

25 October 2013

Bill Stalzer
Stalzer and Associates
603 Stewart Street, Suite 512
Seattle, WA 98101

Re: PRELIMINARY Proposed Shoreline Jurisdiction for Walla Walla Regional SMP

Dear Bill:

The Watershed Company (Watershed), working in collaboration with the project team, has developed a set of preliminary maps showing the proposed shoreline jurisdiction for the Regional Shoreline Master Program (RSMP) Update for Walla Walla County (County) and the Cities of Prescott, Waitsburg, and Walla Walla (Cities).

The proposed shoreline jurisdiction shown in these maps was determined based upon the State Shoreline Management Act (SMA) and current Washington Department of Ecology (Ecology) rules and guidance documents. The following areas are regulated as “Shorelines of the State” under the RSMP:

- Streams and rivers with over 20 cubic feet per second (cfs) mean annual flow, and floodway and contiguous floodplain areas extending 200 feet from the floodway;
- Lakes 20 acres or greater in size, measured from the ordinary high water mark (OHWM);
- Shorelands 200 feet landward from the OHWM of jurisdictional streams, rivers, and lakes; and
- Associated wetlands that are hydrologically connected to any of the shorelines described above, located within 200 feet of a jurisdictional waterbody, or are entirely/partly located within the waterbody’s 100-year floodplain.

Our first step towards updating the County’s shoreline jurisdiction was to review the precise shoreline boundaries and associated wetlands definitions found in the SMA and Ecology rules and guidance documents. We then compiled and reviewed existing GIS data to determine the best available data from which to assemble shoreline jurisdiction. Table 1 below lists the specific GIS data components that were used to assemble shoreline jurisdiction.

Table 1. Walla Walla RSMP Shoreline Jurisdiction Component Data.

Component	Source Layer Name	Source Layer Agency	Source Layer Date	Notes on Usage
20 CFS, 200 CFS, and 300 square miles of drainage area points	SMA_Pnts_Sugg.shp (Point)	Ecology	January 2010	This layer provides the upstream extent of proposed jurisdiction based on the USGS study (described below)
Ordinary high water line	RIVERS.shp (Polygon)	Walla Walla County	Digitized off 2002 1-foot imagery	OHWM of all SMA shorelines, except as below
	STREAMS.shp (Polyline)			
	BodiesofWater (Polygon)	City of Walla Walla	Digitized off 2002 aerial and 2003 aerial flight and GPS field collection	OHWM for 7 miles of Mill Creek shorelines below the Mill Creek Diversion Dam
Floodway	FEMA.shp (Polygon)	FEMA (provided by Walla Walla County)	1998	Areas coded FW under "Floodway" field
100 year Floodplain	FEMA.shp (Polygon)	FEMA (provided by Walla Walla County)	1998	Areas coded either A, AE, or AO under "Zone" field
Potentially Associated Wetlands	NATIONAL_WETLAND_INVENTORY.shp (Polygon)	USFWS (provided by Walla Walla County)	Not dated	These mapped wetlands have not been field verified and are for informational purposes only

While the proposed shoreline jurisdiction reflects the best available data, the level of accuracy remains limited and may require ground truthing at the time of development action review. Particularly in areas with dynamic ecological processes, site-specific analysis of the OHWM, wetland boundary and hydrologic connectivity may be needed. Each jurisdiction map therefore includes the following disclaimer, derived from Ecology's recommendation:

"All features depicted on this map are approximate and have not been formally delineated or surveyed and are intended for planning purposes only."

Streams and Rivers

The upstream limit of shoreline jurisdiction for streams and rivers is that point where the mean annual flow is 20 cfs for all downstream areas. The upstream 20 cfs point is based on a 2003 study by USGS¹ provided by Ecology. For purposes of this preliminary map set, shoreline jurisdiction is shown extending up to the USGS points, as directed by Ecology.

As far as lateral shoreline jurisdiction for streams and rivers, the preliminary map set shows jurisdiction as the greater of lands extending 200 feet landward in all directions from the OHWM, or the floodway plus contiguous floodplain extending 200 feet landward from the floodway, plus any associated wetlands. FEMA Q3 flood data (1998) was used to determine areas of additional shoreline jurisdiction resulting from the presence of floodways and floodplains. Such areas are shown in the maps along the Touchet and Walla Walla Rivers in the vicinity of Touchet; along the Touchet River in the vicinity of of Waitsburg; and along the Walla Walla River, West Little Walla Walla River, and Mill Creek in the general area around the City of Walla Walla. Stream and river shoreline jurisdiction also includes several adjacent waterbodies, including Ayer Boat Basin, Curlew Pond, Casey Pond, Smith Harbor, Quarry Pond, J Line Pond, and Burbank Slough along the Snake and Columbia Rivers.

East of the crest of the Cascades, rivers that either have mean annual flow of 200 cfs or greater or are located downstream of 300 square miles of drainage area are considered "Shorelines of Statewide Significance." County rivers that qualify as Shorelines of Statewide Significance include:

- Columbia River (entire length in County)
- Snake River (entire length in County)
- Touchet River (upstream until approximately 2 miles west of the County's border with Columbia County)
- Walla Walla River (upstream until the confluence with the Touchet River)

Lakes

Within Walla Walla County, Bennington Lake qualifies as a Shoreline of the State (larger than 20 acres). The County does not have any lakes that qualify as Shorelines of Statewide Significance (greater than 1,000 acres).

Associated Wetlands

Associated wetlands are those wetlands that are "in proximity to and either influence or are influenced by ... a lake or stream subject to the Shoreline Management Act" and "[t]he entire wetland is associated if any part of it lies within the area 200 feet from either the ordinary high water mark or floodway" or "if any part is located within the 100 year floodplain of a

¹ <http://pubs.usgs.gov/wri/wri034042/pdf/wri034042.pdf>

shoreline.”² Wetlands meeting the latter two criteria are labeled “Potentially Associated Wetland” in the attached map set. Location and boundary of these wetlands were drawn from the USFWS National Wetlands Inventory (NWI) GIS data provided by Walla Walla County.

Non-associated wetlands were intentionally omitted from this map set but will be depicted on other maps as part of the Shoreline Inventory Map Folio. However, wetlands that are either outside of the floodplain or the 200-foot standard shorelands area may still be associated on the basis of a hydraulic connection to the shoreline. Wetlands that are separated by an obvious topographic break from the shoreline are not associated, provided that they are outside the shoreland zone and that the break is not an artificial feature such as a berm or road. These possible additional associated wetlands can only be determined on a project-level basis at the time of development action review. Further, the NWI wetland data were generated using high-altitude imagery and photo interpretation techniques to produce an inventory of reconnaissance level of wetland location, type and size. Therefore, actual wetland presence and boundaries must be verified at the project level.

Optional Shoreline Jurisdiction Boundaries

The information above describes assembly of the minimum shoreline jurisdiction. The County may further elect to expand jurisdiction to include 1) all or part of the 100-year floodplain, and/or 2) buffers of associated wetlands³ that would otherwise encompass areas outside of shoreline jurisdiction. Under either of these options, the area of shoreline jurisdiction increases and additional properties or areas of properties would be subject to the SMP and its additional layer of permitting requirements.

These options should be considered by each jurisdiction. The attached maps do not depict the expansion of shoreline jurisdiction to include critical area buffers and/or floodplain. Classification of associated wetlands, which would ultimately determine the regulatory buffer, has not been conducted and would be done on a site-by-site basis at the time of a development application. Evaluation of the impact from expanding jurisdiction to include floodplains can be assessed by viewing the floodplain maps provided in the Shoreline Inventory Map Folio.

RCW 36.70A.480(6) says “If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(f), then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2).” Ecology’s SMP Handbook chapter on Shoreline Jurisdiction explains the implications of this RCW as follows:

² http://www.ecy.wa.gov/programs/sea/sma/st_guide/jurisdiction/Shorelands.html

³ The RCW actually allows for expansion of jurisdiction to include *critical area* buffers, not just wetland buffers. However, this generally is limited to wetland buffers in practice. The nature of non-shoreline streams as a mostly perpendicular element to a shoreline waterbody already brings their full buffer into shoreline jurisdiction. Geologically hazardous areas are generally assigned a setback, not a buffer. Critical aquifer recharge areas (CARAs) are not addressed in the SMA or SMP Guidelines, and CARAs further are not assigned a setback or a buffer.

If the local government chooses not to extend its shoreline jurisdiction under *RCW 90.58.030(2)(f)(ii)*, the CAO will protect the entire critical area and its buffers (see *RCW 36.70A.480(6)*). The CAO will continue to apply to the entire critical area and its buffers, even after SMP approval. However, the SMP will also apply to the portion(s) of the critical area and its buffers that lie within shoreline jurisdiction. This means the subject critical area and some or all of its buffers will have "dual coverage" with regulation by both the SMP and the CAO.

Please call if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Nickel", with a long horizontal flourish extending to the right.

Dan Nickel
Environmental Engineer

Enclosures