

impacts to shoreline ecological functions, including wildlife habitat functions and water quality. Negative environmental and shoreline impacts of clearing and grading should be avoided or minimized through proper site planning, construction timing and practices, vegetative stabilization or (where required) soft structural stabilization, use of erosion and drainage control methods, and by adequate maintenance.

5. For all clearing and grading proposals, a plan addressing species removal, re-vegetation, irrigation, erosion and sedimentation control, and other plans for protecting shoreline resources from harm should be required.
6. Cleared and disturbed sites remaining after completion of construction should be promptly re-stabilized, and should be replanted as soon as is practical with primarily native, self-sustaining plantings. Within the buffer, only native plants should be planted. If weather conditions preclude planting immediately after the completion of construction, replanting shall occur no later than the next planting season.
7. Restoration of disturbed areas is difficult in the Moses Lake area, due to the dry climate and abundant weed seeds. Avoiding disturbance is more effective and economical than restoration.

8-10-030. Regulations

1. Since restoration is more difficult than avoiding the impact in the first place, all clearing and grading activities shall be limited to the minimum necessary for the intended development. The Vegetation Management provisions later in this chapter apply to all clearing and grading activities.
2. Clearing and Grading Plan
 - a. A clearing and grading plan shall be required for all development within shoreline jurisdiction, whether a shoreline permit is required or the project is exempt from a shoreline substantial development permit.
 - b. The clearing and grading plan shall **1** address species removal, replanting, irrigation, erosion and sedimentation control, and plans for protecting shoreline resources from harm.
 - c. The plan must be approved by the City before any clearing or grading takes place.
3. No clearing and grading activities shall take place unless associated with an approved shoreline development. Clearing and grading shall be addressed in the permit or exemption for the shoreline use or activity with which it is associated. No clearing or grading shall take place before the permit or exemption is issued.
4. Immediately upon completion of the construction or maintenance activity, remaining cleared areas shall be restored to their pre-project condition, using compatible, self-sustaining vegetation.
 - a. If **2** weather does not permit immediate restoration, replanting shall be completed during the next planting season.
 - b. **3** planting plan shall be submitted to the City for review and approval. Plants that may compromise shoreline values shall be prohibited. If necessary, a temporary sterile cover crop **4** g., a sterile non-persistent member of the grass family such as sterile Triticale, barley, or oats shall be planted to prevent erosion during the establishment period; said cover crop shall be maintained until the permanent vegetation is sufficiently established to prevent erosion.
 - c. Replanted areas shall be maintained in accordance with the City's landscape maintenance requirements (MLMC Chapter 18.57.090). In the case of transportation, utility, or other capital facility construction, the agency or developer constructing or maintaining the facility shall also be responsible for maintaining the vegetation until it is established.
5. All shoreline areas disturbed by transportation, utility, or other facility maintenance shall be

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|---|-----------|-----------------|--------------------------|----------------------------|
| T | Number: 1 | Author: JSIK461 | Subject: Comment on Text | Date: 6/23/2014 9:51:45 AM |
| This is a bit unclear to me. All plants and animals are a species of some kind. Consider "describe all proposed vegetation removal" rather than "address species removal" | | | | |
| T | Number: 2 | Author: JSIK461 | Subject: Comment on Text | Date: 6/23/2014 9:54:18 AM |
| You might consider clarifying that this is referring to the season, rather than the weather on a given day. | | | | |
| T | Number: 3 | Author: JSIK461 | Subject: Comment on Text | Date: 6/23/2014 9:56:40 AM |
| Should this plan simply be a part of the Clearing and Grading Plan described above in section 2.? | | | | |
| T | Number: 4 | Author: JSIK461 | Subject: Comment on Text | Date: 6/23/2014 9:56:00 AM |
| This should probably be "certified weed-free". Temporary cover crops are a notorious vector for nasty invasive plants | | | | |

restored to their pre-project condition, using compatible vegetation, immediately upon completion of maintenance activity. The permit application submittal shall identify the size, location, and species of plants that will be used. The agency or developer maintaining the facility shall also be responsible for maintaining the vegetation until it is established.

6. Clearing by hand-held equipment of invasive non-native vegetation on the State Noxious Weed List is permitted in shoreline areas provided the disturbed area is promptly replanted with vegetation from the recommended list **1** if the site will fully re-vegetate with plants that will support healthy shoreline function on its own within three growing seasons.
7. All shoreline development and activity shall use effective measures to minimize increases in surface water runoff and sedimentation that may result from clearing and grading activity. The applicant must **2** include in the proposal the methods that will be used to control, treat, and release runoff so that receiving water quality and shore properties and features shall not be adversely affected. Such measures may include but are not limited to dikes, berms, catch basins or settling ponds, installation and maintenance of oil/water separators, grassy swales, interceptor drains, and landscaped buffers.
8. Soil stabilization associated with clearing and grading shall, whenever feasible, use bioengineering or other soft stabilization techniques.
9. Any significant placement of materials from off of the site, or substantial creation or raising of dry upland, shall be considered filling and shall comply with the fill provisions of Chapter 8, Modification Activities.
10. Before any clearing or grading takes place on a site, **3** sediment control measures such as silt fences, sand bags, or other approved measures shall be in place to protect the lake, shoreline, and any wetlands from sedimentation during construction. Sediment control measures shall be inspected after every runoff event and at least once per month and shall be maintained when necessary to ensure proper functioning.

8-15. Dredging and Dredge Material Disposal

8-15-010. Applicability: Dredging is the removal or displacement of earth or sediments such as gravel, sand, mud, silt, and/or other materials or debris from any water body or associated shoreline or wetland. Dredging is stringently regulated, since uncoordinated, piecemeal dredging in one area of the lake can have serious impacts on other areas. Dredging is normally done for specific purposes such as constructing or maintaining navigation channels, or marinas, for installing pipelines or cable crossings, or for dike or drainage system repair and maintenance. Dredge material disposal is the depositing of dredge materials on land or into water bodies for the purposes of either creating new lands or disposing of the by-products of dredging. Dredge material disposal within shoreline jurisdiction is also subject to the filling provisions found later in this chapter.

8-15-020. Policies

1. New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
2. Dredging and dredge material disposal should be located and conducted in a manner that minimizes damage to existing ecological functions and processes, including those in the area to be dredged, at the dredge material disposal site, and in other parts of the watershed. Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.
3. Dredging of bottom materials for the primary purpose of obtaining material for fill or other purposes should be prohibited, except when the material is necessary for the restoration of ecological functions.
4. Dredging operations should be planned and conducted to minimize interference with water and shoreline uses, properties, and values.
5. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins should be allowed where necessary for assuring safe and efficient

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How will this be determined? consider deleting this part, or give clear guideline for how an applicant would demonstrate this to allow them to not revegetate a site.

T Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 10:23:35 AM

I am not clear where this information is contained. Is a report required of all clearing and grading projects? If so it would be helpful to cross reference here (along with the revegetation plan) so an applicant for a project clearly understands what is expected and what the content of thier application must include. This appears to be describing an Erosion and Sediment Control Plan. Is this intended to be only related to construction stormwater impacts? If so it should acknowledge the Construction Stormwater Permits from Ecology may be needed. If this is supposed to deal with stormwater from the site conversion, then there should be reference to the EWA stormwater manual.

T Number: 3 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 10:44:21 AM

See comment above. This section appears to apply to construction stormwater, so the above section must relate to permanent stormwater controls, and should at least refer to the stormwater manual. Is Clearing and Grading the best place to address runoff from new development?

accommodation of existing navigational uses, and then only when significant ecological impacts are minimized and when mitigation is provided.

6. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
7. Dredge material disposal in water bodies should be discouraged, except for habitat improvement or where depositing dredge material on land would be more detrimental to shoreline resources than deposition in water areas.
8. Where dredge material has suitable organic and physical properties, dredging operations should be encouraged to recycle dredged material for beneficial use in enhancement of beaches that provide public access, habitat creation or restoration, aggregate, or clean cover material at a landfill.
9. All sediment management and dredging should be carried out in a coordinated, well-planned manner.
10. Sediment management and dredging should be planned and conducted to optimize ecological function, while accommodating recreational navigation where possible.
11. Dredging should improve fish and wildlife habitat.
12. Dredging should not result in increased shoreline erosion.
13. Dredging should not impact benthic macroinvertebrates, which are important forage for the lake's fish and migrating birds.
14. Dredging should not result in reduction of the area of existing native emergent vegetation, such as bulrush, or area where bulrush should be able to occur but have been removed.

8-15-030. Regulations—Dredging

1. Dredging shall only be permitted as part of the implementation of the Sediment Management element of the Restoration Plan (Chapter 11 of this Shoreline Master Program). The City shall require and use the following information in its review of shoreline dredging and dredge material disposal proposals:
 - a. Dredging volumes, methods, schedules, frequency, hours of operation, and procedures.
 - b. Method of disposal, including the location, size, capacity, and physical characteristics of the disposal site, transportation methods and routes, hours of operation, and schedule.
 - c. Stability of bedlands adjacent to the proposed dredging site.
 - d. Stability of geologically hazardous areas in the vicinity of the proposed dredging site.
 - e. Assessment of water quality impacts.
 - f. Habitat assessment meeting the standards prescribed for Fish and Wildlife Habitat Conservation Areas in Chapter 6, including migratory, seasonal, and spawning use areas.
2. In evaluating permit applications for any dredging project, the Planning Commission shall consider the need for and adverse effects of the initial dredging, subsequent maintenance dredging, and dredge disposal. Dredging and dredge material disposal shall only be permitted where it is demonstrated that the proposed actions will not:
 - a. Result in significant and/or on-going damage to water quality, fish, or other biological elements;
 - b. Adversely alter natural drainage and circulation patterns, or significantly reduce flood storage capacities;
 - c. Affect slope stability; or
 - d. Otherwise damage shoreline or aquatic resources.
3. **Proposals for dredging and dredge disposal shall include all feasible mitigation measures to protect fish and wildlife habitat and minimize adverse impacts such as turbidity; release of nutrients, heavy metals, sulfides, organic materials, or toxic substances; dissolved oxygen depletion; or disruption of food chains.**

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This requirement is appropriate but without more guidance, difficult to ascertain. How are "all feasible mitigation measures" decided? By whom? Is there a requirement for a report that includes analysis of these items? Please see the Draft Grant County SMP for a good example of application requirements that could answer some of these questions.

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- (a) Submittal Requirements: The following information shall be required for all dredging applications:
- (1) A description of the purpose of the proposed dredging and analysis of compliance with the policies and regulations of this SMP.
 - (2) A detailed description of the existing physical character, shoreline geomorphology, and biological resources provided by the area proposed to be dredged, including:
 - (A) A site plan map outlining the perimeter of the proposed dredge area. The map must also include the existing bathymetry (water depths that indicate the topography of areas below the OHWM) and have data points at a minimum of 2-foot depth increments.
 - (i) A critical areas report.
 - (ii) A mitigation plan if necessary to address any identified adverse impacts on ecological functions or processes.
 - (iii) Information on stability of areas adjacent to proposed dredging and spoils disposal areas.
 - (B) A detailed description of the physical, chemical and biological characteristics of the dredge materials to be removed, including:
 - (i) Physical analysis of material to be dredged (material composition and amount, grain size, organic materials present, source of material, etc.).
 - (ii) Chemical analysis of material to be dredged (volatile solids, chemical oxygen demand (COD), grease and oil content, mercury, lead and zinc content, etc.).
 - (iii) Biological analysis of material to be dredged.
 - (C) A description of the method of materials removal, including facilities for settlement and movement.
 - (D) Dredging procedure, including the length of time it will take to complete dredging, method of dredging, and amount of materials removed.
 - (E) Frequency and quantity of project maintenance dredging.
 - (F) Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site, including, but not limited to:
 - (i) Dredge material disposal area;
 - (ii) Physical characteristics including location, topography, existing drainage patterns, surface and ground water;
 - (iii) Size and capacity of disposal site;
 - (iv) Means of transportation to the disposal site;
 - (v) Proposed dewatering and stabilization of dredged material;
 - (vi) Methods of controlling erosion and sedimentation; and
 - (vii) Future use of the site and conformance with land use policies and regulations.
 - (viii) Total estimated initial dredge volume.
 - (ix) Plan for disposal of maintenance spoils for at least a 20-year period, if applicable.
 - (x) Hydraulic modeling studies sufficient to identify existing geohydraulic patterns and probable effects of dredging.

- capacities;
- c. Affect slope stability; or
 - d. Otherwise damage shoreline or aquatic resources.
6. Fills shall be allowed only as part of a specific proposal for a use or activity that is permitted by this master program. **Placing fill in water bodies or wetlands to create usable land is prohibited.**

8-20-040. Regulations—Design and Construction

1. Where fills are permitted, the fills shall be the minimum necessary to accommodate the proposed use.
2. Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area. Perimeters of permitted fill projects shall be designed and constructed with silt curtains, vegetated buffer areas, or other methods, and shall be adequately sloped to prevent erosion and sedimentation both during initial fill activities and afterwards. Such containment practices shall occur during the first growing season following completion of the fill. The design shall incorporate natural-appearing and self-sustaining control methods unless they can be demonstrated to be infeasible due to existing environmental conditions such as currents and weather.
3. Fill materials shall be sand, gravel, rock, soil, or similar materials. Use of polluted dredge spoils, solid waste, and sanitary landfill materials is prohibited.
4. Fills shall be designed to allow surface water penetration into ground water supplies where such conditions existed prior to fill. Fills shall not be permitted in aquifer recharge areas if they would have the effect of preventing percolation of the water.
5. The timing of fill construction shall be regulated to result in no net loss of shoreline ecological functions, including water quality and aquatic life.
6. Fill on dry land shall not result in substantial changes to patterns of surface water drainage from the project site and onto adjacent properties; within shoreline areas; into aquatic areas; or onto steep slopes or other erosion hazard areas.

8-25. Flood Hazard Management

8-25-010. Applicability: Flood hazard management projects are those actions taken with the primary purpose of preventing or minimizing damage caused by flooding.

8-25-020. Policies

1. Construction should not be allowed in flood hazard areas.


8-25-030. Regulations

1. All flood hazard management projects shall comply with Moses Lake Municipal Code 18.53, Flood Hazard Areas and with the General Regulations for Frequently Flooded Areas.
2. Environment-specific regulations: flood hazard management projects shall comply with the environment-specific requirements in Chapter 9.

8-30. Shoreline Stabilization

8-30-010-A. Applicability: Shoreline stabilization includes actions taken primarily to address erosion impacts to upland property and improvements caused by current, wake, or wave action. Those actions include structural, nonstructural, and vegetative methods.

8-30-010-B. Structural stabilization may be “hard” or “soft.” “Hard” structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, which deflect rather than absorb wave energy, while “soft” stabilization, such as biotechnical stabilization, which employs plant materials, rolled erosion control and soil engineering fabrics, and similar structural materials to absorb wave energy and restore the function of a natural shoreline. Generally, the harder the stabilization measure, the greater

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We support this provision, but it might require a bit more specificity. A person could argue that all of the above allowed fills "create usable land". Perhaps the intent is to disallow fills for private recreational use or to facilitate SFR construction closer to the shoreline?

the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. Hard shoreline stabilization methods also result in vegetation removal and damage to near-shore habitat and shoreline corridors.

8-30-010-C. Human use of the shoreline has typically led to hardening of the shoreline for various reasons, including reduction of erosion, providing useful space at the shore, or providing access to docks. The impacts of hardening any one property may be minimal, but cumulatively the impact of shoreline hardening is significant. Hard structures, especially vertical walls, often create conditions that lead to the failure of the structure. Over time, the substrate of the shoreline coarsens and scours down to bedrock. The footings of the bulkhead are exposed, leading to undermining and failure.

8-30-010-D. The following methods of shoreline stabilization are organized from “biotechnical” to “hard structural”. The use of biotechnical stabilization is required, unless this design method has been found technically not feasible by a qualified expert such as a soil bioengineering practitioner.

1. Biotechnical or Soil Bioengineering:
 - biotechnical measures as described above
2. “Hard Structural”
 - a. riprap
 - b. retaining walls (sheet piling, concrete, etc.)
 - c. bulkheads (sheet piling, concrete, etc.)

8-30-010-E. Non-structural methods include building setbacks, ground water management, and planning and regulatory measures to avoid the need for structural stabilization.

8-30-010-F. Vegetative methods include re-vegetation and vegetation enhancement. In addition, vegetation is often used as part of structural stabilization methods; it is always part of biotechnical stabilization. For the purposes of this section, vegetative methods are considered to include only re-vegetation and vegetation enhancement.


Note: Additional regulations for bulkheads and riprap are found in a separate section, below. Bulkheads and riprap must meet the provisions of both sections.

8-30-020. Policies

1. Stabilization measures should be designed, located, and constructed primarily to prevent damage to existing development.
2. No structural stabilization measures should be allowed for a vacant lot.
3. New development should be located and designed to eliminate the need for future shoreline stabilization.
4. Shoreline vegetation, both on the bank and in the water, is very effective at stabilizing shorelines. For this reason, property owners are strongly encouraged to protect existing shoreline vegetation and restore it where it has been removed. Preserving and restoring shoreline vegetation should be the preferred method of shoreline stabilization.
5. Structural solutions to shoreline erosion should be allowed only if non-structural and vegetative methods would not be able to reduce existing or ongoing damage. The “softest” structural stabilization that will be effective should be used.
6. Public projects should be models of good shoreline stabilization design and implementation.

8-30-030. Regulations

1. New structural stabilization measures shall not be allowed except to protect or support an existing or approved use or for the restoration of ecological functions when non-structural or vegetative methods are not feasible or are not sufficient. New or enlarged “hard” stabilization methods shall not be

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This section appears to be missing the allowance for stabilization for water dependent development articulated in WAC 173-26-231(3)(a)(iii)(B) (III). Is section 1, below intended to cover that provision? Also (B)(IV) Ecological Restoration appears not to be addressed as well. It might be cleaner to simply copy the WAC language directly rather than paraphrase as you've done throughout Section 8-30.

allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the primary structure is in danger from shoreline erosion caused by current or waves, and that the proposed "hard" stabilization measure is the least impacting method that will protect the structure. Use of shoreline stabilization measures to create usable land is prohibited.

2. New non-water-dependent uses, including single-family residences, that includes structural shoreline stabilization shall not be allowed unless all of the following conditions apply:
 - a. The need to protect the use from destruction due to erosion caused by natural processes, such as currents and waves, is demonstrated through a geotechnical report.
 - b. The erosion is not being caused by upland conditions, such as drainage and the loss of vegetation.
 - c. Non-structural measures (such as placing the use farther from the shoreline), vegetative methods, or installing on-site drainage improvements, are not feasible or not sufficient.
 - d. The stabilization will not cause significant ecological impacts to any species or habitat.
3. Shoreline stabilization shall not be allowed for new uses if it would cause a net loss of shoreline ecological functions on the site, within the city, or within the watershed; or if it would cause significant ecological impacts to adjacent properties or shoreline areas. Those impacts include accelerated erosion of adjacent properties caused by the stabilization measures.
4. Creation of new lots that will require shoreline stabilization in order for development to occur shall not be allowed.
5. New uses in areas above unstable slopes and moderately unstable slopes shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis.
6. Where structural shoreline stabilization measures are demonstrated to be necessary, the size of the stabilization measures shall be limited to the minimum necessary. Stabilization measures used shall be designed to minimize harm to ecological functions. Lost functions shall be mitigated to ensure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated by a geotechnical report to be insufficient to protect the primary structure or structures.
7. Shoreline stabilization measures shall be designed to restore, as much as possible, the ecological functions of the shoreline.
8. Where stabilization is necessary to alleviate erosion caused by removal of vegetation, vegetative stabilization measures shall be the only stabilization measures allowed.
9. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. Where feasible, ecological restoration and public access improvements shall be incorporated into the project.
10. All applicable federal, state, and local permits shall be obtained and complied with in the construction of shoreline stabilization measures. All permits must be issued before any stabilization work takes place.
11. Enlarging or replacing an existing stabilization structure shall be evaluated the same as a new stabilization structure.
12. Where geotechnical reports are required that address the need to prevent potential damage to a primary structure, the following apply:
 - A. The geotechnical report shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation.
 - B. Hard armoring solutions shall not be authorized except when the geotechnical report confirms that there is a significant possibility that the structure will be damaged within three years as a

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This is laudable but very difficult for an applicant or the City to determine. Consider making this policy language instead or provide clear standards for how this is demonstrated.

currents or waves. Normal sloughing, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The project design and analysis shall also evaluate vegetation enhancement and biotechnical stabilization as a means of reducing undesirable erosion. The geotechnical analysis shall demonstrate that the stabilization measure chosen is the softest means that will be sufficient to achieve stabilization. The geotechnical analysis shall evaluate impacts to neighboring properties caused by the proposed stabilization.

3. ☐ bulkhead-type structure used to stabilize a dock may be permitted, but the size shall be limited to the minimum necessary for the dock. The stabilization structure shall not exceed 2' wider than the dock on each side nor shall it exceed 14' in total width along the shoreline.

8-35. Vegetation Conservation

8-35-010. Applicability:

- A. Vegetation conservation includes activities to prevent the loss of plant communities that contribute to the ecological functioning of shoreline areas. The intent of vegetation conservation is to provide habitat, improve water quality, reduce destructive erosion, sedimentation, and flooding; and accomplish other functions performed by plant communities along shorelines. Vegetation conservation deals with the protection of existing diverse plant communities along the shorelines, aquatic weed control, and the restoration of altered shorelines by reestablishing natural plant communities as a dynamic system that stabilizes the land from the effects of erosion.
- B. Vegetation conservation provisions are important for several reasons, including water quality, habitat, and shoreline stabilization. Shoreline vegetation improves water quality by removing excess nutrients and toxic compounds, and removing or stabilizing sediments. Habitat functions of shoreline vegetation include shade, recruitment of vegetative debris (fine and woody), refuge, and food production. Shoreline vegetation, especially woody plants with large root systems above the ordinary high water mark and emergent plants such as bulrushes, can be very effective at stabilizing the shoreline and preventing erosion. An additional reason that vegetation conservation provisions are important is that the Shoreline Management Act sets preferences for shorelines of statewide significance, such as Moses Lake. Those preferences include preserving the natural character, resources and ecology of the shoreline.
- C. Vegetation conservation provisions apply even to those uses that are exempt from the requirement to obtain any sort of shoreline permit.

8-35-020. Policies

1. Natural plant communities within and bordering shorelines should be protected and maintained to ensure no net loss of shoreline ecological functions.
2. Natural shoreline vegetation should be maintained and enhanced to reduce the hazard of bank failures and accelerated erosion. Vegetation removal that is likely to result in soil erosion severe enough to create the need for structural shoreline stabilization measures should be prohibited.
3. Shoreline vegetation degraded by natural or manmade causes should be restored wherever feasible.
4. Non-structural and "soft" methods of shoreline stabilization, such as vegetation enhancement and soil bioengineering, are preferred to hard structures to arrest the processes of erosion, sedimentation, and flooding.
5. Removal of vegetation should be limited to the minimum necessary to reasonably accommodate the permitted use or activity.
6. The physical and aesthetic qualities of the natural shoreline should be maintained and enhanced.
7. Preference should be given to preserving and enhancing natural vegetation closest to the ordinary high water mark.

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There are some problems with this provision generally. New shoreline stabilization is only permitted to protect a primary structure from imminent danger (within 3 years).(WAC 173-26-231(3)(a)(iii)(B)(I) and (D)). It is not clear how this is tied to the Dock standards present elsewhere in the SMP (7-30, 7-50, etc), or how these projects would achieve no-net-loss given that they do not require mitigation. The text does not clearly articulate how or why shoreline hardening would stabilize a dock floating offshore. Is the intent here to armor the attachment point of a dock? The size allowance appears excessive, given that most new docks are constructed with long gangways that tie the bank to the dock, few of which are wider than 4 feet in width. As written this provision is unlikely to be approved. Consider removing this provision, or providing detailed standards by which a project that incorporates a mini-bulkhead demonstrates need, avoids impacts, and mitigates for unavoidable impacts, and tie it more to the dock construction provisions.

8. Aquatic weed management should stress prevention first.

8-35-030. Regulations

1. **Whenever possible, development shall be located away from shorelines where the Erosion Hazard has been identified as "Very High" or the Shoreline Exposure Range is shown as greater than ten (10) meters in the Shoreline Inventory and Characterization.**
2. Restoration of any shoreline that has been disturbed or degraded shall use plant materials from the recommended list (see Chapter 14) or other species approved by the City, with a diversity and type similar to or better than that which originally occurred on the site. Questions about appropriate diversity and type shall be directed to agencies with jurisdiction, such as the departments of Ecology and Fish and Wildlife.
3. Stabilization of erosion-prone surfaces along shorelines shall utilize vegetative, non-structural means wherever possible.
4. Vegetation removal that would be likely to result in significant soil erosion or the need for structural shoreline stabilization measures is prohibited. This does not preclude the removal of noxious weeds, provided the disturbed area is promptly replanted with vegetation from the recommended list or if the site will fully re-vegetate on in its own within three growing seasons.
5. Topping of trees shall be prohibited in all cases.
6. Removal of noxious weeds in environmentally sensitive areas shall be timed and carried out in a manner that minimizes any disruption of wildlife or habitat.
7. Within the **required shoreline buffer**, no disturbance is allowed, with the following exceptions:
 - A. Removal of noxious weeds.
 - B. With the approval of the Community Development Department, removal of weeds and planting of approved beneficial species. Before any work is done, the landowner shall submit a plan to the Community Development Department.
 - C. **Creation of a path no wider than 4' which provides access to an approved dock, except that a wider path may be permitted if needed for a property owner with a disability.**
 - D. Removal of vegetation damaged or destroyed by a natural occurrence.
8. Permits issued for projects in ecologically degraded areas shall include a condition that appropriate shoreline vegetation shall be planted or enhanced, to contribute to the restoration of ecological processes and functions.
9. **Emergent plants such as bulrushes absorb wave energy and protect the shoreline from erosion. These plants shall be preserved to the greatest extent possible and shall not be removed, uprooted, trimmed, or burned. Limited removal may be allowed for access, such as immediately adjacent to a dock.**
10. Significant vegetation removal is a shoreline modification which is regulated and requires a shoreline permit. Significant vegetation removal is defined as the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

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This is a sensible regulation that should also appear in section 6-90. WAC 173-26-231(3)(a)(iii)(A) requires that new develop is not permitted where it would require the need for shoreline stabilization. The addition of the phrase "Whenever possible" renders this regulation pointless without clear standars by which it would be judged. Consider removing "Whenever possible".

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This would be a good place to cross reference the wetland and shoreline buffer standards; consider moving the buffer tables or duplicating them here.

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This provision should clarify trail construction standards, and set limits on disturbance. Disability allowances for greater levels of disturbance pose serious problems in that the jurisdiction becomes responsible and liable to determining what a disability "is", and of what type and severity warrants the additional impact to the shoreline environment, and how much additional disturbance is permissible. The SMP should have trail construction and siting standards. Consider trails language from the Grant County Draft SMP - Trails and Levees on Page 46 or in Allowed Buffer Uses on Page 107.

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Emergent plant communities are wetlands by definition, and are subject to Critical Areas provisions, and State and Federal wetland protection laws and permit requirements. Consider adding cross reference here for wetlands provisions and a mention of Ecology/Corps/DNR/WDFW jurisdiction