

Appendix C - Restoration Planning: Assessment and Opportunities

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1.1 Introduction

The SMA (RCW 90.58) requires a balance of potentially conflicting goals with respect to how the state's shorelines should be used, developed and managed. For example, the need to provide places for water-dependent intensive uses such as ports, marinas, and recreation must be balanced with environmental protection of the shorelines as a natural resource.

Traditionally, enhancement or other improvements to shoreline ecological functions have either been voluntary or in the form of mitigation for impacts resulting from development. The current guidelines for updating local SMPs address this deficiency by requiring local SMPs to develop goals, policies, and actions to proactively pursue and promote restoration of the shoreline environment. The governing principles of the guidelines (WAC 173-26-186) state:

Through numerous references to and emphasis on the maintenance, protection, restoration, and preservation of "fragile" shoreline "natural resources," "public health," "the land and its vegetation and wildlife," "the waters and their aquatic life," "ecology," and "environment," the Act makes protection of the shoreline environment an essential statewide policy goal consistent with the other policy goals of the Act (WAC 173-26-186(8)); and

For counties and cities containing any shorelines with impaired ecological functions, master programs shall include goals and policies that provide for restoration of such impaired ecological functions (WAC 173-26-186(8)(c)).

The guidelines to prepare or amend SMPs further states:

The goal of this effort is master programs which include planning elements that, when implemented, serve to improve the overall condition of habitat and resources within the shoreline area of each city and county. (WAC 173-26- 201(c))

The guidelines define “restoration” or “ecological restoration” as “...the reestablishment or upgrading of impaired ecological shoreline processes or functions...Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions” (WAC 173-26-020(27)).

In terms of shoreline management planning under the current guidelines, “restoration” is focused on areas where shoreline ecological functions have been degraded from past development activities. In this context, restoration is narrowly defined but can be broadly implemented through a combination of programmatic measures (e.g., surface water management; water quality

improvement; public education) and site-specific projects (e.g., restoration of subestuaries/stream mouth deltas). The guidelines state that:

...master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded non-regulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or non-regulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards (WAC 173-26-186(8)(c)).

It is important to note that the guidelines do not state that local programs should or could require individual permittees to restore past damages to an ecosystem as a condition of a permit for new development (Ecology, 2004). However, the Town does have the opportunity to add conditions to Shoreline Substantial Development, Conditional Use, and Variance permits to assure consistency with the SMA and local SMP regulations and policies. Likewise, the Department of Ecology may place conditions on Shoreline Conditional Use and Variance permits consistent with the Town's SMP and the SMA. In cases where shoreline development will have unavoidable impacts requiring mitigation, the mitigation design could be informed by and coordinated with the overall SMP restoration planning objectives.

1.2 Restoration Planning

This Restoration Plan builds on the Town of La Conner Shoreline Inventory, and the Shoreline Inventory and Characterization (Town of La Conner 2011a and 2011b) which provided a comprehensive inventory and analysis of conditions within the Town's Shoreline Environment. The comments received from stakeholders and input of the Technical Advisory Committee (Planning Commission) that reviewed this Restoration Plan have been added or addressed. The intent of this Restoration Plan is to provide local project proponents (development or restoration projects) with the guidance necessary to plan and execute a restoration project that meets No Net Loss requirements, improve shoreline ecological functions, and be consistent with community and stakeholder restoration goals.

The information presented in this Restoration Plan will be used as a basis for subsequent tasks associated with the SMP update process, including revisiting the Cumulative Impacts Analysis and the No Net Loss Report.

1.3 Goals and Policies

Goals

1. Improve ecological shoreline functions in key areas where beneficial restoration can be achieved without infringing upon existing water-dependent or water-related uses.
2. Prioritize degraded areas and impaired ecological functions for restoration;
3. Improve degraded areas, impaired ecological functions, and sites with potential for ecological restoration;

Policies

1. Provide local project proponents (development or restoration projects) with the guidance necessary to plan and execute a restoration project that meets No Net Loss requirements, improve shoreline ecological functions, and be consistent with community and stakeholder restoration goals.
2. Identify existing and ongoing projects and programs that are currently being implemented, or are reasonably assured of being implemented (based on an evaluation of funding likely in the foreseeable future), which are designed to contribute to local restoration goals;
3. Identify additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources for those projects and programs;
4. Establish timelines and benchmarks for implementing restoration programs and achieving local restoration goals; and
5. Provide mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review their effectiveness in meeting the overall restoration goals.

1.4 Plans and Programs

The Town has several local plans that are maintained and updated annually or periodically. Additionally, Town staff updates programmatic elements that provide technical data to update various plans. The Capital Improvements Program (CIP) and the Transportation Improvements Program (TIP) provide information annually to update the Capital Facilities Plan. The primary planning documents for the Town of La Conner are:

- *Comprehensive Plan* – This is a Growth Management Act product that sets the overarching goals and policies that govern land use code development and enforcement.
- *Capital Facilities Plan* – This is a companion plan to the Comprehensive Plan that establishes infrastructure needs to serve the population and land uses described in the Comprehensive Plan. It also the framework funding and estimated costs for proposed capital projects.

- *Parks Plan* – This plan outlines recreational needs and facilities for the Town and provides goals and policies to guide future facilities development.
- *Stormwater Management Plan* – In compliance with the Department of Ecology’s Stormwater Management Technical Manual, this plan provides inventory and proposed projects that collect, treat and dispose of the Town’s stormwater.
- *Water System Plan* – The Town is a water service provider for the western region of Skagit County adjacent to the Swinomish Channel. This plan outlines service demands and capacity.
- *Port of Skagit County Maintenance Plan* – This plan provides and inventory and maintenance schedule for the Port’s stormwater system.

Each of these plans provides essential guidance to staff, elected officials and volunteers to provide and maintain essential services for the Town. Virtually all of these plans have a connection or interaction with the shoreline environments. Many of the goals and policies in the SMP are derived from these plans for consistency.

1.5 Restoration Opportunities

Within the Town, due to the built out nature of developments within the shoreline, there are limited areas available for restoration. The Town has identified five sites with degraded conditions that abut the Swinomish Channel where future restoration/mitigation could occur. These sites include four street-end public access points within Reach 2 and the Conner Way Waterfront Park under the Rainbow Bridge within Reach 3.

The most significant opportunity for restoration of shoreline is along the waterfront adjacent to Conner Way in the vicinity of the Maple Ave/Pioneer Parkway bridge (“Rainbow Bridge”), between the Sherman Street public boat launch and the Pioneer Point Marina. This area is currently vacant and generally possesses degraded conditions. A portion of the area was formerly occupied by the Olympic Seafood plant, and is now planned to become the Conner Way Waterfront Park. This park will have a water-enjoyment and public access component, as it will be designed for public use. Ecological restoration that will occur as part of development of the park will primarily involve establishing native marine riparian vegetation west of Conner Way and potentially incorporating LWD into the shoreline. For future mitigation opportunities ecological restoration could include establishing additional native riparian vegetation within the buffer, adding additional LWD, developing salt marsh areas in the upper beach and eelgrass in the lower beach, removing derelict manmade structures and debris, and improving substrate conditions by removing debris and angular rock and replacing with gravel or sand/silt.

The Table 4-1 in Appendix C presents a summary of degraded areas with potential for restoration.

1.6 Funding

Funding for the restoration activities is derived from a mixture of public and private sources for development projects. Much of the funding for Town facilities within the shoreline comes from the general fund and grants such as those from the Recreation and Conservation Office (RCO).

Transportation projects receive grant funding from the Transportation Improvement Board. Stormwater and Water Utility projects are also funded through loans from the Public Works Trust Fund. Appendix C Tables 4-1 & 4-2 show various agency and funding source involvement.

1.7 Implementation and Monitoring

Purpose and Need

The intent of this Restoration Plan is to provide local project proponents (development or restoration projects) with the guidance necessary to plan and execute a restoration project that meets No Net Loss requirements, improve shoreline ecological functions, and be consistent with community and stakeholder restoration goals.

Fundamental assumptions and concepts

The Town's shoreline environments are dominated by commercial land use in the historic downtown core (most of Reach 2) with some residential and public use areas. To the south of downtown (southern end of Reach 2 and Reach 3), land use is primarily urban commercial/industrial and to the north of downtown (Reach 1) is a mix of urban commercial and urban industrial. Within the Town, due to the built out nature of developments within the shoreline, there are limited areas available for restoration. The Town has identified five sites with degraded conditions that abut the Swinomish Channel where future restoration/mitigation could occur. These sites include four street-end public access points within Reach 2 and the Conner Way Waterfront Park under the Rainbow Bridge within Reach 3.

Restoration Principles and Implementation

Previous sections above discuss the Street End and Conner Way Waterfront Parks as sites for both short-term and long term restoration efforts. The Town has developed an implementation strategy and schedule for the short-term aspects of these projects to ensure effective and timely implementation. Development of the public access, furnishing (e.g., benches and picnic tables), and landscaping/riparian enhancement components of these projects will be completed by 2015 (short-term). Implementation and funding strategies for these projects are presented in the Parks Plan and Capital Facilities Plan (Town of La Conner 2013a and 2013b).

Mitigation projects will occur at these sites over both the short-term and long-term as mitigation needs arise for project impacts on riparian or in-water environments within the Town.

Future restoration projects at these sites that are not part of existing planned developments or are not satisfying future mitigation needs will occur over the long-term as the Town and project partners (e.g., non-profits, agencies or tribes) work together to achieve the common goals of water quality improvement and near-shore habitat enhancement and restoration.

Monitoring Principles

Three types of monitoring are defined: implementation, effectiveness, and validation. Monitoring should be driven by specific questions, goals, and objectives and should be used as the basis for determining if restoration goals are being met. Monitoring should be long-term, interdisciplinary, and interagency. Another component of monitoring is information management; data should be well documented and available to others.