

**GRAYS HARBOR
GRANT NO. G1400448**

NO NET LOSS REPORT

County of Grays Harbor Shoreline Master Program

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NO NET LOSS REPORT

FOR COUNTY OF GRAYS HARBOR'S SHORELINE MASTER PROGRAM

1 INTRODUCTION

The Shoreline Management Act guidelines (Guidelines) require local shoreline master programs (SMPs) to regulate new development to “achieve no net loss of ecological function.” This No Net Loss (NNL) Report provides a summary of how the development of the SMP (as drafted January 2017) and supporting documents, including the Shoreline Analysis Report (SAR), Shoreline Restoration Plan (SRP), and Cumulative Impacts Analysis (CIA) will ensure that ecological functions will not be degraded over time as the SMP is implemented.

2 SHORELINE JURISDICTION

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated “shorelands.” At a minimum, the waterbodies designated as shorelines of the state are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater, lakes whose area is greater than 20 acres, and all marine waters. Shorelands are defined as “those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter. Any City or County may determine that portion of a one-hundred-year floodplain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward 200 feet therefrom. Any City or County may also include in its master program land necessary for buffers for critical areas” (RCW 90.58.030).

All streams and rivers that have a mean annual flow of 1,000 cfs or greater are considered Shorelines of Statewide Significance. Within the County, the Chehalis River, Humptulips River, Quinault River, Satsop River (East Fork and mainstem), North River (southernmost portion within the County, downstream from the mouth of Lower Salmon Creek), Wynoochee River (downstream from the mouth of Carter Creek), and Queets River (a small portion in the northwestern corner of the County) meet the definition of a Shoreline of Statewide Significance. Additionally, lakes greater than 1,000 acres are considered Shorelines of Statewide Significance. Two lakes within

unincorporated Grays Harbor County meet this criterion: Lake Quinault and Wynoochee Lake.

3 SHORELINE ENVIRONMENT DESIGNATIONS

The assignment of shoreline designations is an important step in achieving no net loss of ecological function. It can help minimize impacts by concentrating development in lower functioning areas that are not likely to experience significant function degradation with incremental increases in new development or redevelopment.

The SAR evaluated existing conditions in the County's shorelines. The inventory of shoreline conditions and evaluation of ecological functions was completed. Assignment of environment designations was based on existing ecological function, existing land use, and anticipated future land use according to the County's Comprehensive Plan and zoning map.

The County's proposed SMP establishes seven environment designations, including High Intensity, Coastal Community, Shoreline Residential, Rural Development, Aquatic, Pacific Ocean, and Natural.

3.1 High Intensity (HI)

The High Intensity environment designation is intended to provide areas for water-oriented high-intensity industrial, transportation, and commercial uses.

3.2 Coastal Community (CC)

The purpose of the Coastal Community environment designation is to accommodate limited areas of more intense rural development and planned unit developments along the Pacific Coast and Lake Quinault.

3.3 Shoreline Residential (SR)

The Shoreline Residential environment designation is intended to accommodate areas of residential, water-oriented commercial, recreational, planned unit developments, and public access uses along shorelines at appropriate densities that protect shoreline ecological functions.

3.4 Rural Development (RD)

The Rural Development environment designation is intended to provide for the protection of designated resource lands of long-term commercial significance,

open space, and floodplain processes while allowing rural development and uses.

3.5 Aquatic (A)

The purpose of the Aquatic environment designation is to protect, restore, and manage freshwater and estuarine shorelines of the state. The Aquatic designation consists of all freshwater and estuarine shorelines of the state waterward of the ordinary high water mark east of the mouth of the Grays Harbor Estuary.

3.6 Pacific Ocean (PO)

The Pacific Ocean environment designation is intended to protect, restore, and manage aquatic resources within the Pacific Ocean.

3.7 Natural (N)

The Natural environment designation is proposed for areas that are relatively undisturbed, ecologically intact or minimally degraded, and/or retain value because of their scientific, educational or historic interest.

4 POLICIES AND REGULATIONS

The SAR evaluated existing conditions, with particular attention to ecological conditions, in the County’s shorelines. The overarching purpose of recording baseline conditions is to ensure that the adopted regulations achieve no net loss of shoreline ecological function. The SAR includes recommendations for translating findings into shoreline designations, SMP policies and regulations, and restoration strategies. Key recommendations for SMP policies and regulations related to no net loss goals are presented in Tables 4-1 through 4-3, with a brief description of how those recommendations are addressed in the proposed SMP.

Table 4-1. Implementation of key Shoreline Analysis Report general policy and regulation recommendations related to no net loss.

| SAR Recommendation | Implementation in SMP |
|--|--|
| <i>Critical Areas</i> | |
| Consider incorporation of the County’s critical areas regulations and include modifications where necessary. | Section 1.5 of the proposed SMP adopts Chapter 18.06 of the Grays Harbor County Code (GHCC), Critical Areas Protection Ordinance. Section 3.3.3(E) provides buffers for Type S Shorelines. |
| <i>Flood Hazard Reduction</i> | |

| SAR Recommendation | Implementation in SMP |
|---|--|
| Review and update provisions to provide maximum flexibility for developing and maintaining flood hazard reduction measures consistent with direction in WAC 173-26-221(3) to emphasize maintaining existing ecological functions. | Section 3.4.3 of the proposed SMP includes flood hazard reduction measures. |
| <i>Shoreline Vegetation Conservation</i> | |
| Promote retention of shoreline vegetation. | Section 3.3.2(B) encourages retention of shoreline vegetation. Section 3.3.3(F) requires retention of areas with native plant communities along shorelines and in critical areas. Section 3.3.3(I) allows for vegetation removal only under circumstances where it would cause no net loss of ecological function. |
| Ensure that vegetation provisions allow for appropriate modifications to accommodate preferred uses, particularly water-oriented uses and public access. | Section 3.3.3(I) allows for vegetation removal only under circumstances where it would cause no net loss of ecological function |
| Ensure that vegetation management standards, including those applicable to trees, are clear regarding thinning, trimming and pruning of vegetation to maintain views and minimize safety hazards. | Section 3.3.3(I) provides guidelines for thinning, trimming, and pruning for views. |
| <i>Water Quality, Stormwater, and Nonpoint Pollution</i> | |
| Consider applicability of specific regulations to address water quality, stormwater, and/or nonpoint pollution in addition to other County regulations addressing these issues. | Section 3.8 of the proposed SMP contains regulations specific to water quality, stormwater, and/or nonpoint pollution. |

Table 4-2. Implementation of key Shoreline Analysis Report shoreline modification recommendations related to no net loss.

| SAR Recommendation | Implementation in SMP |
|---------------------------------------|---------------------------------------|
| <i>Shoreline Stabilization</i> | |
| Ensure “replacement” and “repair” | Section 5.9.3(C) defines replacement. |

| SAR Recommendation | Implementation in SMP |
|---|--|
| definitions, standards, and thresholds are consistent with WAC 173-26-231(3)(a). | Section 7.2.3(B) provides a definition for “maintenance and repair.” |
| Give preference to those types of shoreline modifications that have a lesser impact on ecological functions, promoting “soft” over “hard” measures. | Section 5.9.2(A) encourages non-structural shoreline stabilization measures. |
| Consider requiring a conditional use permit for any new hard shoreline stabilization. | In Table 2 of the SMP, a conditional use permit is required for any structural shoreline stabilization in all designations. |
| <i>Piers and Docks</i> | |
| Design standards for commercial, industrial and recreational piers and docks should rely on mitigation sequencing. | Section 3.3.3(C) requires all shoreline modifications that cannot avoid impacts to apply mitigation sequencing. |
| Ensure repair activities are defined to include a replacement threshold. | Not specifically included in SMP. |
| <i>Fill and Excavation Activities</i> | |
| Allow fill activity that would restore ecological functions, such as improvements to shoreline habitats, material to anchor LWD placements and as needed shoreline restoration. | In Table 2 of the SMP, fill for ecological restoration projects is a permitted use in the Aquatic, Pacific Ocean, and Natural environments. |
| <i>Docks, Piers, Floats and Boat Launches</i> | |
| Consider prohibiting new breakwaters, jetties, groins, and weirs except where essential to restoration or maintenance of existing water-dependent uses or where they would reduce long-term ecological degradation. | Sections 5.7.3(A) and (C) of the proposed SMP permit construction of docks, piers, and floats only for serving water-dependent uses or providing access to water-dependent uses. |
| <i>Dredging and Dredge Material Disposal</i> | |
| Consider prohibiting dredging and fill except for purposes of shoreline restoration, flood hazard reduction and maintenance of existing legal moorage and navigation | Section 5.5.2 of the proposed SMP allows dredging for navigation channels and basins. Section 5.5.3(C) allows dredging for shoreline restoration. |
| Consider allowing upland disposal in shoreline jurisdiction as a water-dependent use under certain | Not specifically included in SMP. |

| SAR Recommendation | Implementation in SMP |
|--|--|
| circumstances. | |
| <i>Shoreline Habitat and Natural Systems Enhancement Projects</i> | |
| Consider incentives to encourage restoration projects. | Section 5.8.3 provides incentives through exemptions and not requiring permit fees for qualifying enhancement and restoration projects. Restoration projects are generally encouraged throughout the SMP, depending on the specific use. |
| Emphasize that fills, such as streambed or nearshore gravels or material to anchor logs, can be an important component of some restoration projects. | Not specifically included in SMP. |

Table 4-3. Implementation of key Shoreline Analysis Report shoreline use recommendations related to no net loss.

| SAR Recommendation | Implementation in SMP |
|---|--|
| <i>Commercial Development</i> | |
| Recognize commercial uses and provide for a clear priority for water-oriented uses. | Policy 4.5.2(A) states a preference for water-oriented commercial uses over nonwater-oriented uses. |
| Ensure water-dependent uses are not restricted by other regulatory setbacks/buffers. | Section 3.3.3(G) states that water-oriented primary uses and structures may be located within a shoreline buffer when consistent with mitigation sequencing requirements of the SMP. |
| Make provisions for the public access and ecological restoration requirements for non-water-dependent uses for those areas where water-dependent uses are not practical. Identify mitigation sites or consider provisions for mitigation banking. | Section 4.5.3 defines the limited conditions under which nonwater-oriented commercial uses may be permitted. |
| <i>Forest Practices</i> | |
| Consider whether forest practices should be allowed or prohibited in shoreline jurisdiction. Apply Class IV General | Sections 4.6.3(A) (B) of the proposed SMP require forest practices within shoreline jurisdiction be managed by the Forest |

| SAR Recommendation | Implementation in SMP |
|--|---|
| Forest Practices where shorelines are being converted to non-forestry uses. | Practices Act. |
| <i>Industry</i> | |
| Recognize industrial uses and provide for a clear priority for water-dependent, water-related, and water-oriented uses. | Policy 4.7.2(A) gives preference to water-oriented industrial developments over nonwater-oriented industrial developments. |
| Ensure water-dependent uses are not restricted by other regulatory setbacks/buffers. | Section 3.3.3(G) states that water-oriented primary uses and structures may be located within a shoreline buffer when consistent with mitigation sequencing requirements of the SMP. |
| Make provisions for the public access and ecological restoration requirements for non-water-dependent uses for those areas where water-dependent uses are not practical. | Section 4.7.3(C) defines the limited conditions under which nonwater-oriented industrial uses may be permitted, and that such uses must provide significant public benefit such as public access and ecological restoration. |
| <i>In-stream Structural Uses</i> | |
| Allow existing in-stream structural uses while ensuring continued protection and preservation of ecosystem functions. | Policy 4.8.2(D) of the proposed SMP encourages in-stream structures that allow for ecological restoration and improve fish and wildlife habitat. Section 4.8.3(B) requires that new or expanded in-stream structures provide adequate fish passage and avoid loss of habitat. |
| Consider distinguishing appropriate areas for in-stream structures based on environment designation or ecological conditions. | According to Table 1 of the proposed SMP, in-stream structures are allowed as a conditional use in each designation. |
| <i>Mining</i> | |
| Consider policies which emphasize relocating mining away from shorelines, floodplains and streams. | Policy 4.9.2(A) of the proposed SMP requires mining within shoreline jurisdiction to be located within areas that can be demonstrated as the least disruptive. |
| Clearly differentiate between upland and aquatic mining. | Table 1 assigns permit requirements for mining within each individual environment designation, including upland and aquatic designations. |

| SAR Recommendation | Implementation in SMP |
|--|--|
| <i>Recreational Development</i> | |
| Ensure that policies and regulations related to parks management provide clear preferences for shoreline restoration consistent with public access needs and uses. | Not specifically included in the SMP. |
| Coordinate with State, County and private park owners regarding applicable environment designations, existing and future land uses/developments, and restoration opportunities to ensure policies and regulations do not conflict with ongoing or future recreational developments and park management plans | Incorporated into the SMP development process. |
| Recreation access is a priority and the SMP should recognize that water-dependent recreation is a preferred use in shoreline jurisdiction. | Section 4.10.3(A) of the proposed SMP prioritizes water-oriented recreational opportunities along the shoreline. |
| <i>Residential Development</i> | |
| Incorporate clear dimensional criteria, including setbacks/buffers, lot coverage, height limits, etc. | Section 3.6.3 of the proposed SMP includes provisions requiring setbacks, height restrictions, minimum lot widths, and maximum lot coverage. Section 3.3.3 of the proposed SMP establishes shoreline buffers based on environment designation. |
| Require that new development, including lot subdivision, not require new shoreline stabilization. | Section 4.11.3(C) of the proposed SMP requires that new residential development shall not rely on structural shoreline stabilization improvements. |
| <i>Transportation and Parking</i> | |
| Allow maintenance and improvements to existing roads, parking areas or other transportation facilities. | Section 4.12 of the proposed SMP includes provisions that allow for roads, parking areas, and other transportation facilities. |
| For necessary new roads and parking areas, ensure that alternatives are considered that evaluate the feasibility of | Section 4.12.2(A) of the proposed SMP requires that new streets avoid shorelines whenever feasible. |

| SAR Recommendation | Implementation in SMP |
|--|--|
| locating outside of shoreline jurisdiction. | |
| <i>Utilities</i> | |
| Allow for maintenance and improvements to existing utility facilities. | Section 4.13 of the proposed SMP includes provisions that allow for utility facilities. |
| Ensure that location of new utilities considers location outside of shoreline jurisdiction | Section 4.13.3(A) requires that such facilities be located as far upland or outside of shoreline jurisdiction unless infeasible. |

5 RESTORATION OPPORTUNITIES

The Shoreline Restoration Plan (SRP) prepared as part of the SMP update will serve as a valuable resource for the County and its restoration partners to improve impaired ecological functions on the County’s shorelines. The SRP focuses on restoration opportunities primarily in publicly-owned open spaces and natural areas within the County.

The plan focuses on restoration projects that are reasonably likely to occur in the foreseeable future. It identifies restoration opportunities based on existing conditions of regional plans and programs, including the WRIA 21 Queets/Quinalt Salmon Habitat Recovery Strategy (WRIA 21 Lead Entity 2011), The Chehalis Basin Salmon Habitat Restoration and Preservation Strategy (Grays Harbor County Lead Entity 2011), Chehalis/Grays Harbor TMDL (Washington Department of Ecology 2004), The Pacific County (WRIA 24) Strategic Plan for Salmon Recovery, and the Washington Coast Sustainable Salmon Plan (Washington Coast Sustainable Salmon Partnership 2013).

The SRP provides an implementation framework by identifying existing and ongoing plans and programs as well as potential restoration partners at the federal, state, regional, and local levels. The framework builds on local, state, and federal agencies, non-governmental organizations, private companies, and private land owners, to identify local restoration strategies and opportunities.

6 CUMULATIVE IMPACTS

The Cumulative Impacts Analysis (CIA) evaluated the effects of foreseeable development under the proposed SMP and demonstrated that the goals, policies, and regulations in the proposed SMP, combined with local, state and federal regulations and recommendations in the SRP, will prevent degradation of

ecological functions relative to the existing conditions, as documented in the County's SAR.

The CIA determined that on its own, the proposed SMP is expected to maintain existing shoreline functions within Grays Harbor. Other local, state, and federal regulations, which supplement the SMP, will provide further mechanisms and assurances of maintaining shoreline ecological functions over time. Additionally, the SRP, and the voluntary actions described therein, will ensure that incremental losses that could occur despite the SMP provisions do not result in a net loss of functions. Therefore, the SMP, along with supporting documents and regulations, is expected to protect and improve shorelines within Grays Harbor while accommodating reasonably foreseeable future shoreline development, resulting in no net loss of shoreline ecological function.

Emphasis is placed on achieving no net loss of ecological function throughout the SMP, with all uses and modifications subject to general and/or specific standards addressing the preservation of water quality, water quantity, and habitat function in the shoreline. The following are some of the key features identified in the CIA that protect and enhance shoreline ecological functions to ensure that the no net loss standard is met:

- Shoreline environment designations were assigned to shorelines to minimize use conflicts and designate appropriate areas for specific uses and modifications. Environment designations considered existing and planned land uses as well as existing ecological conditions.
- General provisions designed to maintain shoreline ecological functions apply to all shoreline uses and modifications. These provisions provide the basis for achieving no net loss of shoreline ecological functions, and include mitigation sequencing requirements, critical areas protection, flood hazard regulations, and vegetation conservation standards.
- Shoreline uses and modifications were individually determined to be permitted, conditionally permitted, or prohibited according to each environment designation. The SMP includes provisions specific to each use or modification to ensure no net loss of ecological functions. More uses are allowed in areas with higher levels of existing disturbance, and uses incompatible with existing land use or ecological conditions are prohibited.

7 CONCLUSIONS REGARDING NO NET LOSS

The SMP update process has provided the opportunity to identify existing environmental conditions, anticipate future impacts to shoreline functions, and identify restoration opportunities within the County's shoreline jurisdiction. The SAR enabled the SMP update process to rely on current, comprehensive information about the shoreline environment. The CIA evaluated the effects of reasonably foreseeable development that may occur under the draft SMP. The SRP identified planned actions and other opportunities to improve impaired ecological function in the County's shorelines. These elements facilitated the development of regulations that directly and fully consider the protection of ecological functions in order to achieve no net loss.

Major elements of the SMP that ensure no net loss of ecological functions include: 1) environment designations, 2) general goals, policies and regulations, 3) shoreline use, modification and ocean use provisions, 4) Critical areas regulations and 5) the Shoreline Restoration Plan. Each of these elements were subject to an analysis of potential ecological impacts and developed with the goal of achieving no net loss of function and improving shoreline function where the opportunity exists.

Given the above, implementation of the proposed SMP is anticipated to achieve no net loss of shoreline ecological functions in Grays Harbor County.