

**GRANT # G1400654
TASK 9, DELIVERABLE 2**

NO NET LOSS REPORT

City of McCleary Shoreline Master Program

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NO NET LOSS REPORT

CITY OF MCCLEARY SHORELINE MASTER PROGRAM

1 INTRODUCTION

The Shoreline Master Program Guidelines (Guidelines) require each local Shoreline Master Program (SMP) to regulate new development to achieve “no net loss” of ecological function (WAC 173-26-186[8][b]). This No Net Loss Report provides a summary of how the development of the City of McCleary (City) SMP (dated February 2016) and supporting documents, including the Shoreline Analysis Report, Shoreline Restoration Plan, and Cumulative Impacts Analysis, ensure that ecological functions will not be diminished over time as the SMP is implemented. This No Net Loss Report is a required element of the SMP update process.

2 SHORELINE ENVIRONMENT DESIGNATIONS

In McCleary, a portion of Wildcat Pond (the other portion is located within Grays Harbor County) and Mox Chehalis Creek qualify as Shorelines of the State. Although Mox Chehalis Creek itself is located outside the City, areas of the City within 200 feet of the creek are included as Shorelines of the State. The City’s proposed shoreline jurisdiction covers 1,985 linear feet of shoreline.

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

The Shoreline Analysis Report evaluated existing conditions in the City’s shorelines and informed the development of environment designations. The inventory of shoreline conditions and evaluation of ecological functions was completed using two distinct reaches; one reach covered the shoreline of Wildcat Pond, and the other reach covered the shoreline of Mox Chehalis Creek. These two reaches are shown below in Figure 1.

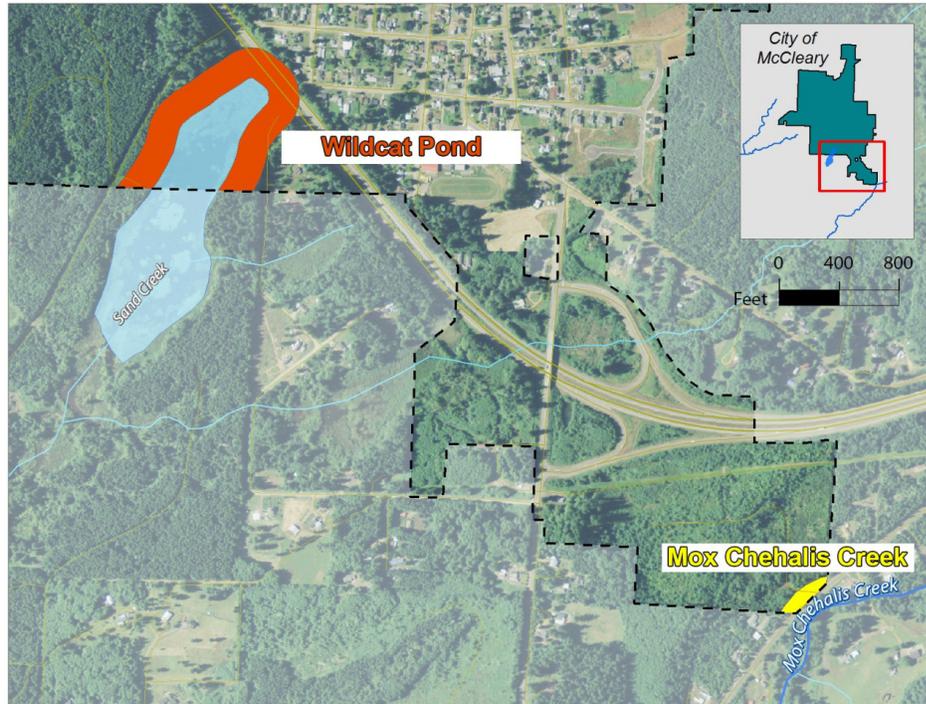


Figure 1. Reaches in the Shoreline Analysis Report.

The assignment of environment designations was based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community. The SMP features two upland environment designations: Urban Conservancy and Shoreline Residential. The extent of these designations is shown below in Figure 2. All areas waterward of the ordinary high water mark are designated Aquatic.

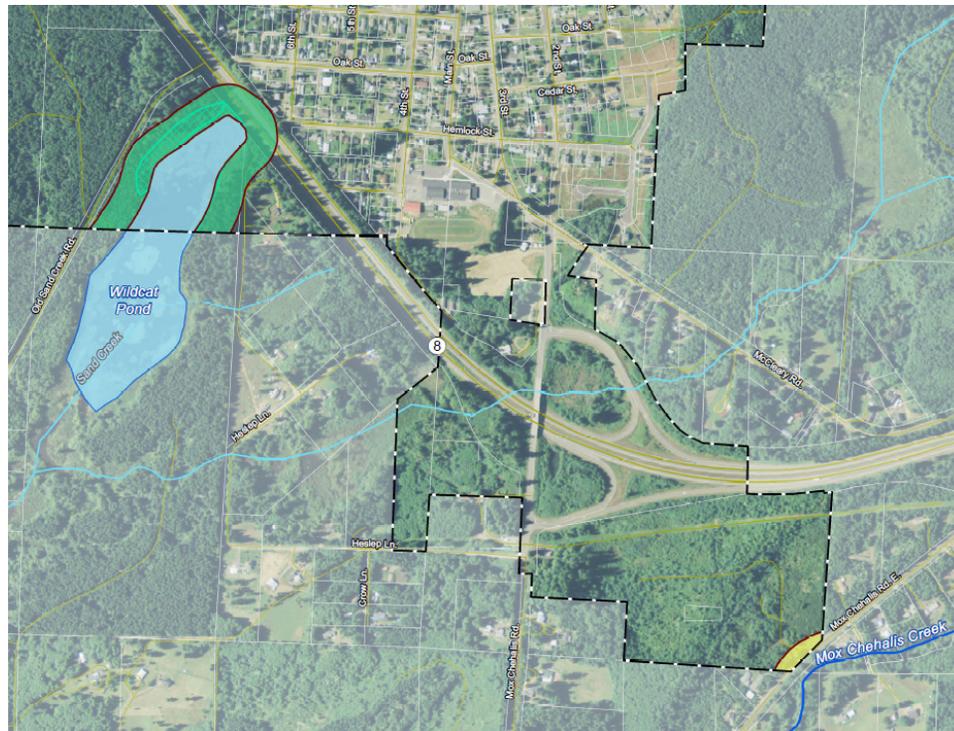


Figure 2. SMP upland environment designations (green is Urban Conservancy; yellow is Shoreline Residential).

The purpose of the Urban Conservancy environment 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. The purpose of the Shoreline Residential environment is to accommodate residential development and appurtenant structures.

3 POLICIES & REGULATIONS

The Shoreline Analysis Report evaluated existing conditions, with particular attention to ecological conditions, in the City’s shorelines. The overarching purpose of recording baseline conditions is to ensure that the adopted regulations achieve no net loss of shoreline ecological function. The report includes recommendations for translating findings into various SMP elements, including SMP policies and regulations. Key recommendations for SMP policies and regulations related to no net loss goals are presented in Tables 1 through 3, with a brief description of how those recommendations are addressed in the SMP.

Table 1. Implementation of key Shoreline Analysis Report general provision recommendations related to no net loss.

General Provision	Report Recommendation Summary	Recommendation Implementation
Critical Areas	Incorporate the updated critical areas ordinance into the SMP. Consider whether the updated critical areas ordinance should be incorporated into the SMP by direct inclusion, as an appendix, or by reference.	Updated shoreline critical areas regulations are incorporated into the SMP as Appendix B.

Table 2. Implementation of key Shoreline Analysis Report shoreline modification provision recommendations related to no net loss.

Modification Provision	Report Recommendation Summary	Recommendation Implementation
Shoreline Stabilization	Consider requiring a shoreline conditional use permit for any new hard shoreline stabilization.	A shoreline conditional use permit is required for any new hard shoreline stabilization in all shoreline environments (SMP Table 7-1).
Piers & Docks	Based on the contents of this report and local conditions (lack of overwater structures), consider prohibiting piers and docks.	New boating facilities, which includes piers and docks, are allowed only for public access (SMP regulation 7.4[2]).
Breakwaters, Jetties, Groins & Weirs	Based on the contents of this report and local conditions, consider prohibiting breakwaters, groins, jetties, and weirs.	Breakwaters, jetties and groins are prohibited in shoreline jurisdiction (SMP regulation 7.5[1]). Weirs are not specifically addressed in the SMP as they are not anticipated to be applicable in McCleary, and would therefore be reviewed through the shoreline conditional use permit process if proposed (SMP regulation 7.1[3]).

Modification Provision	Report Recommendation Summary	Recommendation Implementation
Dredging & Dredge Material Disposal	Except for purposes of shoreline restoration or flood hazard reduction, consider prohibiting dredging activities.	Dredging may be allowed for the following purposes when significant ecological impacts are minimized and mitigation is provided: A. Development, expansion and maintenance of essential public facilities when there are no feasible alternatives. B. Reduction of flood hazards when consistent with an approved flood hazard management plan. C. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat. (SMP regulation 7.7[3]).

Table 3. Implementation of key Shoreline Analysis Report shoreline use provision recommendations related to no net loss.

Use Provision	Report Recommendation Summary	Recommendation Implementation
Agriculture	Based on the apparent lack of agricultural activities along the City's shorelines, consider prohibiting agriculture.	Agriculture is prohibited in the Shoreline Residential environment, and allowed in the Urban Conservancy environment (SMP Table 7-1). Agriculture is allowed in the Urban Conservancy environment consistent with the Forest Open Space District zoning.
Aquaculture	Based on the contents of this report and local conditions, consider prohibiting aquaculture unless associated with shoreline restoration.	Aquaculture is allowed through the shoreline conditional use process in the Aquatic environment and prohibited in upland environments (SMP Table 7-1). Aquaculture provisions closely follow SMP Handbook Aquaculture Interim Guidance Appendix B: Example language for cities.
Boating Facilities	Based on the contents of this report and local conditions, consider prohibiting boating facilities in shoreline jurisdiction.	New boating facilities allowed only for public access (SMP regulation 7.4[2]).

Use Provision	Report Recommendation Summary	Recommendation Implementation
Commercial Development	Commercial development is not currently planned or anticipated in McCleary's shoreline jurisdiction; consider prohibiting it or requiring a Shoreline Conditional Use Permit.	Commercial development is prohibited in shoreline jurisdiction (SMP Table 7-1).
Forest Practices	Per the Guidelines, the City's SMP should rely on the Forest Practices Act and its implementing rules, as well as the Forest and Fish Report for adequate management of commercial forest uses within shoreline jurisdiction.	SMP regulation 7.9(1) states that forest practice activities other than Class IV-general forest practices are subject to the Forest Practices Act and implementing rules.
Industry	Industrial development is not currently present, planned or anticipated in McCleary's shoreline jurisdiction. Based on the contents of this report and local conditions, consider prohibiting industrial development in shoreline jurisdiction.	Industry is prohibited in shoreline jurisdiction, consistent with City zoning (SMP regulation 7.10[1]).
In-stream structural uses	Mox Chehalis Creek is not in the City's shoreline jurisdiction, so this section is not relevant.	In-stream structural uses provisions not included.
Mining	Mining is not currently present, planned or anticipated in McCleary's shoreline jurisdiction. Based on the contents of this report and local conditions, consider prohibiting mining in shoreline jurisdiction.	Mining is prohibited in shoreline jurisdiction, consistent with City zoning (SMP regulation 7.12[1]).
Residential Development	Incorporate clear dimensional criteria for residential development, such as setbacks/buffers.	SMP regulation 7.1(4) typically limits structure heights in shoreline jurisdiction to 35 feet. Setbacks/buffers are not applicable to residential development, as residential development is prohibited in the Urban Conservancy environment (SMP Table 7-1) and no buffer is proposed in the Shoreline Residential environment, as this environment is located approximately 100 feet from the ordinary high water mark of Mox Chehalis Creek and is separated from the creek by a road.

Use Provision	Report Recommendation Summary	Recommendation Implementation
Transportation & Parking	Allow for maintenance and improvements to existing roads, parking areas, or other transportation facilities.	Improvements to existing transportation and parking facilities are allowed if consistent with SMP section 7.17. Normal maintenance and repair are exempt (WAC 173-27-040[2][b]).
Utilities	Allow for maintenance and improvements to existing utility facilities.	Improvements to existing utility facilities are allowed if consistent with SMP section 7.18. Normal maintenance and repair are exempt (WAC 173-27-040[2][b]).

4 RESTORATION OPPORTUNITIES

As part of a comprehensive SMP update, as elaborated on in the SMP Guidelines, local jurisdictions are required to plan for the restoration of impaired shoreline functions. Such planning “should be designed to achieve overall improvements in shoreline ecological function over time, when compared to the status upon adoption of the master program” (WAC 173-26-201[2][f]). The purpose of the Shoreline Restoration Plan is to plan for the restoration of impaired shorelines for the City.

Importantly, the Shoreline Restoration Plan is a non-regulatory component of the City’s SMP update. The Shoreline Restoration Plan represents a vision for voluntary restoration to be implemented over time and result in ongoing improvements to shoreline ecological functions within McCleary.

The goal of the Shoreline Restoration Plan is to achieve overall improvements in shoreline ecological function over time, when compared to existing conditions. The Shoreline Restoration Plan includes the following objectives that provide more detail of how the City and potential restoration partners might work to achieve a net improvement in shoreline ecological functions:

- *Objective 1* – Protect natural shoreline ecological processes and functions, and restore those processes and functions that have been altered.
- *Objective 2* – Maintain biodiversity and conserve unique, fragile, and valuable species and habitats.

The Shoreline Restoration Plan lists key issues and general actions, organized by tier. The plan provides an implementation framework by identifying several potential restoration partners, funding mechanisms, a potential timeline, design and permitting considerations, monitoring details, outreach and education measures, and tracking mechanisms.

5 CUMULATIVE IMPACTS

The Cumulative Impacts Analysis evaluated whether the City's SMP would address adverse environmental impacts such that no net loss of ecological functions would result over a 20-year planning horizon. The Cumulative Impacts Analysis stated that development in the City's shoreline jurisdiction is very limited and anticipated future development in the City's shoreline jurisdiction is likely to continue to be limited.

The Cumulative Impacts Analysis determined that implementation of the SMP is anticipated to achieve no net loss of ecological functions. Following are components of the SMP that the Cumulative Impacts Analysis identified as integral to ensuring that the no net loss standard is met:

- *Environment designations:* Environment designations are based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community. Allowed uses in the upland environment designations are consistent with the designation criteria.
- *Shoreline critical areas regulations:* The City's shoreline critical areas regulations will protect shoreline critical areas in accordance with most current, accurate, and complete scientific and technical information available. Regulations include buffers for Shorelines of the State.
- *Mitigation sequencing:* 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 use and modification regulations:* Specific regulations for shoreline uses and modifications ensure that potential impacts are regulated to avoid a net loss of ecological function.

The Cumulative Impacts Analysis also noted that other local, state and federal regulations, acting in concert with the SMP, will provide further assurances of maintaining shoreline ecological functions. Additionally, voluntary restoration actions in the Shoreline Restoration Plan provide the opportunity for the City's shorelines to be enhanced and restored over time.

6 CONCLUSIONS REGARDING NO NET LOSS

The McCleary SMP update process has provided the opportunity to identify existing environmental conditions, anticipate potential future impacts to shoreline functions, and identify restoration opportunities. The Shoreline Analysis Report enabled the SMP update process to rely on current, comprehensive information on the shoreline environment. The Cumulative Impacts Analysis evaluated the effects of reasonably foreseeable development that may occur under the SMP. The Shoreline Restoration Plan identified opportunities to improve impaired ecological functions in the City's shorelines. These elements facilitated the development of an SMP that directly and fully considers the preservation of ecological functions in order to achieve no net loss.

Major elements of the SMP update that ensure no net loss of ecological functions include: 1) shoreline environment designations; 2) general provisions; 3) shoreline use and modification provisions; and 4) the Shoreline Restoration Plan. The first three elements were developed with the goal of achieving no net loss of function and subject to an analysis of potential ecological impacts. The fourth element was developed with the aim of improving shoreline function where the opportunity exists.

Given the above, implementation of the City of McCleary's SMP is anticipated to achieve no net loss of shoreline ecological functions.