



State of Washington
Department of Fish and Wildlife

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July 9, 2014

Ms. Vicki Heimark, Chair
City of Moses Lake Planning Commission
c/o Sue Mahaney, Community Dev. Secretary
City of Moses Lake Planning Department
401 S. Balsam St.
Moses Lake, WA 98837

Anne Henning, Senior Planner
City of Moses Lake Planning Department
321 S. Balsam St.
Moses Lake, WA 98837

**SUBJECT: WASHINGTON DEPARTMENT OF FISH AND WILDLIFE COMMENTS
ON THE CITY OF MOSES LAKE DRAFT SHORELINE MASTER
PROGRAM**

Dear Ms. Heimark and Ms. Henning:

On behalf of the Washington State Department of Fish and Wildlife (WDFW), thank you for the opportunity to comment on your draft Shoreline Master Program (SMP).

I write to express WDFW's support for many aspects of your draft Shoreline Master Plan and to request you consider recommended changes/clarifications to a few specific items mostly related to the level of protection afforded priority habitats and species.

We understand that updating the City of Moses Lake's SMP to comply with new state guidelines is a very large undertaking and we applaud City staff and the Planning Commission for your success in getting to this point. We also appreciate the challenges you face as you seek to balance competing shoreline interests, and defer to the Department of Ecology to provide you with general oversight and assistance as you work to ensure your SMP complies with all mandatory guidelines, rules, and laws.

WDFW's role in SMP updates is narrower and is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (RCW 77.04.012). We necessarily fulfill this mandate in partnership with local jurisdictions that have the authority and responsibility to regulate land use and in partnership with landowners who steward the land. In support of this SMP update, our role is to provide science-based technical assistance related to fish, wildlife, and their habitat. The advice we offer can help you comply with the mandate to use "the most current, accurate and complete scientific and technical information" to achieve the No Net Loss standard (WAC 173-

26-201). In keeping with our role as your technical advisor, we offer these observations and recommendations.

Items WDFW Supports

Fish and Wildlife Habitat Conservation Areas: Your draft SMP states that ‘Development in Fish and Wildlife Habitat Conservation Areas should result in no net loss of shoreline ecological functions.’ and refers to areas identified in the “Biological Synthesis” map of the *Shoreline Inventory and Characterization* which utilizes WDFW’s Priority Habitats and Species (PHS) and Natural Heritage databases when identifying and designating Habitat Conservation Areas (HCAs, 06-30-040-A & 06-30-040-B). It calls for Habitat Assessments to be required for ‘Any use or activity requiring a shoreline permit where the use or activity is proposed closer than the required shoreline buffers in Table 9.3. . .’ including ‘An analysis and discussion of species or habitats known or suspected to be located on the site or within 300’ of the site’. Required Habitat Assessments and Habitat Management Plans are to be ‘forwarded for review and comment to agencies with expertise or jurisdiction ...’ (06-30-040-B). This is consistent with WDFW recommendations and has our full support.

Mitigation: Your draft SMP contains proper mitigation sequencing and prohibits any use or activity that cannot be mitigated to prevent degradation of shoreline ecological resources and to protect the integrity of the shoreline environment (6-10). It states that ‘Compensatory mitigation shall only be allowed when the proposed mitigation replaces the impacted functions identified in the critical area or shoreline report...’ (A-10-010) and ‘...only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible’ (A-10-030). In addition, the City’s SMP specifies the establishment of performance standards for evaluating the success of compensatory mitigation, the establishment of long-term monitoring and reporting procedures to determine if performance standards are being met, and establishment of long-term protection and management of compensatory mitigation sites (A-10-030). All of this is consistent with science and has WDFW’s full support.

Buffers: Within shoreline designations, ‘physical alterations, including shoreline modifications should only be considered when they serve to protect or enhance a significant, unique, or highly valued feature that might otherwise be degraded or destroyed (Natural (N) Environment: Policies). This is consistent with science and has WDFW’s full support.

Shoreline Designations: We concur with each of the places you have designated as Natural and we would support designating any additional areas that qualify.

Bulkheads: We concur with your Shorelines Modification Policies and Regulations Chapter where it states that ‘A bulkhead or riprap are not preferred methods of stabilizing the shoreline, because bulkheads and riprap significantly degrade fish and wildlife habitat by the removal of shoreline vegetation, increase erosion on neighboring properties, and change natural sedimentation processes.’ (8-30-060). WDFW also agrees with the City’s commitment to seeing that ‘Property owners are encouraged to remove existing bulkheads and restore the shoreline to a more natural state.’

WDFW would be glad to explain to anyone who disagrees with the above provision why they are important for fish and wildlife and consistent with the best scientific and technical information.

WDFW Concerns/Recommendations

Functions of Riparian Buffers: The City of Moses Lake's SMP states that 'Permitted uses and activities should be located, sited, designed, managed and maintained to be compatible with the shoreline environment and to prevent degradation of shoreline resources...' Riparian buffers protect riparian area functions and values, the same that are listed in your SMP including:

- a. water quality
- b. visual, cultural and historic characteristics
- c. physical resources
- d. biological resources
- e. ecological processes and functions
- f. the natural character of the shoreline area.

WDFW defines *riparian areas* as areas adjacent to flowing water that contain elements of both aquatic and terrestrial ecosystems which mutually influence each other (Knutson and Naef 1997). Riparian areas provide *riparian functions*—those functions are related to aquatic ecosystems (*e.g.*, water temperature for fish) and terrestrial ecosystems (*e.g.*, travel corridors for mammals).

Since WDFW is most concerned with places containing relatively important fish and wildlife resources, we give closest scrutiny to the City's SMP standards for environments designated Natural, Shoreline Residential Special Resource, Shoreline Residential Resource, High Intensity Resource and Dunes within the Moses Lake:

Natural Environment- Natural environments contain the most intact riparian environments within the City of Moses Lake and provide the best protection to riparian area functions (Table 9.1). Table 9.3 indicates these functions are being adequately protected in most cases, except in situations designated Municipal and Recreational Use. According to the table, Municipal water-dependent and water-related/water-enjoyment buffers are allowed to be reduced to 0 and 50 ft. respectively, and Recreation water-dependent uses are allowed to reduce buffers to 0 ft. Transportation facility setbacks are allowed to be reduced to 100' or 150'. Water-dependent, water-related, and transportation facility uses do not 'serve to protect or enhance any significant, unique, or highly valued feature...' (Natural (N) Environment – Policies) contained within designated Natural areas. Because areas with the Natural Environment designation are rare in the City, **WDFW recommends water-related, water-dependent, and transportation facility uses not be allowed in areas designated Natural within the City of Moses Lake.**

Shoreline Residential Special Resource (SR-S) Environment- Shoreline areas designated SR-S within the City of Moses Lake demonstrate some ecological impairments, but '...they also retain important ecological functions and have high potential for ecological protection and restoration because they include relatively large tracts that have not been subdivided or include large wetland areas.' (Table 9.1). Some of the proposed buffers listed

in Table 9.3 for SR-S designated areas could significantly hinder properly functioning ecological conditions or interfere with future restoration efforts. The buffer width for water-dependent uses associated with Aquaculture, Boating Facilities, Municipal, and Recreation uses are allowed to be reduced to 0 ft., and buffer reductions to 15 ft. wide are allowed for trails in Recreation use areas. Due to the rare occurrence of SR-S designated areas in the City of Moses Lake, **WDFW recommends Aquaculture, Boating Facilities, Municipal and Recreation water-dependent uses not be allowed unless absolutely necessary and required buffers for recreational trails be expanded to a minimum of 25 ft.**

Shoreline Residential Resource (SR-R) Environment- SR-R designated lands, similar to SR-S lands, demonstrate impairments to ecological functions, but ‘They retain important ecological functions and have the potential for development that is compatible with ecological protection and restoration.’ (Table 9.1). The proposed buffers listed in Table 9.3 that could hinder properly functioning ecological conditions and impair restoration efforts include 50 ft. buffers for water-related/water enjoyment structures and facilities for Aquaculture, Commercial Development, and Municipal use areas, 35’ buffers for water oriented uses and 10 ft. buffers for trails in Recreational use areas. In addition, 25 ft. and 50 ft. buffers widths are allowed for dwelling units and non-water dependent accessory structures in Residential use areas. **WDFW recommends buffers for water-related structures and facilities in areas that are properly functioning ecologically or may be restored should be set at a minimum of 65 ft. and buffer widths for paths and trails should only be allowed to be reduced to 25 ft. SR-R areas having Residential uses should have the buffers expanded to a minimum of 65 ft. to retain most functioning ecological conditions and allow for adequate restoration of degraded areas.**

High-Intensity Resource (H-R) Environment- H-R designated lands demonstrate impairments to ecological functions, but ‘They retain important ecological functions and have the potential for development that is compatible with ecological protection and restoration’ (Table 9.1). The proposed buffers listed in Table 9.3 that could hinder properly functioning ecological conditions and impair restoration efforts include 50 ft. buffers for water-related/water-enjoyment structures and facilities in Aquaculture, Commercial Development, and Municipal use areas and 35’ buffers for water oriented uses and 10 ft. buffers for trails in areas having Recreation use. For Residential use areas, buffer reductions to 25 ft. widths are allowed for dwelling units and non-water dependent accessory structures. **WDFW recommends buffers within the H-R Environment for water-related/water-enjoyment structures for Aquaculture, Commercial Development, and Municipal use areas retaining some properly functioning ecological conditions or may be restored to properly functioning conditions should be set at a minimum of 65 ft. Water-oriented use buffer widths in Recreation use areas should be limited to 65 ft. reduction and buffer widths for paths and trails should only be allowed to be reduced to a minimum of 25 ft. WDFW recommends that buffers in Residential use areas should be expanded to a minimum of 65 ft. to retain most functioning ecological conditions and allow for adequate restoration of degraded areas.**

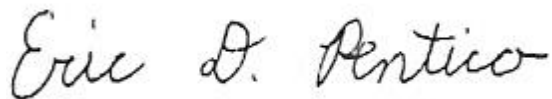
Shoreline Residential Dunes (SR-D)- The SD-D designated areas have ‘...been found to be relatively intact as regards ecological functions.’ and ‘...has high potential for planned development that combines limited residential use with ecological protection and restoration.’ (Table 9.1). Table 9.3 indicates ecological functions and restoration potentials are being adequately protected in most cases. A planned development permit is required for Residential uses. **WDFW recommends that a 65 ft. buffer be required to retain most functioning ecological conditions and allow for adequate restoration of degraded areas.**

The City of Moses Lake’s shorelines enrich the citizens of Moses Lake and Washington State in numerous ways—such as providing fishing opportunities, controlling flooding, and filtering pollutants. Providing adequate space for fish and wildlife along your shoreline also provides a visually pleasing landscape, which is good for tourism and the local economy. Moses Lake’s shoreline also provides irreplaceable habitat for fish and wildlife—a public resource—which is why WDFW takes a keen interest in your SMP update.

We acknowledge the large step forward the draft SMP represents towards providing for the needs of fish and wildlife and thank you for your hard work. We look forward to continuing to work with you to create a final SMP that meets the needs of fish and wildlife—along with the citizens of Moses Lake—and complies with the Shoreline Management Act.

If you have any questions or concerns, please contact me at (509) 754-4624.

Sincerely,

A handwritten signature in cursive script that reads "Eric D. Pentico".

Eric Pentico
WDFW Regional Habitat Biologist

cc: Carmen Andonaegui – WDFW Region 2 Habitat Program Manager
Keith Folkerts – WDFW Land Use Policy Lead
Jeremy Sikes - WDOE Shoreline Specialist
Jaime Short - WDOE Shoreline Specialist

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References Cited:

- | Knutson, K. L., and V. Naef. 1997. Management recommendations for Washington's priority habitats: riparian. Washington Dept. of Fish and Wildlife.