

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 MIKE ST. JEAN INSTALL ONE (1) GROUND-BASED BOATLIFT

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: SP-2022-02
DATE: April 21, 2022

I. GENERAL INFORMATION

Requested Action: An application for a shoreline substantial development permit (SP-2022-02) submitted by Grette Associates, LLC on behalf of Mike St. Jean. The applicant proposes to install a ground-based boatlift. Due to the configuration of the existing joint-use dock, the boatlift can't be installed without significantly impacting the use of the dock by three (3) other joint-use dock partners. The proposed boatlift will be installed approximately 15 ft. waterward of the Ordinary High Water Mark (OHWM) in the upriver portion of the property (attached sheets 1-5).

The proposed ground-based boatlift will result in 125 sq. ft. of new in-water coverage. A minimum of 305 sq.ft. of native plantings will be installed within the riparian buffer and adjacent to the existing dock on the upriver portion of the property to mitigate impacts to comply with USACE mitigation ratio requirements (2.44:1). It is anticipated the proposed mitigation plantings will provide improved native vegetation diversity and increase the level of riparian habitat functions and values beyond what currently exists.

Location: The project is located within the Rural Conservancy Shoreline Environment, and is zoned Rural Resource (RR-5) under Douglas County Code. The subject property is addressed as 68 Orchard Place, Orondo, WA 98843. The property is further described as being located in Braeburn Short Plat #2003-13 Lot 1, within the Twin W's subdivision and the NW Quarter of Section 12, Township 26N, Range 21E., W.M. The Douglas County Assessor's Parcel Number is: 26211210012.

II. SITE INFORMATION

Site Characteristics: The property is located in the Twin W's subdivision, which was historically used as an orchard; majority of the property has been disturbed

and lacks native vegetation. As part of a previous shoreline permit action (SP-13-10), an access trail and shoreline cutback was completed that resulted in the excavation of material to provide a safe and gradual trail to the river.

Vegetation on the majority of the property has been disturbed from historical agricultural use. The agricultural use of the property extended within the 200 ft. shoreline zone; the majority of the riparian buffer is undisturbed. Vegetation consists primarily of non-native and weedy species and is dominated by cheatgrass, tumble mustard, and thistle.

Uses Adjacent to the subject properties:

North: Residential

South: Residential

East: Orchard Place Road; Double D Vineyards, LLC

West: Columbia River

Zoning and Development Standards: The subject property is located within the Rural Resource (RR-5) zoning district under Douglas County Code. The purpose of the RR-5 rural resource 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. The district provides an opportunity for compatible rural land uses, and is sensitive to the site's physical characteristics. Areas may be located adjacent to the urban growth areas or existing development of higher densities and, where appropriate, may serve as a transition and buffer between commercial agricultural areas and other land uses. This district is also appropriate for areas that currently have a range of rural densities or land parcel sizes generally less than twenty acres in size and/or have adequate rural levels of service available such as roads, schools, and fire protection. Clustering or other innovative techniques for residential lots are encouraged; provided, that the density does not encourage urban levels of service and provides significant open space corridors and protection of critical areas.

III. COMPREHENSIVE PLAN:

The Douglas County Countywide Comprehensive Plan designates this property as Rural Resource. 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 shoreline 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 issued a Determination of Non-significance on March 28, 2022 in accordance with WAC 197-11-355 (Optional DNS). The comment period started on January 21, 2022 and ended on February 21, 2022 (30 day comment period).

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	02/17/2022	Army Corps of Engineers	N/R
Chelan County PUD	01/24/2022	Yakama Nation	N/R
Dept. of Natural Resources – Rivers Dist.	N/R	WA Department of Archaeology and Historic Preservation	N/R
Confederated Tribes of the Colville Reservation	01/26/2022		

* N/R = No Reply

Agency/Tribal comments have been included as Attachment A. Inadvertent Discovery Plan has been included as Attachment B.

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: Installation of a ground-based boatlift is consistent and permitted uses within the rural conservancy designation (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: 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 January 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. Refer to the Habitat Management and Mitigation Plan (HMMP) submitted by Grette Associates, LCC (received January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.

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 proposed installation of one (1) ground-based boatlift cannot avoid in-water coverage impacts and damage to the riparian buffer. The applicant states the project will not affect water quality, water supply, recreation or aesthetics of the Columbia River. 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 January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.

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 proposed installation of one (1) ground-based boatlift is located in the Columbia River and riparian buffer, the proposed project elements cannot avoid impacts to this habitat type. 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 January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.

- 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 to occur within the riparian buffer. 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 January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.

- 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. 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 January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.

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

Analysis: A minimum of 350 sq. ft. of native, riparian plantings will be installed to mitigate impacts associated with the installation one (1) ground-based boatlift to an existing joint-use dock (SR-16-01). 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 January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline.

- 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. 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 January 2022) for specific details including methodologies and best management practices to avoid and/or minimize impacts to the shoreline*

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

Analysis: To ensure the success of the planting areas, a five-year (5-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 January 2022).

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 January 2022).

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 January 2022). The planned project will result in no net loss of ecological function through proper mitigation per a minimum of 350 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 2022-02. Staff recommends approval of SP-2022-02 subject to the following suggested findings of fact and conditions:

Suggested Findings of Fact:

1. The applicant is: Mike St. Jean, 68 Orchard Place, Orondo, WA 98843.
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-2022-02) submitted by Grette Associates, LLC on behalf Mike St. Jean. The applicant proposes to install one (1) ground-based boatlift will be installed approximately 15 ft. waterward of the OHWM in the upriver portion of the property.
A minimum of 305 sq.ft. of native plantings will be installed within the riparian buffer and adjacent to the existing dock on the upriver portion of the property to mitigate impacts. It is anticipated the proposed mitigation plantings will increase the amount and diversity of native vegetation and will increase the level of riparian habitat functions and values. Mitigation plantings include native trees and plants such as snowberry, currant, and Oregon grape to ensure no net loss of habitat values and functions.
4. The property is located within the Rural Conservancy shoreline environment, and is zoned Rural Residential (RR-5) under Douglas County Code. The subject property is addressed as 68 Orchard Place, Orondo, WA 98843. The property is further described as being located in Braeburn Short Plat #2003-13 Lot 1, within the Twin W's subdivision and the NW Quarter of Section 12, Township 26N, Range 21E., W.M. The Douglas County Assessor's Parcel Number is: 26211210012.
5. The Columbia River Shoreline section of the subject property is designated as "Rural Conservancy" by the Douglas County Regional Shoreline Master Program.
6. 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.
7. A Habitat Mitigation and Management Plan (HMMP) (received January 2022) has been submitted for the project by Grette Associates, LLC and meets the

requirements of the Douglas County Regional Shoreline Master Program. The proposed project includes the installation of 610 sq. ft. of native, riparian plantings to mitigate the proposed project impacts within the riparian buffer. A planting and monitoring plan is proposed within the HMMP (received January 2022). The proposed project, including mitigation plantings will be accessed via an existing dirt road when possible.

8. Douglas County issued a Determination of Non-significance on March 28, 2002 in accordance with WAC 197-11-355 (Optional DNS).
9. Agency comments were received from the Washington State Department of Ecology, Chelan County PUD, and the Confederated Tribes of the Colville Reservation (Attachment A); no other agencies commented.
10. The Chelan County PUD finds the ground-based boatlift to have minimal impact to the Rocky Reach Hydroelectric project, and does not have concerns with the application. The PUD requests that the final approval be conditioned upon the applicant receiving a District license for the ground-based boatlift.
11. Per the Confederated Tribes of the Colville Reservation, the proposed project area was adequately surveyed for cultural resources; the tribes recommends an Inadvertent Discovery Plan be in place prior to the proposed project's implementation.
12. An Inadvertent Discovery Plan was submitted for the proposed installation a ground-based boatlift by Grette Associates, LLC (Attachment B).
13. 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; no comments have been received from private citizens.
14. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

Suggested Conclusions:

1. The installation of the one (1) ground-based boatlift/mitigation plantings/monitoring reports 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. The proposed project, as designed, is consistent with applicable federal, state and local laws and regulations.
3. Public interests will be served by approval of this proposal.
4. The proposed project, as designed, is consistent with Title 18 "Zoning" and Title 19 "Environment" of the Douglas County Code.
5. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

Suggested Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials on file submitted January 2022 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 January 2022), 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 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 installation of the boat lifts if weather conducive (i.e. not during winter months). 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 January 2022) 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.
10. After the mitigation plantings have been installed, year 2, the applicant shall contact the County to schedule a site inspection to confirm mitigation has been successful.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. A Chelan County PUD license for the ground-based boatlift is required prior to the commencement of the proposed project.
17. The applicant shall ensure the Inadvertent Discovery Plan is on-site during the installation of the ground-based boatlift and the installation of mitigation plantings.
18. 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.

Respectfully Submitted, Land Services Department

A handwritten signature in black ink, appearing to be the initials 'CD' followed by a flourish.

Associate Planner, Charity Duffy

APPENDIX A
AGENCY COMMENTS

Shari Tincher (x6589)

From: Rebecca Gordon (HSY) <Rebecca.Gordon.HSY@colvilletribes.com>
Sent: Wednesday, January 26, 2022 7:07 AM
To: Annette Jester (x6549); Shari Tincher (x6589)
Cc: Guy Moura (HSY); SEPA (DAHP)
Subject: RE: SP-2022-02 Notice of Application Packet Comments End February 21, 2022

[EXTERNAL MESSAGE]

Good Morning-

We have completed our review of permit application SP-2022-02 for the proposed installation of a boatlift with associated mitigation plantings project. The proposed project is located within the traditional territory of the *ščəlamxəx*^w or Chelan 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 and surrounding area have been previously surveyed for cultural resources, we do not feel additional cultural clearance work is needed for this project. However, we do recommend an Inadvertent Discovery Plan be in place prior to project implementation.

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
P.O. Box 150
21 Colville Street
Nespelem, WA 99155
509-634-2789 office
509-631-1173 cell
Rebecca.Gordon.HSY@colvilletribes.com

Office Hours: Monday-Thursday 6:30 AM to 5 PM

Shari Tincher (x6589)

From: Lisa Graves <lisa.graves@chelanpud.org>
Sent: Monday, January 24, 2022 4:11 PM
To: Shari Tincher (x6589)
Cc: Alicia Hankins
Subject: Comment on SP-2022-02 - St. Jean boatlift

[EXTERNAL MESSAGE]

The District finds the proposed installation of a boatlift will have minimal impact on the Rocky Reach project reservoir, and does not have any concerns with this application. The District requests final approval be conditioned on the applicant receiving a District issued license for the boatlift after all other jurisdictional approvals are received.

Thank you for the opportunity to review.

Sincerely,

Lisa

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

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



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, Washington 98903-0009 • (509) 575-2490
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 17, 2022

Tanner Ackley
Douglas County Transportation and Land Services
140 19th Street N.W.
East Wenatchee, WA 98802

Re: SEPA Register 202200291, SP-2022-02

Dear Tanner Ackley:

Thank you for the opportunity to comment during the Optional Determination of Non Significance process for the installation of a boatlift, proposed by Mike and Maria St. Jean. We have reviewed the documents and have the following comments.

SHORELANDS/ENVIRONMENTAL ASSISTANCE

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.

The proposed development should be consistent with the Shoreline Management Act (SMA), Washington Administrative Code (WAC) The local jurisdiction is responsible for ensuring the approved Shoreline Master Program (SMP) complies with local requirements and is consistent with local plans and policies, as well as state law.

There seems to be a riverine wetland identified per JARPA 5.i. The application states that no impacts to wetland and wetland buffer will occur, however the application materials do not demonstrate the location of the wetland. It may be necessary to identify wetland and buffer boundaries in the construction of the proposed boat lift to help avoid and minimize potential impacts.

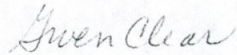
For projects within Shoreline Jurisdiction, a complete application for a substantial development, conditional use, or variance permit shall contain, as a minimum, the following information found

Tanner Ackley
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at WAC 173-27-180 and WAC 173-27-130.

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

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012
crosepa@ecy.wa.gov

APPENDIX B

INADVERTENT DISCOVERY PLAN

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

PROJECT TITLE: St Jean Boatlift; 2022-02

COUNTY WASHINGTON: Douglas

Section, Township, Range: 12, 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: Mike St Jean

Phone: 360.668.6906

Email: mstjean319@msn.com

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.

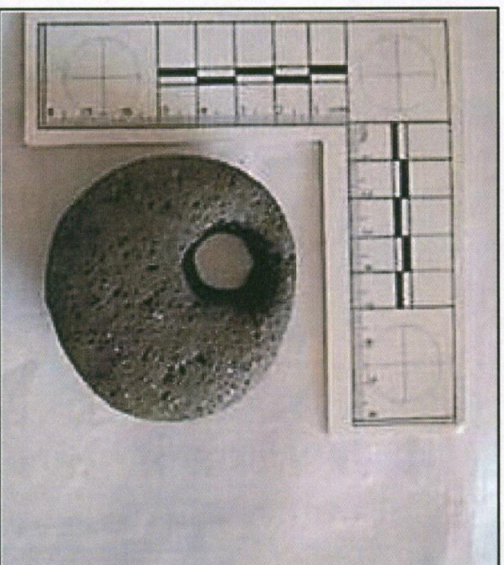


- Glass-like material
- Angular
- "Unusual" material for area
- "Unusual" shape
- Regularity of flaking
- Variability of size



Implement the IDP / UDP if ...

You see ground or pecked stone artifacts.



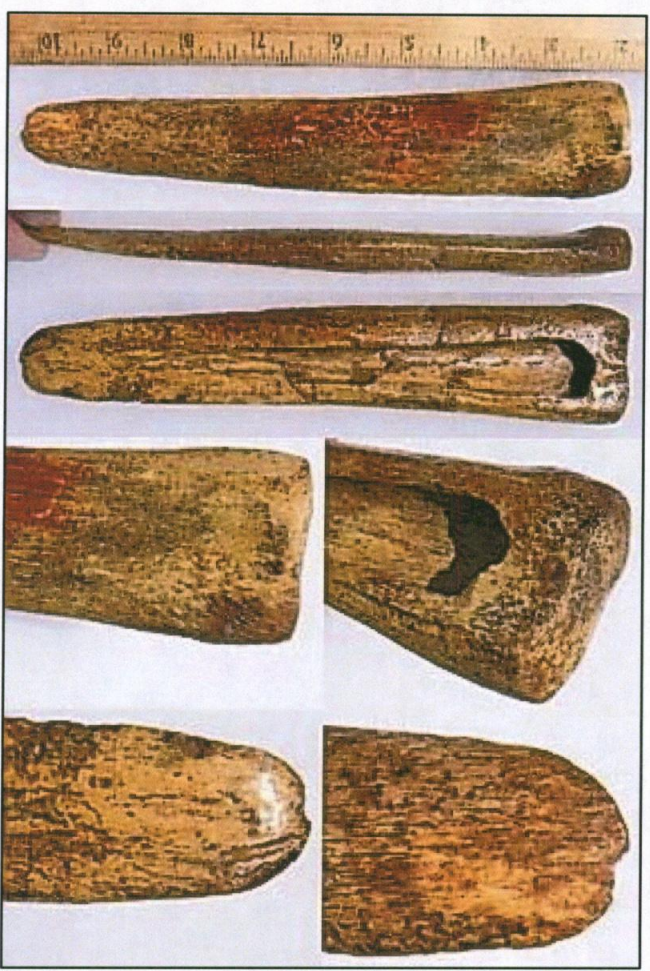
- Striations or scratching
- Unusual or unnatural shapes
- Unusual stone
- Etching
- Perforations
- Pecking
- Regularity in modifications
- Variability of size, function, and complexity

Implement the IDP / UDP if ...

You see bone or shell artifacts.

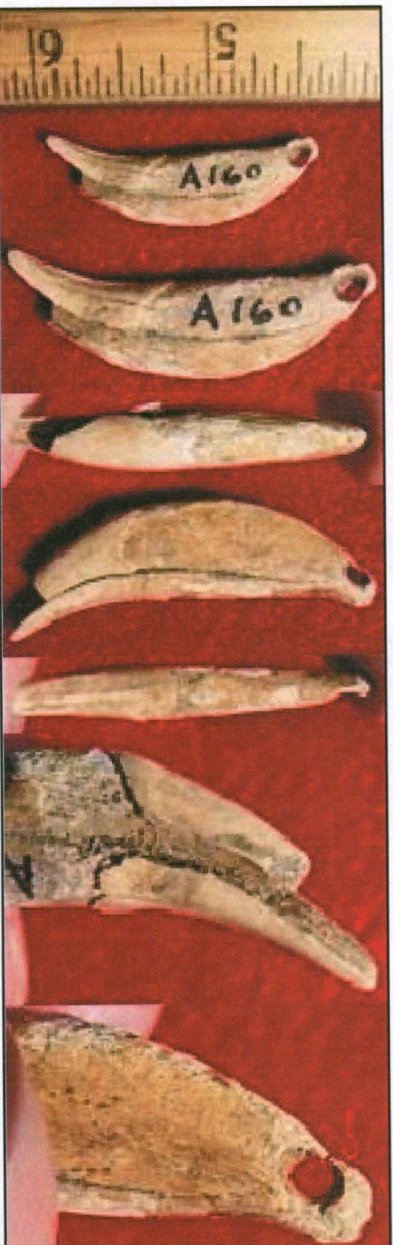


- Often smooth
- Unusual shape
- Carved
- Often pointed if used as a tool
- Often wedge shaped like a “shoehorn”

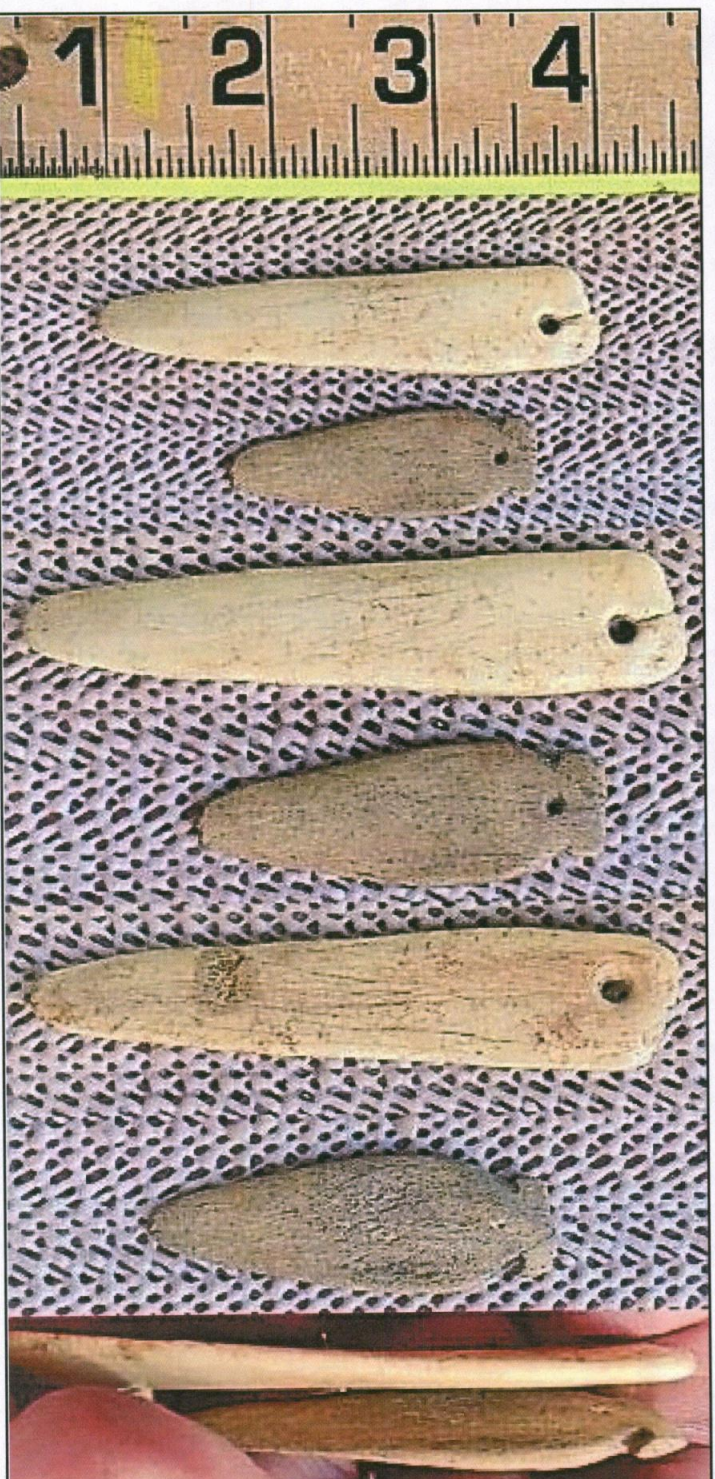


Implement the IDP / UDP if ...

You see bone or shell artifacts.



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

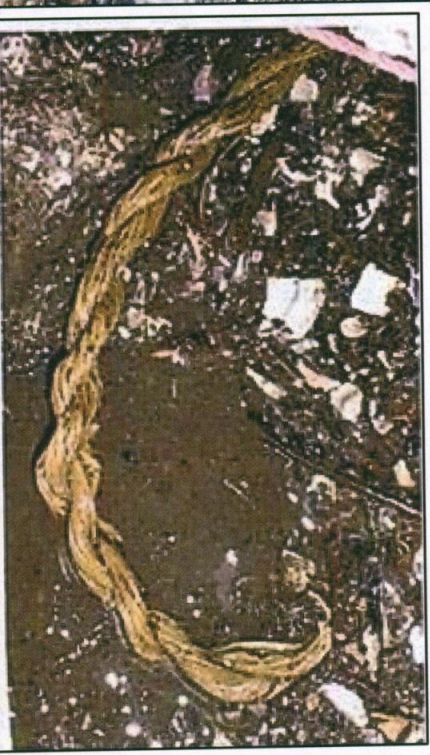


Implement the IDP / UDP if ...

You see fiber or wood artifacts.

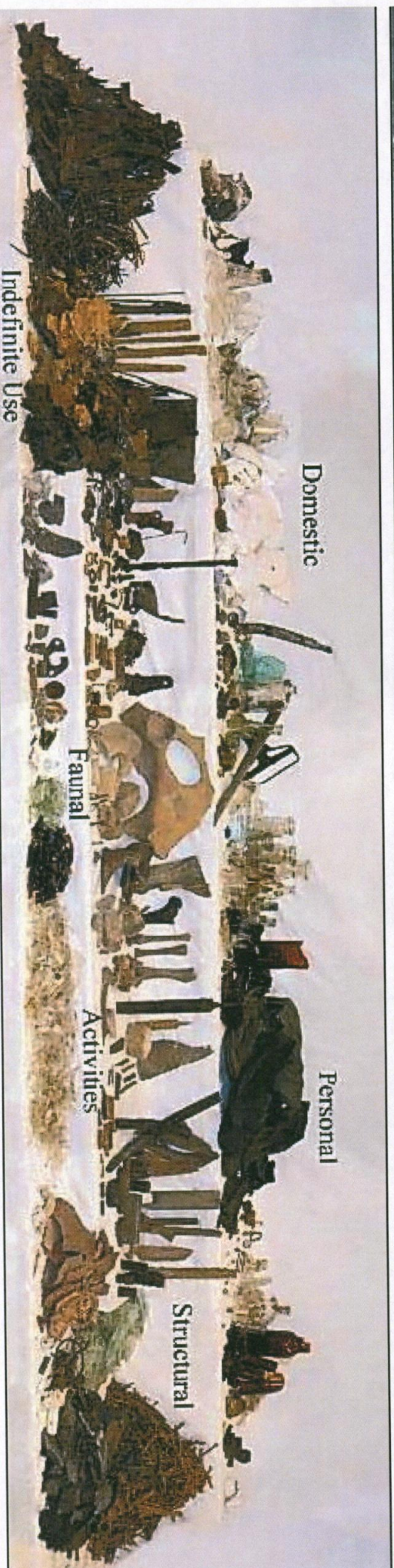
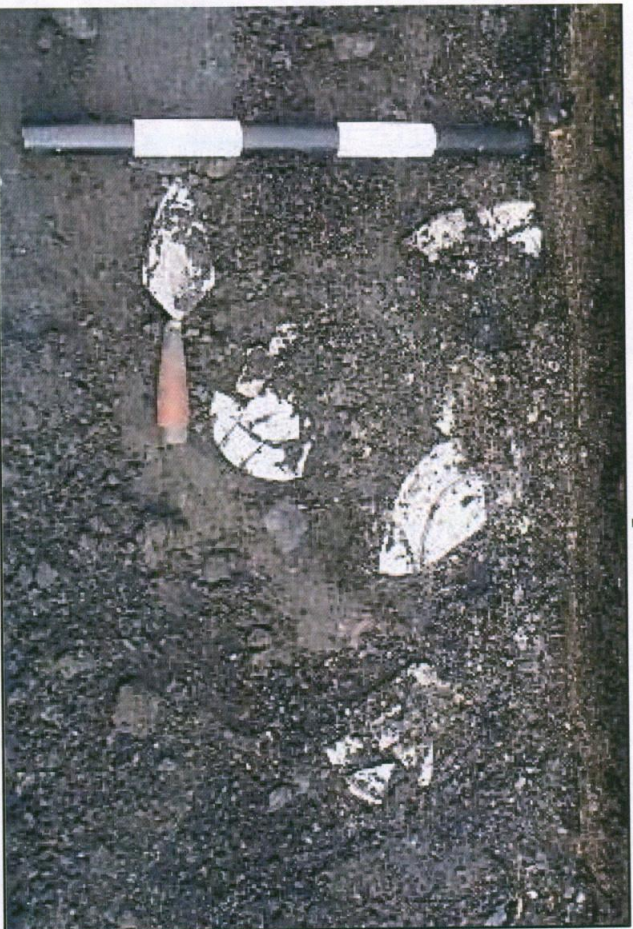


- Wet environments needed for preservation
- Variability of size, function, and complexity
- Rare



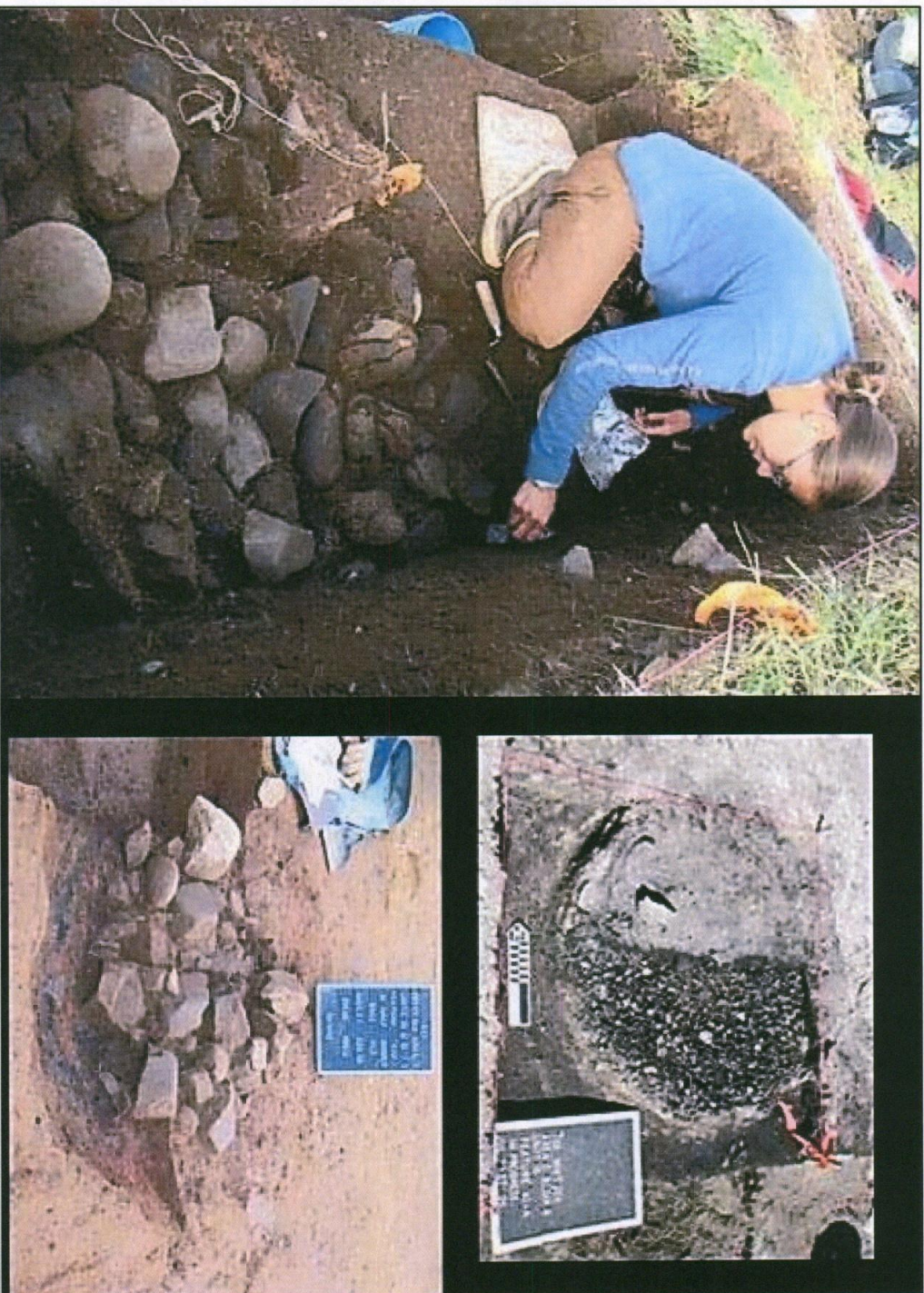
Implement the IDP / UDP if ...

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



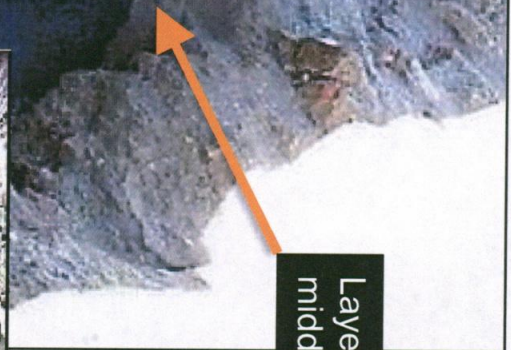
- “Unusual” accumulations of rock (especially fire-cracked rock)
- “Unusual” shaped accumulations of rock (e.g., similar to a fire ring)
- Look for the “unusual” or out of place (e.g., rock piles or accumulations in areas with few rock)

Implement the IDP / UDP if ...

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



Historic Debris



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.

