

**WHITMAN COUNTY  
GRANT No. G1400494**



**NO NET LOSS REPORT**

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**FOR THE TOWN OF MALDEN SHORELINE MASTER PROGRAM**

Prepared for:

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## **TOWN OF MALDEN SHORELINE MASTER PROGRAM**

### **1 INTRODUCTION**

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The Shoreline Management Act guidelines (Guidelines) require local shoreline master programs (SMPs) to regulate new development to “achieve no net loss of ecological function.” This No Net Loss (NNL) Report provides a summary of how the development of the SMP and supporting documents, including the Shoreline Analysis Report, Shoreline Restoration Plan, and Cumulative Impacts Analysis (CIA), will ensure that ecological functions will not be degraded or minimized over time as the SMP is implemented. The CIA evaluated the effects of foreseeable development under the proposed SMP and demonstrated that the goals, policies and regulations in the proposed SMP will prevent degradation of ecological functions relative to the existing conditions, as documented in the Shoreline Analysis Report. Note that the Shoreline Analysis Report and Restoration Plan were developed on a regional basis and included both unincorporated Whitman County as well as the cities and towns with shorelines. Individual SMPs and, correspondingly, CIAs and NNL have been prepared for each jurisdiction.

### **2 SHORELINE JURISDICTION**

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As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated “shorelands.” At a minimum, the waterbodies designated as shorelines of the state are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater, lakes whose area is greater than 20 acres, and all marine waters. Shorelands are defined as: “those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter... Any county or city may determine that portion of a one-hundred-year floodplain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending

landward two hundred feet therefrom. Any city or county may also include in its master program land necessary for buffers for critical areas..." (RCW 90.58.030).

The only shoreline in the Town of Malden is Pine Creek. Areas meeting the shoreline jurisdiction criteria include approximately 2.4 miles of river shoreline and 59 acres of upland shorelands, which includes floodways, associated floodplains, and wetlands.

## **3 SHORELINE ENVIRONMENT DESIGNATIONS**

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The Shoreline Analysis Report (The Watershed Company and BERK 2014) evaluated existing conditions in the Town's shorelines. Shorelines were divided into discrete reaches, and environment designations were proposed for each reach based on site-specific conditions and likely changes in land use.

The assignment of shoreline environment designations is an important step in achieving no net loss of ecological function. Appropriate assignment of such designations can help minimize impacts by concentrating development activity in lower functioning areas that are not likely to experience significant function degradation with incremental increases in new development or redevelopment.

Under the Town's current Shoreline Master Program all shorelines are designated as Urban. The SMP Guidelines recommend use of five potential environment designations for incorporated areas: Aquatic, Natural, Urban Conservancy, Shoreline Residential, and High Intensity. The Draft Town of Malden SMP assigns the designation of Urban Conservancy to all upland shorelines and the Aquatic designation to all areas waterward of the ordinary high water mark (OHWM). The Natural, Shoreline Residential and High Intensity designations are omitted as they are not appropriate designations for the Town given the highly rural and agricultural nature of shoreline jurisdiction. The following discussion provides a brief description of each of the environment designations established in the City's proposed SMP.

### **3.1 Aquatic**

The purpose of the Aquatic environment designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark. Management policies focus on water-dependent uses and ecological

restoration, and aim to minimize impacts to the fish and wildlife habitat, views, water quality, natural hydrologic conditions, and surface navigation.

### **3.2 Urban Conservancy**

The purpose of the Urban Conservancy environment designation is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

Management policies allow uses which preserve the natural character of the area, and promote the preservation of open space, floodplains or sensitive lands. Low-density single-family residential uses are appropriate in this designation.

## **4 GOALS, POLICIES, AND REGULATIONS**

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The proposed SMP includes several goals intended to conserve the ecological function of all jurisdictional shoreline areas. The proposed SMP Chapter 2, Shoreline Vision and Goals, includes specific goals for each of the individual elements outlined in the Shoreline Management Act (SMA) and SMP Guidelines. Select goals relevant to no net loss of ecological function include:

**Shoreline Use Goal 2 (2.2.A.2)** - Assure a distribution and pattern of land use along the shoreline that balances protection of the existing character of the Town as well as the shoreline environments, habitat, and ecological systems.

**Economic Development Goal 1 (2.2.B.2)** - Permit those commercial, industrial, recreational, and other developments that require a location along the shoreline and which may contribute to the economic well-being of the Town while achieving no net loss of ecological function

**Conservation Goal 1 (2.2.E.1)** - Encourage sound management of renewable shoreline resources and protection of non-renewable shoreline resources.

**Conservation Goal 2 (2.2.E.2)** - Achieve sustainability of resource functions and values and no-net-loss of ecological functions by allowing shoreline development and modifications when impacts are minimized through mitigation sequencing and by encouraging and incentivizing restoration of ecological functions where they have been impaired.

**Restoration Goal 1 (2.2.G.1)** - Upgrade shoreline ecological functions and aesthetics to a level commensurate with their importance to the community and to achievement of regional goals for water quality and habitat recovery, such as through the projects, programs and plans established within the SMP Shoreline Restoration Plan.

The Shoreline Analysis Report evaluated existing conditions, with particular attention to ecological conditions. The overarching purpose of recording baseline is to ensure the adopted regulations, designed to meet the goals above and others contained within the SMP, provide no net loss of shoreline ecological functions. The Shoreline Analysis Report includes recommendations for translating findings into shoreline environment designations, SMP policies, and restoration strategies. Key recommendations related to no-net-loss goals are presented below with a brief description of how those recommendations are addressed in the SMP's policies and regulations.

## 4.1 Critical Areas

<b>Analysis Report Recommendations</b>	<b>SMP Provisions</b>
<ul style="list-style-type: none"> <li>Review the Town’s critical areas regulations and modify where needed to meet SMA requirements and the most current scientific standards as mandated by WAC 173-26-201(2)(a).</li> <li>Customize the Town’s existing stream buffers to be environment designation specific, recognize existing shoreline conditions and to accommodate water-oriented and other preferred uses consistent with no net loss of ecological functions.</li> <li>Review wetland regulations to ensure consistency with the latest Ecology guidance.</li> </ul>	<ul style="list-style-type: none"> <li>Appendix B of the SMP contains a revised version of the City’s critical areas regulations. It states that these regulations are applicable only in shoreline jurisdiction, and shall control within shoreline jurisdiction over other City critical area regulations.</li> <li>Shoreline stream buffers are designated based existing conditions (only one environment designation is present in the Town). Water dependent developments have no buffer but must apply mitigation sequencing. (Appendix B, Section 5.D.3.c, Table B.5-1).</li> <li>Wetland regulations are updated to specify the most current manuals and guidance (Appendix B, Section 3).</li> </ul>

## 4.2 Shoreline Vegetation Conservation

<b>Analysis Report Recommendations</b>	<b>SMP Provisions</b>
<ul style="list-style-type: none"> <li>Build on the existing protections provided in the Town’s critical areas regulations and current SMP, paying special attention to measures that will promote retention of shoreline vegetation, replacement of invasive vegetation with native vegetation, and development of a well-functioning shoreline which provides both physical and habitat processes.</li> <li>Ensure that vegetation provisions allow for appropriate modifications to accommodate preferred uses, particularly water-oriented uses and public access.</li> <li>Consider development of environment designation-specific and possibly waterbody-specific buffer and/or setback strategies that meet requirements for environmental protection and recognition of local conditions.</li> </ul>	<ul style="list-style-type: none"> <li>The SMP states in its policies that development proposals must ensure shoreline vegetation, both upland and waterward of the OHWM, is conserved to maintain shoreline ecological functions and processes. Policies encourage management and control of noxious weeds and state that control of such species should be done in a manner that retains onsite native vegetation, provides for erosion control, and protects water quality (4.4.A.1-2).</li> <li>4.4.B describes in detail limits on vegetation clearing and pruning, tree retention plan requirements, mitigation, and vegetation restoration requirements.</li> <li>Stream buffers are designated based on existing conditions in the Rural Conservancy environment designation; and To accommodate preferred uses, water dependent developments have no fixed width shoreline buffer required. Mitigation sequencing must be</li> </ul>

<b>Analysis Report Recommendations</b>	<b>SMP Provisions</b>
	<p>applied to avoid and minimize adverse impacts during development siting. Water-oriented public access and recreation facilities are allowed within buffers provided the applicant can demonstrate that the design applies mitigation sequencing and appropriate mitigation is provided to ensure no net loss of ecological functions (Appendix B, Section 5.D.3.c and 5.D.3.h.i.ii)</p>

### 4.3 Water Quality, Stormwater and Non Point Pollution

<b>Analysis Report Recommendations</b>	<b>SMP Provisions</b>
<ul style="list-style-type: none"> <li>Consider incorporating regulations to facilitate maximum implementation of TMDL plans and controlling introduction of 303(d)-listed pollutants for which TMDLs have not yet been prepared.</li> </ul>	<ul style="list-style-type: none"> <li>The SMP states that shoreline uses and developments shall maintain and improve the water quality and quantity of the City's shorelines, preserve surface and groundwater, and prevent impacts to water quality and surface water quantity that would result in a net loss of shoreline ecological functions (4.5.A.1-2).</li> </ul>

### 4.4 Shoreline Stabilization

<b>Analysis Report Recommendations</b>	<b>SMP Provisions</b>
<ul style="list-style-type: none"> <li>Fully implement the intent and principles of the WAC Guidelines. Reference appropriate exemptions from a Shoreline Substantial Development Permit related to "normal maintenance and repair" and "construction of the normal bulkhead common to single-family residences."</li> <li>Give preference to lower-impact, "soft" shoreline modifications.</li> <li>Provide incentives to encourage modification of existing armoring, where feasible, to improve habitat while still maintaining any necessary site use and protection.</li> </ul>	<ul style="list-style-type: none"> <li>6.6.B.6 states that maintenance, repair and replacement of shoreline stabilization structures may meet the criteria for exemption from a SSD Permit, but such activity is not exempt from the policies and regulations of the SMP. <ul style="list-style-type: none"> <li>New development must be located and designed to avoid the need for future shoreline stabilization (6.6.B.1)</li> </ul> </li> <li>Soft shoreline stabilization methods are shown preference in the SMP policies (6.6.A.3) and regulations. 6.6.B.3 states all proposals for shoreline stabilization structures, both individually and cumulatively, must not result in a net loss of ecological functions and soft approaches shall be used unless demonstrated not to be sufficient.</li> </ul>

<b>Analysis Report Recommendations</b>	<b>SMP Provisions</b>
	<ul style="list-style-type: none"> <li>SMP shoreline stabilization regulations require replacement structures to be regulated as a new shoreline stabilization measure, except for the requirement to prepare a geotechnical analysis (6.6.B.6.b).</li> </ul>

## 4.5 Other Shoreline Modifications

<b>Analysis Report Recommendations</b>	<b>SMP Provisions</b>
<p>Piers and Docks</p> <ul style="list-style-type: none"> <li>There do not appear to be any private residential pier or dock structures in Malden. Consider addressing all standards for over- and in-water structures under a Boating Facilities section.</li> </ul>	<ul style="list-style-type: none"> <li>All boating facilities, including piers and docks are prohibited in Malden (4.10).</li> </ul>
<p>Fill</p> <ul style="list-style-type: none"> <li>Encourage restoration fills</li> </ul>	<ul style="list-style-type: none"> <li>Fills are encouraged when associated with restoration projects (6.4.A.2) and fill regulations show preference to those for the purpose of restoration (6.4.B.4).</li> </ul>
<p>Breakwaters, Jetties, Groins and Weirs</p> <ul style="list-style-type: none"> <li>Consider prohibiting new breakwaters, jetties, groins, or weirs except where they are essential to restoration or maintenance of existing water-dependent uses consistent with applicable state and federal regulations and potentially subject to a Shoreline Conditional Use Permit.</li> </ul>	<ul style="list-style-type: none"> <li>New, expanded or replacement breakwaters, jetties, groins and weirs are only allowed if it can be demonstrated that they will not result in a net loss of shoreline ecological functions and that they support water-dependent uses, public access, safety, shoreline stabilization, or other specific public purpose (6.2.B.1).</li> <li>The Use and Modification Matrix (4.10) requires a Conditional Use Permit (CUP) for these structures unless related to protecting or restoring ecological function.</li> </ul>
<p>Dredging and Dredge Material Disposal</p> <ul style="list-style-type: none"> <li>Except for purposes of shoreline restoration, flood hazard reduction, and maintenance of existing legal moorage and navigation, consider prohibiting dredging and dredge material disposal.</li> </ul>	<ul style="list-style-type: none"> <li>The SMP states that dredging may only be permitted for restoration or a few other specific activities including development of essential public facilities and trenching for utilities where no feasible alternatives exist and maintenance or irrigation waterways for agriculture (6.3.B.4).</li> <li>Dredging and dredge material disposal must be done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided must be</li> </ul>

<b>Analysis Report Recommendations</b>	<b>SMP Provisions</b>
<ul style="list-style-type: none"> <li>Consider limiting upland dredge disposal to industrial areas.</li> </ul>	mitigated in a manner that assures no net loss of shoreline ecological functions (6.3.B.3).

## 4.6 Shoreline Use

<b>Analysis Report Recommendations</b>	<b>SMP Provisions</b>
<p>Aquaculture</p> <ul style="list-style-type: none"> <li>Ensure that any salmon recovery-related aquaculture activities are facilitated in the aquatic and appropriate upland environments.</li> </ul>	<ul style="list-style-type: none"> <li>Aquaculture policies encourage aquaculture that supports the recovery of endangered or threatened fish species and restricts it in areas where it would result in a net loss of ecological functions (5.2.A.1-2).</li> <li>Only non-commercial aquaculture may be permitted (4.10).</li> </ul>
<p>Boating Facilities</p> <ul style="list-style-type: none"> <li>Develop regulations for over- and in-water components which provide applicants with as much predictability as possible, while still allowing for an appropriate amount of flexibility based on site-specific conditions and use-specific need.</li> </ul>	<ul style="list-style-type: none"> <li>All boating facilities, including piers and docks are prohibited in Malden (4.10).</li> </ul>
<p>Commercial Development</p> <ul style="list-style-type: none"> <li>Support the Town's effort to provide for commercial development.</li> </ul>	<ul style="list-style-type: none"> <li>New commercial development should be encouraged to locate in areas where commercial development uses already exist and ensure that it does not result in net loss of shoreline ecological function (5.3.A.2).</li> <li>Commercial development shall be located, designed, and constructed in a way that ensures no net loss of shoreline ecological functions and without significant adverse impacts to other preferred land uses and public access opportunities as provided for in RCW 90.58.020 (5.3.B.7).</li> <li>Nonwater-oriented commercial development shall be prohibited unless it is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to provision of public access or ecological restoration; and navigability is severely limited at the proposed site,</li> </ul>

<b>Analysis Report Recommendations</b>	<b>SMP Provisions</b>
	<p>and the commercial use provides a significant public benefit with respect to provision of public access or ecological restoration (5.3.B.4).</p>
<p>Forest Practices</p> <ul style="list-style-type: none"> <li>The forest practices use is not found in Albion; consider prohibiting it.</li> </ul>	<ul style="list-style-type: none"> <li>All forest practices are prohibited in Malden (4.10).</li> </ul>
<p>Industry</p> <ul style="list-style-type: none"> <li>Recognize current industrial uses and consider incentives to attract water-oriented uses in appropriate locations along the shoreline.</li> <li>Ensure that operation of existing and development of new industrial facilities are consistent with State SMP Guidelines and achieve no net loss of shoreline functions.</li> <li>Recognize and allow existing and new industrial uses, such as grain silos, that serve the Town's agriculture industry, provided they are developed and operated consistent with the SMP Guidelines and other Town and State requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Policies aim to attract water-oriented industrial uses in appropriate areas along the shoreline (5.5.A.1). Existing and new development of industrial facilities must be consistent with all Master Program Guidelines and achieve no net loss of shoreline ecological function (5.5.A.2).</li> <li>Industrial facilities that are water-dependent or water-related are permitted where allowed by zoning and the SMP (5.5.B.1).</li> <li>5.5.B.2.a states that industrial development shall be located, designed, constructed, and operated in a manner that minimizes impacts to the shoreline, provides for no net loss of shoreline ecological function, and avoids unnecessary interference with shoreline use by adjacent property owners.</li> </ul>
<p>In-stream Structural Uses</p> <ul style="list-style-type: none"> <li>Accommodate anticipated new diversion structures, and repair/maintenance and possible expansion of existing projects.</li> </ul>	<ul style="list-style-type: none"> <li>In stream structures are permitted to protect public facilities; to protect, restore, or monitor ecological functions or processes; or to support agriculture. Structures for other reasons are permitted only as a conditional use (4.10). Permitted in-stream structures must be the minimum size necessary and designed to avoid and then minimize potential adverse impacts and ensure no net loss of ecological function (5.4.B.6).</li> </ul>

<b>Analysis Report Recommendations</b>	<b>SMP Provisions</b>
<p>Mining</p> <ul style="list-style-type: none"> <li>Mining operations are not currently found in Albion. Consider prohibiting all mining.</li> </ul>	<ul style="list-style-type: none"> <li>All mining is prohibited in Malden (4.10).</li> </ul>
<p>Recreational Development</p> <ul style="list-style-type: none"> <li>Include provisions for existing and potential recreational uses, including boating, swimming, and fishing.</li> <li>Work with local, state and federal parks departments; Army Corps of Engineers; and Port officials to ensure consistency between shoreline policies and regulations and long-term parks management plans.</li> <li>Policies and regulations related to parks management should provide clear preferences for shoreline restoration consistent with public access needs and uses.</li> <li>Recognize the importance of shoreline resources and plan for water-oriented uses in shoreline jurisdiction. Development or improvement plans should balance the provision of developed recreational areas in the shoreline with the need to protect and/or enhance shoreline ecological functions.</li> </ul>	<ul style="list-style-type: none"> <li>The location, design, and operation of recreational facilities must be consistent with the purpose of the environmental designation in which it is located and so as to assure that no net loss of shoreline ecological functions or ecosystem-wide processes results (5.6.A.2).</li> <li>Recreational development shall demonstrate achievement of no net loss of ecological functions (5.6.B.1).</li> <li>Recreational uses and facilities located within shoreline jurisdiction shall include features that relate to access, enjoyment and use of the water and shorelines of the state. Access to recreational areas shall emphasize both consolidated park or open space areas and trail access (5.6.B.4).</li> <li>New development and redevelopment of water-oriented recreation structures are allowed in shoreline buffers provided the applicant can demonstrate that the design applies mitigation sequencing and appropriate mitigation is provided to ensure no net loss of ecological functions (Appendix A, Section 5.3.d.i.ii).</li> </ul>
<p>Residential Development</p> <ul style="list-style-type: none"> <li>Recognize current and planned shoreline residential uses with adequate provision of services and utilities as appropriate to allow for shoreline ecological protection.</li> </ul>	<ul style="list-style-type: none"> <li>Residential development shall comply with all applicable subdivision, critical area, and zoning regulations and be consistent with applicable SMP environment designations and standards (5.7.B.1).</li> <li>Residential lots created through land division must be designed, configured and developed in a manner that assures that no net loss of ecological functions results from the plat or subdivision at full build-out of lots (5.7.B.3.b) and to prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions (5.7.B.3.c).</li> </ul>

<b>Analysis Report Recommendations</b>	<b>SMP Provisions</b>
	<ul style="list-style-type: none"> <li>Residential development shall be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements are not required to protect such structures and uses (5.7.B.4.b).</li> <li>Residential accessory uses or appurtenances shall not be located in required shoreline buffers unless specifically authorized in the SMP (5.7.B.6).</li> </ul>
<p>Transportation and Parking</p> <ul style="list-style-type: none"> <li>Allow for maintenance and improvements to existing roads, railroads and parking areas, and for necessary new roads and parking areas where other locations outside of shoreline jurisdiction are not feasible.</li> <li>Promote additional trail connections consistent with local and regional plans.</li> </ul>	<ul style="list-style-type: none"> <li>Where other options are available and feasible, new roads, road expansions or railroads shall not be built within shoreline jurisdiction (5.8.B.4)</li> <li>Repair and maintenance of existing structures is permitted (5.10).</li> <li>When new roads, road expansions, bridges or railroads in shoreline jurisdiction are unavoidable, proposed transportation facilities shall be planned, located, and designed to minimize possible adverse effects; maintain no net loss of shoreline ecological functions and implement mitigation standards of the SMP (5.8.B.4.a-b).</li> </ul>
<p>Utilities</p> <ul style="list-style-type: none"> <li>Allow for new, expanded, and maintained utilities with criteria for location and vegetation restoration as appropriate</li> </ul>	<ul style="list-style-type: none"> <li>Utility production and processing facilities, such as sewage treatment plants, or parts of those facilities that are nonwater-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available (5.9.B.2).</li> <li>Utility projects within shoreline jurisdiction shall be designed and located to assure no-net-loss of shoreline ecological function, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth (5.9.B.1).</li> </ul>

#### 4.7 Shoreline Habitat and Natural Systems Enhancement Projects

<b>Analysis Report Recommendations</b>	<b>SMP provisions</b>
<ul style="list-style-type: none"> <li>Consider incentives to encourage restoration projects, especially in lower-functioning areas.</li> <li>Emphasize that certain fills, such as streambed gravels or material to anchor logs, can be an important component of some restoration projects</li> </ul>	<ul style="list-style-type: none"> <li>Restoration is permitted in all environment designations and is generally incentivized through an easier permit pathway (SDP or exemption, versus CUP).</li> </ul>

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|  | <ul style="list-style-type: none"><li>• Restoration related fills are addressed in 6.4, Fill and Excavation. Fills are encouraged when associated with restoration projects (6.4.A.2) and restoration fills are not subject to the same requirements as other fill (6.4.B.4)</li></ul> |
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## 5 RESTORATION OPPORTUNITIES

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The Shoreline Restoration Plan, prepared as part of the regional SMP update, will serve as a framework for the Town and its restoration partners to identify and implement opportunities to improve impaired ecological functions in the Town's shorelines. Several restoration opportunities were identified to address ecological impairments identified in the Shoreline Analysis Report. Restoration recommendations focus on addressing impacts to existing riparian conditions by removing activities from the riparian corridor and restoring riparian buffer zones, implementing best management practices and TMDL actions to improve water quality conditions, and restoring instream habitat complexity. The Shoreline Restoration Plan identified several funding sources and partners with whom the Town may partner to achieve its shoreline restoration goals.

## 6 CUMMULATIVE IMPACTS

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The Cumulative Impacts Analysis determined that the proposed SMP is expected to maintain existing shoreline functions within the Town of Malden while accommodating the reasonably foreseeable future shoreline development.

The following are some of the key features identified in the Cumulative Impacts Analysis that protect and enhance shoreline ecological functions to ensure that the no net loss standard is met.

- Malden's shorelands are primarily in agricultural use. The Urban Conservancy environment designation proposed for Malden's shoreline jurisdiction is based on existing shoreline conditions. Allowed uses focus on preserving the natural character of the area and focus higher-intensity development away from the shoreline.
- SMP standards require applicants to avoid, minimize, and then compensate for unavoidable impacts to shoreline functions. Where SMP standards do not provide specific, objective measures that clarify avoidance, minimization, and mitigation measures, a mitigation sequencing analysis is required.
- Shoreline critical areas regulations are consistent with recommended state guidance to maintain ecological functions.

- Specific policies and regulations governing shoreline uses and modifications ensure that potential impacts are regulated to avoid a net loss of ecological function, while also meeting the requirements of the Shoreline Management Act pertaining to public access, prioritization of shoreline uses, and private property rights.
- The SMP includes an emphasis on achieving no net loss of shoreline ecological functions throughout shoreline jurisdiction.

## 7 CONCLUSIONS REGARDING NO NET LOSS

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The SMP update process has provided the opportunity to identify existing environmental conditions, anticipate future impacts to shoreline functions, and promote restoration opportunities within Malden's shoreline jurisdiction. The SMP update was based on the evaluation of existing conditions identified through the Shoreline Analysis Report. The proposed SMP provides a high level of protection to shoreline ecological functions. Major elements of the SMP that ensure no net loss of ecological functions fall into four general categories:

1) environment designations (SMP Subsection 3.2), 2) general policies and regulations (SMP Section 4), 3) critical areas regulations (SMP Appendix B), and 4) shoreline use and modification specific provisions (SMP Chapters 5 and 6). In addition to the mandatory components of the SMP, the Shoreline Restoration Plan identifies voluntary restoration opportunities that will help the Town identify and prioritize opportunities to restore shoreline ecological functions.

The Shoreline Analysis Report provided the information necessary to assign environment designations to the Town's shoreline. Shoreline uses and modifications were then individually determined to be either permitted (as substantial developments or conditional uses) or prohibited in each of those environment designations.

Regulations emphasize avoidance and minimization of ecological impacts primarily via protection of vegetation. These factors are balanced with uses and modifications that are essential to maintaining the existing water-dependent use and necessary modifications. Recommendations from the Shoreline Analysis Report were weighed and generally followed in the development of the SMP. Deviations from the Analysis Report recommendations were made to ensure that 1) regulations did not interfere with the potential for shoreline restoration or enhancement, or prevent future public access/recreation improvements; and

2) existing uses were allowed to continue to operate. All of the shoreline modification regulations emphasize minimization of size of structures and use of appropriate materials, and use of designs that do not degrade and may even enhance shoreline functions. The proposed SMP emphasizes protection and enhancement of shoreline resources such that no net loss of ecological functions will be achieved over time.

Several potential voluntary restoration projects, programs, and partners were identified in the Shoreline Restoration Plan. Specific opportunities and/or implementation strategies for restoration both within and outside of shoreline jurisdiction were proposed.

Given the above provisions, implementation of the proposed SMP is anticipated to achieve **no net loss of ecological functions in the Town of Malden's shorelines.**

## 8 REFERENCES

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