

ATTACHMENT A: FINDINGS AND CONCLUSIONS

CITY OF NORTH BONNEVILLE SHORELINE MASTER PROGRAM COMPREHENSIVE UPDATE AND PERIODIC REVIEW

SMP Submittal accepted October 31, 2022, Resolution No. 554

Prepared by Department of Ecology – February 20, 2024

INTRODUCTION

The Department of Ecology (Ecology) Findings and Conclusions (presented herein as Attachment A), including reference to Attachment B (Required and Recommended Changes), provide the factual basis for Ecology's decision on the City of North Bonneville (City) comprehensively updated Shoreline Master Program (SMP) and periodic review. This document is divided into three sections: Findings of Fact regarding the amendment history and the review process; Conclusions of Law; and Decision and Effective Date of the amendment.

Description of proposed amendment

The City of North Bonneville has submitted an updated Shoreline Master Program (SMP) to Ecology for review and approval. The submitted SMP is intended to satisfy both the statutory requirements of RCW 90.58.080(2)(a)(iv) to comprehensively update the City's SMP, and the City's obligation to do a periodic review, pursuant to RCW 90.58.080(4)(b)(iii). The comprehensive update submittal is intended to comply with the Shoreline Management Act (SMA) and the SMP Guidelines (Guidelines) at Part III of Chapter 173-26 WAC. The periodic review is intended to ensure the City's SMP is compliant with the SMA or implementing state rules that have been added or changed since the City's SMP update process began, to ensure that the SMP remains consistent with amended comprehensive plans and regulations, and incorporate any revisions deemed necessary to reflect changes in local circumstances, new information, or improved data.

North Bonneville is a small city along the Columbia River Gorge named for the adjacent hydroelectric lock, dam, and powerhouse facility (Bonneville Dam). The city was originally even closer to the Bonneville Dam but was relocated in the late 1970's to allow for the expansion of the dam. The City is located within the Columbia River Gorge National Scenic Area (NSA). The updated SMP applies to approximately seven (7) miles of shoreline jurisdiction along portions of Hamilton Creek, Greenleaf Creek, Greenleaf Lake, and the Columbia River — a shoreline of statewide significance. Beyond the minimum 200 feet from the ordinary high water mark (OHWM)/floodway, the City has opted to include buffers for associated wetlands as part of their shoreline jurisdiction. The City does not include other optional areas of the 100-year floodplain or buffers for other critical areas beyond 200 feet.

The updated master program is a stand-alone document that contains locally tailored shoreline management policies, regulations, an environment designation map, administrative provisions, and regulations protecting critical areas. The City is adopting by reference portions of their Resource Lands and Critical Areas Protection regulations, located in Chapter 21.10 of the North Bonneville Municipal Code (NBMC), as part of the SMP. The City completed the SMP comprehensive update and periodic review using the standard review process of WAC 173-26-100.

FINDINGS OF FACT

Need for amendment

The City currently manages shorelines under an SMP originally adopted in 1974, approved as the regional Skamania County Shoreline Management Master Program jointly established by the County and the cities of Stevenson and North Bonneville. The existing SMP no longer reflects current science regarding protection of shoreline resources, or the City's current geographic location. This SMP update is also needed to address current conditions and land use patterns that have changed over the past 50 years and to provide consistency between the updated SMP and the environmental protection and land use management policies and practices provided by the City's Critical Areas Ordinance, Comprehensive Plan, and Flood Management Plan.

The City's SMP comprehensive update began in 2011 and was not completed within the update schedule identified in the Shoreline Management Act at RCW 98.58.080(2)(a)(iv). The original deadline for completion of the City's comprehensive SMP update was December 1, 2012. 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, the proposed amendment is needed to comply with both statutory requirements for a comprehensive update and a periodic review of the City's SMP. The update ensures that the City's SMP is consistent with the SMP Guidelines at WAC 173-26 and procedural requirements of WAC 173-27, and compatible with related land use management policies in the City's Comprehensive Plan. The record submitted by the City to Ecology as part of the SMP comprehensive update and periodic review, including Resolution No. 554, reports, analyses, and local approval materials, provides additional details to describe the City's specific need for the proposed amendment.

SMP provisions to be changed by the amendment as proposed

The City's updated SMP will entirely replace the original 1974 program, including policies, regulations, shoreline environment designations and maps, and administrative provisions. The updated SMP regulates activities and development along the City's shorelines using a system of five (5) shoreline environment designations (SEDs), each containing designation criteria, purpose statements, and management policies:

- Aquatic
- Natural
- Shoreline Residential
- Active Waterfront
- Shoreline Commercial Recreation

These designations tailor the provisions for use, modification, and development based on the varied shoreline conditions.

The updated SMP establishes requirements for vegetation management, mitigation sequencing, compensatory mitigation requirements for unavoidable impacts, and standard shoreline setbacks based on the SED and type of activity. The updated SMP also regulates critical areas located within shoreline jurisdiction by adopting the City's critical areas ordinance or 'CAO' by reference (NBMC Chapter 21.10 Resource Lands and Critical Areas Protection; Ordinance No. 1046) with specific exceptions/modifications to ensure SMA compliance. The updated SMP supports water-oriented uses, protects shoreline resources, promotes public access, and recognizes private property rights.

Amendment history and local review process

Overall Amendment Timeline

The general timeline below summarizes key project highlights from the record:

- 2011 - 2015** Procured consultant services (HDR Engineering) for technical assistance; Prepared public participation plan; Convened SMP Workgroup (5 meetings); Completed preliminary drafts of inventory and characterization, SMP elements, cumulative effects analysis, restoration plan, and submittal checklist; Conducted community survey, open house and visioning workshop; Completed second draft SMP; Prepared Final Inventory and Characterization Report.
- 2016 – 2018** City sought close coordination with and assistance from Ecology including 6 work sessions of City and Ecology staff collaboration to prepare materials for local review process; Revised draft SMP, cumulative effects analysis, and restoration plan.
- 2019** Periodic review added to ongoing update effort; Prepared draft periodic review checklist; Conducted SEPA review and noticing; Conducted GMA noticing; Met with Planning Commission (3 meetings) for review, comment period, public hearing, and approval recommendation.
- 2020 – 2022** Procured consultant services (Watershed Company) to finalize SED mapping and restoration plan; Finalized periodic review checklist; Finalized draft SMP amendment with Appendix A Official Shorelines Map; Finalized cumulative effects analysis, No Net Loss Report, and Restoration Plan; City Council review, comment period, public hearing, and local approval by resolution; Submittal to Ecology
- 2023 – 2024** State review of the locally adopted SMP; State comment period; Ecology decision.

Comprehensive Update

The City initiated the local planning process in December 2011 by entering into a grant agreement with Ecology (#G1200037). The record shows that the City completed an extensive local process to update the SMP, including numerous public involvement methods and events to provide information and gather input, including:

- SMP Work Group
- Citizen Survey, Open House, and Community Visioning Workshop
- Direct consultation with resource agency staff, local residents and businesses
- Project website, public notices posted at City Hall, the City Kiosk outside the public library, and in the local newspaper
- Direct mailings and e-mails to property owners and interested stakeholders

The City's distribution lists including cultural and natural resources staff for the Confederated Tribes and Bands of the Yakama Nation, Confederated Tribes of Grand Ronde, Confederated Tribes of Umatilla Indian Reservation, Confederated Tribes of Warm Springs, and Cowlitz Indian Tribes. The Confederated Tribes of the Umatilla Indian Reservation commented during the local adoption process, see *Local Approval* section below for details.

Overall, the SMP prepared by the City reflects input based on comments from approximately 100 stakeholders. Stakeholder issues raised during initial drafting work included balancing shoreline management with private property rights, the local economic importance of recreation, visitor and public access amenities, options for on-site and off-site mitigation, and the range of use allowances based on SEDs. Key topics of focus from Ecology's feedback during the early phase of the process included local discretion to include full extent of the 100-year floodplain as shoreline jurisdiction, locally tailoring the system of shoreline environment designations to meet the City's needs and community interests, and the intersection between SMP and CAO.

Periodic Review

During the comprehensive update process, the SMA requirement for completion of an SMP periodic review on or before June 30, 2021, per RCW 90.58.080(4) also became relevant to the ongoing project timeline. In consultation with Ecology the City opted to combine both efforts for process efficiency. As part of the City's periodic review effort, local actions included the following:

- The City renewed its commitment to the local planning process in November 2019 by entering into a grant agreement with Ecology (#SEASMP-1921-CiBon-00056).
- The City continued to implement the previously prepared public participation program to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines, in accordance with WAC 173-26-090(3)(a).
- The City used Ecology's checklist of legislative and rule amendments to review amendments to Chapter 90.58 RCW and department guidelines that have occurred since 2007 to determine if additional SMP amendments were needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i).
- The City reviewed changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remained consistent with them in accordance with WAC 173-26-090(3)(b)(ii).
- The City considered whether to incorporate any SMP amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii).

A handful of additional amendments to the draft SMP were proposed as a result of the City's periodic review, including freshwater dock cost thresholds, definitions of 'bog', 'development', and 'floating home', better distinction of substantial development permit exemptions versus SMA/SMP exceptions, permit filing procedures, and aquatic herbicide application.

Local Approval

The City prepared a combined comprehensive update and periodic review SMP amendment proposal and made review documents available to the public on the City's website and at City Hall.

The record shows a SEPA Determination of Non-Significance (DNS) was issued on August 22, 2019, an agency distribution list was notified by email on August 21, 2019, and notice was published in the *Skamania County Pioneer* newspaper on August 28, 2019, inviting comments by September 17, 2019. The City received two (2) written comment submittals, one from Lower Columbia Fish Recovery Board and one from Confederated Tribes of the Umatilla Indian Reservation. To document their consideration of the comments, the City prepared a comment summary with their responses to the issues raised, summarized as follows:

Lower Columbia Fish Recovery Board (LCFRB)

The commenter suggested specific revisions to definitions for 'critical areas' and 'shoreline stabilization' and the City found the definitions to be adequate as written. The commenter expressed concern about the impacts of future development on a particular parcel and encouraged protective actions. The City noted that only a small portion of the Industrial/Business Park zoned parcel specified is located within shoreline jurisdiction and that portion is adequately protected by the proposed Shoreline Commercial Recreation SED and other applicable provisions such as shoreline setback, critical areas protection, mitigation sequence, vegetation conservation and shoreline stabilization requirements. The commenter also expressed concern about recent vegetation clearing (discing/tilling) along Greenleaf Creek. The City noted that parcel-specific vegetation removal violations are addressed outside the SMP update process. More protective proposed vegetation conservation standards in the updated SMP will apply in the future once the updated SMP becomes effective.

Confederated Tribes of the Umatilla Indian Reservation

The Tribe suggested that the City include strong cultural resource protections and definitions from the WA Department of Archaeology and Historic Preservation (DAHP). They also expressed interest to better understand the local permit review process, and requested the City provide applications to their Tribal Cultural Resources Protection Program for review. The City noted that no specific revisions to SMP had been suggested.

The SMP establishes general goals and policies at 4.2.7, and general regulatory standards at 6.1.1 that are consistent with the requirements of WAC 173-26-191(1)(b) and -221(1). The SMP includes provisions:

- to protect and preserve archeological, historic, cultural, scientific, and educational resources
- to involve affected Tribes in site evaluations for areas with documented resources, and
- for immediate stop work notifications for inadvertent discoveries.

The City found that the proposed SMP is consistent with the terminology and requirements of the SMA and WAC. The City noted the proposed SMP includes a requirement for Tribal involvement for site inspections when projects locate in areas with known archaeological resources. The City also expressed willingness to further discuss opportunities for Tribal coordination.

Concurrent with the SEPA process outlined above, the City Planning Commission accepted public comments on the draft SMP from August 20 to September 17, 2019, and conducted an open public hearing on September 17, 2019. No additional written comments or verbal testimony were received. Planning Commission considered the proposed SMP, including revisions indicated by the periodic review checklist, and on November 19, 2019, took action to recommend approval to City Council.

The City issued a GMA 60-Day Notice of Intent to Adopt Amendments on October 1, 2019, inviting state agency comment by November 30, 2019. The City received no additional comments.

After some delays due to the COVID-19 pandemic and staffing constraints, City Council held a public comment period from November 10 to 23, 2021, and conducted an open public hearing on November 23, 2021, in accordance with WAC 173-26-100(1). The City provided notice to stakeholders and interested parties that identified the proposed SMP was intended as both comprehensive update and periodic review amendment. An affidavit of publication provided by the City indicates notice of the Council hearing was published in the *Skamania County Pioneer* on November 10, 2021. No additional written comments or verbal testimony were received. After closing the public hearing, City Council deliberated over the SMP proposal during the later portion of their November 23 regular meeting with clarifications provided by City staff.

With the passage of Resolution No. 554 on November 23, 2021, City Council authorized staff to forward the proposed SMP amendment with related technical background documents to Ecology for approval, with the stated intent to adopt by ordinance following Ecology's decision.

Final submittal

The proposed SMP submittal package was received by Ecology on April 21, 2022, for state review and, upon receipt of missing items, was verified as complete on October 31, 2022. This began our formal review and decision-making process per WAC 173-26-120. At the conclusion of our formal review, Ecology's Director must decide to approve the amendment as submitted, approve it with required and/or recommended changes, or deny approval.

State comment period

In compliance with the requirements of WAC 173-26-120, Ecology held a public comment period on the City's proposed SMP comprehensive update and periodic review. The state comment period began on November 21, 2022, and continued through December 23, 2022.

Interested parties were notified using email. Notice of the state comment period was distributed to state task force members and City-identified interested parties on November 14, 2022. Ecology sent a separate notice and invitation to consult to four (4) tribal governments, including the Cowlitz Indian Tribe, Confederated Tribes of Grand Ronde, Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes and Bands of the Yakama Nation. No Tribal comments were received during our review of the locally adopted SMP. Our notices identified that the SMP update is intended to satisfy the state statutory requirements of RCW 90.58.080 to both comprehensively update and periodically review the City's SMP. 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 also provided on Ecology's [website](#)¹.

Summary of comments received

Ecology received two (2) comment submittals on the proposed SMP, one from the Lower Columbia Fish Recovery Board (LCFRB) and one from the Washington Department of Fish and Wildlife (WDFW). Both commenters expressed support for the City's efforts to update the SMP, and a shared interest in protecting fish, wildlife, and stream corridor habitat structure and function. Comments supported the provision that ensures the most protective standard prevails in the event of a conflict. Both commenters suggested that riparian buffers and shoreline setbacks should be based on WDFW Priority Habitats and Species data and be larger than the proposed widths. The comments raised issues about a range of topics, including boating facilities, critical areas, definitions, environment designations, flood hazard reduction, in-stream structures, permitting, recreation, vegetation conservation, and water quality, summarized as follows:

Definitions – Comments suggested specific minor text revisions to definitions for 'critical areas' and 'shoreline stabilization', and to significantly revise and/or add definitions for 'buffer', 'riparian management zone (RMZ)', and 'site potential tree height at 200 years (SPTH₂₀₀)'.

SEDs – Comments supported the proposed Aquatic designation for Greenleaf Creek, suggested changing the Shoreline Commercial Recreation designation along environmentally sensitive areas of Greenleaf Creek to Natural, and suggested changing the default SED for areas not yet designated from the proposed Active Waterfront to instead be based on the adjacent shoreline's SED.

Buffers & Setbacks – Comments expressed concern that the SMP and related background reports do not rely on the most recent WDFW riparian ecosystem publications (Volume 1: Science Synthesis and Management Implications, Quinn et al. 2020; and Volume 2: Management Recommendations, Rentz et al. 2020) as best available science. Comments suggested general and specific revisions to:

- Apply a 150-foot buffer for all Type S streams rather than the proposed range of shoreline setbacks.
- Establish shoreline setback distances and shoreline critical area riparian buffer widths based on the SPTH₂₀₀ RMZ distances of 156 – 202 feet, and to not vary setback/buffer widths based on stream type or anadromous fish presence.
- Measure buffers/RMZ from the edge of the channel migration zone (CMZ) rather than the OHWM.

¹ <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/State-approved-Shoreline-Master-Programs/North-Bonneville>

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- Differentiate setback distances for non-water oriented and non-water dependent uses, and for environment designations with more intensive use activities.
- Set a minimum setback/buffer of 100 feet for pollution removal.
- Eliminate buffer averaging for buffer widths not based on SPTH₂₀₀, and along shorelines with ESA-listed salmon and steelhead.

Ecological Impacts & NNL – Comments suggested revisions to add more specific or detailed provisions for:

- Priority habitats such as Oregon white oak.
- Stormwater management to minimize polluted runoff.
- Consideration of alternatives to minimize shoreline modifications.
- Consolidated grating requirements for piers and docks.
- Ensuring in-stream structures allow migration of all fish.
- Shoreline stabilization design and construction per streambank protection guidance.
- Mitigation requirements for vegetation removal, water-oriented recreation, and emergency actions.
- Delineation of fish and wildlife habitat on site plans as part of a permit application.

Consistent with WAC 173-26-120, Ecology forwarded copies of all comments received, along with a comment summary, to the City on March 10, 2023, including some additional information for the City's consideration related to the most technical issues raised. The City provided their responses to Ecology on June 7, 2023.

City response to comments

The City's response to comments indicated appreciation for the supportive feedback, and a shared interest in partnerships, collaboration, and balanced environmental protection. For most of the suggested revisions to definitions, SEDs, and provisions regarding environmental impacts and no net loss, the City's response noted the revisions were not necessary as the issues were sufficiently addressed by the proposed SMP. For buffers and setbacks, the City noted that their proposed approach provides comparable setback distances based on review of the scientific and technical information, provides shoreline setbacks that range up to 150 feet that are comparable to the 150-foot Type S riparian buffer they replace, balances shoreline protection with a limited allowance for buffer/setback reduction, accommodates water-oriented uses, and recognizes existing lots of record to achieve no net loss. The City declined the suggestion to redefine the proposed buffer and setback schematic but indicated willingness to consider the newest information during the next required SMP review. The City's response did concur with four (4) of the suggested revisions to the SMP regarding definition of 'critical areas', in-stream structures, streambank stabilization, and site plans – all minor text clarifications not necessary for consistency with the SMA and Guidelines. These changes are further described in the section below "Summary of issues relevant to our decision" and Attachment B.

Ecology consideration of comments

Ecology appreciates the time and effort invested by commentors to review the proposed SMP and provide feedback, and we recognize the value of all input provided and the range of views offered.

Regarding suggested changes to definitions, Ecology finds that SMP Chapter 3 includes terms that are consistent with those established by statute and rule. The definitions are adequate as proposed, however, one minor text revision is included as a recommended change, noted below.

Regarding suggested changes to shoreline environment designations (SEDs), Ecology finds that the SMP appropriately designates the shorelands along upper Greenleaf Creek as Shoreline Commercial Recreation (SCR), as based on the SED purpose and criteria and the findings of the Inventory and Characterization Report. Greenleaf Creek Reach 4 is identified as having a mix of intact shoreline functions and areas with physical and

biological alterations due to existing commercial, residential, and recreational development and municipal transportation infrastructure. The SCR designation supports tourism and recreation uses consistent with the underlying zoning, prioritizes public access and other water-dependent and water-related activities over non-water oriented uses, allows for limited single-family residential use but specifies multi-family and other residential facilities are not preferred, and encourages shoreline protection and voluntary restoration such as native vegetation enhancement. The SMP guidelines regarding SED areas within shoreline jurisdiction that are not mapped and/or designated provide that the SMP should automatically assign a “rural conservancy” or “urban conservancy” designation². The SMP correctly establishes the default SED as Active Waterfront, the City’s locally tailored version of the WAC ‘urban conservancy’ designation.

Regarding suggested changes to shoreline setbacks and critical area riparian buffers, Ecology finds the proposed SMP’s approach reflects the detailed reach-scale analysis of the Inventory and Characterization Report and provides more specific SMA tailoring of the incorporated critical areas protections. The setback distances are based on SEDs to reflect reach-scale conditions so that larger setbacks apply to more sensitive areas and vary to accommodate preferred uses: The proposed approach does differentiate setback distances for non-water oriented and non-water dependent uses, and for environment designations with more intensive use activities. Water-dependent activities are necessarily allowed to locate at the water’s edge, other water-oriented and preferred activities are allowed at 75 - 100 feet, and non-water oriented activities are required to locate furthest at 100 - 150 feet upland. The shoreline critical area 75 to 100-foot riparian buffers for Type F streams would apply to the limited portions of Carpenter Creek and Moffet Creek that pass through shoreline jurisdiction. While the shoreline critical area provisions establish 25 to 50-foot riparian buffers for non-fish bearing streams, it appears there are no such Type Np or Ns streams in shoreline jurisdiction. It is of note that buffers and setbacks are not the only protective measures in the proposed SMP, rather they work in conjunction with other SMP provisions for vegetation conservation, impact mitigation, a range of use allowances, and other dimensional and performance standards to ensure no net loss of shoreline ecological functions without precluding appropriate use and development along shorelines of the state. This process and the resulting regulatory framework of this SMP follows the WDFW Vol. 2³ recommendations for determining riparian management zones in urban areas.

Regarding suggested changes to other provisions that address ecological impacts and no net loss, Ecology finds the proposed SMP includes protections for water quality, mitigation, and vegetation conservation, and overall limitations to minimize modifications, including structural stabilization, that reflect the requirements of the SMP Guidelines. The Inventory and Characterization Report’s watershed overview identifies talus slopes/cliffs, herbaceous balds, and Oregon oak woodlands as PHS features located in the WRIA 28 Lower Columbia Tributaries subbasin, the study area with broad influence on shoreline ecological functions and processes. Upon review of the WDFW PHS online mapping tool, Ecology finds only a portion of the oak woodlands are located in the City’s shoreline jurisdiction, while the talus and bald features are located outside City limits. Regulation of PHS resources located outside the City falls to Skamania County.

Issues raised regarding the SMP definition of ‘critical areas’, Oregon white oak woodlands, in-stream structures, streambank stabilization, and site plans are addressed by Ecology’s recommended changes for text revision, as further described below in the summary of issues relevant to our decision and in Attachment B.

² WAC 173-26-211(2)(e)

³ WDFW Riparian Ecosystems, Volume 2: Management Recommendations, at Section 3.3.

State review of the SMP submittal package

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:

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 City hired a consultant who produced the Shoreline Inventory and Characterization Report (November 2012; 'ICR'). The report documents existing shoreline conditions and helped inform development of the City's SMP, including environment designations, policies, and regulations.

North Bonneville is located in the Columbia River Gorge, a geologic formation and National Scenic Area valued for natural resource views, vistas, and recreation opportunities. Part of the Pierce National Wildlife Refuge is located in the southwest portion of the City, federally owned, and managed primarily for its wetlands by USFWS. Providing a namesake, the Bonneville Lock and Dam is located both in and immediately adjacent to the City. Federally owned and operated by USACE, the first portion of the hydroelectric facility was completed in 1938. The federal Bonneville Power Administration (BPA) owns significant swaths of land for operation and maintenance of the power transmission lines and associated infrastructure located both in and adjacent to the City's shoreline jurisdiction. The Dam is a designated National Historic Landmark. Both State Route 14 (named the Evergreen Highway) and the BNSF railroad run east-west in parallel, each crossing over Hamilton Creek by bridges and bisecting the City's north and south areas. The City's location has a unique history.

Historical context

Native Americans inhabited the area for thousands of years because of the natural choke point created by the Great Rapids in this part of the Columbia River and the abundance of native food sources that it provided. Great regional landslides have occurred within the last 300 years that filled, redirected, and altered the river's course. Founded in the 1850s, the historic town of Cascades was the first non-native community in the region and an important transportation hub. The great flood of 1894 washed away that town from its location within what is now the existing city limits (Figure 1). Completion of the Cascade Locks in 1898 allowed steamboats to navigate the rapids, and newer land routes around the rapids replaced the need for reestablishing the lost town.

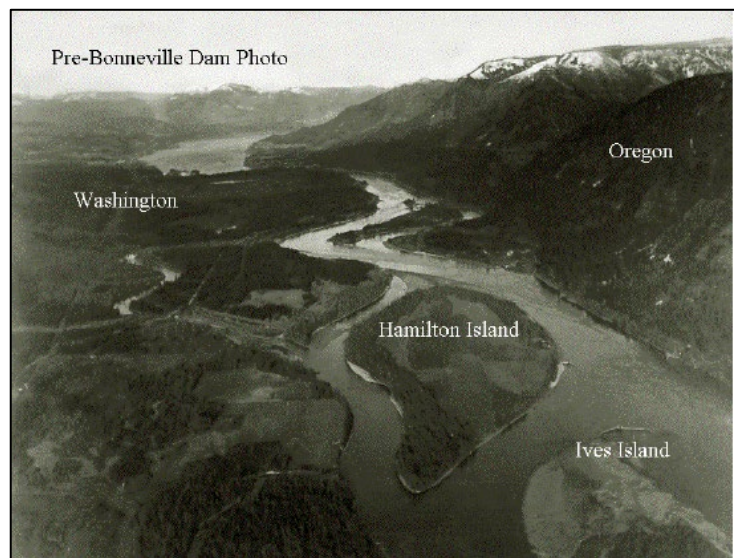


Figure 1. Columbia River before Bonneville Dam (Source. 2012 Shoreline Inventory and Characterization Report)

In the 1930s, North Bonneville was originally developed as a construction town for the Bonneville Dam, located immediately north of the dam site, and the City incorporated in 1935. The Columbia River shoreline was

excavated, enlarged and structurally reinforced, and the resulting dam's reservoir flooded the Great Rapids. Development of the Pacific Northwest continued, and the demand for more electric power grew.

Planning started in the mid-1960s and, after much local objection to simply vacating the City for expansion of the Dam, federally funded efforts resulted in relocating the city to its current location in 1978. The City's original SMP had been adopted in 1974 and significantly affected the redesigned layout, as described by the ICR:

"The relocation presented a unique opportunity to create a planned city, which included raising the new town site above the 100-year flood plain and maintaining federal lands as well as deed-restricted City ownership of open spaces that restricted most development within 200 feet of most shorelines to address requirements of the SMA. The shorelines were once again massively altered with excavation of the old city site and extensive shoreline filling for the new relocated city on Hamilton Creek and the Columbia River." (Figure 2).

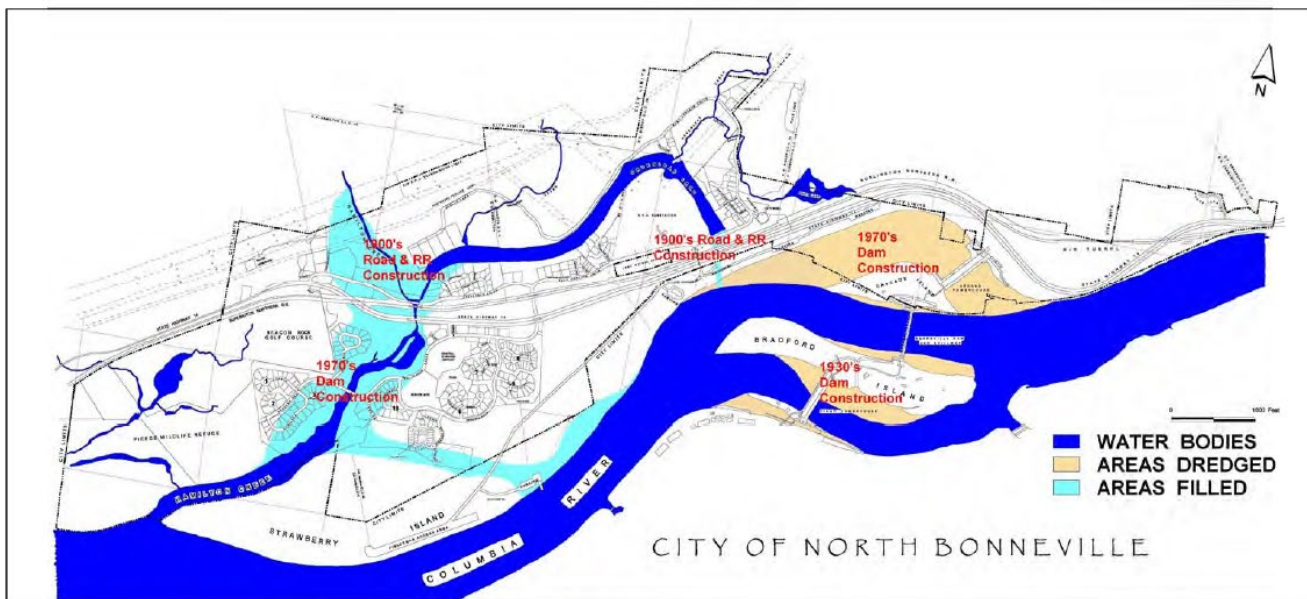


Figure 2. Areas dredged and filled for relocating the City of North Bonneville to allow dam expansion (Source: 2012 Shoreline Inventory and Characterization Report)

Existing Conditions

At the watershed scale, the ICR considers local land use, demographics, land ownership and recent building trends, as well as the habitats and ecological functions related to fish and wildlife such as hydrology, sediment transport, water quality and organic materials/LWD. The discussion addresses in-stream and riparian habitat, wetlands, and terrestrial habitat. The ICR relies on available data and information, including the priority habitats and species (PHS) database maintained by WDFW regarding many salmon species, other fish, birds, and dominant tree species that comprise forest habitat, and unique features such as oak woodlands, herbaceous bald, and talus slopes/cliffs. At the reach scale, the ICR describes existing biological and built conditions, including stream flow, floodplain, substrate, riparian vegetation, water temperature, development patterns, shoreline modifications, and areas that are degraded or impaired along sections of the local water bodies.

Overall, there are four (4) shorelines of the state water bodies within city limits, including portions of the Columbia River, a shoreline of statewide significance, Hamilton Creek, Greenleaf Lake, and Greenleaf Creek, along with their shoreland features. There are also two (2) non-SMA tributary streams that pass through shoreline jurisdiction, including Carpenter Creek at its confluence with Greenleaf Lake, and Moffett Creek at its confluence with Greenleaf Creek.

The portion of the Columbia River within the City is limited to the northern part of the Dam and upstream to the City's northeastern boundary near the site of the abandoned 1850's Fort Rains. The stretch of Columbia River from the Dam downstream to the mouth of Hamilton Creek is federal land outside City limits.

Hamilton Creek flows from north to south and bisects the heart of the City into east and west portions with only two local road crossings: Evergreen Drive across the upper creek; and Cascade Drive across the lower creek. This area was drastically altered by the extensive filling of the creek channel, as well as the river channel around Hamilton/Strawberry Island for the City's relocation. Named 'Strawberry Island' by Lewis & Clark in 1805 for the abundant vines covering the ground, Hamilton Island is no longer an island after the extensive fills for the new town site. Hamilton Creek provides important salmon and steelhead spawning habitat and has more recently seen extensive modifications for stream channel and fish enhancement, including channel excavation and engineered log jams since channel widening is not an option.

Now called Greenleaf Lake, it was once a slough off the Columbia's main channel also connected downstream at Hamilton Creek. The eastern outflow of Greenleaf Lake was filled to allow the highway and railway, and sediment outflow to the west further restricted by Hamilton Creek channel constriction due to bed load buildup due to bridge crossings. Lake outflow has been managed with excavation of excess materials. Important oak woodland habitat at the Carpenter Creek confluence, geological hazards, and wetlands are identified on the northern shore, and several areas of wetland habitat along the south shore provide key habitat and ecological functions.

Existing land use and shoreline development includes:

- Upper Hamilton Creek – non-water-dependent industrial, RV park, and a few parcels of undeveloped land zoned as Commercial Recreation. Riparian habitat is primarily intact and functional. Shoreline modifications include riprap, sugar dikes and levees.
- Lower Hamilton Creek – public recreation as part of the Heritage Trails system, otherwise little shoreline development since the majority is federal land or city-owned open space. Shoreline modifications include some riprap and extensive habitat enhancement structures.
- Greenleaf Lake – 22 single-family residences (most homes are beyond 50' from OHWM, one is closer than 50', and 5 are further than 100'), two areas of city-owned open space, public recreation as part of the Heritage Trails system, federal power infrastructure, and a large portion of the north shore undeveloped land zoned as Commercial Recreation. Shoreline modifications are limited to private docks for seven (7) homes and a public boat launch/ramp.
- Greenleaf Creek – parcel zoned Commercial Recreation with private facility previously operated as a hot springs resort, undeveloped land zoned as Commercial Recreation, a few single-family residences/lots, and city-owned open space. Riparian habitat is primarily intact and functional.
- Columbia River – The hydroelectric dam and related infrastructure are the dominant use, stream flow and floodplain connectivity are impaired, water quality is impaired with high temperatures, and riparian habitat is limited. USACE maintains a levee for the entire extent of this reach, and provides public access for views, fishing, and a visitor center.

Overall, North Bonneville is a small city with a limited extent of shoreline jurisdiction (approximately linear 7 miles) and a low rate of development. The ICR describes development patterns from 1980 to 2012, including each residential (R) and commercial (C) structure’s distance from OHWM, summarized as follows:

	1980	1990 - 2000	2000 - 2010	2010 - 2012
Upper Hamilton	0	1 C @ <50'	1 C @ <50'	1 C @ <50'
Greenleaf Lake	1 R @ <50' 5 R @ 50' – 100' 3 R @ 100' – 200'	1 R @ <50' 9 R @ 50' – 100' 3 R @ 100' – 200'	1 R @ <50' 14 R @ 50' – 100' 5 R @ 100' – 200'	1 R @ <50' 16 R @ 50' – 100' 5 R @ 100' – 200'
Greenleaf Creek	0	1 R @ 50' – 100' 1 Res @ 100' – 200'	1 Res @ 50' – 100' 1 Res @ 100' – 200'	1 Res @ 50' – 100' 1 Res @ 100' – 200'

The City does not fully plan under the Growth Management Act. Population growth has been low over the past 20 years with development generally occurring in areas of existing development and services. The City’s pattern of low development is anticipated to continue, with the subdivision and/or development of Upper Hamilton Creek and the Greenleaf Lake north shore most likely to see the biggest changes. We reviewed our shoreline permit filing record and found that only one additional shoreline substantial development permit has been authorized within the City between 2012 and 2024. This further supports the City’s analysis and conclusions around the continued low rate of development within their shoreline jurisdiction. Beyond regulatory requirements, there are ample opportunities for property owners to do voluntary restoration and enhancement of riparian habitats to increase native woody vegetation.

Finding: Ecology finds that the Inventory and Characterization Report adequately inventoried and analyzed the current conditions of the shorelines located in the City of North Bonneville. 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 within the City’s shoreline jurisdiction. Ecology finds the report is consistent with the requirements of WAC 173-26-201(3)(c) and (d).

Shoreline Jurisdiction and Shoreline Environment Designations (WAC 173-26-211)

The minimum extent of shoreline jurisdiction is defined in RCW 90.58.030(2). SMP Section 1.3 establishes the shoreline jurisdiction within the City as slightly expanded beyond the minimum allowed, including the in-water portions, associated wetlands, and adjacent shorelands located within 200 feet of the Ordinary High Water Mark (OHWM), plus buffers for associated wetlands, of the four (4) waterbodies listed: Columbia River, Hamilton Creek, Greenleaf Lake, and Greenleaf Creek.

The City is exercising local discretion to extend shoreline jurisdiction to include buffers for associated wetlands only but does not include other optional areas: 1) portions of the FEMA mapped floodplain (FIRM Zone A) beyond the 200 foot minimum; and 2) buffers necessary to protect other critical areas which extend beyond the minimum shoreline jurisdiction. These critical area buffers are currently and will continue to be regulated by the City’s critical areas ordinance rather than the SMP. The SMP also notes the City’s authority over adjacent waters under RCW 35.21.160, that extends the City’s shoreline jurisdiction waterward to the mid-line of the Columbia River that is also the State boundary between Washington and Oregon.

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 the SMP Guidelines (WAC 173-26-211) or develop their own tailored designation criteria.

SMP Chapter 5 proposes five (5) SEDs: Shoreline Commercial Recreation; Active Waterfront; Shoreline Residential; Natural; and Aquatic (Figure 3).

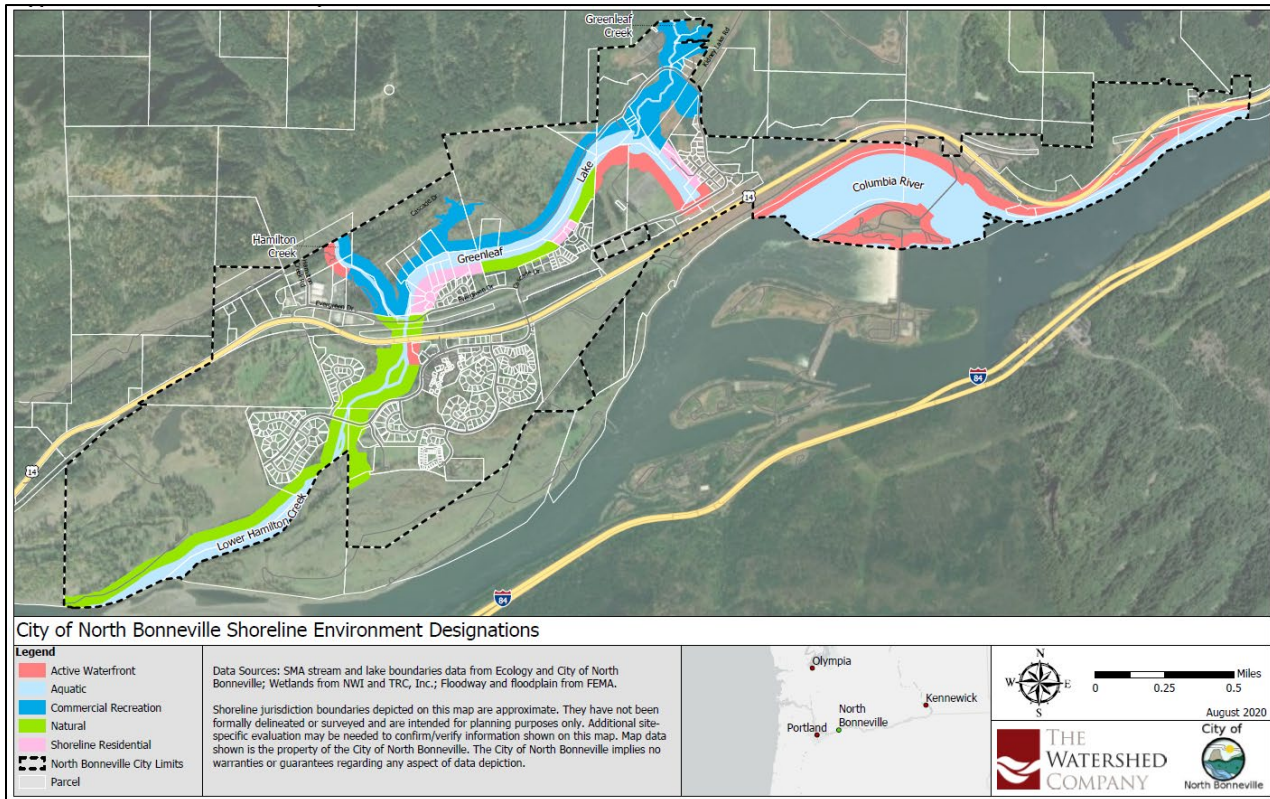


Figure 3. The Official Shorelines Map depicts the SEDs established by SMP Chapter 5. (Source: SMP Appendix A)

Each designation includes a purpose statement, designation criteria and management policies. SMP Chapter 6 includes a table that identifies allowed uses, activities, and modifications by SED along with the shoreline setback standards.

Two (2) of the SEDs are locally tailored versions of designations described in the SMP Guidelines:

- **Shoreline Commercial Recreation** – This is an adapted version of “high-intensity” (WAC 173-26-211(5)(d)) that is instead primarily focused on recreational, visitor, and tourism uses and facilities that foster shoreline public access while protecting, enhancing, and restoring shoreline ecological functions - including a policy to encourage voluntary native vegetation enhancement. The City has little to no existing or future anticipated intensive transportation or industrial uses, but water-oriented commercial recreation is supported by existing uses and zoning, and a crucial component of the local economy. The City created this SED to reflect current conditions and local values to better fit existing use and development and to meet future needs. This SED is primarily applied to upper Hamilton Creek, the north shore of Greenleaf Lake, and to upper Greenleaf Creek.
- **Active Waterfront** - This is an adapted version of “urban conservancy” (WAC 173-26-211(5)(e)) that is instead primarily focused on balancing limited commercial, industrial, business and utility uses with protection and restoration of riparian, floodplain, and other shoreline ecological functions. There is slightly more emphasis on accommodating such existing use and development, such as

industrial/business parks and federal lands related to the Bonneville Dam, but still the emphasis is on protection, conservation, and restoration of shoreline ecological functions. This SED is mostly applied to federal lands on the southeast shore of Greenleaf Lake and all shorelands of the Columbia River at and upstream from the Dam, but otherwise applied minimally to a couple parcels on upper Hamilton Creek, a couple parcels on lower Hamilton Creek, and a few City-owned parcels at the eastern end of Greenleaf Lake.

The other three (3) SEDs - Shoreline Residential, Natural, and Aquatic - are established in Chapter 5 as described in the SMP Guidelines. Note, the City opts to prohibit Residential use and development in Natural where it could be allowed with a CUP. This is an appropriate local adaptation that reflects that all the areas designated Natural are national wildlife refuge or City-owned open space where all residential uses are prohibited by the underlying zoning (Open Space Preserve).

Finding: Ecology finds that the City SMP defines shoreline jurisdiction consistent with the Act and the record sufficiently documents the basis for assigning shoreline environment designations. For each environment designation, the SMP includes a purpose statement, designation criteria, and management policies as required by WAC 173-26-211(4)(a).

Shorelines of Statewide Significance (WAC 173-26-251)

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 SMP Guidelines in WAC 173-26-251 require that local SMPs 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: (a) implement statewide interest; (b) preserve resources for future generations; and (c) give preference to uses identified in RCW 90.58.020.

The SMP in Section 6.1.7 sets forth general standards for SSWS. The Columbia River is identified in SMP 1.3 and 6.1.7 as a SSWS within the city, and the SMP sets a public access policy for SSWS at 4.2.2(2).

Finding. Ecology finds that the SMP has accurately identified SSWS within the City’s jurisdiction; is consistent with RCW 90.58.020 and WAC 176-26-251; and provides for optimum implementation of the statutory policy.

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 types of shoreline development regulated by SMPs. North Bonneville’s general provisions are located in SMP Section 4.2, General Goals and Policies for Master Program Elements, and Section 6.1, General Shoreline Standards. These sections include subsections that address (4.2) Economic Development, Public Access, Recreation, Circulation, Shoreline Use, Conservation, Historic Cultural Scientific and Education, Flood, and Critical Areas elements, as well as the regulations of (6.1) Archaeological, Historic, and Cultural Resources, Critical Areas, Dimensional Standards, Environmental Impact Mitigation, Nonconforming Use and Development, Public Access, Shorelines of Statewide Significance, Vegetation Conservation, and Water Quality Stormwater and Nonpoint Pollution.

Public access provisions protect and enhance physical and visual access in balance with public safety, private property rights, and shoreline ecological functions. Vegetation conservation provisions limit grading, vegetation clearing, tree removal, and landscape maintenance throughout shoreline jurisdiction and within setbacks and buffers to protect, retain and enhance native vegetation, remove invasive species, allow for views, minimize erosion, and ensure no net loss of ecological functions. Water quality provisions limit waste/effluent, discourage the use of herbicide, pesticide, fungicide, fertilizer, and other such chemicals for landscape/property

maintenance, and encourage voluntary use of Low Impact Development (LID) stormwater techniques and other sustainable development best management practices (BMPs) consistent with the most current Stormwater Management Manual for Western Washington.

Critical area protection regulations, found in Chapter 21.10 NBMC, with SMA tailored exceptions listed in SMP Section 6.1.2(1), are incorporated by reference at SMP Section 1.5 and 6.1.2. The resulting shoreline critical area provisions include required buffers for wetland, landslide hazard, and fish and wildlife habitat critical areas located in shoreline jurisdiction. Critical aquifer recharge areas are addressed solely in the CAO, and frequently flooded areas are addressed by provisions of the CAO and SMP Sections 4.2.8 and 6.2.4(A) Flood Hazard Reduction to prevent and minimize flood hazards and flood damage consistent with the City's NFIP Flood Damage Prevention Ordinance (NBMC 17.56), last amended in 2022.

Wetland provisions are consistent with the most current technical guidance, including reliance on the federal delineation manual, 2014 Ecology Ratings System, and 2022 CAO Guidance for buffers, mitigation and more. The City establishes wetland buffers based on wetland category, land use intensity, and habitat score. The SMP excepts some CAO wetland provisions from application in shoreline jurisdiction to ensure that all wetlands in shoreline jurisdiction are protected to meet the NNL standard and to limit wetland buffer averaging to not exceed 25% reduction of the standard width required.

Riparian buffers for non-SMA streams range from 25 feet along smaller seasonal streams (Type Ns) to 100 feet along larger fish bearing streams (Type F). The shoreline setbacks of Table 6-1, are based on the SED and type of use/development and range from 75 feet to 150 feet. This establishes a more tailored strategy that accommodates preferred water-oriented uses and public access and reflects local shoreline conditions. Riparian buffers and shoreline setbacks may be modified by averaging per established criteria, limited to retain 75% of the standard distance.

The Dimensional Standards of SMP Section 6.1.3 establish provisions for buffers, setbacks, height, impervious surface, and lot coverage standards to protect people, property, shoreline views and ecological functions. Water-dependent structures and activities may locate within the shoreline setback or critical area buffer, but all other non-water dependent use and development must locate outside these protected areas.

Finding: *Ecology finds, subject to required changes in Attachment B, that the general policies and regulations 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).

North Bonneville's proposed SMP addresses these activities in Section 6.2 Shoreline Modifications and expresses a preference for limiting the number and extent of modifications, along with a preference for those that have a lesser impact on ecological functions. Regulations include general provisions applicable to all types of modifications, as well as specific provisions for boating facilities and overwater structures, fill and grading,

dredging and dredge disposal, flood hazard reduction and in-stream structures, restoration and enhancement, and shoreline stabilization.

Section 6.2.5 Restoration and Enhancement establishes the allowance for relief from development standards when restoration shifts the OHWM landward. Section 6.2.6 Shoreline Stabilization provisions prefer non-structural and soft methods over hard armoring, prohibit breakwaters, jetties, groins, and weirs waterward of OHWM except for protection and restoration of ecological functions, require demonstration of need, distinguish between new, expanded, and replacement structures, and establish standards to address stabilization structure design, and related public access, vegetation, and impact mitigation. New development is required to be set back adequately to ensure the need for future stabilization is avoided. The SMP outright prohibits the following: boat houses, floating homes, covered moorage, boat lifts, liveaboards, marinas, mooring buoys, pilings, and piling fields.

Finding: *Ecology finds that, subject to required changes in Attachment B, 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.

Consistent with WAC 173-26-186(5), the proposed North Bonneville 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 Shoreline Environment Designations (SEDs) depending on the current level of impairment of shoreline functions. This is based on the City’s Inventory and Characterization Report, existing land use patterns, the City’s Comprehensive Plan, and SMA use preferences.

The SMP regulates shoreline uses in Section 6.3 Shoreline Uses with greater restrictions on future uses in the more sensitive Natural and Shoreline Residential SEDs and increased allowances in the Shoreline Commercial Recreation and Active Waterfront SEDs (see Table 6-1 Shoreline Activity Allowances and Setbacks Summary). The SMP includes regulations for boating facilities, commercial, industrial, recreation, residential, transportation and utilities. The following uses are prohibited outright: agriculture, aquaculture, forest practices, mining, solid waste disposal, and primary parking facilities.

Section 6.3.1, Preferred and Prohibited Uses, establishes the required order of use preference and provides criteria for addressing use conflicts. Outdoor signs are addressed at Section 6.3.3 as related to shoreline views and aesthetic values; the provisions limit signage to the minimum necessary for public safety, education/interpretation, directional, and on-site commercial/ industrial and other private uses, prohibit off-site private signage, and establish standards for design, construction, location, and maintenance. Consistent with the SMP Guidelines and in recognition of the importance of recreation use and development to the City’s local values and economy, Section 6.3.4 provisions address both commercial and public facilities, prioritize shoreline access and water-oriented activities, highlight the special considerations for state-owned shorelines, require

that public recreational facilities are both consistent with the SED and ensure no net loss, and direct commercial recreation to also meet commercial standards.

Finding: Ecology finds that, subject to required changes in Attachment B, the City has established a system of use regulations consistent with WAC 173-26-241 along with related environment 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.

Shoreline Use Analysis

Existing land use is addressed in the Shoreline Inventory and Characterization Report, and consideration of reasonably foreseeable future development and related impacts are addressed in the Cumulative Effects Analysis. Collectively these analyze current and future potential land uses by reach to address the SMP Guidelines requirement to project future shoreline development, identify potential use conflicts, and ensure preference is given to water-oriented uses, particularly uses that are unique to or dependent upon a shoreline location.

Finding. Ecology finds the City has adequately considered SMA preferred uses and the potential for use conflicts consistent with WAC 173-26-201(2)(d) and WAC 173-26-201(3)(d)(ii).

Cumulative Impact Analysis (WAC 173-26-201(3)(d)(iii))

Addressing no net loss of shoreline ecological functions is a critical element in any SMP update. SMA implementing rules require that, “Master programs shall contain policies and regulations that assure at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources” (WAC 173-26-201(2)(c)). A cumulative impacts analysis documents how an SMP update addresses no net loss of ecological functions. The City’s Cumulative Effects Analysis (2015) and companion No Net Loss Report (2015) for the North Bonneville SMP indicates that potential development and redevelopment will continue to occur at a very slow rate. Potential impacts on shoreline ecological functions will likely be small and the SMP provides for mitigation sequencing to ensure no net loss.

While the analysis considered an earlier draft version SMP, population and development trends are relatively unchanged. The analysis noted OFM’s 2012 population estimate was 1,000 and the 2020 Census identified the population at 1,021. Except for the necessary location of water-dependent uses at the water’s edge, the proposed SMP requires most new development to locate outside the shoreline setbacks of 75 feet to 150 feet from OHWM. Vegetation conservation standards apply throughout shoreline jurisdiction, with separate standards that protect shoreline vegetation within setbacks and buffers. Overall, implementation of the proposed SMP is expected to minimize cumulative effects of reasonably foreseeable future development of the shoreline jurisdiction and, in some areas, conditions are expected to improve.

Finding: Ecology finds that the City’s Cumulative Effects Analysis and No Net Loss Report provide 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))

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 North Bonneville Restoration Plan (2015), while modest, was developed based on information gathered in the Inventory and Characterization which identified programmatic and site-specific restoration opportunities. These include suggested actions to increase Large Woody Debris, improve water quality and restore stream flow, riparian habitats, and floodplain connections, enhance off-channel habitat, and improve fish passage. The City's SMP includes provisions in Section 6.2.5 Restoration and Enhancement that allow and promote restoration efforts and link restoration actions to the Restoration Plan.

Finding: 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)

North Bonneville is required, on or before June 30, 2021, and every ten 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 SMP amendment, and for consistency with the City's comprehensive plan and development regulations. The periodic review is also an opportunity to address changes in local circumstances, new information, or improved data.

The City was delayed in completing its comprehensive update, such that the deadline to periodically review the SMP coincided the final stage of the City's comprehensive update. As such, the City intends to address the periodic review requirement concurrently with its comprehensive update. The record reflects that the City addressed this statutory obligation to keep the SMP up to date and prepared a checklist to meet the requirements of WAC 173-26-090(3)(b)(i). To address the public notification requirements of WAC 173-26-090(3)(a), the City provided notice to the public, interested parties and tribes during the 2019 – 2021 local adoption process that identified the combined purpose of the proposed SMP amendment. This notice included information that the periodic review is occurring concurrent with the comprehensive update and that the final adoption of the North Bonneville SMP will also conclude the formal periodic review requirement.

Finding: Ecology finds that, consistent with RCW 90.58.080(4)(a), the City of North Bonneville is required to periodically review their SMP on or before June 30, 2021, and every ten years thereafter. Ecology finds that the City completed this review and appropriately modified its draft SMP to address changes in requirements of the SMA and guidelines, as well as changes for consistency with comprehensive plans, local regulations.

Consistency Review Summary

Consistency with Chapter 90.58 RCW

The proposed SMP 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 City 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 SMP 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 and a SMP periodic review checklist completed by the City.

Consistency with applicable shoreline permit administration provisions

The proposed SMP has been reviewed for compliance with the requirements of RCW 90.58.140 and Chapter 173-27 WAC.

Consistency with SEPA Requirements

The City submitted evidence of SEPA compliance for the combined SMP comprehensive update and periodic review amendment. A SEPA checklist and Determination of Non-Significance (DNS) was issued on August 22, 2019. Notice of the SEPA determination was published in the *Skamania County Pioneer* newspaper on September 28, 2019.

Other Studies or Analyses supporting the SMP amendments

Ecology reviewed the following supporting documents, including reports, studies, map portfolios, and data prepared by or for the City in support of the proposed SMP comprehensive update and periodic review:

- Public Participation Plan (2011)
- Shoreline Inventory and Characterization Report (November 2012)
- Shoreline Restoration Plan (June 2015)
- Cumulative Effects Analysis (March 2015)
- No Net Loss Report (June 2015)
- SMP Update Submittal Checklist (June 2015)
- Periodic Review Checklist (August 2019)

Summary of issues relevant to our decision

Based on review of the locally approved SMP for consistency with the SMA and applicable SMP Guideline requirements, contemplation of supporting materials included in the City's submittal, and consideration of issues raised during Ecology's public comment period, several issues remain relevant to Ecology's decision on the City of North Bonneville's SMP Update. Upon Ecology's review and in consultation with City staff, we have identified five (5) required changes to the locally approved SMP amendment necessary for consistency with the SMA or SMP Guidelines, as well as additional recommended changes to improve the document for implementation. The specific issues, proposed changes, and Ecology's explanation are presented below, in addition to discussion and rationale provided for each of the items detailed in Attachment B.

Required Changes

SMP 3. Definitions: Public versus shared private structures (REQ-1) – SMP policies, regulations, standards, and criteria rely on specific defined terms and a provision's intent may not be properly implemented if a term's definition is not clear. The SMP addresses both public and private use and development activities, often with differing allowances or requirements based on who will be served (such as public access, and boating facilities). For consistency with WAC 173-26-191(2)(a)(ii)(A) that requires sufficient scope and detail to ensure proper implementation, the SMP definition of 'Community or Joint-use' needs to clearly distinguish it applies only to private shared - and not public - structures or facilities. The required change is presented in Attachment B as item #REQ-1.

SMP 6.1.2 Critical Areas: Incorporated wetland protections (REQ-2) – The SMP incorporates the City's CAO as shoreline critical area regulations, including the CAO's allowance for impacts to small Category III and IV wetlands without demonstrating avoidance and minimization. For consistency with WAC 173-26-221(2)(c)(i) that requires no net loss of wetland area and functions and with WAC 173-26-201(2)(e)(i) requirement for application of the mitigation sequence, this allowance must be excepted from application in shoreline

jurisdiction. The SMP needs to ensure that all wetlands in shoreline jurisdiction are protected to meet the NNL standard, and limit wetland buffer averaging to not exceed 25% reduction of the standard width required. The required change is presented in Attachment B as item #REQ-2.

SMP 6.1.3 Dimensional Standards: Shoreline setback and riparian buffer averaging (REQ-3) – The SMP incorporates the City’s CAO as shoreline critical area regulations and establishes a range of SED-based shoreline setbacks to replace the uniform Type S riparian buffer. As proposed, the SMP allows for the standard riparian buffer widths and shoreline setback distances to be adjusted by averaging (SMP 6.1.2(1)(k) and 6.1.3(1)(f)). The shoreline critical area provisions establish standards for wetland buffer averaging, however the SMP lacks standards specific to the allowed shoreline setback and riparian buffer adjustments. While one solution might be to also apply the wetland standards to the shoreline setback and riparian buffer adjustments, this approach seemed awkward and prone to confusion. Instead, City staff indicated a more specific and prescriptive approach was preferred to explicitly describe the applicable standards for non-wetland setback/buffer adjustments. The SMP needs added text that mirrors the wetland standards for internal consistency, and for consistency with WAC 173-26-191(2)(a)(ii)(A) that requires sufficient scope and detail to ensure proper implementation. The required change is presented in Attachment B as item #REQ-3.

SMP 6.2.1 Boating Facilities and Overwater Structures: Piers and docks for non-boating use (REQ-4) – Overall, SMP 6.2 requires that all shoreline modifications be limited in number and extent, consistent with the SMP Guidelines at WAC 173-26-231(2). The SMP Guidelines also limit docks that are accessory to a single-family residence to only those that are deemed water-dependent as “designed and intended as a facility for access to watercraft” (i.e. moorage or landing), per WAC 173-26-231(3)(b). A residential accessory dock to provide seating, sunning, views, picnics, storage, and other non-moorage non-boating activities is not water-dependent, and therefore not allowed. Beyond a residential accessory for moorage/boating, the Guidelines establish that new piers and docks may only be allowed when demonstrated as necessary to support a water-dependent use or public access. “Public” access means everyone, not just the residents of a single home, multi-family facility or neighborhood, or patrons of a commercial development.

As proposed, SMP 6.2.1(D) establishes allowances for new public and private piers and docks to be used for both moorage and non-boating recreation/access in the Shoreline Commercial Recreation (SCR), Shoreline Residential (SR), and Natural (NAT) SEDs. While a public pier/dock may be appropriate to provide non-boating recreation/access such as views, fishing, or swimming, a private pier/dock may not be reasonable in all situations. The SMP differentiates private piers/docks as intended for individual use or for shared (joint or community) use. In NAT, only public piers/docks would be allowed as a conditional use. In SCR, both public and private non-boating piers/docks would be allowed. And in SR, all public piers/docks are prohibited, but private individual and shared piers/docks would be allowed. However, per WAC 173-26-231(3)(b) private, individual use non-boating pier/dock cannot be allowed. The required change is presented in Attachment B as item #REQ-4, with related revisions recommended below.

SMP 6.3.5: Single-family residential (REQ-5) – Under the SMA ‘preferred’ and ‘priority’ have separate meaning. Residential use and development are not water-dependent activities. Where the SMA establishes an order of preference for activities along shorelines of statewide significance that does not favor residential development (RCW 90.58.020), it allows for limited exceptions to alter the natural shoreline condition for single-family residential use as a priority. Similarly, the SMP Guidelines (WAC 173-26-241(3)(j)) identify single-family residential (SFR) as a priority use only “*when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.*” This ‘priority’ distinction is also different from the

established order of preferred uses (WAC 173-26-201(2)(d)) that lists SFR, and other non-water oriented uses, last. The proposed SMP at Section 6.3.5 correctly specifies residential use and development as 'not water-dependent' but erroneously refers to such as 'preferred' where it needs to specify SFR as a 'priority' use for consistency with the SMA and its implementing rules. The required change is presented in Attachment B as item #REQ-5.

Recommended Changes

In addition to the required changes noted above, we have also identified a number of recommended changes intended to improve document clarity and aid implementation. These changes are not required for consistency with the SMA or SMP guidelines, but have been reviewed for consistency and can, if accepted by the City, be included in Ecology's approved SMP. Five (5) of these are noted above as responsive to issues raised by the comments received during the state comment period, further described as follows:

- Definition of 'critical areas' – add text to read 'fish and wildlife habitat conservation areas' (Rec-4)
- Vegetation conservation – add text to specify protection of Oregon white oak woodlands and WDFW consultation (Rec-13)
- In-stream structures – remove 'anadromous' so all fish migration is protected (Rec-16)
- Shoreline stabilization - add citation to WDFW rule for streambank protection guidelines (Rec-17)
- Site plan requirements – add delineation of 'other critical areas' (Rec-22)

Other minor issues include:

- Associated wetlands – ensure the SMP explicitly states that wetlands located in the 100-year floodplain are considered associated and therefore part of minimum shoreline jurisdiction (Rec-1)
- Critical areas– clarify incorporation language for application of the provisions to shorelines (Rec-2)
- Dimensional standards for buffer and setback averaging/reduction (Rec-13)
- Private structures, including shared piers and docks for moorage and non-boating use (Rec-3, Rec-5, Rec-14 and Rec-15)
- Current value for substantial development cost threshold, corrected in two locations (Rec-6)
- Discrepancies between: SED table and map (Rec-7, Rec-8, Rec-9, and Rec-10), Use table and map (Rec-11), and text and Use table (Rec-12)
- Special permitting considerations for federal dredging, and WSDOT projects (Rec-18 and Rec-20)
- Bring the Restoration Plan timeline up to date (Rec-23)

Lastly, there are a few other minor text edits recommended to correct typos, citations, and clarify phrasing intended to aid both applicants and practitioners for implementation (Rec-10, -19, and -21). All recommended changes were prepared in collaboration with City staff and are further described as the 23 items detailed in Attachment B.

CONCLUSIONS OF LAW

After review of the complete record submitted and all comments received, Ecology concludes that the City's comprehensive SMP update and periodic review proposal, subject to and including Ecology's required changes (itemized in Attachment B), is consistent with the policy and standards of RCW 90.58.020, RCW 90.58.090, RCW 36.70A.480 and the applicable SMP guidelines (WAC 173-26-171 through 251) as well as the definitions in WAC 173-26-020 and WAC 173-27.

Ecology concludes that the proposed comprehensive update and periodic review, subject to required changes (Attachment B), satisfy SMP amendment approval criteria found in WAC 173-26-201(1)(c). This includes the conclusion that approval of the SMP amendment including required changes (Attachment B), will not foster

uncoordinated and piecemeal development of the state's shorelines (WAC 173-26-201(1)(c)(i) and is expected to result in no net loss of shoreline ecological functions through implementation of the updated SMP (WAC 173-26-201(1)(c)(iv)). This includes a conclusion that the proposed SMP, subject to required changes, 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, per the standards of WAC 173-26-201(2)(c).

Ecology also concludes that a separate set of recommended changes to the proposed amendment (identified during the review process and itemized in Attachment B) would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required but have been reviewed for consistency and can, if accepted by the City, be included in Ecology's approved SMP amendment.

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, subject to and including Ecology's required changes, the SMP provides 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 City has chosen to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffer areas for associated wetlands only, but not for other 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, other than wetlands, with buffers that extend beyond SMA jurisdiction, those portions of the buffer outside of shoreline jurisdiction shall continue to be regulated by the City's critical areas ordinance. In such cases, the updated SMP shall apply to the designated critical area and portions of their buffers located within shoreline jurisdiction, but not the portion of the buffer area that lies outside of SMA jurisdiction. All designated critical areas and their buffer areas located within shoreline jurisdiction shall be regulated solely by the SMP.

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

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

Ecology concludes that the City's SMP submittal to Ecology for the combined comprehensive update and periodic review was 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) including the SMP submittal checklist and periodic review checklist.

Ecology concludes that we have 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 the City's final legislative action will serve to complete the comprehensive SMP update required by RCW 90.58.080(2).

Ecology concludes that the City has reviewed applicable state laws and rules adopted during the local SMP drafting and adoption process. Ecology concludes the City's final legislative action in completing the comprehensive SMP update required by RCW 90.58.080(2) will therefore also serve to meet the City's obligation to conduct a periodic review of the SMP under RCW 90.58.080(4).

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed comprehensive update and periodic review amendment to the SMP is consistent with the policy of the Shoreline Management Act, the applicable Guidelines, and implementing rules, once required changes set forth in Attachment B are accepted by the City.

Ecology has also determined the SMP would benefit from incorporation of the recommended changes identified in Attachment B. Ecology recommends these modifications to improve the document for implementation, but they are not necessary for consistency with the SMA or applicable guidelines. The City may choose to accept none, some, or all of the recommended changes in Attachment B.

Pursuant to RCW 90.58.090(2)(e), the City must notify Ecology of the changes accepted or rejected before Ecology can take final action on this combined comprehensive update and periodic review amendment.

As provided in RCW 90.58.090(2)(e)(ii) the City may also choose to submit alternative language for all or part of the changes identified by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with Chapter 90.58 RCW, we will approve the alternative proposal as part of our final action.

Upon receipt of the City's written response describing acceptance of Ecology's required changes, the decision to accept or reject Ecology's recommended changes, and any alternative proposals to address the identified changes, Ecology will issue our final action notice on this SMP comprehensive update and periodic review. Ecology's final approval of the SMP, with all changes as mutually accepted, will become effective 14 days from Ecology's final action letter approving the SMP, consistent with RCW 90.58.090(7).