



State of Washington
DEPARTMENT OF FISH AND WILDLIFE
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January 13, 2021

Anthony Muai
City of Kennewick Community Planning
210 W. 6th Ave.
Kennewick, WA 99336

**SUBJECT: COMMENTS ON 2021 DRAFT SHORELINE MASTER PROGRAM
UPDATE FOR CITY OF KENNEWICK**

Dear Mr. Muai:

Thank you for the opportunity to comment on the Shoreline Master Program (SMP) update for the City of Kennewick. The Washington Department of Fish and Wildlife (WDFW) provides our comments and recommendations in keeping with our legislative mandate to preserve, protect, and perpetuate fish and wildlife and their habitats for the benefit of future generations — a mission we can only accomplish in partnership with local governments.

The following are the sections that WDFW believes would benefit from further revision:

18.68.040 Definitions

We suggest that you add the following definitions to this section:

Channel Migration Zone (CMZ) means the area within which a river channel is likely to migrate and occupy over a specified time period (e.g., 100 years).

Fish and Wildlife Habitat Conservation Area (FWHCA) means a type of critical area that serves to sustain needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems; communities; and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. These areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or

an irrigation district or company. Natural watercourses such as streams and rivers that carry irrigation water are not considered to be an artificial feature.

Hydraulic Project Approval (HPA) means a construction permit issued by the Washington Department of Fish and Wildlife for work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state.

Riparian means the area alongside a waterbody: stream, river, lake, pond, bay, sea, and ocean. Riparian areas are sometimes referred to by different names: riparian ecosystems, riparian habitats, riparian corridors, or riparian zones.

Riparian Management Zone (RMZ) means a delineable area defined in a land use regulation; often synonymous with riparian buffer. The RMZ is the area that has the potential to provide full riparian functions. In many forested regions of the state this area occurs within one 200-year site-potential tree height measured from the edge of the stream channel. In situations where a channel migration zone is present, this occurs within one site-potential tree height measured from the edges of the channel migration zone. In non-forest zones the RMZ is defined by the greater of the outermost point of the riparian vegetative community or the pollution removal function, at 100-feet.

Site-Potential Tree Height means the average maximum height of the tallest dominant trees for a given age and site class.

We suggest that you amend the following definitions as indicated:

18.68.040 (6) *Critical area* means any area classified in RCW 36.70A and in Appendix A-2 as ecologically sensitive or hazardous areas, including, but not limited to: Wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. "Fish and wildlife habitat conservation areas" do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company. Natural watercourses such as streams and rivers that carry irrigation water are not considered to be an artificial feature.

18.68.040 (12) *Fill or Landfill* means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, in floodplains, or on shorelands in a manner that raises the elevation of a waterbody or floodplain or creates dry land.

18.68.060 Goals – Shoreline Development Elements

We recommend that Kennewick either add an additional goal of “Wildlife Value” to this list or reference the importance of the shoreline area to wildlife under (6) *Conservation Element*. Over 80% of Washington’s native wildlife use shoreline/riparian areas for all or part of their life history; riparian zones are therefore one of the most important and biodiverse habitats in our

state. WDFW strongly suggests that Kennewick memorialize the importance of these areas by preserving this value within the goals of the Shoreline code.

18.68.110 General Shoreline Master Program Provisions

We recommend adding the following language to section (2)(d) *Flood Hazard Reduction* under section (iii) *Standards*:

The director may use additional flood information that is more restrictive or detailed than that provided in the flood insurance study conducted by the Federal Emergency Management Agency (FEMA) to designate frequently flooded areas, including data on channel migration, historical data, high water marks, photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information.

We recommend amending the language in the following sections as indicated:

(2)(f)(i) Applicability. Vegetation conservation includes activities to protect, restore or enhance vegetation along or near shorelines that contribute to ecological functions **and wildlife values**. The provisions of this subsection apply to all proposed development and uses in shoreline jurisdiction.

(2)(f)(iii)(B) The design, construction and location of proposed new development and uses shall, wherever feasible, avoid and minimize the removal or damage of existing native vegetation; **and, where this is not feasible, the applicant shall provide mitigation which ensures no net loss of the functions and values of the removed shoreline vegetation.**

We recommend adding the following language to section 18.68.110(2)(f)(iii):

The preservation of dead trees and the creation of standing snags during shoreline vegetation management efforts shall be emphasized due to their importance to wildlife and ecological function. Where feasible, standing snags and dead trees must be preserved and protected. Creation and/or preservation of snags may contribute to mitigation plans developed to offset other shoreline vegetation removal.

18.68.120 Shoreline Modifications

We recommend amending the following language in this section as indicated:

18.68.120(3)(a)(v)(D) Shoreline stabilization shall be constructed to minimize damage to fish habitats and to maintain safe navigational movement. **Biotechnical and soft methods shall be prioritized as the preferred method of bank stabilization, unless analysis demonstrates that such measures are infeasible.** For the Clover Island High Intensity Environment shoreline stabilization below the OHWM to protect existing or planned upland water-dependent facilities specified in the plan or applicable federal and state

permits shall be accompanied by habitat enhancement, including anchored brush piles or ballasted root wads or other specified measures. Open-piling construction is preferable in lieu of the solid type;

18.68.130 – Shoreline Uses

We recommend amending the following language in this section as indicated:

18.68.130(3)(d)(iv) Natural in-stream features such as snags, uprooted trees or stumps ~~should~~ **shall** be left in place unless it can be demonstrated that they are actually causing **deleterious** bank erosion or higher flood stages **which directly threaten human life, property, or infrastructure.**

18.68.280 – Shoreline Exemptions

WDFW requests that language be written into section 18.68.280(2)(e) which indicates that although emergency construction may be exempt from compliance with the Kennewick SMP, it is not exempt from HPA permitting. Per [WAC 220-660-050\(4\)](#), an individual must obtain Hydraulic Project Approval from the Department before proceeding with emergency work. We recommend that this requirement be commemorated in this section of the document.

WDFW requests that the following section be amended as indicated:

18.68.280(2)(j) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of a herbicide or other treatment methods applicable to weed control that is recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under RCW 43.21C, **provided that removal and/or control methods comply with the requirements outlined in the WDFW HPA pamphlet permit [Aquatic Plant and Fish](#);**

SMP Shoreline Buffers and CAO code (CAO Appendix A-2)

In December 2020, WDFW finalized a new Priority Habitats and Species (PHS) publication consisting of two volumes: [Riparian Ecosystems, Vol. 1: Science Synthesis and Management Implications](#) and [Riparian Ecosystems, Vol. 2: Management Recommendations](#). These publications meet the criteria of being independently peer reviewed sources of Best Available Science for the protection and maintenance of fully functioning of riparian ecosystems.

The *Riparian Ecosystems* publications confirm that rather than simply being “buffers” for their adjacent waterbody, riparian zones are important as ecosystems in-and-of themselves, warranting protection and management regardless of the waterbody’s typing. Shoreline riparian areas function both as aquatic buffers by protecting and improving water quality, and as terrestrial habitat used by wildlife for movement, nesting, reproduction, foraging, and refugia. In particular, WDFW asserts that riparian areas of less than 100 feet will not adequately preserve nutrient

removal functions and processes to protect water quality for state waters (Vol. 1, Chapter 5.6), nor provide the necessary functions for riparian dependent terrestrial species.

We offer the suggestion that to best comply with the science in *Riparian Ecosystems*, the SMP should reference Site Potential Tree Height (SPTH) and the Channel Migration Zone (CMZ) as the method in which to determine the width of the Riparian Management Zone (RMZ). In locations where SPTH is not appropriate, [as indicated by this web map](#), the science informs us that a minimum 100-foot setback is what will ensure the functions and values of the RMZ for pollutant and nutrient filtration.

As much of the City of Kennewick is located in the “Dryland Ecosystem” classification as indicated by the above webmap, WDFW recommends that Kennewick adopt 100-foot RMZ setbacks.

It is important to note that although the above recommendation is directly informed by Best Available Science, WDFW supports site-specific mitigation and decision making. We recommend flexibility in mitigation requirements so that wildlife *and* human needs are accommodated; in locations where this setback cannot be observed, mitigation which preserves the functions and values of the RMZ should be developed. WDFW is available to assist Kennewick in these situations.

WDFW strongly suggests that the City of Kennewick review *Riparian Ecosystems*, in particular Volume 2, and uses this source of Best Available Science to inform buffers and setbacks described in the SMP and CAO code language.

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Thank you again for the opportunity to comment and participate in this important update process. Please contact me to discuss WDFW’s recommendations or any of the other comments presented within this letter.

Sincerely,



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cc:

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