ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED COMPREHENSIVE UPDATE AND PERIODIC REVIEW OF
THE ROCKFORD WÄVERLY LATAH COALITION SHORELINE MASTER PROGRAM

SMP Combined Comprehensive Update and Periodic Review Submittal accepted November 3, 2021
Rockford Ordinance No. 21-10, Waverly Ordinance 251, Latah Resolution 2021-1
Prepared by Department of Ecology on April 6, 2022

INTRODUCTION

These Findings and Conclusions (presented herein as Attachment A), provide the factual basis for the Department of Ecology’s (Ecology) decision on the Rockford Wäverly Latah Coalition (Coalition) Shoreline Master Program (SMP) comprehensive update and periodic review. This document is divided into three sections providing an Introduction; Findings of Fact regarding the submittal, amendment history, and local and state review; and Conclusions.

The Towns of Rockford, Wäverly, and Latah formed a coalition during the 2011-2013 SMP comprehensive update grant cycle to combine their update efforts to maximize grant efficiency and take advantage of their proximity and similar development patterns.

Brief Description of Proposed Amendment
The Coalition submitted to Ecology for review and approval, updated Shoreline Master Programs (SMPs) to comply with Shoreline Management Act (SMA) at RCW 90.58 and SMP Guidelines at Part III of WAC 173-26. The updated master programs contain locally tailored shoreline management policies, regulations, environment designation maps, and administrative provisions. Additional reports and supporting information and analyses noted below, are included in the submittal.

Need for Amendment
The proposed amendment is needed to comply with the statutory deadline for a comprehensive update of the local Shoreline Master Programs for each of the towns pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 and 27. The Towns joined as a coalition during the 2011-2013 Comprehensive update cycle. The Coalition’s SMP comprehensive update began in 2011 and was not completed with the update schedule identified in the SMA at RCW 90.58.080(2)(a)(iv). The Coalition jurisdictions finished their local adoption process in 2015, but the state review and approval process was never completed. Further, RCW 90.58.080(4)(b)(iii) requires the City to complete a periodic review of their SMP on or before June 30, 2021. Therefore, this updated SMP is intended to meet the comprehensive update requirement of the SMA at RCW 90.58.080(1) and (2), and the periodic review requirements of RCW 90.58.080(4).

This action combines the final review of both the past due comprehensive SMP update and the current periodic review. The comprehensive update is intended to ensure the SMP manages shorelines of the state consistent with the required elements of the SMP Guidelines adopted by Ecology (effective January 2004), as amended. The periodic review is intended to ensure that the Coalitions’ SMP is compliant with the SMA or implementing state rules that have been added or changed since the local adoption of the SMP, to ensure that the SMP remains consistent with
amended comprehensive plans and regulations, and to incorporate any revisions deemed necessary to reflect changes in local circumstances, new information, or improved data.

**SMP Provisions to be changed by the Amendment as Proposed**

The proposed SMP would entirely replace the existing SMP, include policies, regulations, shoreline environment designations and maps, and administrative provisions that manage appropriate shoreline uses, provide public access, and protection of shoreline ecological functions. Rock Creek and Hangman (Latah) Creek are the shorelines of the state subject to the proposed SMP. The Town of Rockford has approximately 1.25 miles of shoreline along Rock Creek, while Latah and Waverly have a combine shoreline of approximately 1.5 miles along Hangman (Latah) Creek.
FINDINGS OF FACT

Amendment History, Local Review Process
In the past, all three jurisdictions have implemented Spokane County’s 1975 SMP, however they never performed any shoreline permitting themselves. The three towns formed a coalition for the 2011-2013 comprehensive update grant cycle. The Coalition’s local process to update the SMP began in 2011 and was finalized in 2021 with Ecology’s acceptance of the SMP Amendment as complete. The Coalition’s SMP comprehensive update process began in 2011 and resulted in local adoption of the SMP in 2015. However, the SMP was never formally approved by Ecology, so the comprehensive update was never completed. The efforts from the 2011-2015 comprehensive update and this periodic review have been combined, with additional outreach captured during this most recent review.

The Coalition provided multiple opportunities to engage in the process to ensure all residents had a meaningful chance to participate. The Coalition published a legal notice in the Spokane Valley News Herald on April 10, 2015 during the 2015 comprehensive update and again on June 11, 2021 during the 2021 periodic review. No comments were received during the first comment period in 2015. A single commenter requested information about lists of native species for shoreline replanting during the most recent June 16, 2021 local process public hearing.

As part of the formal adoption process, each jurisdiction in the Coalition adopted the SMP in accordance with their respective legislative requirements. The towns separately adopted the Shoreline Master Program for submittal to Ecology for review and approval; Rockford passed their ordinance (No. 21-10) by town council in regular session on August 4, 2021, Waverly passed their ordinance (251) by the town council on June 10, 2021, and Latah passed their ordinance (2021-1) by town council on June 24, 2021.

Department of Ecology review process
The Town of Rockford submitted materials on August 5, 2021 followed by the submittal of additional information from the Towns of Waverly and Latah in October and November. The complete proposed Coalition SMP record was received by Ecology for state review and verified as complete on November 3, 2021. Notice of the state comment period was distributed to state and Coalition identified interested parties, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on November 24, 2021 and continued through December 27, 2021. Notice of the comment period, including a description of the proposed SMP and the authority under which the action is proposed, along with the manner in which interested persons may obtain copies and present their views, was provided on Ecology’s website:

Ecology distributed notice of the state comment period to interested parties November 18, 2021. A separate invitation to comment and consult Government to Government, as necessary, was provided
to the Coeur d’Alene Tribe, Spokane Tribe, and the Colville Tribe on November 18, 2021. No comments were submitted on the proposed Coalition SMP.

**Consistency Review**

The proposed comprehensive update and periodic review amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the SMP Guidelines at WAC 173-26. Below are some highlighted features of the submittal package:

*Shoreline Jurisdiction*

Rock Creek is the only shoreline in the Town of Rockford and Hangman (Latah) Creek is the only shoreline in the Towns of Latah and Waverly.

The extent of shoreline jurisdiction is defined in RCW 90.58.030(2). The Coalition has elected (SMP Section I) to use the minimum jurisdiction allowed by statute, providing that the shoreline includes floodways, land within 200 feet of the ordinary high-water mark (OHWM) of the waterways, floodplains up to 200 feet from the floodway edge, and associated wetlands. Shoreline jurisdiction are captured in each of the jurisdictions Shoreline Inventory & Characterization Summary Report. SMP Section 5.5.2(j) establishes that the Official Shoreline Maps are used in conjunction with the most current scientific and technical information available, field investigations, and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. The Coalition is not extending shoreline jurisdiction to include buffers necessary to protect critical areas if those buffers extend beyond the minimum extent of shoreline jurisdiction. These critical area buffers are currently and will continue to be covered by the local critical areas ordinances and not the SMP.

Ecology finds that the Coalition’s SMP defines shoreline jurisdiction consistent with the Act.

*Shoreline Environment Designations (WAC 173-26-211)*

Local governments are required to classify shoreline areas into shoreline environment designations (SED) based on the existing use pattern, biological and physical character of the shoreline, and the goals and aspirations of the community as expressed in the comprehensive plan. The Inventory and Characterization Report was used to determine the relative degree of impairment and biophysical capabilities and limitations for individual shoreline reaches. Based on this assessment, along with consideration of anticipated future development, zoning and other regulatory overlays, jurisdictions may apply the designation criteria provided in WAC 173-26-211 or develop their own tailored designation criteria. The proposed SMP introduces four environment designations for regulatory specificity:

1. Mixed Use
2. Shoreline Residential
3. Urban Conservancy
4. Aquatic

The proposed SMP’s environment designations include a purpose statement, designation criteria, and management policies for each environmental designation to facilitate a locally tailored management of the Coalition’s shorelines, and meet the current state SMP guidelines.
Shoreline Environment Designations are delineated on the Coalition’s *Official Shoreline Maps.*

Ecology finds that the Coalition’s SMP record sufficiently documents the basis for assigning shoreline environment designations. The Coalition’s shorelines are adequately identified and mapped in the SMP. Ecology finds that for each environment designation, the SMP includes a purpose statement, designation criteria, and management policies as required by WAC 173-26-211(4)(a).

**General Master Program Provisions (WAC 173-26-221)**

The SMP Guidelines in WAC 173-26-221 list general provisions that are intended to apply broadly to all of types of shoreline development regulated by master programs. The Coalition’s general provisions are located primarily in the Section 4 - General Regulations. This section includes subsections that address Archaeological and Historic Resources, Shoreline Vegetation Conservation, Public Access; Flood Hazard Reduction; Critical Areas, and Water Quality, Stormwater and Nonpoint Pollution.
Archaeological and Historic Resources are addressed SMP Section 4.1 and include the following requirements:

- Stop work immediately and make necessary notifications if archaeological resources are uncovered during excavation;
- Site inspection or evaluations for permits issues in areas documented to contain archaeological resources.

Shoreline Vegetation Conservation includes activities to protect and restore vegetation along freshwater shorelines that contribute to shoreline ecological functions. The Coalition SMP supports these goals and policies within SMP Section 4.5 - Shoreline Vegetation Conservation.

Public Access is encouraged and required, where appropriate, throughout the Coalition’s SMP. Public Access goals and policies are contained within Section 4.4 and public access regulations are located within Section 4.4.2.

Section 4.3 provides the Coalition’s flood hazard reduction regulations which implement the principles and standards of WAC 173-26-221(3).

The Coalition’s SMP contains Water Quality regulations within sections 4.7 - Water Quality, stormwater, and Nonpoint Pollution. Ecology finds that the requirement of WAC 173-26-221 to include provisions that prevent impacts to water quality and stormwater quantity have been addressed.

Critical areas goals and policies are included in SMP Section 3.12 – Critical Areas Element. The Coalition has elected to protect critical areas in shoreline jurisdiction with standalone provisions located within Appendix A. The Coalition’s wetland designation, rating, and buffer systems are consistent with the most current Ecology wetland guidance. See Table 7.3-2 – Standard Wetland Buffer Widths and Table 7.3-1 – Wetland Impact Intensity Categories, below, as an example of these provisions:

<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>Minimum Buffer Width (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Low Impact</td>
</tr>
<tr>
<td>I</td>
<td>125</td>
</tr>
<tr>
<td>II</td>
<td>100</td>
</tr>
<tr>
<td>III</td>
<td>75</td>
</tr>
<tr>
<td>IV</td>
<td>25</td>
</tr>
</tbody>
</table>

Ecology finds that the general policies and regulations found within the Coalition’s SMP are consistent with WAC 173-26-221.
Shoreline Modifications (WAC 173-26-231)
The SMP Guidelines in WAC 173-26-231 define “shoreline modifications” as: “…generally related to construction of physical elements such as a pier, floating structure, shoreline stabilization, dredged basin, or fill.” WAC 173-26-231(2)(b) states (as a general principle) that master programs should: “Reduce the adverse effects of shoreline modifications, and as much as possible, limit shoreline modifications in number and extent.” These shoreline modification principles and standards contained in WAC 173-26-231 are reinforced through associated requirements for mitigation sequencing (WAC 173-26-201(2)(e) and the no net loss of shoreline ecological function standard (WAC 173-26-186).

The Coalition’s SMP regulates shoreline modifications in Section 4.20 Introduction – Shoreline Modifications.

Ecology finds that the shoreline modification policies and regulations are consistent with WAC 173-26-231.

Shoreline Uses (WAC 173-26-241)
The SMP Guidelines in WAC 173-26-241 are intended to both recognize existing uses and ensure that future development will be appropriately managed consistent with the underlying policies of the SMA. Avoidance of use conflicts through coordinated planning and prioritization of “preferred” shoreline uses is a primary tenant of the SMA (RCW 90.58.020). Updates to local SMPs are intended
to support these goals through development of appropriate master program provisions, based on the type and scale of future shoreline development anticipated within a particular jurisdiction.

The proposed SMP provides detail and forethought to potential shoreline uses and modifications. In text and tables, the proposed SMP contains comprehensive policies and regulations for shoreline uses and modification, as well as whether they are permitted, conditional, or prohibited in specific environmental designations. The use and modification matrix included in the proposed SMP increases the ease of administering the SMP.

<table>
<thead>
<tr>
<th>KEY</th>
<th>Shoreline Environmental Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>E</td>
<td>Exempted Use (subject to requirements of the underlying zoning; shoreline permits are not required)</td>
</tr>
<tr>
<td>SD</td>
<td>Shoreline Substantial Development Permit Required</td>
</tr>
<tr>
<td>CU</td>
<td>Conditional Use Permit Required</td>
</tr>
<tr>
<td>X</td>
<td>Prohibited</td>
</tr>
<tr>
<td>N/A</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

### Table 4.1 - Shoreline Uses

<table>
<thead>
<tr>
<th>SHORELINE USES</th>
<th>Shoreline Environmental Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Residential</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td>Water-dependent commercial uses</td>
<td>X</td>
</tr>
<tr>
<td>Water-related commercial uses</td>
<td>X</td>
</tr>
<tr>
<td>Water-enjoyment commercial uses</td>
<td>X</td>
</tr>
<tr>
<td>Non-water oriented commercial uses</td>
<td>X</td>
</tr>
<tr>
<td>Industrial Development</td>
<td></td>
</tr>
<tr>
<td>Water-dependent industrial uses</td>
<td>X</td>
</tr>
<tr>
<td>Water-related industrial uses</td>
<td>X</td>
</tr>
<tr>
<td>Non-water oriented industrial uses</td>
<td>X</td>
</tr>
<tr>
<td>Residential Development</td>
<td></td>
</tr>
<tr>
<td>Single-family residences</td>
<td>E</td>
</tr>
<tr>
<td>Multifamily residences</td>
<td>SD</td>
</tr>
<tr>
<td>Recreational Development</td>
<td></td>
</tr>
<tr>
<td>Water-dependent recreation</td>
<td>SD</td>
</tr>
<tr>
<td>Water-related recreation</td>
<td>SD</td>
</tr>
<tr>
<td>Water-enjoyment recreation</td>
<td>SD</td>
</tr>
<tr>
<td>Non-water oriented recreation</td>
<td>SD</td>
</tr>
<tr>
<td>Agriculture (Now)</td>
<td></td>
</tr>
<tr>
<td>In-Stream Structures</td>
<td>CU</td>
</tr>
<tr>
<td>Transportation</td>
<td></td>
</tr>
<tr>
<td>New arterial streets and bridges</td>
<td>CU</td>
</tr>
<tr>
<td>New local access streets or street expansions</td>
<td>SD</td>
</tr>
</tbody>
</table>

The proposed SMP distinguishes between water-related and non-water oriented uses for commercial, industrial, and recreational uses and favors development and activities associated with the preferred uses outlined in the Shoreline Management Act.
Ecology finds that the Coalition has established a system of use regulations consistent with WAC 173-26-241 along with related environmental designation provisions that accommodate preferred and priority uses, protect property rights while implementing the policies of the SMA, reduce use conflicts, and assure no net loss of shoreline ecological functions.

Ecology finds that the Coalition has established a system of use regulations consistent with WAC 173-26-241 along with related environmental designation provisions that accommodate preferred and priority uses, protect property rights while implementing the policies of the SMA, reduce use conflicts, and assure no net loss of shoreline ecological functions.

**SMP Comprehensive Update Checklist**

The Coalition completed and submitted the SMP Checklist consistent with the requirements of WAC 173-26-210(3)(a) and (h). The checklist was prepared for the Towns of Rockford, Waverly, and Latah by the URS Corporation on June 30, 2013. This checklist was used by the Coalition to demonstrate that the proposed SMP satisfies the requirements of Chapter 173-26 WAC.

**Inventory and Characterization (WAC 173-26-201(3)(c) & (d)(i) & (d)(ii))**

Documentation of current shoreline condition is key for the SMP development process and meeting the requirement to address the no net loss standard of the SMP Guidelines (WAC 173-26-186).

During the scoping process conducted with the Coalition towns Ecology, it was decided that shoreline inventory efforts conducted for the Spokane County SMP update provide sufficient information to support each town’s individual SMP update. However, because the County’s shoreline inventory efforts covered such a large area, each town created a Shoreline Inventory & Characterization Summary Report during the 2015 comprehensive update process and revised them as part of the most recent 2021 effort. The following summary reports compiled relevant stream/shoreline data, refined the physical boundaries and created town specific jurisdiction maps, and incorporated additional detail and photos gathered from site visits:

- *Shoreline Inventory & Characterization Summary Report, Town of Waverly, Spokane County, Washington, Revised April 2021, Mighty Small Planning Services.*
- *Shoreline Inventory & Characterization Summary Report, Town of Latah, Spokane County, Washington, Revised April 2021, Mighty Small Planning Services*

The Coalition utilized these *Shoreline Inventory & Characterization Summary Reports* and the *Spokane County Proper Function Condition Stream Inventory and Assessment* (Spokane County 2005) to meet the Inventory and Characterization Reporting (ICR) requirements of WAC 173-26-201. The ICRs document existing shoreline conditions and were relied upon during the development of the Coalition’s SMP, including environment designations and vegetation management provisions.

The Coalition towns are located near the southeast corner of Spokane County, in eastern Washington, bordered on the east by Idaho, to the south by Whitman County, Lincoln County to the west and Pend Oreille County to the North.
The Town of Rockford is located just east of U.S. Highway 27 along U.S. Highway 278 and contains approximately 6,200 feet of shoreline jurisdiction along Rock Creek. This portion of the stream contains single family dwellings, vacant parcels, and agricultural uses. The SMP jurisdiction includes approximately 60 acres of lands along the creek. Vegetation in this section of the reach is dominated by a narrow band of palustrine scrub-shrub and occasional stands of willow on both banks. Reed canary grass is well established along both banks and extends to the grazing lands. The ICR identifies existing levees segments and generally classifies the portions of Rock Creek within the Town to be at low risk for development and in fair to good properly functioning ecological condition.

The Town of Waverly is located west of U.S. Highway 27 and contains approximate 4,500 feet of shoreline jurisdiction along Hangman (Latah) Creek near stream mile 39. The SMP jurisdiction includes approximately 18.4 acres of lands along the creek. Most of the land immediately adjacent to the creek through the center of town is publicly owned by the Town of Waverly. These publicly-owned lands are primarily vacant and include the active channel and surrounding floodplains. The topography rises 30-40 feet above the floodplain to residential areas at the outer limits of the shoreline jurisdiction. There are two parcels used for agriculture at the north end of town along the east side of the creek. The ICR generally classifies the portions of Hangman (Latah) Creek within the Town as low development risk and in poor to fair ecological condition with some functions at risk.

The Town of Latah is located along U.S. Highway 27 and contains approximate 3,354 feet of shoreline jurisdiction along Hangman (Latah) Creek. The town contains approximately 18.12 acres of land along Hangman Creek that falls within the SMP jurisdiction. Figure 2 illustrates the extents of the SMP jurisdiction and depicts the distribution of the tax parcels in this area. Land uses noted in the tax parcel database include agricultural, commercial, residential and vacant. The ICR generally classifies the portions of Hangman (Latah) Creek within the Town to be at low risk for development and in poor to fair ecological condition with some functions at risk.

Ecology finds that the Coalition adequately inventoried and analyzed the current conditions of the shorelines located within the shoreline jurisdiction of the Towns of Rockford, Waverly, and Latah. The
summary reports synthesize existing information and was used to inform the master program update as well as provide a basis for future protection and restoration opportunities in Coalitions shorelines. Ecology finds the report is consistent with the requirements of WAC 173-26-201(3)(c) and (d)(i).

**Cumulative Impact Analysis (WAC 173-26-201(3)(d)(iii))**
Addressing no net loss of ecological functions is a critical element in any SMP update. Ecology rules require that “Master programs shall contain policies and regulations that assure at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources.” A cumulative impacts analysis (CIA) documents how an SMP update addresses no net loss of ecological functions. The cumulative impacts analysis is to ensure that the SMP includes policies and regulations that will achieve no net loss of shoreline ecological functions as the proposed SMP is implemented. The analysis describes anticipated future development in shoreline jurisdiction and assesses the potential cumulative impacts these developments have on the environment under the proposed SMP.

In October 2015, URS and J-U-B Engineers, Inc. created a separate CIA for each town in the coalition. The cumulative analysis contained in these three documents will be referred to herein as the Coalition’s CIA. Each CIA refers to the existing conditions and shoreline functions from the ICR, estimates developments and uses that are reasonably expected over the next 20 years, identifies key SMP provisions that protect shoreline ecological functions, and include a no net loss statement within as Appendix A. The CIA identifies that the jurisdictions have experienced limited development in the last 20 years, then provides a summary analysis, which identifies foreseeable future development by shoreline environment designation. The CIA finds that development potential is limited and is primarily anticipated in the form of residential developments, including new, redevelopment, remodeling and expansion of existing structures. The CIA concludes, *Based upon the Cumulative Impacts Analysis and the Restoration Plan, it is anticipated that cumulative development and redevelopment actions taken over time, conducted in accordance with the Shoreline Master Program and associated regulations and requirements will result in either no net loss or a net improvement of shoreline function within the Town.*

Detailed and well-reasoned environment designations, mitigation sequencing, compensatory mitigation, and stormwater management requirements are fundamental to ensuring appropriate development can occur in shoreline jurisdiction, while maintaining extant ecological functions. Each of these planning and regulatory tools are present in the Coalition’s SMP, along with clear administrative provisions that will ensure proper implementation.

Ecology finds that the Coalition’s *Cumulative Impacts Analysis* provides an adequate examination of anticipated development and potential effects to shoreline ecological functions per WAC 173-26-201(3)(d)(iii).

**Restoration Plan (WAC 173-26-201(2)(c) and (f))**
Local governments are directed to identify restoration opportunities as part of the SMP update process and to include policies that promote restoration of impaired shoreline ecological functions [WAC 173-26-201 (2)(c) and (f)]. It is intended that local government, through the master program, along with other regulatory and non-regulatory programs, contribute to restoration by planning for
and fostering such actions. These are anticipated to occur through a combination of public and private programs and actions. The restoration planning component of the SMP is focused on voluntary mechanisms, not regulatory provisions.

The Coalition’s consultant, URS Corp., prepared a Shoreline Restoration Plan for each of the jurisdictions in June of 2013. These plans serve as additional resources to guide future shoreline enhancement and contribute to an overall improvement of shoreline functions Coalition-wide. The Restoration Plans describe how and where shoreline ecological functions can be restored or enhanced within the Coalition’s shoreline jurisdiction, based in part on information gathered in ICR and building on existing restoration planning efforts. Fourteen (14) restoration and protection opportunities are then prioritized and illustrated on maps.

<table>
<thead>
<tr>
<th>Site Score</th>
<th>Site ID</th>
<th>Impairment</th>
<th>Conceptual Restoration Approach</th>
<th>Acres</th>
<th>Public</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>W3*</td>
<td>Noxious weeds, no shade, low native plant diversity, floodplain disconnected, stormwater run off</td>
<td>Plant woody riparian species, grade to connect floodplain, and contain/detain stormwater run off along west bank</td>
<td>2.71</td>
<td>Yes</td>
</tr>
<tr>
<td>17</td>
<td>W2*</td>
<td>Noxious weeds, no shade, low native plant diversity, stormwater run off</td>
<td>Plant woody riparian species and contain/detain stormwater run off along west bank</td>
<td>2.45</td>
<td>Yes</td>
</tr>
<tr>
<td>15</td>
<td>W1</td>
<td>Noxious weeds, no shade, low native plant diversity, stormwater run off</td>
<td>Plant woody riparian species and contain/detain stormwater run off along west bank</td>
<td>0.68</td>
<td>Yes</td>
</tr>
</tbody>
</table>

* Opportunities W2 and W3 extend beyond the Waverly town limits, however, the proposed planting areas are within public tax parcels.

The Coalition’s SMP Goal 6: Policy SMP-6.30 Habitat and Natural Systems Enhancement Projects directs the Coalition to,

*Advocate and foster habitat and natural system enhancement projects which restore the natural character and function of the shoreline provided they are consistent with the Restoration Plan.*
SMP Section 4.27 promotes shoreline habitat and natural systems enhancement projects and links restoration actions to the Restoration Plan.

Ecology finds that the Restoration Plan is based on appropriate technical information available during the SMP update and meets the requirements of WAC 173-26-201(2)(c) and (f).

**Periodic Review (WAC 173-26-090)**

The Towns of Rockford, Waverly, and Latah are required, on or before June 30, 2021 and every eight years thereafter to review “and, if necessary, revise their master program” [RCW 90.58.080(4)(b)(i)]. The purpose of this review is to ensure the SMP complies with laws and guidelines that have been added or changed since the most recent update, and for consistency with the Town’s comprehensive plan and development regulations. The periodic review is also an opportunity to address changed circumstances, new information, or improved data.

The Coalition was delayed in completing its comprehensive update, such that the deadline to periodically review the SMP coincided the final stage of the Coalition’s comprehensive update. As such, the Coalition intends to address the periodic review requirement concurrently with its comprehensive update.

The record reflects that the Coalition addressed the statutory obligation to keep the SMP up-to-date with SMA and Rule updates. The Coalition completed Ecology’s provided SMP periodic review checklist documenting compliance with statute and rule changes dating back to 2007 meeting the requirements of WAC 173-26-090(3)(b)(i). To address the public notification requirements of WAC 173-26-090(3)(a), the Coalition provided notice to the public, interested parties and tribes during the 2021 adoption process. This notice included information that the periodic review is occurring concurrent with the comprehensive update and that final adoption will conclude the periodic review. Consistent with WAC 173-26-090(3)(c), each town in the coalition took legislative action to adopt an ordinances simultaneously finishing the local comprehensive update process and periodic review.

Ecology finds that, consistent with WAC 173-26-090, the Coalition is required to periodically review their SMP on or before June 30, 2021 and every eight years thereafter. Ecology finds that the Coalition completed this review and appropriately modified its SMP to address changes in requirements of the SMA and guidelines, as well as changes for consistency with comprehensive plans, local regulations, and as deemed necessary to reflect changed local circumstances, new information, or improved data.

**Consistency with Chapter 90.58 RCW**

The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The Coalition has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).
Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III)
The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of a SMP Submittal Checklist, which was completed by the Coalition.

Consistency with SEPA Requirements
The Coalition submitted evidence of SEPA compliance in the form of a SEPA checklist and threshold determination. The Coalition issued a Determination of Non-Significance (DNS) for the proposed SMP update on July 15, 2016 and again on May 25, 2021. Ecology did not comment on either DNS.

Other Studies or Analyses supporting the SMP update
Ecology reviewed the following supporting documents prepared by or for the Coalition in support of the proposed comprehensive SMP update and periodic review:

- Shoreline Inventory & Characterization Summary Report, Town of Rockford, May 2021
- Shoreline Inventory & Characterization Summary Report, Town of Waverly, April 2021
- Shoreline Inventory & Characterization Summary Report, Town of Latah, April 2021
- Cumulative Impacts Analysis, Town of Rockford, October 2015
- Cumulative Impacts Analysis, Town of Waverly, October 2015
- Cumulative Impacts Analysis, Town of Latah, October 2015
- Town of Rockford Shoreline Restoration Plan, June 2013
- Town of Waverly Shoreline Restoration Plan, June 2013
- Town of Latah Shoreline Restoration Plan, June 2013
- Coalition SMP Comprehensive Update Submittal Checklist, June 30, 2013
- Coalition SMP Periodic Review Checklist

CONCLUSIONS OF LAW
After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the Coalition’s proposed comprehensive SMP update and periodic review amendment are consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions).

Ecology concludes that the proposed SMP satisfies the criteria for approval of amendments found in WAC 173-26-201(1)(c). This includes a conclusion that approval of the proposed SMP will not foster uncoordinated and piecemeal development of the state’s shorelines (WAC 173-26-201(2)(c)(i)) and that it contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c)(iv) and WAC 173-26-186(8)).

As stipulated in RCW 90.58.610, RCW 36.70A.480 governs the relationship between shoreline master programs and development regulations to protect critical areas that are adopted under chapter 36.70A RCW. Consistent with RCW 36.70A.480(4), Ecology concludes that that the proposed SMP meets the intent of the provision for providing a level of protection to critical areas located within
shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

Ecology concludes that the Coalition has chosen not to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffer areas for critical areas located within shorelines of the state and their shorelands. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the associated buffer shall continue to be regulated by the Town’s critical areas ordinance.

Ecology concludes that the Coalition has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the Coalition has complied with the purpose, intent, and requirements of RCW 90.58.130 and WAC 173-26-090 and WAC 173-26-100 regarding public and agency involvement in the SMP update and amendment process, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the Coalition has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the Coalition’s SMP submittal to Ecology, for both the Comprehensive SMP update and the Periodic Review amendment, were complete pursuant to the requirements of WAC 173-26-090, WAC 173-26-100, WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklists.

Ecology concludes that we have complied with the state’s procedural requirements for review and approval of shoreline master program amendments as set forth in RCW 90.58.090, WAC 173-26-100, WAC 173-26-110 and WAC 173-26-120.

Ecology concludes the Coalition’s final legislative action serves to complete the comprehensive SMP update required by RCW 90.58.080(2).

Ecology concludes that the Coalition has reviewed applicable state laws and rules adopted since local adoption of the comprehensive SMP update. Ecology concludes the Coalition’s final legislative action also serves to meet the Coalition’s obligation to conduct a periodic review of the SMP in accordance with RCW 90.58.090(4) and applicable state guidelines (WAC 173-26-090).

**DECISION AND EFFECTIVE DATE**
Based on the preceding and after review of the complete record submitted, Ecology has determined that the Coalition’s proposed SMP is consistent with Shoreline Management Act policy, the applicable SMP guidelines and implementing rules. With this approval, Ecology affirms the Coalition has completed both the comprehensive update under RCW 90.58.080(2) and the periodic review under RCW 90.58.080(4). Ecology approval of the Coalition SMP is effective 14 days from Ecology’s final action approving the amendment.