

## Lower Columbia Basin Audubon Society

A CHAPTER OF THE NATIONAL AUDUBON SOCIETY

P.O. Box 1900 • Richland, WA 99352

September 1, 2020

Eric Mendenhall  
City of West Richland  
Community Development Manager  
3100 Belmont Blvd  
West Richland, WA 99353

Dear Mr. Mendenhall:

The Lower Columbia Basin Audubon Society (LCBAS) thanks you for the opportunity to review this document. While we appreciate that you have a good public participation plan, Covid restrictions have made it more difficult to have a robust public discussion absent the one-on-one interactions that open houses normally provide to ask questions and look at maps.

The Yakima River is considered a 'shoreline of statewide significance.' As such, two of the major elements to be included in a Shoreline Master Program are (a) the preservation of the natural character of the shoreline and (b) protection of the resources and ecology of the shoreline. Protecting the functions and values of riparian areas and associated critical areas is an important goal necessary to attaining these elements. Functions and values include water filtration and water quality protection; stream temperature moderation; stream channel stabilization, flood water storage and reduction of flood damage; protection of fish, other aquatic species, birds and other terrestrial wildlife and facilitation of fish and wildlife movement. As the state of science advances, management recommendations to attain these goals can change. An SMP update such as this is an opportunity to bring the document into agreement with current guidelines from WDOE and WDFW which are based on Best Available Science. Several of these guidelines have been changed since the previous update and a number of our comments are a request to take advantage of this option to strengthen the SMP.

Comments, questions, and concerns (page numbers are based on the June 17, 2020 draft on the City's website):

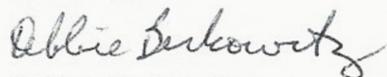
1. General comment. Some areas along Reach 1 are designated as FWHCAs on the Critical Areas map (Comp Plan 2017) including some with good shrub steppe habitat and some with small cliffs. They appear to be the types of areas that would need to be maintained as habitat to prevent the net loss of ecological functions along the Yakima River in the City. Why are none of these areas designated as 'Natural'? On P. 64, D1b2a states "Reserve appropriate areas in the shoreline jurisdiction for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health." Where are the areas reserved for protecting and restoring ecological functions? These areas would be needed so that if other areas are developed, there will be no net loss of ecological function.
2. General comment. From your response to a question at the open house as to which shoreline areas have been developed since the last update, it sounds like the City's Gateway area has been developed and that there have been some variances and conditional use permits. What was the mitigation for the Gateway area? Has there been an ecological impact as a result of the implementation of the variances and conditional use permits and, if so, what mitigation has been done?

3. P. 29-33, 43ff. Flood Hazard Reduction section and Shoreline Stabilization section. These sections should be strengthened to include the changes in State floodplain and CMZ regulations that further restrict development in these areas, subject to certain requirements. Some examples include:
  - a. P. 30, 5b10 Change "Limit..." to "Prohibit" development and structural flood hazard reduction measures within the CMZ that would result in interference with the process of channel migration, i.e., an engineering analysis is required indicating no rise of the base flood elevation. "In areas where a floodway has not been designated, require that no new construction, substantial improvements or other development (including fill) shall be permitted within applicable flood zones unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community."
  - b. The restrictions in (a) above should also be applied to P. 43, e3g.
  - c. P. 30, c2. Change 'should' to 'shall' in (1) and (2).
  - d. P. 32, c11f. Prohibit modifications or additions to an existing nonagricultural legal use that would result in interference with the process of channel migration; an engineering analysis is required that would indicate no rise of the base flood elevation. Any new development would require protection of existing ecological functions.
  - e. P. 31, c6. This section should apply only to existing development (WAC 173-26-221(3)c(iii), not to new development.
4. P. 136-156 Wetlands. Since the last SMP update in 2014, WDOE has provided new guidance for Eastern Washington wetlands (WDOE 1606002). Many criteria have changed and these should be incorporated so that West Richland is following the Best Available Science in one of the most important wetland areas in the City, i.e., along the Yakima River. A few examples of changes that would reflect current guidance are noted here:
  - a. P. 143. Land use impacts table. For example, hobby farms and golf courses in general are considered high intensity. Parks with biking/jogging are considered moderate intensity. Gravel driveways (not paved driveways) serving 1 or 2 residences are considered low intensity.
  - b. P. 145, J6. Wetland buffer increases. For example, change 'may' to 'shall' in first sentence. Include state or federally listed species (not just 'endangered, threatened, or sensitive species')
  - c. P. 147, K2e. The buffer width is not reduced to less than 75% (not 50%) of the standard buffer width or 75 ft for Category I and II, 50 ft for Category III and 25 ft for Category IV, whichever is greater.
  - d. P. 148-149. Because of the importance of wetlands associated with the Yakima River for many functions including water quality and salmon recovery, alteration of these wetlands should be strongly discouraged. Mitigation must follow the prescribed sequence listed in Chap. 4 Section 4; a "combination of such measures" (new revision) weakens this requirement and should not be allowed.
  - e. P. 153. Table should include Rehabilitation.
  - f. P. 156. Wetland Monitoring Program. Several criteria in WDOE's latest guidance appear to be missing, including criteria for control of nonnative species, buffer vegetation, monitoring for 10 yrs, a performance bond, etc. These should be included.
  - g. P. 92 ej4. 'A delineation of all wetland areas that will be altered or used as a part of the development' should come with a mitigation plan as part of the application so that there is no net loss of ecological function. As noted above, alteration of wetlands along the river should be strongly discouraged by the City because of their critical ecological functions.
5. P. 157-161, 121. Critical fish and wildlife habitat conservation areas.
  - a. P. 157 R1. State priority habitats and areas associated with state priority species as well as DNR's natural heritage program species should be included in all FWHCAs, not just on 'government and conservation land.' According to WAC 365-190-130 (4b), WDFW priority habitats and species should be considered by counties and cities as they include the best available science; DNR's natural heritage program can provide a list of high quality ecological communities and systems and rare plants. We are asking you to include these in all FWHCAs in the City as has been done by Benton County and by the City of Richland. (We should note that it is not clear from the City's Critical Areas map which parts of the FWHCAs are on government and conservation land; the only locations specifically mentioned in the text are in Willamette Heights, which we don't think are subject to shoreline jurisdiction.)

- b. P. 157 R1. FWHCAs should also include documented habitat, other than accidental presence, of regional or national significance for migrating birds.
  - c. P. 159. FWHCA. "Buffer shall not exceed 150 ft" (new revision). What is the Best Available Science basis for 150 ft? How will this result in no net loss of ecological function? The Department of Fish and Wildlife's priority habitats and species recommendations often call for buffers wider than 150 ft for many fish and wildlife habitats. The SMP should follow WDFW recommendations as documented in <https://wdfw.wa.gov/species-habitats/at-risk/phs/recommendations>. For example, the WDFW recommended buffer width for Type S streams is currently 250 ft. And individual species may have significantly larger recommended buffer widths. In the Benton County CAO, a Type F stream has a 200 ft FWHCA buffer width; a Type S stream like the Yakima River shouldn't be less.
  - d. P. 161. FWHCA, Wildlife corridors. Again, the SMP should follow WDFW recommendations as documented in 'Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Area (Chap. 4, P. 3) or current version. WDFW recommends widths of 150 to 1,000 ft for wildlife corridors depending on the type and number of species likely to use it.
  - e. P. 158. Habitat assessment should include an analysis of F&W habitat and species within 300 ft of the project site to account for potentially wider buffer widths.
  - f. P. 121. Definition of 'pristine shrub steppe habitat.' This is too restrictive a definition for any area of Benton County since there is so little shrub steppe left and very little of that could be classified as pristine (in fact, the County doesn't use 'pristine' in talking about shrub steppe habitat in their CAO). Connectivity of disturbed shrub steppe is also very important as is the connection of shrub steppe to riparian areas. Shrub steppe should be based on WDFW's priority habitat designations.
6. P. 20 3b3. Critical environmental features. Please add (d) Fish & wildlife habitat conservation areas; (a) should also include steep slopes or geologic hazards in general).
  7. P. 57. Note 2. Add – 'No net loss of ecological function shall be allowed.'
  8. P. 38. Clearing and Grading. Please make it clear in this section (as you do in section 10b, P. 50-52) that clearing and grading is allowed only as part of a shoreline substantial development permit or as a conditional use. Given how often clearing occurs without a permit on our shorelines, stating this up front might help decrease the problem.
  9. P. 68 4a. How are docks that serve fewer than 4 families regulated? Is the cumulative effect considered?
  10. P. 93 Notice for SMP permits. Please add publication in the TCH legal notices.
  11. P. 110 BMP definition. This definition is very limited. It should include statements about agricultural and land management activities. It should also talk about protecting vegetation, habitats, and groundwater, as well as sustainability.
  12. Consider adding a statement that the City strongly encourages bird friendly buildings, especially in the shoreline area (and critical areas). Guidelines from the American Bird Conservancy are available.
  13. P. 170 Exception 1 (and 2). Where would an existing lot be found that would meet this exception? It should be clarified that an existing lot refers to a lot existing prior to the 2014 SMP (or if this paragraph existed in a previous SMP, then prior to that version).
  14. P. 184 DD. Paragraphs 1 & 2. It would be useful to give this more 'teeth' by changing 'may' to 'shall' to maintain the standard of no net loss of ecological function.
  15. Appendix 3 is mentioned but we haven't been able to find it. Is it on the City's website?

Thank you for considering our comments.

Sincerely,



Debbie Berkowitz

Conservation Committee, Lower Columbia Basin Audubon Society