



DOUGLAS COUNTY

TRANSPORTATION & LAND SERVICES

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STAFF REPORT ATKINS SHORELINE SUBSTANTIAL DEVELOPMENT DOCK MODIFICATION AND BOATLIFT #SP-2020-02

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: SP-2020-02
DATE: February 1, 2021

GENERAL INFORMATION

Requested Action: An application for a Shoreline Substantial Development Permit to modify an existing dock (Douglas County Shoreline Permit No. SP-07-16 – Serrano dock, pier & ramp), replace associated piles and install one (1) ground based boatlift adjacent to an existing permitted single-use dock.

Location: The subject property is located at 225 Turtle Rock Rd., East Wenatchee, WA. The property is further described as being located within Section 36, Township 24, Range 20. The Assessor's Parcel Number is 68000002000.

SITE INFORMATION

Site Characteristics: The subject property is located along the Columbia River, and is approximately 12.3 acres in size, approximately 2 acres of which is landward of the ordinary high water mark (OHWM). The subject property is accessed via Turtle Rock Road. Currently there is one single-family residence on the property along with two accessory storage structures. One permitted dock also exists on-site. The property is dominated by a mixture of mature vegetation, and has been significantly altered as part of a previous activity/ shoreline violations. On the western side of the property boundary exists a small drainage which is surrounded by an existing wetland.

Project Proposal: The applicants propose to modify the configuration of the existing float, remove and replace the piles anchoring the float, and install one (1) ground based boatlift adjacent to the existing permitted single-use dock at 225 Turtle Rock Rd. The proposal will also result in the installation of 305 square feet of native riparian vegetation as part of the mitigation measures for the impacts to the Columbia River.

Zoning and Shoreline Development Standards: The subject property is located within the Rural Resource 5 (RR-5) Zoning District. The purpose of the RR-5 district is to provide an area for a variety of rural lifestyles, hobby farms, densities, and open space,

while protecting the rural and resource characteristics in the vicinity. This district provides an opportunity for compatible rural land uses, and is sensitive to the site's physical characteristics. Areas may be located adjacent to urban growth areas or existing development of higher densities and, where appropriate, may serve as a transition and buffer area between commercial agricultural areas and other land uses. This district is also appropriate for areas that currently have a range of rural densities or land parcel sizes generally less than twenty acres in size and/or have adequate rural levels of services available such as roads, schools, and fire protection. Clustering or other innovative techniques for residential lots are encouraged; provided, that the density does not encourage urban levels of service and provides significant open space corridors and protection of critical areas.

COMPREHENSIVE PLAN:

The Douglas County Countywide Comprehensive Plan designates this property as Rural Resource 5 (RR-5). The following goals and policies set forth in the comprehensive plan are relevant to this development:

RURAL DEVELOPMENT:

POLICY RD-4: Development and recreational opportunities in rural shoreline and other rural areas shall minimize potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life.

POLICY RD-7: Rural developments should consider and comply with the spirit, intent and requirements of all the chapters and sections of the comprehensive plan, including but not limited to, the Resource Lands Element and Resource and Critical Areas Conservation Element.

CRITICAL AREAS – FISH AND WILDLIFE HABITAT CONSERVATION AREAS

GOAL 1: Protect fish and wildlife habitat areas as an important natural resource for Douglas County, particularly in regard to their economic, aesthetic and quality of life values.

POLICY CA-14: Impacts of new development on the quality of land, wildlife and vegetative resources will be considered as part of the environmental review process and require any appropriate mitigating measures. Such mitigation may involve the retention and/or enhancement of habitats.

POLICY CA-15: The maximum amount of vegetation should be maintained in its natural state and be disturbed only as minimally necessary for the development. Disturbed areas should be re-vegetated with native vegetation as soon as possible. Re-vegetation will be maintained in good growing conditions, as well as being kept free of noxious weeds.

POLICY CA 16: If a development proposal is located in or near a habitat conservation area shown on the reference maps, a consultation and subsequent mitigation measures, if needed, should be encouraged from the WDFW or other appropriate agency.

POLICY CA-19: Proper riparian management that maintains existing riparian habitat and is consistent with best agricultural management practices should be encouraged.

POLICY CA-20: Ensure that land uses adjacent to naturally occurring wetlands and other fish and wildlife habitat areas will not negatively impact the habitat areas. If a change in land use occurs, adequate buffers will be provided to the habitat areas.

POLICY CA-21: Activities allowed in fish and wildlife habitat conservation areas and open space will be consistent with the species located there, including all applicable state and federal regulations and/or best management practices for the activity regarding that species.

SHORELINE MASTER PROGRAM

The Douglas County Regional Shoreline Master Program classifies this reach of the Columbia River shoreline as rural conservancy. The purpose of the rural conservancy environment is to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities.

A listing of the applicable policies and regulations are found in the analysis section of this staff report.

WASHINGTON ADMINISTRATIVE CODE (WAC)

WAC 173-27 provides updated rules for administering the Shoreline Management Act (RCW 90.58) and the local master program. WAC 173-27-150 establishes minimum review criteria for substantial development permits. The criteria states that a substantial development permit shall be granted only when the proposed development is consistent with:

- The policies and procedures of the Act;
- The provisions of these regulations; and
- The applicable master program adopted or approved for the area.

ENVIRONMENTAL REVIEW

Douglas County issued a Determination of Non-significance on 01/26/2021 in accordance with WAC 197-11-355 (Optional DNS).

VI. AGENCY AND PUBLIC COMMENTS:

Applicable agencies have been given the opportunity to review this proposal. The following agencies have been sent copies of the proposal and have commented as indicated below:

Agency Notified	Response Received	Agency Notified	Response Received
WA Department of Ecology	N/R	WA Dept. of Fish & Wildlife	N/R
Chelan County PUD	12/09/2020	Army Corps of Engineers	N/R
Dept. of Natural Resources – Rivers Dist.	N/R		

* N/R = No Reply

Agency comments have been included as an attachment.

No public comments were received.

VII. PROJECT ANALYSIS

Upon review of the application materials, site plans, agency comments, the Douglas County Countywide Comprehensive Plan, the Douglas County Regional Shoreline Master Program and other applicable codes and requirements, planning staff offers the following analysis and recommendations for the subject application:

Comprehensive Plan consistency:

Residential development and recreational opportunities in shoreline areas of the Rural Resource 5 land use designation can be considered when potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life have been sufficiently addressed. Critical area policies place preference on the protection of and preservation of wetlands over the alteration and mitigation of impacts to wetlands. The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan.

Consistency with the Douglas County Shoreline Master Program

Analysis: Docks, maintenance of such, and boatlifts are permitted uses in the rural conservancy shoreline designation. (Pursuant to SMP 3.10 Table 1. Use matrix).

Pursuant to SMP 5.11 Recreation, (5) Recreational uses and facilities shall be designed and located to ensure no net loss of critical areas and shoreline ecological functions

4.1 ECOLOGICAL PROTECTION AND CRITICAL AREAS

POLICY 1: Shoreline use and development should occur in a manner that assures no net loss of existing ecological functions and processes and protects critical areas. Uses should be designed and conducted to avoid, minimize, or to fully mitigate in so far as practical, any damage to the ecology and environment.

Analysis: The project cannot avoid impacts to the aquatic environment, and the applicant states the project will not affect water quality, water supply, recreation or aesthetics of the Columbia River. The project has been designed to minimize damage and to fully mitigate per the standards set forth by the United States Army Corp of Engineers, Washington Department of Fish & Wildlife and County adopted mitigation ratios.

REGULATION 1: Mitigation sequencing – applicants shall demonstrate all reasonable efforts have been taken to mitigate potential adverse impacts in the following prioritized order:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;

Analysis: The project is located in the aquatic environment and therefore cannot avoid impacts, although it is designed to minimize impacts.

- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

Analysis: Potential impacts to fish and aquatic life will be sufficiently minimized by the conformance with the Army Corps and Douglas County's conservation measures. There will be not further disturbance from the pile replacement and minimal disturbance for the boatlift. Native riparian vegetation will be installed to mitigate for the impacts associated with the increase in in-water structure, which will improve the riparian habitat at the property.

The boatlift will encompass ~125 sq. ft. of in-water structure on the Columbia River. The boatlift is open in nature and will protect the aquatic environment by removing the applicant's boats from the water surface and protecting wildlife from damage and potential leaking of fluids. The proposed boatlift would be installed in an area that consists of fine sediments. Under current Douglas County Code, the boatlift will require a 1:1 mitigation ratio; however, current USACE and NMFS guidance requires a 2.44:1 mitigation ratio for a boatlift in greater than 11 ft. of water depth. As a result, the installation of the boatlift will require the installation of 305 sq. ft. of native riparian vegetation. Based on the existing conditions of the subject property, the impacts of the proposed project on the existing ecological functions and values will be very minimal.

- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;

Analysis: Rectifying the impact is not possible. The new boatlift has been designed following mitigation sequencing. See the above description for detailed information on the restoration associated with the impacts of the proposal.

- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

Analysis: The project includes maintenance of the existing Dock to reconfigure an existing float and replace associated pile. This will reduce the need for any further impact to the environment by avoiding alternative development.

- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

Analysis: The proposed boatlift has been designed following the mitigation sequence set forth by the Corps, WDFW, and local jurisdiction. Specifically, a project must first avoid and minimize impacts to habitat and species to the extent practicable prior to proposing compensatory mitigation for impacts. The maintenance of the existing dock will not cause any further disturbance to the

riparian buffer or the aquatic habitat and will remove the need for any other moorage or docking facility.

Suggested conditions of approval require installation of mitigation per the approved plan.

- f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Analysis: To ensure the success of the planting areas, a five-year monitoring plan will be conducted to determine percent survival of the installed mitigation. During the first two years after planting 100 percent survival will be required within each planting area. During years three through five after planting 80 percent survival will be required, within each planting area. The plantings must be allowed to remain as long as the dock/ boatlift is present. Individual plants that do not survive must be replaced with an individual of the same species, or a similar species with approval from Douglas County. A Riparian Restoration Monitoring Report will be completed and submitted to the permitting agencies annually following completion of the riparian plantings. The applicant will be responsible for ensuring that the Riparian Restoration Monitoring Reports are submitted on the schedule and that success measures are met.

Upon completion of the mitigation plantings, an as-built mitigation report would be sent to Douglas County which would include as-built drawings and photographs, the location and size of the mitigation planting area, and the species and quantity of the mitigation plantings.

4.2 WATER QUALITY

REGULATION 5: All building materials that may come in contact with water shall be constructed of untreated wood, cured concrete or steel. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants. Wood treated with creosote, arsenate compounds, copper chromium arsenic or pentachlorophenol is prohibited in shoreline water bodies.

Analysis: The dock, piles, boatlifts and any structural component materials shall be of a type approved by state agencies to avoid discharge of pollutants.

4.3 VEGETATION CONSERVATION

REGULATION 2: Where impacts to buffers are permitted under Section 4.1, Ecological Protection and Critical Areas, new developments shall be required to develop and implement a management and mitigation plan. When required, management and mitigation plans shall be prepared by a qualified biologist and shall be consistent with the requirements of Appendix H. Management and mitigation plans shall describe actions that will ensure no net loss of ecological functions. Vegetation shall be maintained over the life of the use and/or development by means of a conservation easement or similar legal instrument recorded with the County Auditor.

Analysis: A Fish & Wildlife Management and Mitigation Plan prepared by Grette Associates was submitted in the application materials (Dated October 2020).

4.7 RESTORATION

POLICY 2: Mitigation associated with shoreline development projects shall be designed to achieve no net loss of ecological function.

Analysis: A Fish & Wildlife Management and Mitigation Plan, dated October 2020, prepared by Grette Associates was submitted in the application materials. The plan identifies that the project will result in no net loss of ecological function through proper mitigation.

5.10 MOORAGE: DOCKS, PIERS, WATERCRAFT LIFTS, MOORING BUOYS, FLOATS

POLICY 4: Moorage should be spaced and oriented in a manner that minimizes hazards and obstructions to navigation and other water-oriented activities such as fishing, swimming and pleasure boating, as well as property rights of adjacent land owners.

Analysis: The maintenance of the dock, replacement of existing pile, addition of a boatlift will not pose a hazard to any of the previously mentioned water oriented activities.

POLICY 5: Moorage should be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. The length, width and height of piers and docks should be no greater than necessary for safety and functional use.

Analysis: The moorage is the minimum sizes necessary for safety and requirements established by the Douglas County Shoreline Master Program and USACE.

REGULATION 7: Moorage facilities shall be the minimum size necessary to meet the needs of the proposed water-dependent use and shall observe the following criteria:

- a. If allowed, only one private dock with one accessory float, and two watercraft lifts (the combination of one boat and one jet ski or other watercraft together) shall be permitted on a shoreline lot owned for residential or private recreational use.

Analysis: The proposed project includes the addition of a boatlift. This form of moorage is permitted and within the allowed quantity for shoreline developments.

- b. Docks with or without a float shall be the minimum required to provide for moorage. Commercial docks shall be the minimum length necessary to serve the type of vessel served. Exceptions to these length standards are addressed below.

Analysis: The proposed project is the minimum required to provide for moorage.

- c. Docks on the Columbia River that exceed 100 feet in length or docks which exceed 50 feet in length on a lake or sites with unique characteristics that may create navigational safety hazards shall prepare a navigational safety study.

Analysis: The existing dock adheres to these standards. There will be no extension to the existing dock.

- d. Moorage shall be designed to avoid the need for maintenance dredging. The moorage of a boat larger than provided for in the original moorage design shall not be grounds for approval of dredging.

Analysis: The location does not indicate the need for maintenance dredging.

REGULATION 11: Piers and docks shall use pile supports unless engineering studies demonstrate that pile supports are insufficient to ensure public safety. Rip-rapped or bulk-headed fills may be approved only as a conditional use and only when demonstrated that no feasible alternative is available. Mitigation shall be provided to ensure no net loss of shoreline ecological functions and processes.

Analysis: The existing dock is already supported by pile. Additionally, this project includes replacement of existing pile.

REGULATION 15: Moorage facilities shall be marked with reflectors, or shall be otherwise identified to prevent unnecessarily hazardous conditions for water surface users during day or night. Exterior finish shall be generally non-reflective.

Analysis: Suggested conditions of approval require that boatlift, and dock, be marked with reflectors or otherwise identified.

REGULATION 16: Moorage facilities shall be constructed and maintained so that no part of a facility creates hazardous conditions nor damages other shore property or natural features during predictable flood conditions. Floats shall be securely anchored.

Analysis: The boatlift and dock are designed and secured so that they will not damage shoreline property or natural features.

REGULATION 21: All moorage facilities must permanently mark all of the components with name, address, telephone number and date of installation.

Analysis: Suggested conditions of approval require that the boatlift and dock be permanently marked for identification.

REGULATION 23: Moorage facilities shall avoid locations that will adversely impact shoreline ecological functions or processes.

Analysis: See above, project will not adversely impact the existing shoreline ecological function.

Appendix H, Chapter 3: Critical Areas – Fish and Wildlife Habitat Conservation Areas

A Fish & Wildlife Habitat Management and Mitigation Plan has determined that there will be approximately 125 sq. ft. of impact from boatlift installation. The plan proposes a total of 305 sq. ft. of riparian vegetation plantings to meet the mitigation for disturbance of the entire project.

305 sq. ft. of mitigation will be installed. The proposed native riparian vegetation for the boatlift will be installed as close to the OHWM as possible on the downriver portion of the property, in an area devoid of native riparian vegetation dominated by mowed and maintained upland grasses and weedy species.

The Douglas County Regional Shoreline Master Program requires a minimum mitigation ratio of 1:1 for development within aquatic habitat. The more restrictive mitigation ratio of 2.44:1 as determined by the USACE and NMFS is used for this project. A planting plan is proposed within the Fish & Wildlife Habitat Management and Mitigation Plan.

As conditioned, the proposal is consistent with this section.

Consistency with WAC 173-27 and RCW 90.58:

As conditioned below, the project appears consistent with the requirements and criteria of the Shoreline Management and Enforcement Procedures, and the Shoreline Management Act.

VIII. RECOMMENDATION

As conditioned below, this application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 18 and 19 of the Douglas County Code, the Douglas County Countywide Comprehensive Plan, and the Douglas County Regional Shoreline Master Program. Staff recommends approval of SP-2020-02, subject to the following suggested findings of fact and conditions:

Suggested Findings of Fact:

1. The applicant is Shane Atkins, 225 Turtle Rock Road, East Wenatchee, WA 98802
2. The applicant's agent is Larry Lehman, with Grette Associates LLC, 151 S. Worthen St. Ste. 101, Wenatchee, WA 98801
3. General Description: An application for a Shoreline Substantial Development Permit to modify an existing dock, replace associated piles and install one (1) ground based boatlift adjacent to an existing permitted single-use dock.
4. The existing single-use dock currently serves the subject property (Douglas County Shoreline Permit No. SP-07-16 – Serrano Dock, pier & ramp.
5. The subject property is located in the Rural Resource 5 zoning district.
6. The Columbia River Shoreline section of the subject properties is designated as "Rural Conservancy" by the Douglas County Regional Shoreline Master Program.
7. WAC 173-27-150 establishes minimum review criteria for Shoreline Management Substantial Development Permits. This criteria states that a substantial development permit shall be granted only when the development proposed is consistent with the

policies and procedures of the Act; the provisions of this regulation; and the applicable master program.

8. A Fish & Wildlife Habitat Management and Mitigation Plan dated October 2020 was submitted for the project by Grette Associates.
9. The float will remain approximately 42 ft waterward of the OHWM and the proposed rotation of the float would mean the float will extend approximately 12 ft. further waterward. However, due to the width of the river this slight increase in length will have no impact on the use of the river. There is no increase in over water coverage associated with the dock modification therefore no mitigation for that portion of the project is proposed/
10. The pile replacement and construction of the boatlift will impact the aquatic environment. A Fish & Wildlife Habitat Management and Mitigation Plan has determined that a total of 125 sq. ft. of habitat will be disturbed.
11. The application proposes 305 sq. ft. of mitigation. A planting plan is proposed within the Fish & Wildlife Habitat Management and Mitigation Plan.
12. The mitigation proposed in the Fish & Wildlife Management and Mitigation Plan meets the requirements of the Douglas County Regional Shoreline Master Program.
13. Douglas County issued a Determination of Non-Significance on January 26, 2021 in accordance with WAC 197-11-355 (Optional DNS).
14. Agency comments were received from the Chelan County PUD (Attached).
15. No comments have been received from the public.
16. Surrounding property owners were given the opportunity to comment on the proposals, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.
17. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
18. WAC 173-27-090 requires that construction must be commenced within 2 years of the effective date of the shoreline permit and that authorization for construction shall terminate 5 years after the effective date of the shoreline permit.
19. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

Suggested Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan and the Douglas County Regional Shoreline Master Program.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public interests will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code, and the Douglas County Shoreline Mater Program.

Suggested Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials on file submitted on October 30, 2020, except as amended by the conditions herein.

2. The applicant shall comply with all applicable local, state and federal regulations and shall acquire applicable permits and approvals.
3. A copy of this permit and attached conditions shall be kept on-site and be provided to the contractor and all others working within the shoreline area at all times. The applicant, contractor, machinery operators and all others working within the shoreline area shall have read this permit and attached conditions and shall follow its conditions at all times.
4. The boatlift and dock shall be marked with reflectors to prevent unnecessarily hazardous conditions for water surface users during day or night. Documentation shall be provided to the County.
5. The boatlift and dock shall be permanently marked with name, address, telephone number and date of installation. Documentation shall be provided to the County.
6. The project application shall proceed consistent with the Fish & Wildlife Habitat Management and Mitigation Plan prepared by Grette Associates, dated October 2020.
7. The pile, boatlift, and any structural component materials shall be of a type approved by state agencies to avoid discharge of pollutants.
8. Where necessary, a permanent means of irrigation shall be installed for the mitigation plantings that is designed by a landscape architect or equivalent professional.
9. Mitigation planting as shown on the mitigation planting plans, dated October 2020, shall be planted upon completion of the construction project, or at the next planting season whichever is the earliest.
10. A five year monitoring period shall commence upon placement of the planting materials and irrigation system.
11. A performance surety agreement in conformance with Title 14 Douglas County Code shall be entered into between the property owner and Douglas County Transportation and Land Services upon approval of the shoreline permit and prior to construction and/or soil / vegetation disturbance. Douglas County must approve quotes for the cost of installation, delivery, plant material, soil amendments, irrigation, seed mix and necessary monitoring visits and reports by the biologist of record and Washington State sales tax.
12. The mitigation site shall be maintained to ensure the management and mitigation plan objectives are successful. Maintenance shall ensure 100% survival for the first year and 80% survival for each of the 4 years following and shall include corrective actions to rectify problems, include rigorous, as-needed elimination of undesirable plants; protection of shrubs and small trees from competition by grasses and herbaceous plants, and repair and replacement of any dead plants.
13. Onsite monitoring and monitoring reports shall be submitted to Douglas County Transportation and Land Services 1 year after mitigation installation; 3 years after mitigation installation; and 5 years after mitigation installation. Monitoring reports shall be submitted by a qualified biologist, as defined by Douglas County Code. The biologist must verify that the conditions of approval and provisions in the Habitat Management and Mitigation Plan submitted by Grette Associates, dated October 2020, have been satisfied.
14. Sequential release of funds associated with the surety agreement shall be reviewed for conformance with the conditions of approval and the management and mitigation plan. Release of funds may occur in increments of 1/3 for substantial conformance with the plan and conditions of approval. If the standards that are not met are only

minimally out of compliance and contingency actions are actively being pursued by the property owner to bring the project into compliance, the County may choose to consider a partial release of the scheduled increment. Non-compliance can result in one or more of the following actions: carry-over of the surety amount to the next review period; use of funds to remedy the nonconformance; scheduling a hearing with the Douglas County Hearing Examiner to review conformance with the conditions of approval and to determine what actions may be appropriate.

15. Where a condition imposed herein may be found inconsistent with the requirements of the Washington State Department of Fish and Wildlife, HPA Permit, or permitting issued by the United States Army Corps of Engineers, the Douglas County Land Services Director shall have discretion to allow for project redesign consistent with the approvals granted by said agencies; if the redesign can be found consistent with the Douglas County Code, the Shoreline Master Program, and the Shoreline Management Act.
16. The applicant shall obtain a building permit from Douglas County for boatlift and dock modification.
17. The applicant shall obtain a license from the Chelan County PUD for the modified dock and proposed boatlift.
18. Construction of the project for which this permit has been granted must be commenced within two (2) years of the effective date of this permit. Authorization to conduct development activities granted by the permit shall terminate five (5) years from the filing date of the permit.

Respectfully Submitted,



Tanner Ackley – Associate Planner
Douglas County Land Services

February 1, 2021

Attachments:
Agency Comments

Agency Comments



PUBLIC UTILITY DISTRICT NO. 1 of CHELAN COUNTY

P.O. Box 1231, Wenatchee, WA 98807-1231 • 327 N. Wenatchee Ave., Wenatchee, WA 98801
(509) 663-8121 • Toll free 1-888-663-8121 • www.chelanpud.org

December 9, 2020

Douglas County Transportation & Land Services
Attn: Tanner Ackley
140 19th Street NW, Suite A
East Wenatchee, WA 98802

Re: Comment on SP-2020-02, Atkins dock modification and boatlift installation

Dear Mr. Ackley:

Douglas County has provided the District notice of the above-mentioned application for a dock modification and boatlift installation (Atkins Project) for formal comment. We appreciate the opportunity to review and comment on the proposal to ensure early coordination and consistent information exchange between Douglas County and the District. The District provides the following comments:

As owner and operator of the Rocky Reach, Rock Island, and Lake Chelan hydroelectric projects, the District is responsible for operating and maintaining its project works and project lands and waters under the requirements of its Federal Energy Regulatory Commission (FERC) Licenses. The Federal Power Act authorizes the FERC to regulate non-federal hydroelectric projects. Under the District's federal License for the Rocky Reach Project, FERC required the District to acquire and retain fee title, or the right to use in perpetuity, all property necessary or appropriate to construct, maintain, and operate the project. These purposes may include, but are not limited to, operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control.

The proposed Atkins Project will be constructed upon property encumbered by a District flowage easement which encumbers the land up to an elevation of 711 feet above sea level, USCGS datum. The terms of the easement reserve the property owner's right to maintain boat landings and piers upon the property "which in the reasonable judgment of the District's Commission, do not endanger the Project [Rocky Reach Hydroelectric Project] or violate the District's Federal Power Commission License for the Project."

As required by our FERC licenses, the District manages shorelines within its Project boundaries to be consistent with Project licenses and management plans and to assess developmental uses to ensure multiple resources are considered, such as recreation, cultural, fish, wildlife, and habitat resources. Under our FERC licenses, the District has the ability to grant permission to applicants for specific non-project uses, subject to specific license conditions. Examples include relatively routine, non-project use applications such as non-commercial boating access facilities (boat docks and piers), erosion control structures, certain types of recreation development, bulkheads, and vegetative removal or trimming and planning. The District implements this requirement, including reviewing tracking permit applications in coordination with the primary permitting authorities that are responsible for managing development activities along the shoreline

within the project boundaries. Larger development activities, such as proposed docks with more than 10-slips, require FERC approval.

Additionally, the District's Habitat Conservation Plan Agreement (HCP), approved by FERC Order, requires the District to consider the cumulative impacts of any action when making land use or permit decisions within the Rocky Reach and Rock Island Project reservoirs (see attached HCP, section 6.1). We understand that the County's shoreline plan has a similar cumulative impact consideration. The HCP is a critical aspect of the District's operation of the hydro Project.

The existing dock has a District issued license. However, the District will issue a new license with the revised dock plans and the boatlift should the applicants receive all necessary approvals for this project. Therefore, the District requests that Douglas County condition the issuance of the final building permit on the applicants receiving a replacement dock license from the District.

If you would like to meet to discuss this issue in further detail please feel free to contact me.

Sincerely,



Lisa Graves

Enclosure

methods to protect adult fallbacks and steelhead kelts at the Dam, and the District shall immediately implement the agreed to Measures. Reduction in fallback rates, mortalities and protection of kelts shall be factored into juvenile bypass and adult passage development and implementation and into Project operation decisions. Before the District is asked to implement additional operation of the bypass system or other measures for kelts or fallbacks, there will need to be a high level of certainty that these Measures will make a significant difference in meeting the relevant survival standard.

e. The Parties to this Agreement recognize that current technology does not allow for a precise estimate of hydroelectric project induced mortality to adult salmonids. Until adult survival studies can accurately differentiate between natural and hydro-project induced mortality, the District shall use the best available technology to conduct, on a periodic basis, adult passage verification studies toward the diagnosis of adult loss, injury and delay at Rocky Reach Dam. Prior to the completion of adult survival studies, compensation for adult mortality shall be assumed completely fulfilled by the District's contribution to the Tributary Fund. Following the completion of adult survival studies, should adult survival rates fall below 98% but the Combined Adult and Juvenile survival rate be maintained above 91%, additional hatchery compensation for that portion of adult losses that exceeds 2%, toward a maximum contribution of 7% hatchery funding and 2% tributary funding, would be utilized to satisfy NNI compensation requirements for each Plan Species.

f. Pursuant to the 2000 Biological Opinion for the Federal Columbia River Power System (the "Bi-Op"), federal action agencies are required to conduct a comprehensive evaluation to assess adult survival at federal dams. The Bi-Op sets forth a series of evaluation methods to be employed. The Coordinating Committee should review the information and techniques utilized in those studies and evaluate their potential for accurately measuring Combined Adult and Juvenile Project Survival. The Coordinating Committee should also evaluate technologies found at the federal dams to increase adult survival for possible implementation at the Project. Based upon those evaluations, the District shall implement as necessary technologies appropriate for the Project.

SECTION 6 RESERVOIR HABITAT AND WATER QUALITY

6.1 When making land use or related permit decisions on Project owned lands that affect reservoir habitat, the District shall consider the cumulative impact effects in order to meet the conservation objectives of the Agreement, requirements of the FERC license, and other applicable laws and regulations. The District further agrees to notify and consider comments from the Parties to the Agreement regarding any land use permit application on Project owned lands.

6.2 The District shall notify all applicants for District permits to use or occupy Project lands or water that such use or occupancy may result in incidental take of species listed as endangered or threatened under the ESA, requiring advance authorization from NMFS or USFWS.