

March 31, 2014

Dale Little
City of South Bend
PO Drawer 9
1102 W First Street
South Bend WA 98586

Re: South Bend SMP Update – Preliminary Shoreline Jurisdiction

The Watershed Company Reference Number: 130729

Dear Dale:

The Watershed Company, working in collaboration with the project team, has developed the enclosed Preliminary Shoreline Jurisdiction maps showing the draft shoreline jurisdiction for the Shoreline Master Program (SMP) update for the City of South Bend (City).

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

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

GIS DATA

A first step towards updating the City’s shoreline jurisdiction was to compile and review 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. Shoreline jurisdiction component data.

| Component | Source Layer File Name, Date | Agency | Notes |
|---|--|--|---|
| River and stream flow (20 cfs, 1,000 cfs) | SMA_Pnts_Sugg.shp, 2010 | Ecology | For rivers and streams, provides the upstream extent of shoreline jurisdiction and the upstream extent of Shorelines of Statewide Significance based on a USGS study (described below). |
| OHWM | NHDFlowline, 2013 | USGS | Coastal data from National Hydrography Dataset (NHD). Used for OHWM of partial Pacific coastline, Willapa Bay and estuary system. |
| | Pacific_County_SMP_hydro_delin_eations.shp, 2013 | Olympic Natural Resources Center (marine spatial planning) | Used in all stream centerlines; OHWM of Pacific coastline, Willapa Bay and estuary system, and rivers. |
| | NHDWaterbody, 2013 | USGS | From National Hydrography Dataset. Used for certain rivers. |
| | SMA_Poly_Sugg.shp, 2010 | Ecology | Used for waterbodies. |
| | SMA_Poly_Adopt.shp, 2012 | Ecology | Used for waterbodies. |
| | Lakes.shp, 2014 | Pacific County | Used for waterbodies. |
| Floodway | S_FLD_HAZ_AR.shp, 2013 | FEMA (provided by Pacific County) | Preliminary DFIRM data. Areas coded FW under FLOODWAY field. |
| 100-year floodplain | S_FLD_HAZ_AR.shp, 2013 | FEMA (provided by Pacific County) | Preliminary DFIRM data. Mapped are areas coded either A, AE, AO or VE under FLD_ZONE field. |
| Potentially associated wetlands | NWI.shp, 2011 | US Fish and Wildlife Service (provided by Pacific County) | Subset of National Wetland Inventory. These wetlands have not been field verified and are for informational purposes only. |

While the draft shoreline jurisdiction reflects the best available GIS 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, such as areas with estuarine or marine influences or stream/river meandering, site-specific analysis of the OHWM, wetland boundary and/or 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. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation at the project level may be needed to confirm/verify information shown on this map.

SHORELINE JURISDICTION

Streams/Rivers/Estuary

A combination of datasets was used to map the OHWM within Willapa Bay, the nearshore estuary system, and upstream along the Willapa River and its tributaries and sloughs, as noted in Table 1 above. The upstream limit of shoreline jurisdiction for streams and rivers is that point where the mean annual flow shifts from greater than 20 cfs to less than 20 cfs. The upstream 20 cfs point is based on a 1998 study by USGS provided by Ecology¹. For purposes of this preliminary map set, draft shoreline jurisdiction is shown extending up to the USGS 20 cfs points as directed by Ecology.

Jurisdictional waters which meet these criteria within the City include the following:

- Willapa River
- Skidmore Slough

Additionally, per the SMA, all areas within the floodway are included as part of shoreline jurisdiction, as well as the area up to 200 feet landward of the floodway where a contiguous floodplain is present. The current County preliminary FEMA DFIRM flood data (2013) was used to identify both the floodway and 100-year floodplain, where present. Floodway is not present within the jurisdictional boundaries of the City.

Rivers which have mean annual flow of 1,000 cfs or greater are considered "Shorelines of Statewide Significance," a special category of shorelines where specific priority uses are preferred. The Willapa River meets this definition. As well, harbors, bays, estuaries, and inlets, seaward from the OHWM and all shorelands associated with these waters are also considered Shorelines of Statewide Significance.

Lakes

Under the SMA, lakes 20 acres or greater in size qualify as Shorelines of the State. No lakes within the City meet this criterion.

¹ http://www.ecy.wa.gov/programs/sea/pubs/USGS_reports/WRIR%2096-4208.pdf

Associated wetlands

Associated wetlands are those wetlands that are “in proximity to and either influence or are influenced by ... tidal waters or 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 shoreline”². Wetlands meeting the latter two criteria are mapped as “Potentially Associated Wetlands” in the attached maps. The locations and boundaries of these wetlands are drawn from National Wetlands Inventory (NWI) GIS data.

Non-associated wetlands are intentionally omitted from this map set. 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 they are outside the shoreland zone, and that the break is not an artificial feature such as a berm or road. These possible additional shoreline-associated wetlands can only be determined on a project-level basis at the time of permit application. Further, the NWI wetland data are drawn from high-resolution aeriels and might not be completely accurate at a parcel level. 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 City may further elect to expand jurisdiction to include:

- 1) All or part of the 100-year floodplain (as it is shown on the jurisdiction map), 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 permitting requirements.

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 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.

Thus, extending SMA jurisdiction helps to reduce regulatory duplication in the future. This is a fundamental issue that should be carefully considered by the City. The attached map currently does not include expanded 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 extent as shown on the jurisdiction map.

Please call if you have any questions or if we can provide you with any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Nickel". The signature is written in a cursive style with a long horizontal stroke at the end.

Dan Nickel
Environmental Engineer

Enclosure