

**ATTACHMENT A: FINDINGS AND CONCLUSIONS  
FOR PROPOSED COMPREHENSIVE UPDATE TO THE STEVENS COUNTY  
PARTNERSHIP  
SHORELINE MASTER PROGRAM**

SMP Submittal accepted July 16, 2019  
Stevens County Ordinance No. 2019-05, Marcus Ordinance No. 475, Northport Ordinance No. 582,  
Kettle Falls Ordinance No. 1778  
Prepared by Jeremy Sikes on September 10, 2020

## **INTRODUCTION**

Ecology's Findings and Conclusions (Attachment A), provides the factual basis for the Department of Ecology's (Ecology) decision on the Stevens County Partnership comprehensively updated Shoreline Master Program (SMP). 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.

### **Brief Description of Proposed Amendment**

Stevens County, the City of Kettle Falls, the Town of Marcus and the Town of Northport formed a partnership to continue to consistently implement the requirements of the SMA. The Stevens County Partnership (Partnership) has submitted to Ecology for approval a comprehensive update to their Shoreline Master Programs (SMP) to comply with Shoreline Management Act (SMA) and SMP Guideline requirements. The updated master program submittal contains locally tailored shoreline management policies, regulations, environment designation maps, administrative provisions as part of the SMP. 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 county's local Shoreline Master Program 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. Stevens County's current SMP was adopted in 1999. The City of Kettle Falls, Town of Marcus, and Town of Northport did not have SMPs prior to this date. This SMP update is also needed to address land use changes that have occurred along the jurisdiction's shorelines over the past 21 years and to provide consistency between the updated SMP and the environmental protection and land use management policies and practices of the Partnership jurisdictions.

### **SMP provisions to be changed by the amendment as proposed**

This comprehensive SMP update is intended to entirely replace the county's existing SMP, while creating new SMPs for the other Partnership jurisdictions. The updated shoreline jurisdiction includes 15 streams and 40 lakes that are shorelines of the state, seven of which are Shorelines of Statewide Significance. Stevens County boasts roughly 330 miles of shoreline, including remote Sheep Creek, massive Lake Roosevelt, residential Loon and Deer Lakes, and the Colville River, which is bounded by agricultural lands.

The updated Partnership SMP contains locally tailored shoreline management policies, regulations, environment designation maps, administrative provisions as well as updated Critical Areas Regulations

that are directly incorporated into the SMP as Section III, Article IV. Additional reports and supporting information and analyses noted below, are included in the submittal. The proposed SMP includes a shoreline use and modification table for ease of implementation, and policies and regulations that are consistent with local, state, and federal regulations.

## FINDINGS OF FACT

### **Amendment History, Local Review Process**

As part of the formal adoption process, each jurisdiction in the Partnership adopted the SMP in accordance with their respective legislative requirements.

The Partnership maintained an extraordinary commitment to transparency throughout the roughly 4-year update process. The Partnership maintained an open comment period throughout the update, operated a dedicated website with up-to-date drafts and online commenting features, and held numerous open houses and hearings at critical times. They provided written notice to every landowner in the county at the beginning of the update process to ensure all residents had a meaningful chance to participate. More than 250 comments were documented and answered as appropriate in comment matrices or responsive text edits, and are preserved in the record.

Stevens County published legal notices on behalf of the Partnership in the Statesman Examiner on January 23, 2019, and the Chewelah Independent on January 24, 2019 for four jurisdictional hearings on the proposed SMP update.

Stevens County adopted the Shoreline Master Program for submittal to Ecology for review and approval at the public hearing on April 29, 2019. With passage of Stevens County Ordinance No. 2019-05, Marcus Ordinance No. 475, Northport Ordinance No. 582, Kettle Falls Ordinance No. 1778, the Partnership authorized staff to forward the proposed amendments to Ecology for approval.

### **Department of Ecology review process**

The proposed SMP amendments were received by Ecology for state review and verified as complete on June 16, 2019. Notice of the state comment period was distributed to state and Partnership identified interested parties, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on August 5, 2019 and continued through September 5, 2019. The Confederated Tribes of the Colville Reservation, and the Spokane Tribe were individually notified on July 31, 2019 and invited to comment.

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:

<https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/State-approved-Shoreline-Master-Programs/Stevens-County>

Ecology received approximately 50 individual comments, from private citizens and advocacy groups (Gonzaga University Legal Assistance, and Futurewise), and one from Department of Natural Resources.

## Summary of Issues Raised during the Ecology Public Comment Period

Concerns were raised about a wide-ranging variety of subjects, including stormwater runoff, re-development, shoreline buffers, and Environment Designations.

Ecology prepared a summary of public comments and sent it to the Partnership for their response. The Partnership provided responses as to how the proposed SMP is consistent with RCW 90.58.020. In response to many comments, the Partnership provided comprehensive answers to questions and explanations of how the issues raised are addressed in the proposed SMP. No changes to the locally adopted SMP were proposed as response to comments received during the state comment period.

Each comment, along with detailed responses from both Ecology and the Partnership can be found in the Comment Response Matrix (Attachment B). Ecology considered each comment along with the Partnership responses, provided some additional statements or clarifications, and ultimately found that no additional changes to the SMP are necessary to address comments received.

Ecology appreciates the level of interest by all stakeholders in this SMP update. Ecology also recognizes and appreciates the time and resources the County and partnership jurisdictions put toward development of the SMP including the significant input received from local citizens. The department respects the Partnership's process and recognizes that development of an SMP, and implementation of the SMA is a cooperative program with our local government partners. During the course of the Partnership's effort, Ecology acted in a supportive and review capacity by providing grant funds, attending numerous meetings, and providing technical assistance comments on drafts of the SMP. Many of the comments provided during the state comment period are identical or duplicative of comments provided earlier to the Partnership during the local process, and appropriate edits to draft iterations were made as the update progressed.

A few of the common issues raised during the state comment period are addressed below.

### *Stormwater Management*

Commenters expressed concern with the water quality and stormwater standards provided in the SMP along with raising questions regarding the impervious surface limitations for developments located in the Rural and Conservancy shoreline environment designations.

As noted in the County response, the SMP requires the use of Ecology's Stormwater Management Manual (SWMM) for Eastern Washington. Use of the Stormwater Manual for Eastern Washington represents the presumptive approach by utilizing a default set of stormwater practices based on current science which satisfy State and Federal stormwater requirements. In accordance with the SWMM, not every development action triggers all the pollution or flow control requirements – thresholds are built into the manual to identify when these are applicable.

The Partnership's SMP sections 12.10.150.B, 12.10.330.G.1 and Table 12.10.110 (B) Shoreline Development Standards Matrix require the use of applicable Stormwater Management Manual for Eastern Washington standards for all shoreline development.

The Partnership correctly indicates that WAC 173-26-211(5)(b)(ii)(D), suggests that a 10% impervious surface limitation as one method to consider for achieving no net loss in the Rural Conservancy environment. The WAC states that development standards generally require a suite of approaches, that, when employed in concert, achieve no net loss of functions related to stormwater. Additionally, the management policies for other SEDs contained with WAC 173-26-211 do not provide such a

prescriptive recommendation. In more urban, higher density, or higher intensity areas a 10% impervious surface limitation might not be attainable or desirable. The Partnership successfully included a variety of measures to improve stormwater management in all environment designations that are compliant with the requirements of the SMA.

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 with the inclusion of the SWMM requirements.

### *Shoreline Environment Designations*

Commenters raised concerns with the Conservancy designation on some portions of the shoreline and some comments suggested that more of the shoreline should be designated Natural. Additional comments requested that the designation criteria be amended to match the criteria in WAC 173-26-211.

Per WAC 173-26-211(4)(a) the SMP must establish purpose statements, classification criteria, management policies, and regulations for each environment designation. The local governments are also tasked with ensuring there is consistency between the environment designations and the local comprehensive plan. This exercise includes avoiding provisions that preclude one another, considering use compatibility, and ensuring that the comprehensive plan infrastructure and services provide sufficient support of allowed shoreline uses.

While the Partnership had the option to use the recommended six basic environment designations provided in WAC 173-26-211(4)(b), they chose to create a nine SED system that are not all identical to but are consistent with the purpose and policies as allowed by WAC 173-26-211(4)(c). Ecology finds that the Partnership's SMP includes the required components of WAC 173-26-211(a) and that the designation system is consistent with purpose and policies of WAC 173-26-211(5) and the SEDs were designated to shoreline areas consistent with the Partnership's *Inventory, Analysis & Characterization Report* and *Cumulative Impacts Analysis*.

### *Wetland Protection*

Some Commenters questioned the use of the Conservancy SED for lands with known wetlands and others questioned how the wetland provisions will be implemented.

Wetlands are protected under a specialized set of regulations within the Critical Areas provisions (SMP Article IV – Critical Areas). These regulations and requirements are consistent with Ecology's wetlands guidance, and apply to all wetlands in shoreline jurisdiction regardless of that parcels' underlying Environment Designation. The protections are founded on the functional rating of the wetland at the time a development is proposed.

Uses allowed on properties that contain wetlands must still meet the wetland buffer standards of the SMP; allowed uses are allowed outside the wetland and buffer. Any proposals that need to utilize the reasonable use protections to reduce the wetland buffer beyond that which is allowed within the SMP critical areas provisions must apply for and obtain a shoreline variance consistent with the approval criteria of WAC 173-27-170.

Ecology finds that the Partnership's approach to wetland protection provides a level of protection that will, based on the most current accurate and applicable science and technical information, result in no net loss of shoreline ecological function.

## Consistency Review

Ecology reviewed the proposed SMP for consistency with the Shoreline Management Act and applicable guidelines.

### *Shoreline Jurisdiction*

The extent of shoreline jurisdiction is defined in RCW 90.58.030(2). The Partnership 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 is not being extended to include buffers necessary to protect critical areas. Shoreline jurisdiction is captured in Section 3 and Tables 1-3 of the Partnership SMP. SMP Section 12.00.010 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*.

Ecology finds that the Partnership's SMP defines shoreline jurisdiction consistent with the Act and the record sufficiently documents the basis for assigning shoreline environment designations.

### *Shorelines of Statewide Significance*

RCW 90.58.020 specifically calls out Shorelines of Statewide Significance (SSWS) for special consideration, declaring that "the interest of all of the people shall be paramount in the management" of these shorelines. The Shoreline Guidelines in WAC 173-26-251 requires that local master programs recognize the specific use preferences identified in the SMA and provide for "optimum implementation" of the statutory policy. This is done by providing SMP provisions that implement: (a) statewide interest, (b) preserve resources for future generations and (c) give preference to uses identified in RCW 90.58.020. The SMP, Section 3.2 generally identifies SSWS within the County and Section 4.5 sets forth policies for SSWS. Table 1 accurately identifies the SSWS as follows:

**Table 1. Shorelines of Statewide Significance: Rivers, Streams and Lakes**

Waterbody Name	Total Length or Acres of Shoreline
Big Sheep Creek	16 miles
Colville River	57.6 miles
Columbia River	108.6 miles
Kettle River	33.6 miles
Spokane River <sup>1</sup>	59.3 miles
Deer Lake	1,146.3 acres
Loon Lake	1,086.0 acres

Note:

1. Includes Lake Spokane

Ecology finds that the SMP has accurately identified SSWS within the County's jurisdiction, is consistent with RCW 90.58.020 and WAC 173-26-251, and provides for optimum implementation of the statutory policy.

### *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 is 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 nine environment designations for a high degree of regulatory specificity:

1. Aquatic
2. Natural
3. Conservancy
4. Recreation Conservancy
5. Recreation
6. Rural
7. High Intensity
8. Shoreline Residential
9. Shoreline Residential – Low Intensity

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 Partnership's shorelines, and meet the current state SMP guidelines. Shoreline Area Designations are delineated on the Partnership's *Official Shoreline Maps*. New impervious surface is limited to 10% of the total lot size for new residential development within the Conservancy and Rural SED.

Ecology finds that the Partnership's SMP defines shoreline jurisdiction consistent with the Act and the record sufficiently documents the basis for assigning shoreline environment designations. The County'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 Partnership's general provisions are located primarily in the Article II and Article IV. General Regulations. This section includes subsections that address Archaeological and Historic Resources, Shoreline Vegetation Conservation, Public Access; Flood Hazard Reduction; Ecological Protection (which includes reference to critical areas) and Water Quality, Stormwater and Nonpoint Pollution.

Archaeological and Historic Resources are addressed SMP Section 4.7 and 12.10.120 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.

Ecology finds that the Partnership's SMP Section 4.7 and 12.10.120 address the necessary components required by WAC 173-26-221(1).

Public Access is encourage and required, where appropriate, throughout the Partnership’s SMP. Public Access goals and policies are contained within Section 4.3 and public access regulations are located within Section 12.10.160. The Partnership also created a well-organized and comprehensive Public Access Plan as part of this SMP update.

Shoreline Vegetation Conservation includes activities to protect and restore vegetation along freshwater shorelines that contribute to shoreline ecological functions. The Partnership SMP supports these goals and policies within SMP Section 4.6, the Conservation Element, and Section 12.10.140 Shoreline Vegetation Conservation.

The Partnership’s SMP contains Water Quality regulations within sections 12.10.150; within the use specific regulations; as part of the critical areas protection standards of 12.10.430; and 12.10.330.G.1 and Table 12.10.110 (B) Shoreline Development Standards Matrix require the use of applicable Stormwater Management Manual for Eastern Washington standards for all shoreline development. 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 with the inclusion of the SWMM requirements.

Critical areas goals and policies are included in SMP Section 4.6 and the Flood Hazard Management Element is located in Section 4.8. Article II Section 12.10.170 provides the Partnerships flood hazard reduction regulations which implement the principles and standards of WAC 173-26-221(3). At present, as demonstrated in the Shoreline Inventory and Characterization, each of the partnership jurisdictions has their own independent locally adopted critical areas ordinance. The updated SMP provides one set of critical areas regulations that will be applied to the unincorporated and incorporated shoreline jurisdiction for those all the jurisdictions participating in the Partnership. The Partnership has elected to model these SMP provisions after the County’s Critical Areas Ordinance. Critical area regulations are contained in Article IV. Critical Areas. The Partnership SMP designates wetlands and applies buffers in accordance with 12.10.430(B). The Partnerships wetland designation, rating, and buffer systems are consistent with the most current Ecology wetland guidance. Wetland buffers are based on land use intensity (see Table 12.10.430(B)(1) and Wetland Category (see Table 12.10.430(B)(2). Here is the Table section that applies to Category I Wetlands:

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use
<b><i>Category I Wetlands (For wetlands that score 22 points or more for all functions or having the "Special Characteristics" identified in the rating system)</i></b>	
Wetlands of High Conservation Value	Low – 125 feet Moderate – 190 feet High – 250 feet
High level of function for habitat (score for habitat 8 to 9 points)	Low – 100 feet Moderate – 150 feet High – 200 feet
Moderate level of function for habitat (score for habitat 5 to 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet
High level of function for water quality improvement (8 to 9 points) and low for habitat (less than 5 points)	Low – 50 feet Moderate – 75 feet High – 100 feet
Not meeting above characteristics	Low – 50 feet Moderate – 75 feet High – 100 feet

Buffers for other waterbodies are provided within Table 12.10.100(B):

**Table 12.10.110 (B). Shoreline Development Standards Matrix**

<b>Abbreviations</b> ADA = Americans for Disabilities Act X = Prohibited NA = Not Applicable									
<b>Standards</b>	<b>Aquatic</b>	<b>Natural</b>	<b>Conservancy</b>	<b>Rural</b>	<b>Recreation Conservancy</b>	<b>Recreation</b>	<b>High Intensity</b>	<b>Shoreline Residential</b>	<b>Shoreline Residential – Low Intensity</b>
Building Height <sup>1</sup>	15	35	35	35	35	35	35; or as required for hydro-power facilities	35	35
Stormwater Management	NA	Per the technical design standards and best management practices (BMPs) recommended in the latest version of Ecology’s Stormwater Management Manual for Eastern Washington.							
Riparian buffer width in feet (forested areas) <sup>2, 3, 4, 5</sup>	NA	Entire area managed for vegetation conservation	150	85	100	75	50	65	75
Riparian Buffer Width in feet (shrub-steppe habitat) <sup>5, 6</sup>	NA	100	75	65	65	50	35	50	65
Trail Width in feet	NA	Public trails are up to 10 feet and private trails are up to 5 feet wide, or the minimum as required by ADA regulations.							

**Notes:**

1. Or as provided by zoning code and SMP 12.10.110 (A)(3).
2. Measured from the ordinary high-water mark or top of bank as applicable.
3. Accompanied by stormwater management measures/facilities, geologic hazard protections, wetland buffers, priority habitat, and species-specific management recommendations for inland dunes, cliffs and bluffs habitat, and other Shoreline Master Program conditions, as applicable.
4. Except where roadway, paved trail, or parking area encroaches, providing an ecological functional break, and then to the waterward edge of the disturbed area, as applicable.
5. In parallel environment designations, the most restrictive buffer requirement applies.
6. Buffers were based on the Final Draft Semi-Arid Riparian Functions and Associated Regulatory Protections to Support Shoreline Master Program Updates (Anchor QEA 2013), Table 1 findings for fish and wildlife habitat (less than 50 feet), shade and cover (less than 50 feet), erosion control (40 to 50 feet), water quality (50 to 65 feet) and organic input (less than 50 feet; Anchor QEA 2013).

Anchor QEA (Anchor QEA, LLC), 2013. *Final Draft Semi-Arid Riparian Functions and Associated Regulatory Protections to Support Shoreline Master Program Updates*. Prepared for Grant County. June 2013.

Ecology finds that the general policies and regulations found within the Partnership’s SMP are consistent with WAC 173-26-221.

*Shoreline Uses and Modifications*

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 Partnership's SMP regulates shoreline modifications in Article II General Regulations including 12.10.100 Shoreline Use and Modification; and 12.10.110 Development Standards.

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.

Consistent with WAC 173-26-186(5), the Partnership SMP reflects the principle that the regulation of private property needs to be consistent with all relevant constitutional and other legal limitations. The updated SMP varies the allowed uses within each SED depending on the current level of impairment of shoreline functions with greater restrictions on future uses in the Natural designation and increased allowances in the more altered SEDs such as High Intensity (see Table 12.10.100 (C) Shoreline Use Modification Matrix).

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.

The proposed SMP distinguishes between water-oriented and non-water oriented uses for commercial, industrial, institutional, and recreational uses and favors development and activities associated with the preferred uses outlined in the Shoreline Management Act.

Ecology finds that the Partnership 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 shoreline modification policies and regulations are consistent with WAC 173-26-221.

## **Supporting Documents**

### *SMP Comprehensive Update Checklist*

The Partnership completed and submitted the SMP Submittal Checklist (Anchor QEA, June 2019) consistent with the requirements of WAC 173-26-210(3)(a) and (h).

### *Inventory and Characterization (WAC 173-26-201)*

Documentation of current shoreline conditions is a key part of the SMP development process and meeting the requirement to address the no net loss standard of the SMP Guidelines (WAC 173-26-186). The Partnership prepared and submitted a Shoreline Inventory, Analysis, and Characterization

Report (IAC) that was finalized in May 2016. The IAC and appendices document existing shoreline conditions and were relied upon during the development of the Partnership’s SMP, including environment designations, vegetation management provisions, policies and use regulations.

Stevens County is located in northeastern Washington bordered by the Canadian province of British Columbia to the north, Pend Oreille County to the east, Spokane County to the southeast, and Ferry County to the west. Kettle Falls is located on U.S. Highway 395 and contains approximately 23 acres of shoreline jurisdiction along the Colville River. The Town of Marcus is located on the Columbia River to the north of Kettle Falls with approximately 96 acres within the shoreline jurisdiction. The Town of Northport is also located on the Columbia River in the north central part of the County with approximately 32 acres within the shoreline jurisdiction. The majority of the Shorelines identified within the IAC are located within the unincorporated portions of Stevens County. The County as a whole has a low population density with a predominant land cover identified as forest and shrubland. According to the IAC at page 21, *the majority of developed land can be found on privately owned portions of the large accessible lakes and along populated portions of the Spokane River (Reach 1 – Lake Spokane)*. This is further illustrated in Tables 10, 11, 12 & 13 from IAC, at pages 22 and 23, showing the approximate breakdown of land cover types throughout the county, cities, and town.

Appendices A – E provide reach specific characterization with tables and reach maps. Each reach is described, shoreline jurisdictional area approximated, and subreaches are identified, as appropriate. Reach specific characterizations of ownership, land use, land cover and development, geomorphic character, known critical areas information, existing and potential public access are identified. Additional ecological conditions information on water quality and habitat are provided along with an ecological function analysis for each reach.

The IAC summarizes the following ecological stressors:

Key Stressors	Columbia River		Kettle River		Colville River		Spokane River		Lake Groups	
	Aquatic	Terrestrial	Aquatic	Terrestrial	Aquatic	Terrestrial	Aquatic	Terrestrial	Aquatic	Terrestrial
Recreational access – existing development	x	x	-	-	-	-	-	-	x	x
Recreational access – potential development	x	x	x	x	x	x	x	x	x	x
Agricultural use – irrigation	x	x	x	x	x	x	x	-	x	-
Agricultural use – livestock	-	-	-	-	x	x	-	-	-	-
Residential development – existing shoreline development	-	x	x	x	x	x	x	x	x	x
Residential development – land-use change (e.g., development of new roads and utilities)	-	-	x	x	x	x	x	x	x	x
Residential development – future shoreline development	x	x	x	x	x	x	x	x	x	x
Hydrologic management regimes	x	x	x	x	x	x	x	x	x	x
2015 Wildfire Impacts	x	x	x	x	-	-	x	x	-	-

Notes:  
x = Stressor present  
- = Stressor not present

IAC Table 28 Future Development Potential by Main Waterbody, at p. 104 - 110 provides a reach specific analysis shoreline area size, zoning, development constraints, and buildable lots to establish an estimated future development potential. An example of this extensive table is provided below:

Reach	Area (acres)	Zoning	Development Constraints	Estimated Developable Lots	Future Development Potential <sup>1</sup>
<b>Southeast Lakes Group</b>					
Horseshoe Lake	83	NR Forest, RA-5	<ul style="list-style-type: none"> <li>• Public ownership</li> <li>• Forest land</li> <li>• Existing recreational use</li> </ul>	1	0
Beitey Lake	58	RA-10	<ul style="list-style-type: none"> <li>• Lack of public facilities</li> </ul>	0	0
Nelson Lake	66	NR Forest, RA-10	<ul style="list-style-type: none"> <li>• Forest land</li> <li>• Wetlands</li> <li>• Steep slope</li> </ul>	0	0
Ponderosa Lake	212	NR Forest, RA-20	<ul style="list-style-type: none"> <li>• Forest land</li> <li>• Large lots</li> <li>• Remote location</li> </ul>	0	0
<b>South Central Lakes Group</b>					
Browns Lake	54	RA-5	<ul style="list-style-type: none"> <li>• Lack of public facilities</li> </ul>	2	1
Fourmile Lake	55	NR Forest	<ul style="list-style-type: none"> <li>• Forest land</li> <li>• Public ownership</li> </ul>	0	0
Grays Lake	57	NR Forest, RA-10	<ul style="list-style-type: none"> <li>• Forest land</li> <li>• Public ownership</li> </ul>	0	0
Jumpoff Jim Lake	63	RA-5, RA-10	<ul style="list-style-type: none"> <li>• Steep slope</li> <li>• Lack of public facilities</li> </ul>	2	1
Jumpoff Joe Lake	229	RA-5	<ul style="list-style-type: none"> <li>• Wetlands</li> </ul>	9	2
<b>Waitts Lake</b>					
Waitts Lake	636	RA-5	<ul style="list-style-type: none"> <li>• Existing development</li> <li>• Wetlands</li> </ul>	25	6
<b>Loon Lake</b>					
Loon Lake	1,506	NR Forest, RA-20, RA-10, RA-5	<ul style="list-style-type: none"> <li>• Wetlands</li> <li>• Existing developments (mostly buildout)</li> </ul>	6	2

Ecology finds that the Inventory and Characterization Report adequately inventoried and analyzed the current conditions of the shorelines located in the County. The report synthesized existing information and was used to inform the master program update as well as provide a basis for future protection and restoration opportunities in County shoreline jurisdiction. Ecology finds the report is consistent with the requirements of WAC 173-26-201(3)(c).

*Cumulative Impact Analysis (WAC 173-26-201(2)(c))*

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.”<sup>1</sup> A cumulative impacts analysis 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.

The CIA identifies that the County has experienced limited development in the last 5 years, then provides a summary analysis, within Tables 1a through 1e, which identifies potential developable

<sup>1</sup> WAC 173-26-201(2)(c)

lots/units, anticipated development by shoreline environment designation for each shoreline reach previously identified in the IAC. Proposed SMP provisions that contribute to ecological protection are identified as the critical areas regulations (SMP Section III: Article IV), the SMP classification of eight distinct shoreline environment designations, Shoreline Use and Modification Matrix (SMP Table 12.10.100 (C)), and Shoreline Development Standards (SMP Table 12.10.110 (B)). The CIA finds that development potential is limited and is primarily anticipated in the form of residential developments, including new, redevelopment, remodeling, and expansions.

The Cumulative Impacts Analysis (CIA) Report (Anchor QEA, September 2018) concludes, *“The SMP is expected to accommodate reasonable foreseeable shoreline development while affording protections and restoration initiatives throughout the next 20 years. As further supported by the Cumulative Impacts Analysis tables in Attachments A through C, the SMP will protect the baseline ecological functions within the Partnership's jurisdiction. The Restoration Plan can help provide functional lift for these functions over time, as improvements are made (Anchor QEA 2018). Collectively these provisions are expected to result in no net loss of shoreline ecological function in the County and may actually lead to an improvement or gain of ecological function over time.”* (Section 5.2)

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 Partnership SMP, along with clear administrative provisions that will ensure proper implementation.

Ecology finds that the Partnership’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(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 Restoration Plan (Anchor QEA, September 2018), serves as an additional resource to guide future shoreline enhancement, and contribute to an overall improvement of shoreline functions Partnership-wide.

The Restoration Plan describes how and where shoreline ecological functions can be restored or enhanced within the Partnership’s shoreline jurisdiction, based in part on information gathered in *Shoreline Inventory, Analysis, and Characterization Report* and building on existing restoration planning efforts. The Plan provides a summary of the shoreline existing function, key stressors, and restoration or protection opportunities organized by basin, then by reach and sub-reach. Restoration and protection opportunities are then prioritized in Table 3.

The Partnership’s SMP includes policies in Sections 4.5.Q, 4.6 B.6, 4.6.D.2, that promote shoreline habitat and natural systems enhancement projects and links restoration actions to the Restoration Plan. Furthermore, the policies and regulations of Section 12.10.340 promote restoration and enhancement

actions in all shoreline designations and provides direct reference to the consideration of the Partnership's Restoration Plan in the project planning and implementation.

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).

#### *Public Access Plan*

The Partnership also elected to produce a Public Access Plan with additional grant funding, to meet the standards found in WAC 173-26-221(4). The Partnership's Public Access Plan describes existing physical and visual access opportunities and opportunities for enhancing, increasing, and diversifying public access in the future.

**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 Partnership 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 Partnership.

**Consistency with SEPA Requirements:** The Partnership submitted evidence of SEPA compliance in the form of a SEPA checklist and preliminary threshold determination. Notice of the SEPA determination was published on January 23, 2019. The Partnership issued a Determination of Non-Significance (DNS) for the proposed SMP updates on March 8, 2019. Ecology did not comment on the DNS.

**Other Studies or Analyses supporting the SMP update:** Ecology also reviewed the following reports, studies, map portfolios and data prepared for the Partnership in support of the SMP amendment:

These supporting documents include:

- *Stevens County Partnership Public Participation Plan, May 2015*
- *Stevens County Partnership Public Access Plan, September 2018*
- *Stevens County Partnership Shoreline Inventory, Analysis & Characterization Report, May 2016*
- *Stevens County Partnership Cumulative Impacts Analysis, September 2018*
- *Stevens County Partnership Environment Designation Map Portfolio, April 2019*
- *Stevens County Partnership Shoreline Restoration Plan, September 2018*
- *Stevens County Partnership SMP Submittal Checklist, June 2019*

## **CONCLUSIONS OF LAW**

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the Partnership's proposed comprehensive SMP updates is 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). This includes a conclusion that approval of the proposed SMPs contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master programs (WAC 173-26-201(2)(c)).

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

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

Ecology concludes that the Partnership has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the Partnership has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, 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 Partnership has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the Partnership's comprehensive SMP update submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes that the Partnership has chosen not to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffer areas of critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas and buffers located beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the Partnership jurisdictions independent critical areas ordinance. All designated critical areas and their buffer areas located within the shoreline jurisdiction shall be regulated solely by the SMP in accordance with SMP Article IV. Critical Areas. In such cases, the updated SMP shall continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction.

## **DECISION AND EFFECTIVE DATE**

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the SMP, are consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules. Ecology approval of the proposed amendments is effective 14 days from Ecology's final action approving the amendment.