

DOUGLAS COUNTY TRANSPORTATION & LAND SERVICES

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STAFF REPORT ADAM BRIZENDINE INSTALL A SINGLE-USE DOCK, BOATLIFT, AND TRAIL ACCESS

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: SP-2021-06
DATE: April 21, 2022

I. GENERAL INFORMATION

Requested Action: An application for a shoreline substantial development permit (SP-2021-06) submitted by Grette Associates, LLC on behalf Adam Brizendine. The applicant proposes to construct a single-use dock, install a ground-based boatlift, and construct an access trail through the riparian buffer. The proposed dock to provide moorage for a single parcel and up to two (2) recreational boats and up to four (4) personal watercrafts is not consistent with the Douglas County Regional Shoreline Master Program (SM); only a maximum of two (2) moorage facilities (inclusive of docks, swim float, buoys, and/or lifts) are permitted per individual lot.

Additionally, orchard debris, concrete, and poison ivy will be removed and restored with native vegetation to provide an improved riparian buffer. The proposed project will result in the disturbance of approximately 1,100 sq. ft. of the riparian buffer and will be replaced with approximately 2,495 sq. feet of native, riparian vegetation to mitigate project (in-water and out-of-water) impacts.

Location: The project is located within the Rural Conservancy Shoreline Environment, and is zoned Rural Resource 2 (RR-2) under Douglas County Code. The subject property is addressed as 11 Riverside Place, Orondo, WA 98843. The property is further described as being located within Tax 49 in Lot 29; AKA PCL B of BLA 3241678 and the NW Quarter of Section 26, Township 22N, Range 21E., W.M.. The Douglas County Assessor's Parcel Numbers are: 41600002901 (applicant/owner) & 41600002203 (Chelan County Public Utility District (Chelan PUD)).

II. SITE INFORMATION

Site Characteristics: The subject properties have been disturbed from historic agricultural use. The property is approximately 370 ft. wide and the waterward

property boundary is approximately 20 ft. landward of the Ordinary High Water Mark (OHWM). The Chelan PUD property is located between the subject property and the OHWM. The existing vegetation and habitat conditions on the property is divided into two distinct area based on slopes and historic use of the properties:

1. The first area is located between the OHWM of the river and the top of the bank, which is 35-40 ft. landward of the OHWM. This portion of the property is primarily undisturbed and consists of unmaintained vegetation; and
2. The second area is located landward of the top of the bank and is approximately 35-40 ft. landward of the OHWM. This area encompasses the majority of the property and has been significantly impacted by historic agricultural use. The upriver end of the property has an existing dirt orchard road and lacks vegetation.

Uses Adjacent to the subject properties:

North: Open Space, Disturbed

South: Orchards

East: Commercial

West: Columbia River

Project Proposal: The applicant proposes to construct a permanent single-use dock, install a ground based boatlift, and construct a permanent access trail through the riparian buffer on the shores of the Columbia River. The dock, boatlift, and access trail will be constructed to serve the existing upland parcel # 41600002901 and will be located primarily on Chelan County PUD property, parcel # 41600002203. Orchard debris, concrete, and poison ivy will be removed and restored to enhance the riparian buffer. The proposed project will result in the disturbance of approximately 1,100 sq. ft. and will be replaced with approximately 2,495 sq. feet of native, riparian vegetation to mitigate project (in-water and out-of-water) impacts.

The proposed project will result in the minor excavation and grading at the top of the bank to remove concrete and orchard debris. The single-use dock will consist of two (2) sections:

1. 4 ft. x 40 ft. aluminum gangway with a 100% ambient light grid greater than 60% open space; and
2. 8 ft. x 20 ft. float with a 6 ft. x 3 ft. float under the gangway to allow for gangway travel.

The dock will extend approximately 41 ft. waterward of the OHWM, with the landward edge of the float approximately 33 ft. waterward of the OHWM in a water depth of approximately 16 ft. The proposed dock will be used primarily between the middle of June through the middle of September. The proposed dock will not

be constructed with treated piles, paint, or stain to avoid unnecessary impacts to water quality.

The boatlift will be installed approximately 23 ft. waterward of the OHWM in a water depth of approximately 11 ft. below the OHWM to minimize the impact on shallow water habitat (i.e. juvenile fish impediment). The float will be orientated perpendicular to the OHWM and will be located approximately 33 ft. from the OHWM.

A 4 ft. wide, 82 ft. long gravel, access trail will be established and utilized to access the dock. The trail will be located within the riparian buffer and extend from the concrete abutment up the slope to the existing top of bank. The top of the bank is located approximately 35 ft. landward of the OHWM. Due to the steep slope of the shoreline, the access trail will be located on an angle down slope and will require minimum excavation.

The final element of the project will entail the removal of concrete and orchard debris from within the riparian buffer. The removal of the debris will occur from the top of the bank, between 40 ft. landward of the OHWM to approximately 20 ft. landward of the OHWM.

The length of the proposed dock and the location of boatlift are based on the current federal mitigation requirements. The U.S. Army of Core of Engineers requires that impacts of a ground-based boatlift located in a moderate quality riparian zone (in greater than 11 ft. of water) must be mitigated at a 2.44:1 ratio (using out-of-kind mitigation – riparian plantings) and the dock at a 2.35:1 mitigation ratio. Critical areas per Douglas County requires a 1:1 ratio for disturbance as a result of the dock and access trail. *See Table 1 for mitigation details.* The mitigation planting area for the dock and boatlift will be located as close to the OHWM as possible in order to provide the highest level of riparian habitat functions and values.

Table 1. Total disturbance and proposed mitigation (Grette Associates, LLC, December 21, 2021)

Structure	Mitigation Ratio	Disturbance* (Sq. Ft.)	Total Mitigation (Sq. Ft)
Boatlift	2.44:1	125	305
Dock	2.35:1	300 (below OHWM)	705
Access Trail/Pier	1:1	385 (above OHWM)	385
Debris Removal	1:1	1,100	1,100
TOTAL			2,495

*-1,395 sq. ft. will be installed in an area dominated by upland/grasses/weedy species/poison oak
 -1,100 sq. ft. will be installed where the debris will be removed/road restored

Zoning and Development Standards: The subject property is located within the Rural Resource 2 (RR-2) zoning district under Douglas County Code. The purpose of the RR-2 zoning district is to provide an area for low density, rural

residential lifestyles that require only rural levels of service for utilities and infrastructure.

III. COMPREHENSIVE PLAN:

The Douglas County Countywide Comprehensive Plan designates this property as Rural Resource 2 (RR-2). 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 March 22, 2022 in accordance with WAC 197-11-355 (optional DNS process).

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	02/15/2022 and 03/22/2022	Army Corps of Engineers	N/R
Chelan County PUD	01/21/2022	Yakama Nation	N/R
Dept. of Natural Resources – Rivers Dist.	N/R	WA Department of Archaeology and Historic Preservation	N/R
Colville Tribe	January 26, 2022		

* N/R = No Reply

Agency/Tribal comments have been included as Attachment A.
 Inadvertent Discovery Plan included as Attachment B
 Geotechnical Assessment included as Attachment C

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 R-REC 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: Installation of a single-use dock, piers, floats, access trails and restoration are permitted uses in the Rural Conservancy Shoreline Designation (Pursuant to SMP 3.10 Table 1. Use matrix, restoration and general).

Analysis: Residential moorage for individual lots is permitted in subdivisions legally established prior to February 20, 1975, where shared moorage is has not already been developed or required.

As conditioned, the proposal is consistent with the Douglas County Shoreline Master Program; moorage facilities cannot exceed a maximum of two (2).

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: Mitigation proposed is adequate to meet federal, state, and local regulatory requirements. Refer to the Habitat Management and Mitigation Plan (HMMP) submitted by Grette Associates, LCC (received on January 4, 2022) 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: Mitigation proposed is adequate to meet federal, state, and local regulatory requirements Five (5) years of subsequent monitoring and reporting to ensure compliance with success ratios (80% by year 5) is proposed. Refer to the HMMP submitted by Grette Associates, LCC (received on December 21, 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 avoid and/or minimize damage. Mitigation proposed is adequate to meet federal, state, and local regulatory requirements Refer to the HMMP submitted by Grette Associates, LCC (received on December 21, 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. Mitigation proposed is adequate to meet federal, state, and local regulatory requirements

- 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 December 21, 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 up to a 2.44:1 ratio.

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

Analysis: A minimum of 2,495 sq. ft. of native, riparian plantings will be installed to mitigate impacts associated with the installation of a single-use dock, ground-based boatlift, access trail, and debris removal. Mitigation proposed is adequate to meet federal, state, and local regulatory requirements. See the HMMP submitted by Grette Associates, LLC in the application materials, including the JARPA (received December 21, 2021).

- 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*) and common snowberry (*Symphoricarpos albus*). The trees would be planted at a spacing of 10 ft. on-center and the shrubs would be planted at a spacing of 3-5 ft. on-center. The installation of the native riparian vegetation will increase the ecological function of the riparian habitat and will offset the impacts associated with the increase in inwater coverage. These plantings will 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 December 21, 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. See the HMMP submitted by Grette Associates, LLC in the application materials, including the JARPA (received December 21, 2021).

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 December 21, 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 December 21, 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 December 21, 2021). The plan identifies that the project will result in no net loss of ecological function through proper mitigation per a minimum of 2,495 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-2021-06, subject to the following suggested findings of fact and conditions:

Suggested Findings of Fact:

1. The applicant is: Adam Brizendine (property owner), 2630 Valley Mall Pkway #437, East Wenatchee, WA 98802; (206) 670-9145.
2. The applicant's agent is: Larry Lehman, Grette Associates LLC, 151 S. Worthen St. Ste. 101, Wenatchee, WA 98801.
3. General Description: An application for a shoreline substantial development permit (SP-2021-06) submitted by Grette Associates, LLC on behalf Adam Brizendine. The applicant proposes to construct a single-use dock, install a ground-based boatlift, and construct an access trail within the riparian buffer.
4. The properties are located: within the Rural Conservancy Shoreline Environment, and is zoned Rural Resource 2 (RR-2) under Douglas County Code. The subject property is addressed as 11 Riverside Place, Orondo, WA 98843. The property is further described as being located within Tax 49 in Lot 29; AKA PCL B 3241678 and the NW Quarter of Section 26, Township 22N, Range 21E., W.M.. The Douglas County Assessor's Parcel Numbers are: 41600002901 (applicant/owner) & 41600002203 (Chelan PUD). 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. Residential moorage for individual lots is permitted in subdivisions legally established prior to February 20, 1975, where shared moorage is has not already been developed or required. The original lot was established in 1908.
 7. A geotechnical assessment was completed to evaluate the impact to the slope stability associated with the proposed project (Anderson Geological Consulting, LLC, 2022).
 8. A Habitat Mitigation and Management Plan (HMMP) (received December 21, 2021) has been submitted for the project by Grette Associates, LLC and meets the requirements of the Douglas County Regional Shoreline Master Program.
 9. The proposed project includes installing a minimum of 2,595 sq. ft. of native, riparian plantings to mitigate impacts within the riparian buffer.
 10. A planting and monitoring plan is proposed within HMMP (received December 21, 2021).
 11. Douglas County issued a Determination of Non-Significance on March 24, 2022 per WAC 197-11-355.
 12. Agency comments were received the Confederated Tribes of the Colville Reservations, Chelan PUD, and the Washington State Department of Ecology (Attachment A); no other agencies commented.
 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. As conditioned, the proposed project meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan and the Douglas County Regional Shoreline Master Program.
2. As conditioned, this proposal is consistent with applicable federal, state and local laws and regulations.
3. As conditioned, potential habitat impacts of the project can be mitigated.
4. Public interests will be served by approval of this proposal.

5. 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 December 21, 2021 except as amended by the conditions herein.
2. The applicant shall comply with all applicable local, state and federal laws and regulations.
3. The applicant shall obtain approval from the Chelan Public Utility District (Attachment A).
4. A maximum of two (2) moorage facilities (inclusive of docks, swim buoys, and/or lifts) permitted per individual lot; of this allowed moorage, a maximum of one (1) dock is permitted.
5. 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.
6. The project application shall proceed consistent with the geotechnical assessment prepared by Anderson Geological Consulting (received March 21, 2022).
7. The project application shall proceed consistent with the HMMP prepared by Grette Associates, LLC (received December 21, 2021), which includes accessing the site from an existing dirt road and staging equipment in the proposed project area/mitigation area; all disturbed areas including the existing road shall be mitigated via the installation of native plantings.
8. 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.
9. 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.
10. All equipment used for temporary work are required to have an Ecology approved spill kit on-site.
11. Where necessary, a permanent means of irrigation shall be installed for the mitigation plantings that is designed by a landscape architect or equivalent professional.
12. A five (5) year monitoring period shall commence upon placement of the planting materials and irrigation system; plantings must be installed within 3 months of the proposed project.

13. 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.
14. Sequential release of funds associated with the surety agreement shall be reviewed for conformance with the conditions of approval and the management and mitigation plan. Release of funds may occur in increments of 1/3 for substantial conformance with the plan and conditions of approval. If the standards that are not met are only minimally out of compliance and contingency actions are actively being pursued by the property owner to bring the project into compliance, the County may choose to consider a partial release of the scheduled increment. Non-compliance can result in one or more of the following actions: carry-over of the surety amount to the next review period; use of funds to remedy the nonconformance; scheduling a hearing with the Douglas County Hearing Examiner to review conformance with the conditions of approval and to determine what actions may be appropriate.
15. 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.
16. 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 December 21, 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.
17. 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.
18. 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.

Respectfully Submitted, Land Services Department

A handwritten signature in blue ink, appearing to be 'CD' with a flourish.

Associate Planner, Charity Duffy

APPENDIX A
AGENCY COMMENTS

Shari Tincher (x6589)

From: Lisa Graves <lisa.graves@chelanpud.org>
Sent: Friday, January 21, 2022 3:36 PM
To: Shari Tincher (x6589)
Cc: Alicia Hankins
Subject: Brizendine - SP-2021-06

[EXTERNAL MESSAGE]

A portion of this project will be located on District property. As such, the District has signed the JARPA as an additional property owner and does not have any comments. The District will issue a license to the applicant after the applicant has received all other jurisdictional approvals and prior to development.

Thank you for the opportunity to review.

Lisa

Lisa Graves
Real Estate Specialist
PUD No. 1 of Chelan County | Wenatchee, Washington

(509) 661-4196 | lisa.graves@chelanpud.org

Annette Jester (x6549)

From: Rebecca Gordon (HSY) <Rebecca.Gordon.HSY@colvilletribes.com>
Sent: Wednesday, January 26, 2022 7:01 AM
To: Annette Jester (x6549)
Cc: Guy Moura (HSY); SEPA (DAHP)
Subject: RE: SP-2021-06 Notice of Application Packet Comments End February 17, 2022

[EXTERNAL MESSAGE]

Good Morning-

We have completed our review of the permit application for SP-2021-06 for the proposed shoreline development of a single-use dock, boatlift, access trail, and mitigation plantings project. The proposed project lies within the traditional territory of the *šnpəšq^waw səx^w* or *p'squosa* or Wenatchi Tribe, one of 12 constituent tribes of the Confederated Tribes of the Colville Reservation (CTCR), which is governed by the Colville Business Council (CBC). The CBC has delegated to the Tribal Historic Preservation Officer (THPO) the responsibility of representing the CTCR with regard to cultural resources management issues throughout the traditional territories of all of the constituent tribes under Resolution 1996-29. This area includes parts of eastern Washington, northeastern Oregon, the Palus territory in Idaho, and south central British Columbia.

We concur with the APE as presented.

As the proposed project falls within very high probability for the potential presence of cultural resources according to DAHP's statewide predictive model, we recommend the project be fully surveyed by a professional archaeologist prior to any ground disturbing activities occurring. If a cultural survey is undertaken, we would like to receive a copy of the resulting survey report for our review and comment.

Thank you for consulting with the Confederated Tribes of the Colville Reservation. These comments are based on the information as currently presented. Any changes to the project will require additional consultation. We reserve the right to revise our comments as additional information becomes available. If you have any questions, please contact me at the number below.

Lámlamt (Thank you)

Rebecca L. Gordon, MA, RPA
Archaeologist Senior
History & Archaeology Program
Confederated Tribes of the Colville Reservation
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Office Hours: Monday-Thursday 6:30 AM to 5 PM



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 West Alder Street • Union Gap, Washington 98903-0009 • (509) 575-2490

February 15, 2022

Annette Jester
Douglas County Transportation and Land Services
140 19th Street NW, Suite A
East Wenatchee, WA 98802

Re: SEPA 20220238, SP-2021-06

Dear Annette Jester:

Thank you for the opportunity to comment during the Optional Determination of Non Significance process for the Brizendine Dock Project. We have reviewed the documents and have the following comments.

SHORELANDS PROGRAM

Thank you for the opportunity to provide comments to this project as it pertains to the Shoreline Management Act of 1971, RCW 90.58; State master program approval/amendment procedures and master program guidelines, WAC 173-26; Wetlands 90.48; and Shoreline management permit and enforcement procedures, Chapter 173-27 WAC.

For projects within Shoreline Jurisdiction, a complete application for a substantial development, conditional use, or variance permit shall contain, at minimum, the following information found at WAC 173-27-180 and WAC 173-27-130. The application may need additional information such as the dimensions and locations of all existing and proposed structures and improvements with respect to setbacks in Section 5.13 Shoreline Bulk and Dimensional Standards and Table 2 of the Douglas County Regional Shoreline Master Program (SMP). Policies and Regulations for Moorage: docks, piers, watercraft lifts, mooring buoys, floats can be found in chapter 5.10 of the SMP. The environmental designation is Rural Conservancy.

In addition, the proposed development includes clearing and grading activities for the construction of the proposed development, including an area where the "top of bank will be re-sloped". More information may be necessary such as proposed land contours, and the quantity, source and composition of any fill material that is placed on the site whether temporary or permanent, including the destination of any excavated or dredged material. Policies and Regulations for filling, grading and excavation can be found in chapter 5.8 of the SMP.

Please contact Alicia Schulz, Shorelands and Environmental Assistance, alicia.schulz@ecy.wa.gov or 509-454-4260 if you have any questions about the comments provided.

Sincerely,

Tricia Sawyer

Tricia Sawyer on behalf of Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509)575-2012 (Gwen)
crosepacoordinator@ecy.wa.gov

APPENDIX B
INADVERTENT DISCOVERY PLAN

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

PROJECT TITLE: Brizendine Dock; 2021-06

COUNTY WASHINGTON: Douglas

Section, Township, Range: 26, 22, 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: Adam Brizendine Phone: adamb@sellandconstruction.com Email: 509.670.9145
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. Rebecca Gordon, Senior Archaeologist History and Archaeology Program, Confederated Tribes of the Colville Reservation (509-634-2789 office / 509-631-1173 cell);
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 chipped stone artifacts.

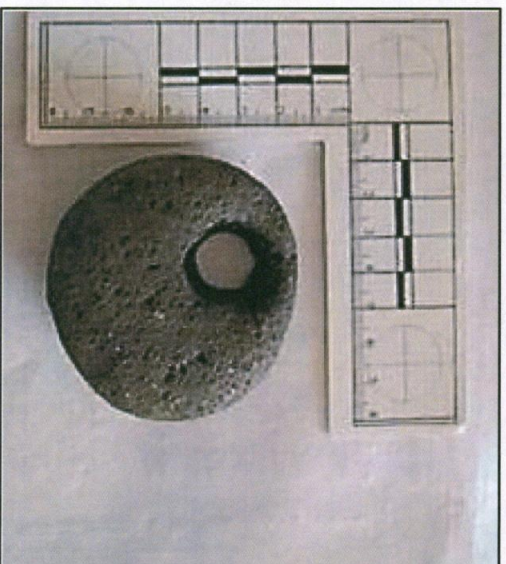
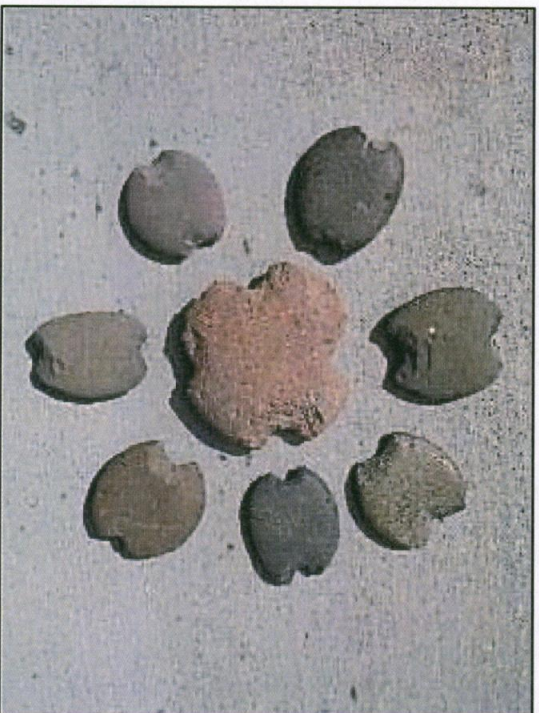
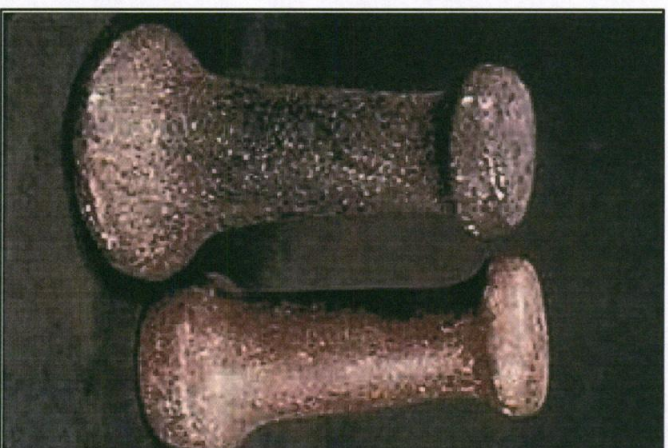


- Glass-like material
- Angular
- “Unusual” material for area
- “Unusual” shape
- Regularity of flaking
- Variability of size



Implement the IDP / UDP if ...

You see ground or pecked stone artifacts.



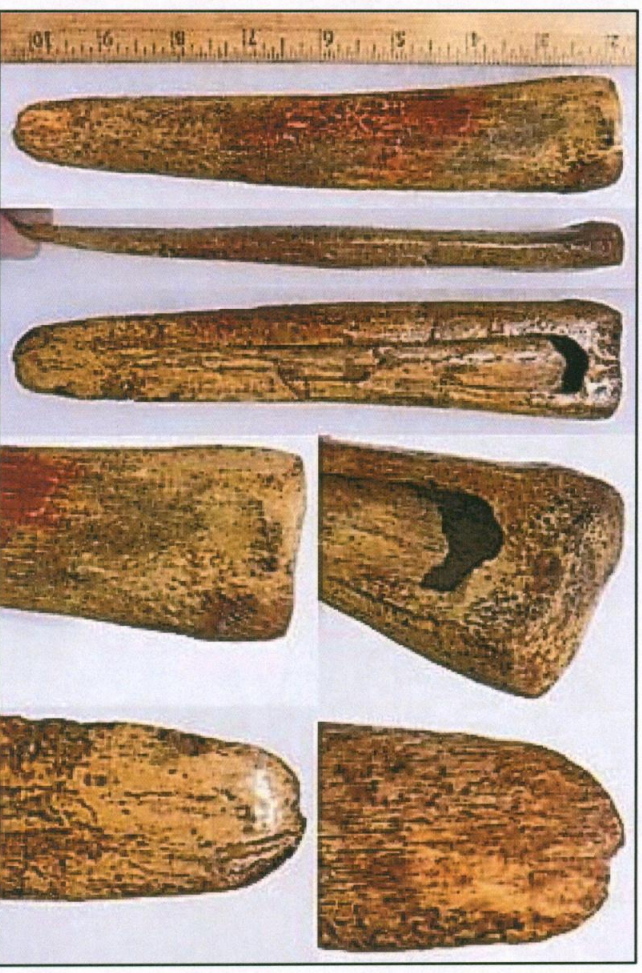
- Striations or scratching
- Unusual or unnatural shapes
- Unusual stone
- Etching
- Perforations
- Pecking
- Regularity in modifications
- Variability of size, function, and complexity

Implement the IDP / UDP if ...

You see bone or shell artifacts.

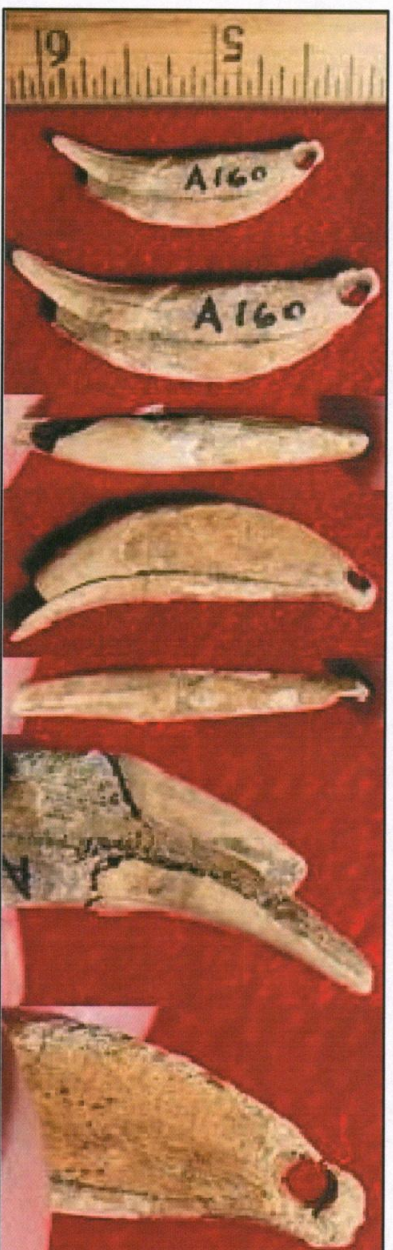


- Often smooth
- Unusual shape
- Carved
- Often pointed if used as a tool
- Often wedge shaped like a “shoehorn”

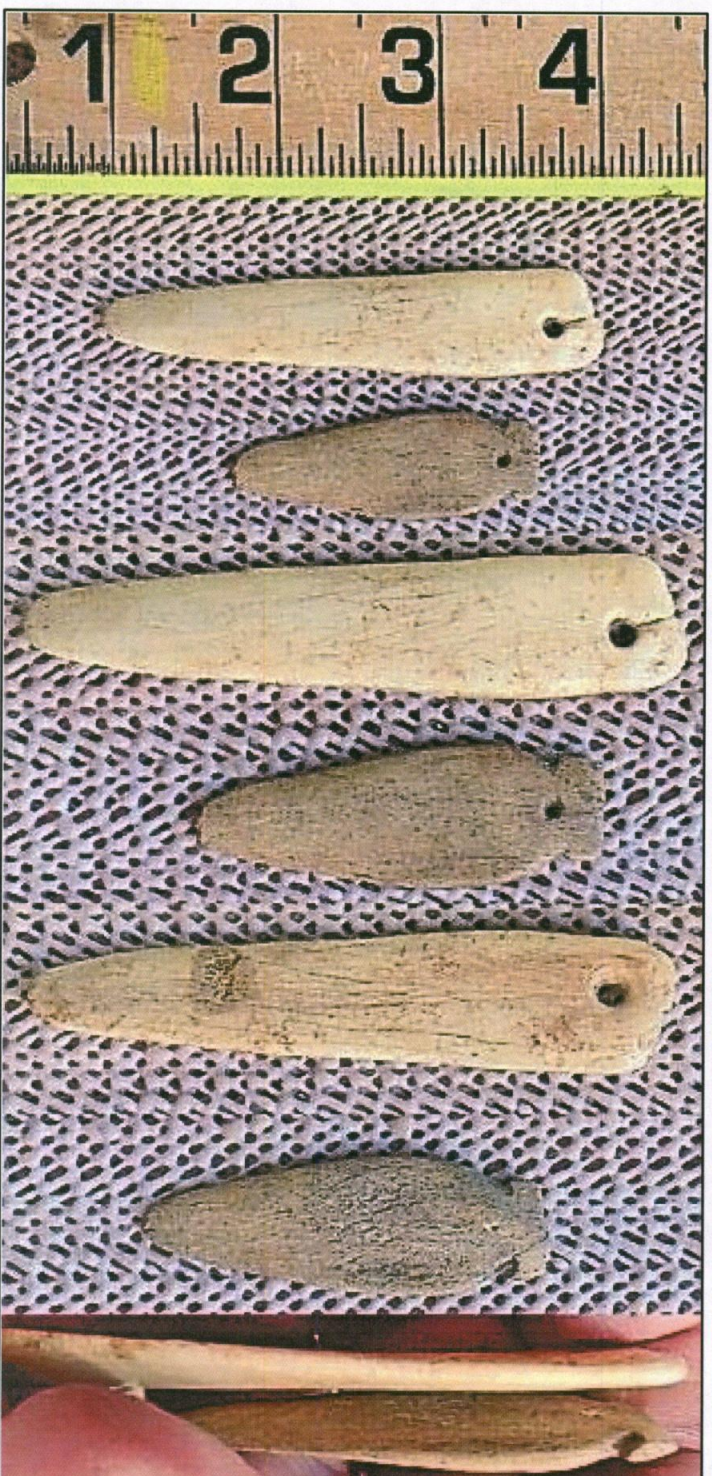


Implement the IDP / UDP if ...

You see bone or shell artifacts.



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

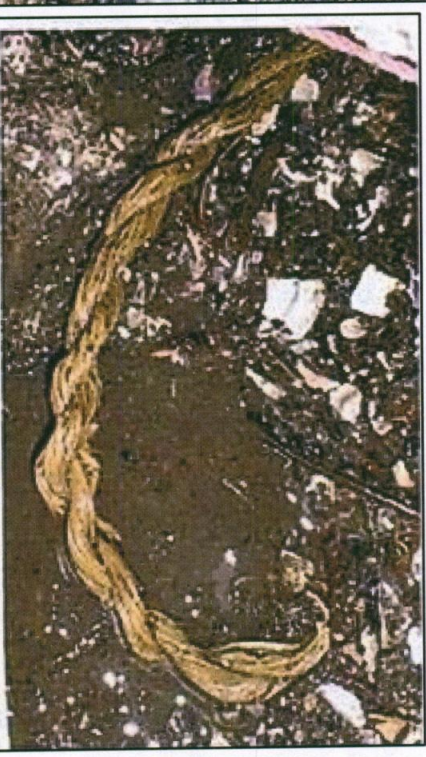


Implement the IDP / UDP if ...

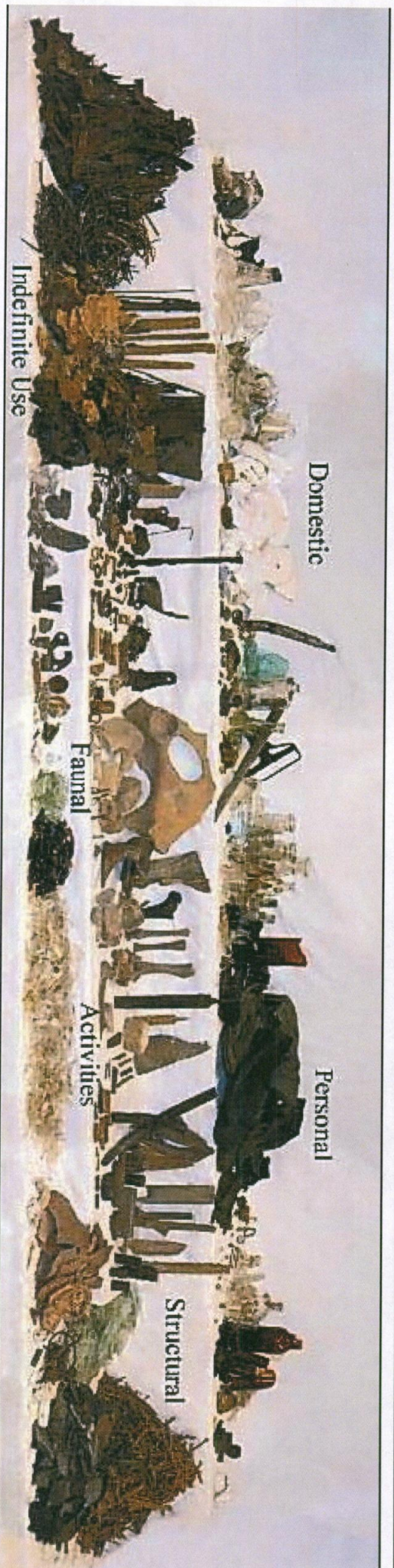
You see fiber or wood artifacts.



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

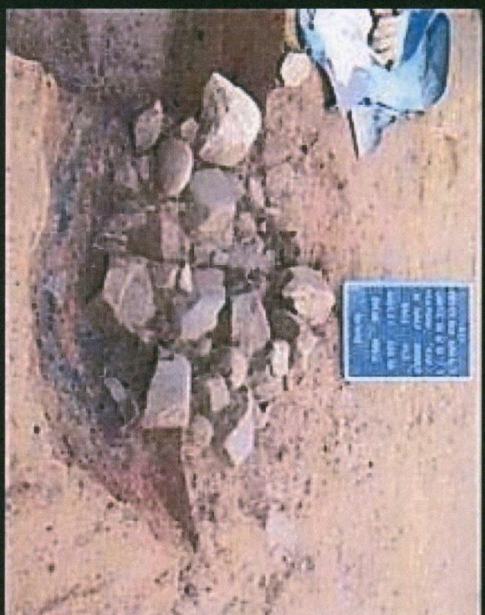


Implement the IDP / UDP if ... You see historic period artifacts.



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 ...

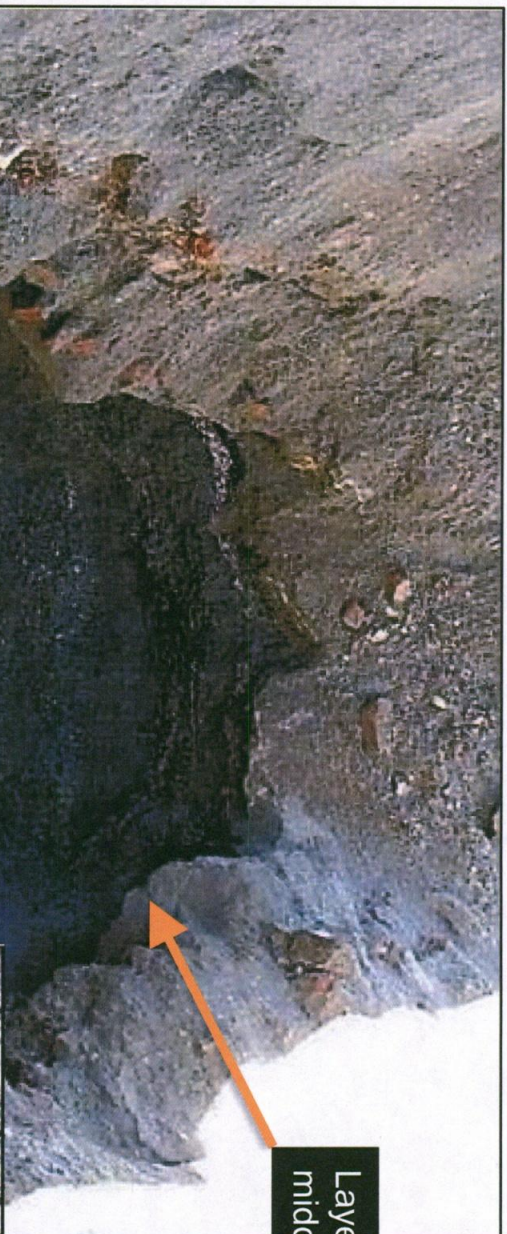
You see strange, different or interesting looking dirt, rocks, or



- “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)

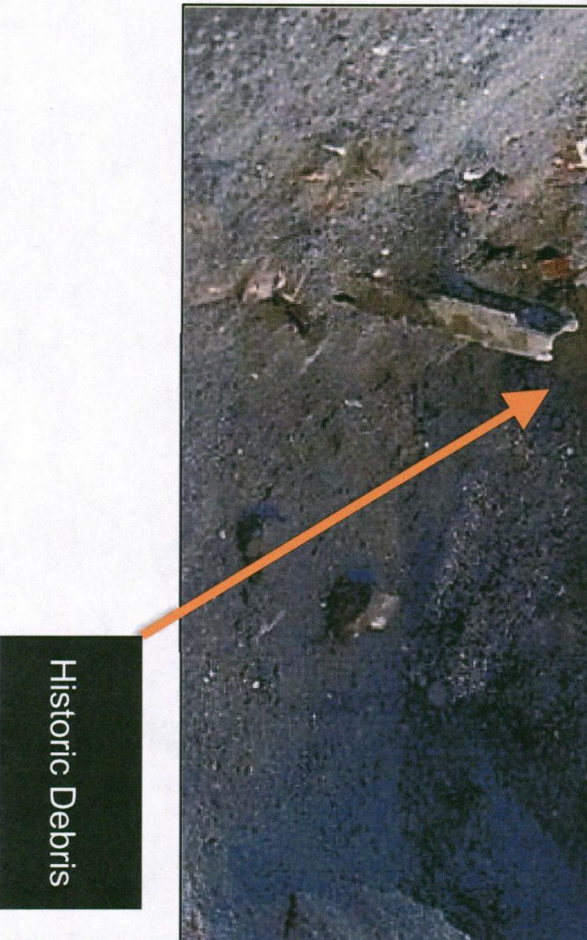
Implement the IDP / UDP if ...

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

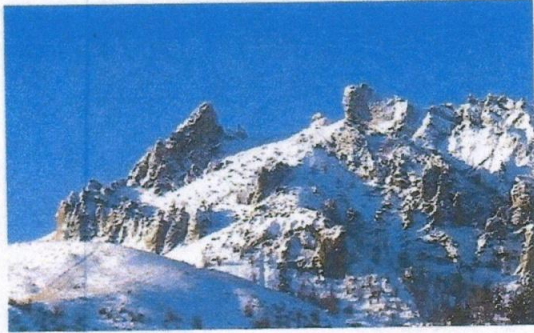


Implement the IDP / UDP if ...

You see historic foundations or buried structures.



APPENDIX C
GEOTECHNICAL ASSESSMENT



**Anderson
Geological
Consulting, LLC**

(509) 669-1086
keith@andersongeologic.com

March 21, 2021

Adam Brizendine
630 Valley Mall Parkway
Box 437
East Wenatchee, WA 98802

Re: Slope Stability
Tax Parcel #4100002901

Dear Mr. Brizendine:

Anderson Geological Consulting, LLC, (AGC) was contracted to assess the impact to the slope stability of your proposed dock installation project. The property evaluated is located at Tax Parcel #4100002901, 11 Riverside Place, Rock Island, WA. A topographic map is attached to this letter that shows the approximate property boundaries. Photographs taken during the March 20, 2022 site visit by AGC show the present site conditions and are also attached to this report.

Our proposed scope of services was as follows:

- Visit and view the site.
- Review your building construction and site grading plans.
- Prepare a letter that addresses the slope stability in relation to the new foot trail to the dock and the vegetation mitigation.

Proposed Construction

It is our understanding that you will be constructing a new dock on the Columbia River. A foot traffic trail will be cut into the slope below the existing dirt access road on the riverbank to provide access to the dock. The slope on either side of the trail will have deleterious materials, non-native and noxious weed vegetation removed and these areas will be replaced with riparian and native species plants as mitigation for the dock installation. The foot trail will be staircased diagonally across and down the slope using natural rock and gravel surfacing. A cut slope of approximately 1.5 feet in height on the trail will be reinforced with large, one-man sized rock to limit slope ravel onto the trail. The design of the dock, vegetation area mitigation, and the trail construction was by Grette Associates of Wenatchee, WA. The Grette Associates plan set we were provided is dated 11-05-2021.

Site Visit

An engineering geologist from AGC visited the project site on March 20, 2022. The project is located on the left bank of the Wenatchee River approximately one-half mile southwest of Rock Island, WA. The riverbank soil is sparsely vegetated with brush and grass and is predominantly exposed. The stony fine sandy loam contains large cobbles to boulders and is on slopes of 40 to 80 percent gradient. Organic and inorganic debris has been dumped on the slopes with a large portion of broken concrete in one section of the bank. The steeper slope is where the concrete has been dumped over the riverbank. The sandy soil is loose and raveling out easily but does not appear to be in jeopardy of a mass movement or have a major slope instability. The area where the trail is to be built has a bank slope of approximately forty percent grade, is approximately fifteen feet in height, and is approximately only forty percent covered with vegetation with most of the grass covering of the soil within the first six feet of the water's edge.

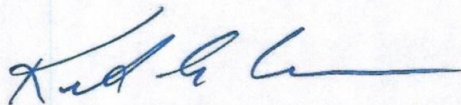
Conclusion

The slope of the riverbank where the dock project, trail, and planting of native vegetation is planned on this property is a stable slope. The project if constructed per the plans presented in the Grette Associates 11-21-2021 plan set provided to AGC, will not decrease slope stability. The terracing of the trail section and a decrease of slope angles at the concrete fill area on the riverbank may increase slope stability through plantings of native vegetation. Planting vegetation will retain soil on the slope and decrease erosion. The removal of the deleterious concrete and other fill materials, a lessening grade of the slope, and planting of vegetation will improve the riverbank into a more natural slope grade and reduce the potential for future soil erosion. Periodic maintenance will be needed on the trail and vegetated areas to keep soil erosion minimized.

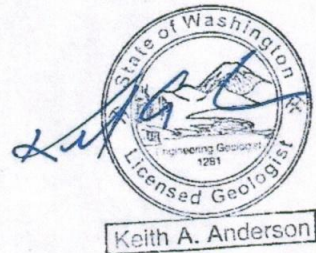
Please contact us if you have any questions regarding this slope evaluation.

Sincerely,

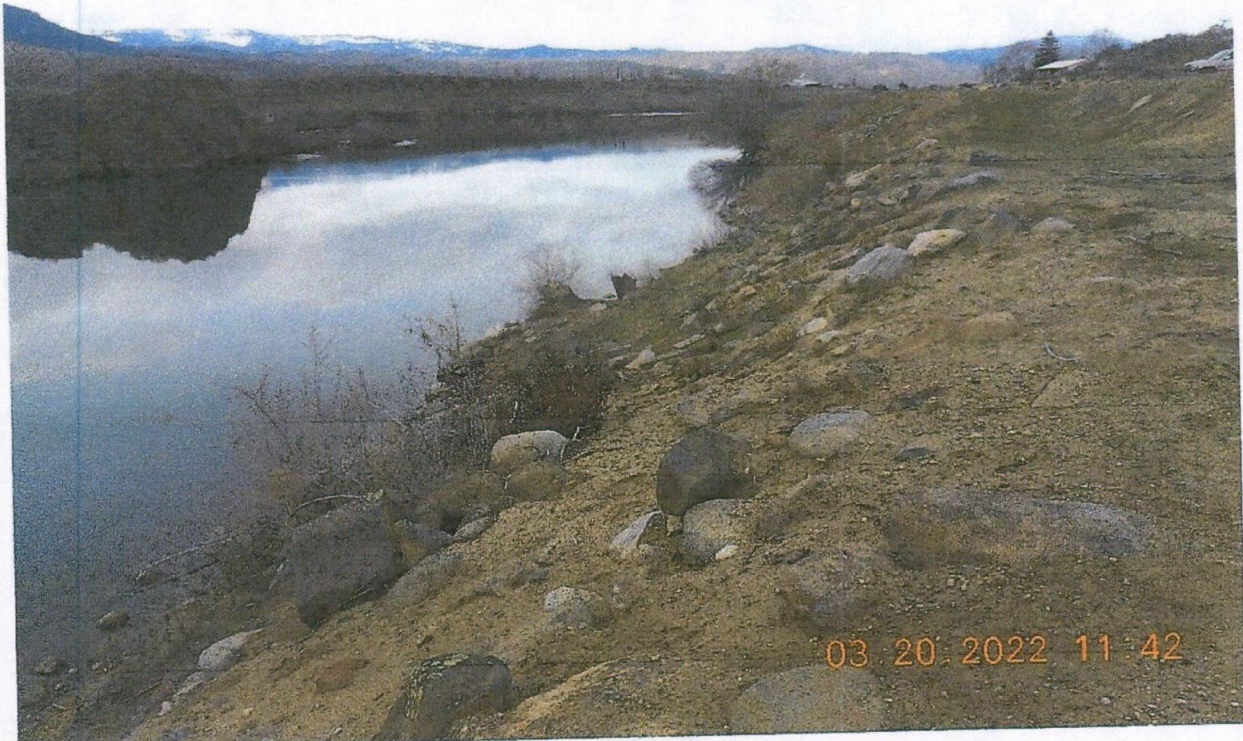
ANDERSON GEOLOGICAL CONSULTING, LLC



Keith A. Anderson, LEG, LG.
100 North Mary Avenue
East Wenatchee, WA 98802



Enclosures: Topographic Map
Photographs




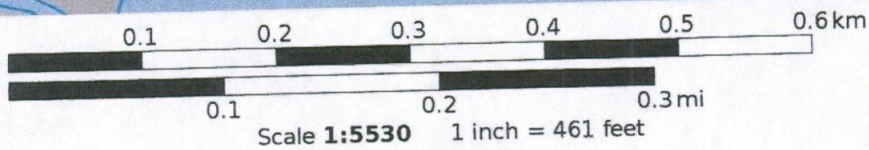
Photograph 1. View W. Shoreline for proposed dock and foot trail.



Photograph 2. View SE. Concrete fill to be removed and replaced with native vegetation.



Mercator Projection
WGS84
UTM Zone 10T




MN
14.9°