



DOUGLAS COUNTY

TRANSPORTATION & LAND SERVICES

140 19TH STREET NW, SUITE A • EAST WENATCHEE, WA 98802

PHONE: 509/884-7173 • FAX: 509/886-3954

www.douglascountywa.net

STAFF REPORT

RIVERRITA RANCH, LLC - PUGH

REMOVE LOMBARDI POPLAR TREES & INTALL MITIGATION PLANTINGS

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: SP-2021-05
DATE: January 20, 2022

I. GENERAL INFORMATION

Requested Action: An application for a shoreline substantial development permit (SP-2021-05) submitted by Grette Associates, LLC on behalf of Riverrita Ranch - Lisa and Bentley Pugh (property owners) to remove an estimated twelve (12) to fifteen (15) Lombardi poplar trees along the shoreline of the Columbia River. The proposed project includes a 1:1 mitigation ratio per installation of a minimum of 3,532 sq. ft. of native, riparian species to stabilize the shoreline, including trees and shrubs such as snowberry, currant, and Oregon grape to ensure no net loss of habitat values and functions. The project occurs landward of the Ordinary High Water Mark (OHWM). The applicant is responsible for ensuring that the Riparian Restoration Monitoring Reports are submitted to Douglas County.

Location: The project is located within the Rural Conservancy Shoreline Environment, and is zoned Rural Resource 5 (RR-5) under Douglas County Code. The subject property is addressed as Parcel A on Barber Road (xx Logan Road) Orondo, WA 98843. The property is further described as being located within the NW Quarter of Section 21, Township 26N, Range 21E., W.M.. The Douglas County Assessor's Parcel Number is: 50900000000

II. SITE INFORMATION

Site Characteristics: The subject property was historically used as an orchard, because of this use, the majority of the properties has been disturbed and consists of ornamental grass that is currently being mowed/maintained. The Lombardi poplar trees were installed as a wind break for the historic orchard use of the property and the trees have matured; showing signs of decay and rot. As a result of this decay, the trees continue to fall landward.

The Lombardi poplar trees are located immediately waterward of the dirt, orchard access road, but landward of the OHWM. The trees are located approximately 25

ft. from the OHWM. The top of the bank is approximately 6-8 ft. above the OHWM and approximately 15-20 ft. landward of the OHWM.

Uses Adjacent to the subject properties:

North: Single family residence

South: Orchards

East: Orchards/Agricultural Processing

West: Columbia River

Project Proposal: An application for a shoreline substantial development to remove an estimated twelve (12) – fifteen (15) Lombardi poplar trees and installation of a minimum of 3,532 sq. ft. of mitigation plantings at a 1:1 ratio. Plantings include native trees and plants such as snowberry, currant, and Oregon grape to ensure no net loss of habitat values and functions.

Removed trees will be burned on site with an appropriate WA State Department of Ecology burn permit. The trees will be removed using a track mounted excavator. Once the trees are removed, a stump grinder will remove the upper portion of the stumps; this will result in minor disturbance to the area immediately surrounding the stumps. Once the stumps are removed, the area will be graded consistent with the existing grade and slope using a track mounted excavator. It is anticipated that only minor grading will need to occur and no fill or excavation will be needed. In order to account for the potential disturbance of the riparian buffer, a minimum of a 3,532 sq. ft. area will be planted with native vegetation to fulfill the 1:1 ratio to mitigate impacts.

Zoning and Development Standards: The subject property is located within the Rural Resource 5 (RR-5) zoning district under Douglas County Code. 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.

III. 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-3: 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.

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.

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-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.

IV. 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.

V. ENVIRONMENTAL REVIEW

Douglas County Determination of Non-significance was issued on November 15, 2021 and retained on December 21, 2021 in accordance with WAC 197-11-340(2). The comment period ended on December 15, 2021.

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
WA Department of Ecology - Shorelines	N/R	Army Corps of Engineers	N/R
Chelan County PUD	N/R	Yakama Nation	N/R
Dept. of Natural Resources – Rivers Dist.	N/R	WA Department of Archaeology and Historic Preservation	N/R
Colville Tribe	11/15/21 & 11/16/21		

* N/R = No Reply

Agency/Tribal comments have been included as Attachment A.

No public comments were received at the writing of this staff report.

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 RR-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 critical areas whenever possible and to facilitate the implementation of goals and policies of the Comprehensive Plan.

Analysis:

The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan, specifically Chapter 10 Critical Areas Element.

As conditioned, the proposal is consistent with the Comprehensive Plan for Douglas County.

Consistency with the Douglas County Shoreline Master Program

Analysis: *Tree removal (excavation) with appropriate mitigation (restoration/bank stabilization) is an allowable use (Pursuant to SMP 3.10 Table 1. Use matrix, restoration and general).*

As conditioned, the proposal is consistent with the Douglas County Shoreline Master Program.

3.4 RURAL CONSERVANCY ENVIRONMENT

POLICY 2: Uses in the rural conservancy environment should be limited to those that sustain the shoreline physical and biological resources and uses of a temporary nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.

Analysis: *The project has been designed to minimize damage and to fully mitigate per the standards set forth by Douglas County which is a 1:1 replacement ratio requirement. Refer to the Habitat Management and Mitigation Plan (HMMP) submitted by Grette Associates, LCC (received on October 27, 2021) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.*

3.9 AQUATIC ENVIRONMENT

POLICY 6: Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

Analysis: *The project has been designed to minimize damage and to fully mitigate per the standards set forth by the Douglas County adopted mitigation ratios (1:1). The project will be mitigated by the installation of native, riparian plantings which includes 5 years of subsequent monitoring and reporting to ensure compliance with success ratios (80% by year 5). Refer to the HMMP submitted by Grette Associates, LCC (received on October 27, 2021) for specific details regarding mitigation ratios, planting areas, methodologies, and best management practices to protect the aquatic environment.*

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 damage to the riparian buffer, 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 Douglas County adopted mitigation ratios (1:1). Refer to the HMMP submitted by Grette Associates, LCC (received on October 27, 2021) for specific details regarding mitigation ratios, planting area, methodologies, and best management practices to protect critical areas.

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 riparian buffer and cannot avoid impacts to this habitat type. The impacts will be mitigated per the Douglas County adopted mitigation ratios (1:1); a minimum of 3,532 sq. ft. of native, riparian vegetation will be installed.

- 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 via mitigation proposed in the riparian buffer. See the HMMP submitted by Grette Associates, LLC in the application materials (received October 27, 2021) for specific details regarding mitigation ratios, planting area, methodologies, and best management practices to protect critical areas.

The applicants will attach to the property deed a copy of the mitigation planting plan approved by the County. The applicants will provide proof to the County, that the mitigation information has been recorded on the property deed prior to construction/installation.

- 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 possible via appropriate mitigation. The tree removal process will be followed up with appropriate mitigation by installing native, riparian plant species at a 1:1 ratio.

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

Analysis: The project includes the potential to compromise existing shoreline bank stabilization. To ensure the bank is stabilized and avoids unnecessary erosion/incidental fallback, a minimum of 3,523 sq. ft. of native, riparian plantings will be installed to secure/stabilize the shoreline as a result of removing the Lombardi poplar trees (which currently are contributing to shoreline stabilization).

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

Analysis:

*Species to be installed consist of water birch (*Betula occidentalis*), red osier dogwood (*Cornus sericea*), coyote willow (*Salix exigua*), nootka rose (*Rosa nutkana*), snowberry (*Symphoricarpos albus*), oregon grape (*Nootka woodsii*), and currant (*Ribes sp.*). For every 100 sq. ft., the planting areas would include 8 shrubs and 1 tree. These plantings may exceed the 1:1 mitigation replacement ratio required by Douglas County Code. See the HMMP submitted by Grette Associates, LLC in the application materials, including the JARPA (received October 27, 2021).*

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

Analysis: To ensure the success of the planting areas, a (5) 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. 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 Douglas County annually following completion of the native, riparian plantings. The applicant will be responsible for ensuring that the Riparian

Restoration Monitoring Reports are submitted on schedule and that success measures are met.

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 within the Shoreline Master Program. 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 HMMP prepared by Grette Associates, LLC was submitted in the application materials as required describing impacts and mitigation (received on October 27, 2021).

REGULATION 4: Native vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline development.

Analysis: Mitigation requirements for the entire project are detailed within the HMMP prepared by Grette Associates, LLC, JARPA, and SEPA checklist (received October 27, 2021).

4.7 RESTORATION

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

Analysis: A HMMP prepared by Grette Associates, LLC was submitted in the application materials (received October 27, 2021). The plan identifies that the project will result in no net loss of ecological function through proper mitigation per a minimum of 3,532 sq. ft. of native, riparian plantings within the riparian buffer.

As conditioned, the proposal is consistent with the Regional Shoreline Master Program for Douglas County.

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-2021-05, subject to the following suggested findings of fact and conditions:

Suggested Findings of Fact:

1. The applicant is: Lisa & Bentley Pugh (Riverrita Ranch, LLC) (property owners), 2400 NW 80th Street, Seattle, WA 98817; (206) 930-2575.
2. The applicant's agent is: Larry Lehman, Grette Associates LLC, 151 S. Worthen St. Ste. 101, Wenatchee, WA 98801.
1. General Description: An application for a substantial development permit to remove between twelve (12) – fifteen (15) existing, non-native Lombardi poplar trees on the Columbia River and install, a minimum of 3,532 sq. ft. of native, riparian vegetation to mitigate impacts within the riparian buffer. The site will be accessed from an existing dirt road and/or will accessed through the area that has been identified for mitigation. Existing debris piles and new trees will be burned per a Washington State Department of Ecology burn permit.
2. The removal of the non-native, Lombardi poplar trees will occur landward of the OHWM of the Columbia River on Assessor Parcel: 50900000000.
3. The properties are located at Parcel A on Barber Road (xx Logan Road) Orondo, WA 98843 within the Rural Resource 5 (RR-5) zoning district under Douglas County Code and Shoreline designation of Rural Conservancy. The project is further described as being located within Sections 21, Township 26N, Range 21E, W.M. The Assessor's Parcel Number is: 50900000000.
4. The Columbia River Shoreline section of the subject properties is designated as "rural conservancy" by the Douglas County Regional Shoreline Master Program.
5. 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 adopted or approved for the area.
6. A Habitat Mitigation and Management Plan (HMMP) (received October 27, 2021) has been submitted for the project by Grette Associates, LLC and meets the requirements of the Douglas County Regional Shoreline Master Program.
7. The proposed project installing a minimum of 3,523 sq. ft. of native, riparian plantings to mitigate impacts within the riparian buffer.
8. A planting and monitoring plan is proposed within HMMP (received October 27, 2021).

9. Douglas County issued a Determination of Non-Significance on November 15, 2021 with a 30 day comment period and the Determination of Non-Significance was retained on December 21, 2021 in accordance with WAC 197-11-340(2).
10. Agency comments were received from the Confederated Tribes of the Colville Reservation (Attachment A); no other agencies commented.
11. The Confederated Tribes of the Colville Reservation identified two archaeological sites at or just beyond the north end of the project that are probably part of one large site.
12. A Plan and Procedures for the Unanticipated Discovery of Cultural Resources and Human Skeletal Remains was developed and submitted (Appendix B).
13. No comments have been received from private citizens.
14. 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.
15. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
16. 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.
17. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

Suggested Conclusions:

1. A minimum of 3,532 sq. ft. of native, riparian plantings shall be installed to mitigate project impacts.
2. The proposed project area shall be accessed via an existing dirt road and will only disturb areas with the proposed project area where mitigation (3,532 sq. ft.) shall be installed.
3. As conditioned, the tree removal/mitigation plantings 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.
4. As conditioned, this proposal is consistent with applicable federal, state and local laws and regulations.
5. As conditioned, potential habitat impacts of the project can be mitigated.
6. Public interests will be served by approval of this proposal.
7. As conditioned, the proposal is consistent with Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code.

Suggested Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials on file submitted October 27, 2021 except as amended by the conditions herein.
2. The applicant shall comply with all applicable local, state and federal laws and regulations.
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 project application shall proceed consistent with the HMMP prepared by Grette Associates, LLC (received October 27, 2021), which includes accessing the site from an existing dirt road and staging equipment in the proposed project area/mitigation area.
5. Upon completion of the mitigation plantings, an as-built mitigation report shall be sent to Douglas County including as-built drawings and photographs, the location and size of the mitigation planting area, and the species and quantity. The report would be submitted by the first January 31 following permit issuance.
6. Best Management Practices (BMPs) shall be developed and implemented to avoid and/or control erosion such as but not limited to silt curtains, watering exposed areas, and replanting with semi-mature vegetation in staging areas occurring inside/outside of the riparian buffer.
7. All equipment used for temporary work are required to have an Ecology approved spill kit on-site.
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. A five year monitoring period shall commence upon placement of the planting materials and irrigation system; plantings must be installed within 3 months of the Lombardi poplar tree removal.
10. 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.
11. 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.

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 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 HMMP submitted by Grette Associates, LLC (received October 27, 2021) have been satisfied. The applicant shall be responsible for ensuring that the Riparian Restoration Monitoring Reports are submitted on the schedule and that success measures are met.
14. 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.
15. After the mitigation plantings have been installed, year 2, the applicant shall call the County to schedule a site inspection to confirm mitigation has been successful.
16. The applicant shall ensure the Plan and Procedures for the Unanticipated Discovery of Cultural Resources and Human Skeletal Remains (Attachment B) is on site for the duration of the project; the Inadvertent Discover Plan was developed in consultation with the Confederated Tribes of the Colville Reservation.

Respectfully Submitted, Land Services Department



Associate Planner, Charity Duffy

**APPENDIX A
AGENCY COMMENTS**

From: Annette Jester (x6549) <ajester@co.douglas.wa.us>

Sent: Monday, November 15, 2021 4:15 PM

To: Charity Duffy (x6543) <cduffy@co.douglas.wa.us>; Larry Lehman <larryl@gretteassociates.com>

Subject: FW: SP-2021-05 Notice of Application Comments End December 15, 2021

FYI this comment has been uploaded to Smartgov. Charity and Larry, I will let you guys send to home owner.

From: Guy Moura (HSY) [<mailto:Guy.Moura@colvilletribes.com>]

Sent: Monday, November 15, 2021 2:58 PM

To: Annette Jester (x6549) <ajester@co.douglas.wa.us>; Shari Tincher (x6589) <stincher@co.douglas.wa.us>

Cc: Rebecca Gordon (HSY) <Rebecca.Gordon.HSY@colvilletribes.com>; SEPA (DAHP) <sepa@dahp.wa.gov>

Subject: RE: SP-2021-05 Notice of Application Comments End December 15, 2021

[EXTERNAL MESSAGE]

Shari and Annette,

Good Afternoon, there are two archaeological sites at or just beyond the north end of the project that are probably all part of one large site. We reviewed the SEPA documentation in detail, particularly noting the condition of the trees and piles of woody debris. We tried unsuccessfully not to burden this undertaking with rigorous cultural resources requirements.

From the parcel boundary south, for a distance of 50 ft., there will be no project activity, including parking and staging. We recommend a pedestrian archaeological survey with subsurface testing prior to initiating ground disturbing activities. We request this because of the disturbance anticipated. Rather than try to explain the impacts, find below a copy from the planning documents, appropriately highlighted, with comments.

The trees will be moved using a track mounted excavator[not sawn?]. Once the trees are removed, a stump grinder will remove the upper portion of the stumps. This will result in a minor disturbance to the area immediately surrounding the stumps. Once removed, the area will be graded smooth to match the existing grade and slope using a track mounted excavator. It is anticipated that only minor grading will need to occur and no fill or excavation will be needed. In order to account for the potential disturbance of the buffer, a 3,532 sq ft area has been identified as a conservative disturbance area. This conservative estimate will ensure that this permit accounts for a large enough area. Due to the size of the non-native trees, the removal of these trees will result in the installation of a total of 30 native trees [how?]. This is greater than the 1:1 mitigation ratio required for the removal of non-native vegetation; however, due to the large size of these trees a greater mitigation ratio will provide for the temporal lag in habitat functions and values. Additionally, the potential 3,532 sq ft of riparian buffer that may be disturbed will be planted with native shrubs. The vegetation that will be disturbed consists of upland grasses and weedy species, so the installation of native shrubs will result in an overall increase in habitat functions and values over the existing conditions and will provide vegetation that the buffer is currently devoid of. The installation of native trees will occur both within the disturbance footprint as well as just outside of the footprint of disturbance. This is being done because the number of trees will be doubled and there is not enough area within the 3,532 sq ft to plant the trees in a natural distribution and spacing. Overall the mitigation planting will cover over 4,000 sq ft. In addition to the installation of trees and shrubs, the entire area will be seeded with a native riparian seed mixture"

lim læmt, qeʔciéwyew, thank you

Guy Moura
Manager, History/Archaeology Program
Tribal Historic Preservation Officer
Confederated Tribes of the Colville Reservation

Annette Jester (x6549)

From: Larry Lehman <larryl@gretteassociates.com>
Sent: Monday, November 15, 2021 4:52 PM
To: Annette Jester (x6549); Charity Duffy (x6543)
Cc: Rebecca Gordon (HSY; SEPA (DAHP; Shari Tincher (x6589)
Subject: RE: SP-2021-05 Notice of Application Comments End December 15, 2021
Attachments: Pugh IDP.pdf

[EXTERNAL MESSAGE]

Afternoon Guy-

Thanks for taking the time to discuss project 2021-05. Based on our conversations, I am providing some clarification and minor modifications to the proposed project to address the concerns over the two archaeological sites to the north of the project site.

- All ground disturbance will occur greater than 50 ft from the upriver property boundary.
- The existing trees will be cut using a chainsaw as close to the base of the tree as possible. The trees will be fell landward into the orchard and then moved using a track mounted excavator.
- The stumps would be ground to a depth of approximately 12 inches.
- Following stump removal, soil will be placed in the hole and compacted to match adjacent grade. No other grading will occur.
- Disturbance to the buffer, outside of the footprint of the trees will consist of impacts to vegetation.
- A total of 30 trees will be replanted along the shoreline and they will be 2 gallon is size.
- In order to avoid planting the trees below existing grade, clean soil will be placed within the planting area so the plantings will occur within the soil and not disturb below existing grade.
- Please see the attached inadvertent discovery plan that will be adhered to for the project.

Thanks
Larry

Larry Lehman
Senior Biologist
GRETT ASSOCIATES, LLC
A BBB Accredited Business

151 S Worthen St. Suite 101 Wenatchee, WA 98801
509-663-6300 Phone 509-630-7916 Cell 509-664-1882 Fax
www.gretteassociates.com



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From: Annette Jester (x6549) <ajester@co.douglas.wa.us>
Sent: Monday, November 15, 2021 4:15 PM
To: Charity Duffy (x6543) <cduffy@co.douglas.wa.us>; Larry Lehman <larryl@gretteassociates.com>
Subject: FW: SP-2021-05 Notice of Application Comments End December 15, 2021

FYI this comment has been uploaded to Smartgov. Charity and Larry, I will let you guys send to home owner.

Charity Duffy (x6543)

From: Charity Duffy (x6543)
Sent: Wednesday, November 17, 2021 8:04 AM
To: 'Larry Lehman'
Cc: Annette Jester (x6549); Shari Tincher (x6589)
Subject: FW: SP-2021-05 Notice of Application Comments End December 15, 2021

Sorry. I have been away from my desk. Thanks for following up. Charity

From: Guy Moura (HSY)
Sent: Tuesday, November 16, 2021 4:10 PM
To: Larry Lehman ; Annette Jester (x6549) ; Charity Duffy (x6543)
Cc: Rebecca Gordon (HSY) ; SEPA (DAHP ; Shari Tincher (x6589)
Subject: RE: SP-2021-05 Notice of Application Comments End December 15, 2021

[EXTERNAL MESSAGE]

Guess I didn't read far enough down.

Dear Mr. Lehman:

Based on the additional detail provided on the project implementation, we would concur on proceeding with an inadvertent discovery plan. We appreciate you consulting with the Confederated Tribes of the Colville Reservation.

lim ləmt, qeʔciéwyew, thank you

Guy Moura
Manager, History/Archaeology Program
Tribal Historic Preservation Officer
Confederated Tribes of the Colville Reservation
(509) 634-2695

From: Larry Lehman [<mailto:larryl@gretteassociates.com>]
Sent: Tuesday, November 16, 2021 11:51 AM
To: Annette Jester (x6549); Charity Duffy (x6543); Guy Moura (HSY)
Cc: Rebecca Gordon (HSY); SEPA (DAHP; Shari Tincher (x6589)
Subject: RE: SP-2021-05 Notice of Application Comments End December 15, 2021

Morning Guy

Apparently I sent this to everyone except you yesterday. Sorry everyone else for the second email. Nothing changed from the first one.

Thanks
Larry

**APPENDIX B
PLAN AND PROCEDURES FOR THE UNANTICIPATED DISCOVER OF
CULTURAL RESOURCES AND HUMAN SKELETAL REMAINS**

PLAN AND PROCEDURES FOR THE UNANTICIPATED DISCOVERY OF CULTURAL RESOURCES AND HUMAN SKELETAL REMAINS¹

PROJECT TITLE: Pugh Non-native Tree Removal / Shoreline Restoration

COUNTY WASHINGTON: Douglas

Section, Township, Range: 21, 26, 21

1. INTRODUCTION

The following Inadvertent Discovery Plan (IDP) outlines procedures to perform in the event of discovering archaeological materials or human remains, in accordance with state and federal laws.

2. RECOGNIZING CULTURAL RESOURCES

A cultural resource discovery could be prehistoric or historic. Examples include:

- a. An accumulation of shell, burned rocks, or other food related materials.
- b. Bones or small pieces of bone.
- c. An area of charcoal or very dark stained soil with artifacts.
- d. Stone tools or waste flakes (i.e. an arrowhead. or stone chips).
- e. Clusters of tin cans or bottles, logging or agricultural equipment that appears to be older than 50 years.
- f. Buried railroad tracks, decking, or other industrial materials.

When in doubt, assume the material is a cultural resource.

3. ON-SITE RESPONSIBILITIES

STEP 1: *Stop Work.* If any employee, contractor or subcontractor believes that he or she has uncovered a cultural resource at any point in the project, all work must stop immediately. Notify the appropriate party(s). Leave the surrounding area untouched, and provide a demarcation adequate to provide the total security, protection, and integrity of the discovery. The discovery location must be secured at all times by a temporary fence or other onsite security.

STEP 2: *Notify Archaeological Monitor or Licensed Archaeologist.* If there is an Archaeological Monitor for the project, notify that person. If there is a monitoring plan in place, the monitor will follow the outlined procedure.

STEP 3: *Notify the Project Manager* of this project, or other applicable contacts:

Project Manager: Name: Bentley Pugh Phone: bentleyp@beachworks.org Email: 206.930.2575
Assigned Project Manager Alternate: Name: Larry Lehman; Grette Associates Phone: 509.663.6300 Email: larryl@gretteassociates.com

The Project Manager will make all calls and necessary notifications. **If human remains are encountered**, treat them with dignity and respect at all times. Cover the remains with a tarp or other materials (not soil or rocks) for temporary protection and to shield them from being photographed. **Do not call 911 or speak with the media. Do not take pictures unless directed to do so by DAHP. See Section 5.**

4. FURTHER CONTACTS AND CONSULTATION

A. Project Manager's Responsibilities:

- *Protect Find*: The Project Manager is responsible for taking appropriate steps to protect the discovery site. All work will stop immediately in a surrounding area adequate to provide for the complete security of location, protection, and integrity of the resource. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. Work in the immediate area will not resume until treatment of the discovery has been completed following provisions for treating archaeological/cultural material as set forth in this document.
- *Direct Construction Elsewhere on-Site*: The Project Manager may direct construction away from cultural resources to work in other areas prior to contacting the concerned parties.
- *Identify Find*: The Project Manager (or a delegated Cultural Resource Specialist), will ensure that a qualified professional archaeologist examines the area to determine if there is an archaeological find.
 - If it is determined not to be of archaeological, historical, or human remains, work may proceed with no further delay.
 - If it is determined to be an archaeological find, the Project Manager or Cultural Resource Specialist will continue with all notifications.
 - If the find may be human remains or funerary objects, the Project Manager or Cultural Resource Specialist will ensure that a qualified physical anthropologist examines the find. **If it is determined to be human remains, the procedure described in Section 5 will be followed.**

- *Notify DAHP:* The Project Manager (or a delegated Cultural Resource Specialist) will contact the involved federal agencies (if any) and the Washington Department of Archaeology and Historic Preservation (DAHP).
- *Notify Tribes:* If the discovery may be of interest to Native American Tribes and the DAHP will coordinate with the interested and/or affected tribes.

General Contacts

1. When an unanticipated discovery of protected **cultural material** (see definitions below) occurs, the property owner or contractor will completely secure the location and contact:
 - a) The Project Manager;
 - b) The Department of Archaeology and Historic Preservation (DAHP) (Sydney Hanson, 360-280-7563; Dr. Allyson Brooks 360-586-3066; Rob Whitlam Ph.D. 360-586-3050);
 - c) And must consult with appropriate tribal contacts for finds of Native American origin:
 - a. Guy Mora, Tribal Historic Preservation Officer (THPO), Confederated Tribes of the Colville Reservation (509-634-2695);
2. If the discovery is **human remains**, the property owner or contractor will stop work in and adjacent to the discovery, completely secure the work area by moving the land-altering equipment to a reasonable distance, and will immediately contact:
 - a) The Project Manager;
 - b) The Douglas County Sheriff's Department (509-884-0941);
 - c) and the Douglas County Coroner, (509-884-7173) to determine if the remains are forensic in nature;
 - d) If the remains are not forensic in nature the Department of Archaeology and Historic Preservation (DAHP) (Guy Tasa 360-586-3534, cell: 360-790-1633); will take the lead on determining the appropriate method of treatment for the remains and will consult with the affected tribes.

NOTE: If you discover bones but are unsure if they are human, contact Guy Tasa at the DAHP.

The DAHP or Project Manager will contact the interested and affected Tribes for a specific project.

Further Activities

- Archaeological discoveries will be documented as described in Section 6.
- Construction in the discovery area may resume as described in Section 7.

5. SPECIAL PROCEDURES FOR THE DISCOVERY OF HUMAN SKELETAL MATERIAL

Any human skeletal remains, regardless of antiquity or ethnic origin, will at all times be treated with dignity and respect. Do not take photographs by any means, unless you are pre-approved to do so.

If the project occurs on non-federal lands, the Project Manager will comply with applicable state and federal laws, and the following procedure:

A. In all cases you must notify a law enforcement agency or Medical Examiner/Coroner's Office:

In addition to the actions described in Sections 3 and 4, the Project Manager will immediately notify the local law enforcement agency or medical examiner/coroner's office.

The Medical Examiner/Coroner (with assistance of law enforcement personnel) will determine if the remains are human, whether the discovery site constitutes a crime scene, and will then notify DAHP.

Douglas County Sheriff's Department (509-884-0941);
Douglas County Coroner, (509-884-7173) to determine if the remains are forensic in nature;

B. Participate in Consultation:

Per RCW 27.44.055, RCW 68.50, and RCW 68.60, DAHP will have jurisdiction over non-forensic human remains.

C. Further Activities:

- Documentation of human skeletal remains and funerary objects will be agreed upon through the consultation process described in RCW 27.44.055, RCW 68.50, and RCW 68.60.
- When consultation and documentation activities are complete, construction in the discovery area may resume as described in Section 7.

6. DOCUMENTATION OF ARCHAEOLOGICAL MATERIALS

Archaeological deposits discovered during construction will be assumed eligible for inclusion in the National Register of Historic Places under Criterion D until a formal Determination of Eligibility is made.

Project staff will ensure the proper documentation and field assessment will be made of any discovered cultural resources in cooperation with all parties: the federal agencies (if any), DAHP, affected tribes, and a contracted consultant (if any).

All prehistoric and historic cultural material discovered during project construction will be recorded by a professional archaeologist on a cultural resource site or isolate form using standard and approved techniques. Site overviews, features, and artifacts will be photographed; stratigraphic profiles and soil/sediment descriptions will be prepared for minimal subsurface exposures. Discovery locations will be documented on scaled site plans and site location maps.

Cultural features, horizons and artifacts detected in buried sediments may require further

evaluation using hand-dug test units. Units may be dug in controlled fashion to expose features, collect samples from undisturbed contexts, or to interpret complex stratigraphy. A test excavation unit or small trench might also be used to determine if an intact occupation surface is present. Test units will be used only when necessary to gather information on the nature, extent, and integrity of subsurface cultural deposits to evaluate the site's significance. Excavations will be conducted using state-of-the-art techniques for controlling provenience, and the chronology of ownership, custody and location recorded with precision.

Spatial information, depth of excavation levels, natural and cultural stratigraphy, presence or absence of cultural material, and depth to sterile soil, regolith, or bedrock will be recorded for each probe on a standard form. Test excavation units will be recorded on unit-level forms, which include plan maps for each excavated level, and material type, number, and vertical provenience (depth below surface and stratum association where applicable) for all artifacts recovered from the level. A stratigraphic profile will be drawn for at least one wall of each test excavation unit.

Sediments excavated for purposes of cultural resources investigation will be screened through 1/8-inch mesh, unless soil conditions warrant 1/4-inch mesh.

All prehistoric and historic artifacts collected from the surface and from probes and excavation units will be analyzed, catalogued, and temporarily curated. Ultimate disposition of cultural materials will be determined in consultation with the federal agencies (if any), DAHP, and the affected tribes.

Within 90 days of concluding fieldwork, a technical report describing any and all monitoring and resultant archaeological excavations will be provided to the Project Manager, who will forward the report for review and delivery to the federal agencies (if any), DAHP, and the affected tribe(s).

If assessment activity exposes human remains (burials, isolated teeth, or bones), the process described in Section 5 will be followed.

7. PROCEEDING WITH WORK

Work outside the discovery location may continue while documentation and assessment of the cultural resources proceed. A professional archaeologist must determine the boundaries of the discovery location. In consultation with DAHP and any affected tribes, the Project Manager will determine the appropriate level of documentation and treatment of the resource. If there is a federal nexus, Section 106 consultation and associated federal laws will make the final determinations about treatment and documentation.

Work may continue at the discovery location only after the process outlined in this plan is followed and the Project Manager, DAHP, and any affected tribes determine that compliance with state and federal law is complete.

8. RECIPIENT/PROJECT PARTNER RESPONSIBILITY

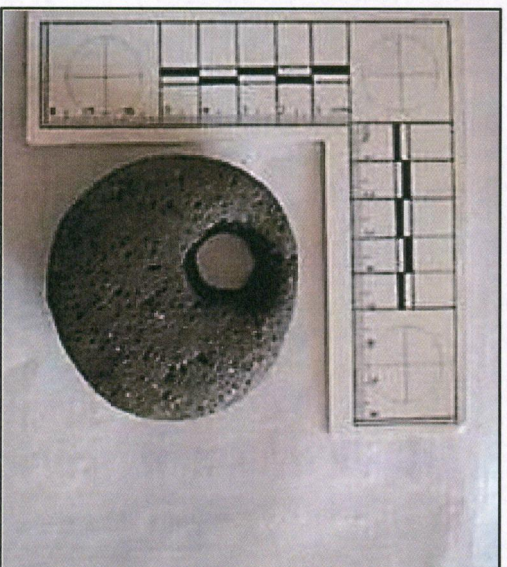
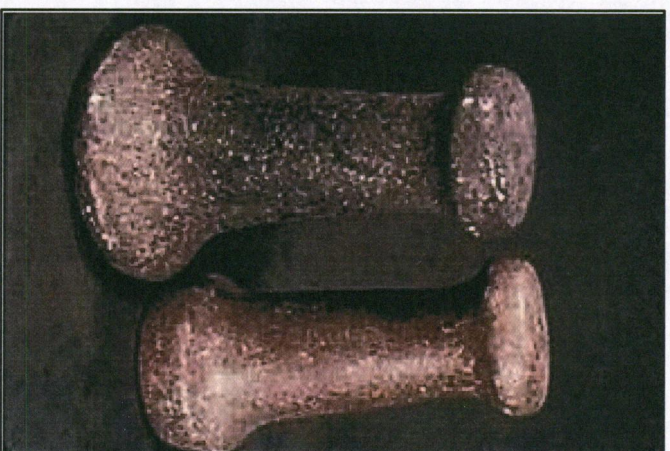
The Project Recipient/Project Partner is responsible for developing an IDP. The IDP must

be immediately available onsite, be implemented to address any discovery, and be available by request by any party. The Project Manager will review the IDP during a project kickoff or pre-construction meeting.

We recommend that you print images in color for accuracy.

Implement the IDP / UDP if ...

You see ground or pecked stone artifacts.



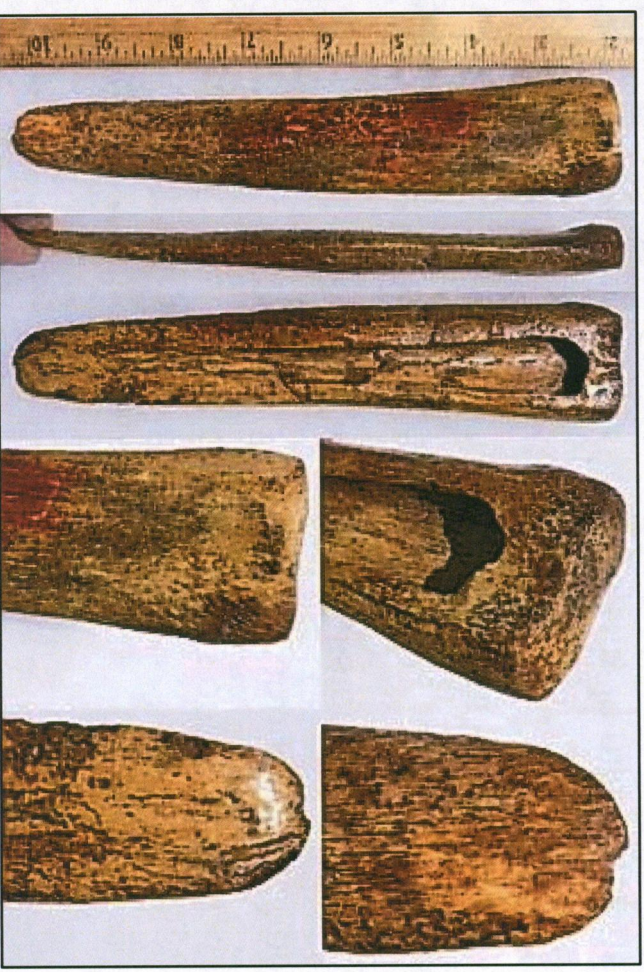
- Striations or scratching
- Unusual or unnatural shapes
- Unusual stone
- Etching
- Perforations
- Pecking
- Regularity in modifications
- Variability of size, function, and complexity

Implement the IDP / UDP if ...

You see bone or shell artifacts.

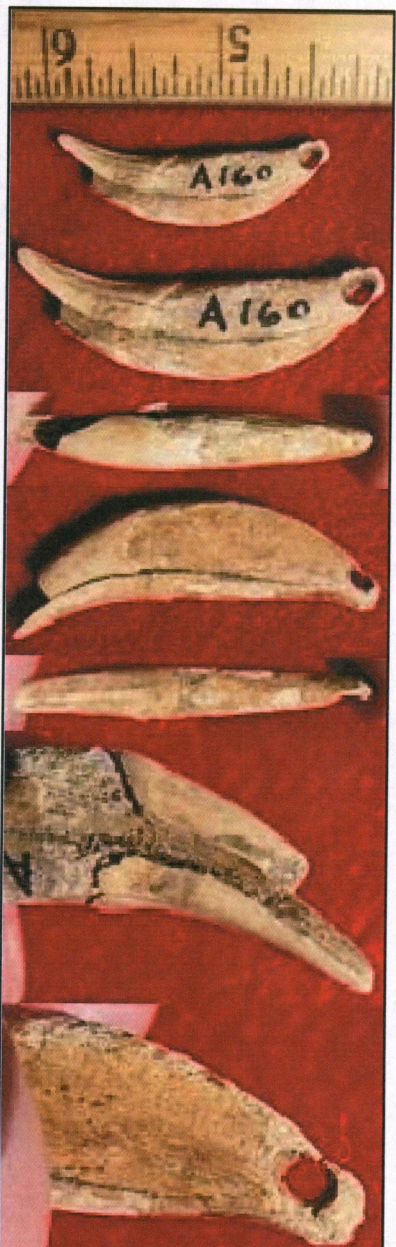


- Often smooth
- Unusual shape
- Carved
- Often pointed if used as a tool
- Often wedge shaped like a “shoehorn”

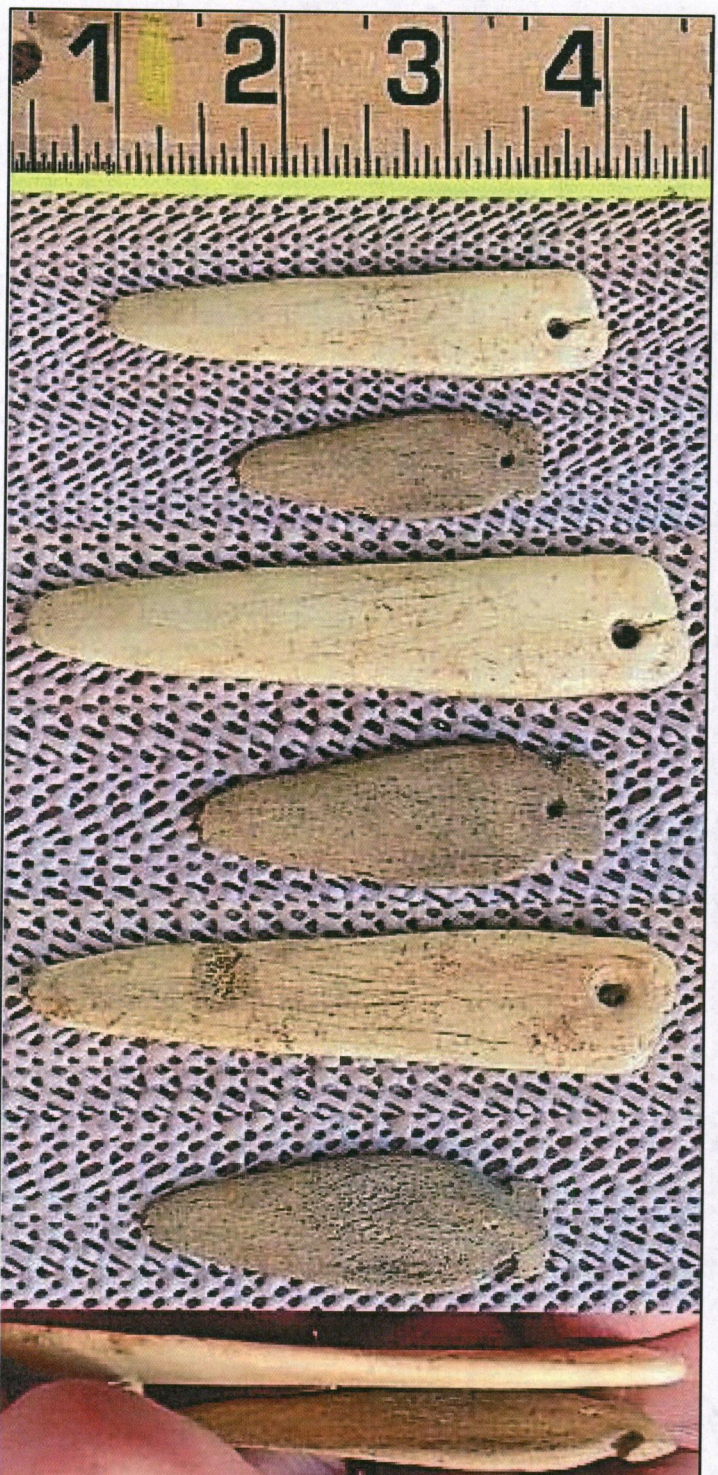


Implement the IDP / UDP if ...

You see bone or shell artifacts.



- Often smooth
- Unusual shape
- Perforated
- Variability of size

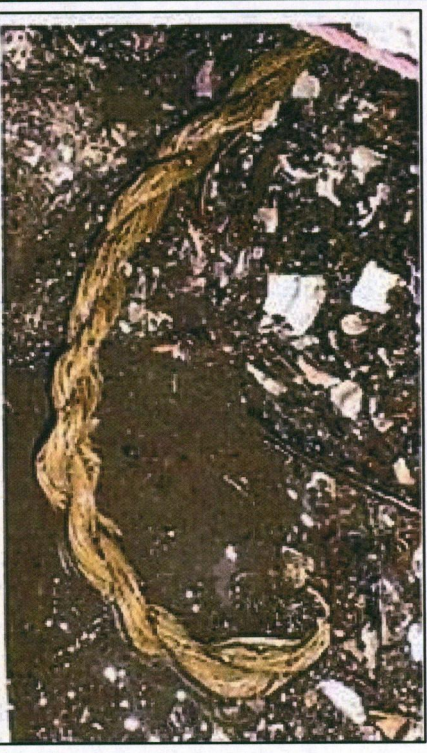


Implement the IDP / UDP if ...

You see fiber or wood artifacts.

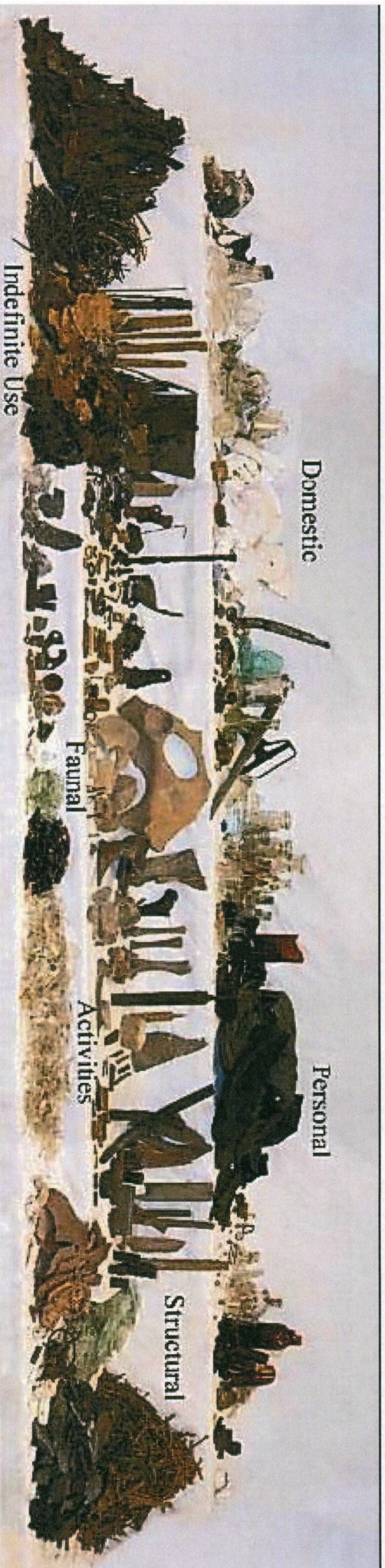


- Wet environments needed for preservation
- Variability of size, function, and complexity
- Rare



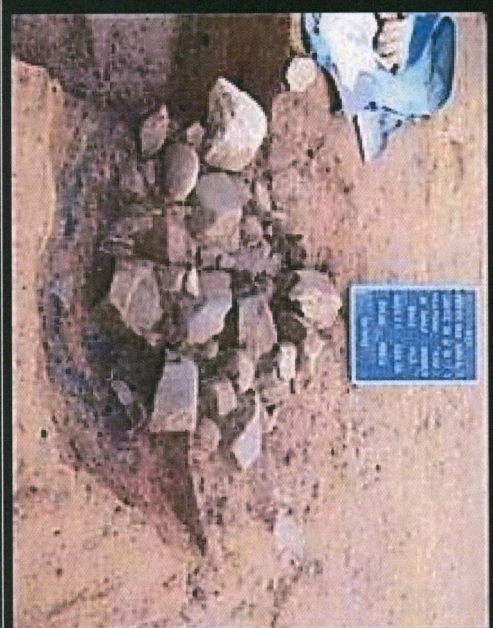
Implement the IDP / UDP if ...

You see historic period artifacts.



Implement the IDP / UDP if ...

You see strange, different or interesting looking dirt, **rocks, or**



- Human activities leave traces in the ground that may or may not have artifacts associated with them
- “Unusual” accumulations of rock (especially fire-cracked rock)
- “Unusual” shaped accumulations of rock (e.g., similar to a fire ring)
- Charcoal or charcoal-stained soils
- Oxidized or burnt-looking soils
- Accumulations of shell
- Accumulations of **bones** or artifacts
- Look for the “unusual” or out of place (e.g., rock piles or accumulations in areas with few rock)

Implement the IDP / UDP if ...

You see strange, different or interesting looking dirt, rocks, or



- “Unusual” accumulations of rock (especially fire-cracked rock)
- “Unusual” shaped accumulations of rock (e.g., similar to a fire ring)
- Look for the “unusual” or out of place (e.g., rock piles or accumulations in areas with few rock)

Implement the IDP / UDP if ...

You see strange, different or interesting looking dirt, rocks, or



Layers of shell midden

- Often have a layered or “layer cake” appearance
- Often associated with black or blackish soil
- Often have very crushed and compacted shells

Historic Debris



Implement the IDP / UDP if ...

You see historic foundations or buried structures.

