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Shorelines of Statewide Significance

INTRODUCTION

The Shoreline Management Act designates that certain shoreline areas are “shorelines of statewide significance.” West of the Cascade Mountains, the shorelines that are so designated are defined as “natural rivers or segments thereof” that have a mean annual flow of one thousand (1,000) cubic feet per second (cfs) or more and the shorelands associated with those waters^{1,2}. The legislature identified and designated the waters possessing these levels of flow as shorelines of statewide significance in WAC 173-18. The Skykomish River in Sultan meets this criterion because its mean annual flow upstream of the City is equal to or greater than 1000 cfs, therefore the Skykomish River is designated as a “shoreline of statewide significance.”

The Shoreline Management Act determined that the interests of all of the people of the state shall be considered in the management of shorelines of statewide significance. Because the shorelines of the Skykomish River are a major resource from which all people in the state derive benefit, the Master Program gives preference to uses that favor public and long range goals. Accordingly, this Master Program gives preference to uses and development that meet the principles outlined below, listed in order of preference:

1. Recognize and protect the statewide interest over local interest
2. Preserve the natural character of the shoreline
3. Result in long-term over short-term benefits

¹ RCW 90.58.030.

² “Shorelands” are defined as those lands that extend landward for two hundred feet from the ordinary high water mark, and include floodways and the associated floodplain that is within two hundred feet of that floodway, and all wetlands associated with the waters regulated under the Shoreline Management Act. A jurisdiction may choose to include all or part of its one-hundred-year-floodplain within its shoreline jurisdiction, as long as that includes, as a minimum, the floodway and the adjacent land within two hundred feet (RCW 90.58.030).

4. Protect the resources and ecology of the shoreline
5. Increase public access to publicly owned areas of the shoreline
6. Increase recreational opportunities for the public on the shorelines
7. Provide for any other element as defined in the Shoreline Management Act deemed appropriate or necessary

Strategy for Emphasizing the Shorelines of Statewide Significance Principles in Sultan Master Program

Consistent with goals and policies identified in the City's Draft Comprehensive Plan, the Sultan Master Program gives preference to these statewide goals by establishing policies and regulations for the following:

1. Riparian Management Zones
2. Floodplain Management
3. Fish and Wildlife Habitat Protection
4. Public Access and Recreational Opportunities

In the implementation of these policies, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible, consistent with the overall best interest of the state and the people generally. Uses shall be preferred that are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent on use of the state's shorelines. Alteration of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, parks and other improvements facilitating public access to shorelines of the state, and industrial and commercial developments that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline areas and interference with the public's use of the water.

RIPARIAN MANAGEMENT ZONES

The purpose of a riparian management zone is to preserve the natural character of Sultan's riverine system and to protect the resources and ecology of the shoreline. The reason for this extra level of protection and control is to provide a

recreational open space system for the City of Sultan and to enhance wildlife and fishery resources.

The shoreline along the Skykomish River is lined with a mixture of native and non-native trees and shrubs and is developed in a mixture of single-family and multi-family residential, commercial, and parks and recreation uses. Portions of the shoreline are undeveloped. Some shoreline areas have relatively intact vegetative communities, while in other areas the shoreline vegetation is very limited, or has been completely cleared. Retaining the native vegetation that exists along the shoreline will enhance the river-oriented experience both on the water and along the banks. Boaters currently use the river for fishing and others float the river in rafts, kayaks, and inner tubes. Tall trees and dense vegetation create a natural experience that complements the recreational activity and is much valued. The Sultan Comprehensive Plan's objectives for parks, recreation, and open space are supported, and an individual's river-oriented recreation experience is enhanced if the riverbank appears natural (vegetated).

Retaining the natural character of the shoreline is also important to fish and wildlife. Overhanging vegetation provides protective cover to fish and tends to attract insects on which fish feed. Rivers devoid of vegetative cover have correspondingly low fish populations. In addition, when vegetation is removed it is not always possible for fish to move to another part of the stream. Fish are territorial and will defend their place in the shade. Shade is also very important in keeping water temperatures within tolerable limits for fish in the summer. Additional information on habitat conditions and opportunities for enhancing the Sultan shoreline to protect habitat areas is provided in the shoreline inventory, provided in *Appendix E: Shoreline Characterization*.

Riparian vegetation is also critical to terrestrial wildlife. In general, wildlife values are maximized where dense and diverse vegetation along the rivers provides innumerable niches for many creatures. In fact, the diversity of native floral species along riverbanks in Western Washington allows for a diversity and stability in animal communities. Sometimes, vegetation along stream banks provides the only shelter and migrational routes for small mammals and other terrestrial species. The Sultan Master Program recognizes the importance of native plants in protecting and encouraging shoreline habitat areas.

To protect the riparian vegetation, the Master Program requires development setbacks and places stringent controls on the removal or disruption of vegetation within these setbacks, as well as recommends property owner incentives aimed at achieving improved habitat. Riparian management zone policies and regulations are presented in *Chapter 6: Shoreline Policies and Regulations*.

FLOODPLAIN MANAGEMENT

The Master Program establishes policies and direction for floodplain management. Floodplain management will provide long-term benefits to the

City of Sultan. Floodplains are a substantial feature in the City and extend throughout much of the City's shoreline jurisdiction, as well as beyond the shoreline to other developed portions of the City. Floodplain management is directed toward the reduction of the damaging effects of floods by maintaining and enhancing natural floodplain values and by making effective use of related water and land resources within the floodplain. It is an attempt to make optimal use of the floodplain, while recognizing the need for economic development, recreation, open space, and other possible uses. Floodplain management policies and regulations are presented in *Chapter 6: Shoreline Policies and Regulations*.

Floodplain management can reduce the risk to life and property as well as lower public expenditures for flood protection and relief. Floodplain management can also enhance natural floodplain values. These values include the protection of water resources by moderating flood velocities, improving water quality, and allowing for groundwater recharge. Living resource values also benefit from floodplain management. Fish and wildlife and plant resources and habitat can be enhanced by periodic flooding and, in some cases, the primary source of water in floodplain wetlands is derived from such flooding. Floodplains also provide cultural values through the scenic views that lie within the river valleys.

The Master Program requires careful evaluation of proposed shoreline development to determine what influence, if any, the development will have on flood events. Shoreline developments must demonstrate that there will be no unacceptable increase in the incidence of flooding, either downstream or upstream of the proposed site. In addition, the Master Program provides protection of wetlands that reduce flooding by providing temporary storage of floodwater, thus reducing downstream volumes and velocities.

FISH AND WILDLIFE HABITAT PROTECTION

In addition to establishing riparian management zones for the enhancement of fish and wildlife, this Master Program provides policies and regulations for wetland protection. Wetlands associated with streams and drainages that run into the Skykomish, Sultan, and Wallace Rivers can serve as critical habitat for fish populations. Wetlands also provide wildlife habitat, especially for waterfowl. Wetlands provide food, protection from predators, and nesting and rearing areas. Loss of wetlands drastically reduces the critical habitat required by these species.

In addition to migrating waterfowl and shorebirds, many species in the Sultan area depend upon wetlands for food, shelter, breeding and nesting sites, and water, including peregrine falcons and wintering bald eagles. In addition to birds, mammals, including deer, raccoon, opossum, beaver, muskrats, and other small rodents utilize wetlands for all or part of their life cycle.

In addition to providing food resources for organisms foraging within a wetland, wetlands can also export food to adjacent ecosystems. This function is termed "food chain support." Typically, food chain support involves the passive

movement of food items due to water movements or the actual migration of organisms from wetlands to other environments. Food chain support involves aquatic organisms as well as insects, amphibians, birds, or small mammals.

PUBLIC ACCESS AND RECREATION

The Master Program requires public access to the shoreline as a condition of approval for many types of development. The authority to require public access derives from the Public Trust Doctrine, which gives individual states the responsibility to hold certain natural resources in trust for the people.³ The beds and waters of navigable rivers fall into this category. Public access to these public trust areas is a priority in the state and is a goal to be achieved through local shoreline planning. Within the City's shoreline jurisdiction, these resource areas include wildlife conservancies and natural areas as well as trails, boat ramps, and other recreational areas.

The Master Program policies and regulations recognize the special advantage that Sultan has to provide and protect such public access, open space, and recreational amenities to its residents. While land uses adjacent to the river have changed significantly over the last few decades, there is a great deal of natural quality to the riverbank remaining. At this time, the predominant land uses along the shorelines of the Skykomish River is residential or undeveloped. Similarly, land uses within the UGA along the east bank of the Sultan River are also predominantly residential or undeveloped. Along the Sultan River and portions of the Wallace River within the City's shoreline jurisdiction, predominant land uses are parks, open space, and recreational areas.

³ "The Public Trust Doctrine (PTD) is a principle based in English Common Law that the state holds domain and sovereignty over all shorelands and navigable water, and administers this right to maintain the public's right to fishing and navigation (and possibly more, depending upon the state) above all other claims of use and ownership. In other words, the state can sell the land, but can not sell the public's right to access the tidelands (land beneath the high tide mark)." *Public Trust Doctrine in Washington State* by Jill Sheldon, Deputy Director, Center for Environmental Law & Policy.