline ecological functions.

**Table 29.** Environment-specific riparian buffer widths for unincorporated Chelan County.

<b>Location</b>	<b>High Intensity (feet)</b>	<b>Low Intensity (feet)</b>
Natural/Conservancy Environments	250	200
Rural Environment	150	100
Urban Environment	100	75
Lower Lake Chelan Basin (all environments) <sup>1</sup>	50	25

For the same reasons detailed in 7.1 above, NCWAS suggests adoption of the wider buffer widths for each shoreline riparian buffer. Therefore, we request the county adopt buffer widths as follows:

<b>Location</b>	<b>High Intensity (feet)</b>	<b>Low Intensity (feet)</b>
Natural/Conservancy Environments	<b>250</b>	<b>250</b>
Rural Environment	<b>150</b>	<b>150</b>
Urban Environment	<b>100</b>	<b>100</b>

### **Shoreline Designations at Lake Wenatchee and Fish Lake**

Regarding the shoreline designations at Lake Wenatchee and Fish Lake, we reiterate the following relevant portions of our petition and provide additional information:

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. Important plant species found in the Fish Lake bog include the state sensitive water hemlock (*Cicuta bulbifera*), and it is the only site east of the Cascades where the bog cranberry (*Vaccinium oxycoccos*) grows. The site’s unique qualities have been recognized by indigenous people as an important place to gather various foods. Randy Lewis, a Colville Tribe member, has said “the Wenatchi-P’squosa used to go to Fish Lake to collect pond lily roots and wild cranberries.” Quote copied from The Confluence, Publication of Wenatchee Valley Museum and Cultural Center Vol. 37 Number 1, Spring 2021 Page 10.

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 “Research Natural Area” by the U.S. Forest Service due to its unique ecosystem qualities and functions.

Wetlands of High Conservation Value are so designated under the Washington Wetland Rating System when they “intersect a rare species or a rare/high quality wetland or riparian community found in Washington Natural Heritage database.”

Research Natural Areas are areas that the Forest Service has designated to be permanently protected and maintained in natural condition. These protected natural areas include unique ecosystems or ecological features; rare or sensitive species of plants and animals and their habitat; and/or high-quality examples of widespread ecosystems.

The floating sphagnum bog at Fish Lake is one of the most outstanding examples of this ecosystem type in Eastern WA. In addition to this sphagnum mat, there is a small area of alkaline fen in the northwest corner. The juxtaposition of a sphagnum dominated site and the alkaline fen is uncommon. These unusual plant communities were researched by the USFS, and a 1994 study was published, that was used to establish Fish Lake Bog Research Natural Area.

The designation of large portions of Lake Wenatchee’s shoreline as Urban and Rural, which significantly reduces buffer protections and encourages 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 values of the lakes or the way public portions of the lakes are currently managed.

The Lake Wenatchee shoreline designation as Urban does not support Lake Wenatchee’s state designation as a Shoreline of Statewide Significance. Nor does the Fish Lake designation as Urban reflect the state recognized ecological importance of the bog habitat. The Urban designation does not align with RCW 173-26-201. It mandates that government entities “Establish use regulations designed to assure no net loss of ecological functions associated with the shoreline.” We contend that the buffer designation changes applied to these lakes in 2019 fail to address the no net loss requirement.

Given that Lake Wenatchee is a designated Shoreline of Statewide Significance and the Fish Lake Bog a Resource Natural Area and Wetland of High Conservation Value, the changed shoreline buffer designations and accompanying buffer width reductions made in 2019 represent a truly egregious reduction in the protections their classifications call for.

Based upon our petition’s text as cited above and the additional information we’ve provided, NCWAS requests Chelan County revisit and revise the current shoreline designations for both lakes in order to fully comply with the intent of RCW 90.58.020. To afford these lakes the protections their conservation designations warrant, we request the shoreline buffer designations for them be returned to the more protective ones that existed prior to the changes adopted in 2019.

***b. Please submit a completed SEPA Checklist.***

Our completed SEPA Checklist is attached.

***c. Explain how the proposed change is consistent with the goals of the Washington State Growth Management Act.***

The goals of the Washington State Growth Management Act are contained in RCW 36.70A.020, Planning, which states:

(9): Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10): Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

In contrast to existing shoreline buffer widths throughout the County and shoreline designations at Lake Wenatchee and Fish Lake, which are inconsistent with the GMA's goals to "conserve fish and wildlife habitat" and to "[p]rotect the environment and enhance the state's high quality of life", the proposed increase in buffer widths and changes in shoreline designations would be consistent with those goals.

In addition, RCW 36.70A.480, Shorelines of the State, states in part:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the fourteen goals.

As described in our petition and response **a.** above, the existing Countywide shoreline buffer widths and shoreline designations at Lake Wenatchee and Fish Lake are inconsistent with goals and policies of the Shoreline Management Act, whereas our proposed changes to buffer widths and shoreline designations would be consistent with and further the goals and policies of the Shoreline Management Act.

RCW 36.70A.172, Critical areas—Designation and protection—Best available science to be used, states:

(1) In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

As our petition and response **a.** above demonstrate, the existing Countywide buffer widths and shoreline designations at Lake Wenatchee and Fish Lake are not based on the best available science, which was developed in studies commissioned by the County and available when the existing buffer widths and shoreline designations were adopted in 2019. By contrast, our proposed changes in buffer widths and shoreline designations are supported by best available science.

***d. Statement of how the amendment complies with the Chelan County Comprehensive Plan's Goals and Policies.***

The Introduction to Chapter 4 Resource Element of the 2017-2037 Chelan County Comprehensive Land Use Plan states in part:

The goals and policies contained in the Resource Element form the basis of the land use strategy to support long-term resources:

- Providing for a supply and distribution of land use types to accommodate the population and employment growth projected for the planning area;

- Reducing development pressures and patterns of sprawl within rural areas;
- Conserving agricultural, forest and mineral resource lands of long-term commercial significance; and
- Preserving and protecting critical areas and areas of rural character.

The proposed changes in buffer widths and shoreline designations are necessary to preserve and protect critical areas and would also help preserve rural areas and reduce development pressure within rural areas.

The Introduction to Chapter 10, Shoreline Element of the 2017-2037 Chelan County Comprehensive Land Use Plan, states in part:

The Growth Management Act considers the goals and policies of a Shoreline Master Program (SMP) developed under the Shoreline Management Act to be an element of the Comprehensive Plan...

As described in our petition and response **a.** above, the proposed changes in buffer widths and shoreline designations would be consistent with the County’s shoreline goals and policies, specifically Goal CONS1, which states:

**Goal CONS-1.** Protect shoreline resources by:

- Preserving unique and fragile environments, and scenic elements such as views of natural features that support area tourism; and
- Conserving non-renewable natural resources; and
- Managing renewable resources such as timber, water, and wildlife.

**Objective CONS-1.1.** Provide for no net loss of shoreline ecological function.

The existing Countywide shoreline buffer widths and shoreline designations at Lake Wenatchee and Fish Lake are not based on best available science and do not provide for no net loss of shoreline ecological function. The Berk’s report that the County stated provided support for the adopted buffer widths and shoreline designations did not, in fact, provide that support. The proposed buffer widths and shoreline designations, in contrast, are based on best available science and would better provide for no net loss of shoreline ecological function.

***e. Explain how the proposed change would serve the interest of the applicant as well as the public as a whole, including the health, safety and welfare.***

North Central Washington Audubon Society supports and works to protect the health and natural functioning of aquatic systems in counties within our chapter’s boundaries. Chelan County is one of them. The actions our petition calls for will best protect Chelan County’s shorelines, water quality, fish and wildlife, and water based recreational activities. Protection of these values will benefit all.