

**STEVENS COUNTY
SHORELINE MANAGEMENT MASTER PROGRAM**

RESOLUTION NO. 78-1999

July 27, 1999

TABLE OF CONTENTS

Page

SHORELINE HISTORY AND GEOGRAPHIC APPLICATIONS.....2

CHAPTER 1 LEGISLATIVE AND LEGAL FRAMEWORK.....5

CHAPTER 2 THE STEVENS COUNTY PROCESS.....7

CHAPTER 3 GENERAL GOAL STATEMENTS.....7

CHAPTER 4 GENERAL SHORELINE POLICIES AND REGULATIONS.....8

**CHAPTER 5 SHORELINE ENVIRONMENTS DESIGNATIONS,
INTERPRETATION, CRITERIA, POLICIES
AND REGULATIONS.....15**

CHAPTER 6 SPECIFIC SHORELINE USE POLICIES & REGULATIONS.....20
Including: AGRICULTURE; AQUACULTURE; BOATING FACILITIES;
COMMERCIAL; FLOOD CONTROL MANAGEMENT;
COMMERCIAL FOREST MANAGEMENT; IN-STREAM
STRUCTURES; INDUSTRY; MINING; RECREATION;
RESIDENTIAL; TRANSPORTATION and UTILITIES.

**CHAPTER 7 SHORELINE MODIFICATION ACTIVITIES POLICIES AND
REGULATIONS.....39**
GENERAL POLICIES AND REGULATIONS
BREAKWATERS
BULKHEADS
DIKES & LEVEES
DREDGING
LANDFILL
PIERS & DOCKS
REVTMENTS

CHAPTER 8 ADMINISTRATION47

CHAPTER 9 ENFORCEMENT AND PENALTIES.....55

CHAPTER 10 MASTER PROGRAM AMENDMENTS AND REVIEW58

CHAPTER 11 DEFINITIONS.....59

HISTORY OF SHORELINE MANAGEMENT ACT

In 1969, the Washington State Supreme Court decided, in the case of Wilbur v. Gallagher (77 Wn 2d 302) commonly known as the "Lake Chelan Case", that certain activities along shorelines were contrary to the public interest. The court decision required that the public interest be represented in the proper forum for determining certain uses of shoreline properties. The ramifications of this decision was significant in that developers, environmentalists, and other interested parties began to recognize, although probably for different reasons, the need for a comprehensive planning and regulatory program for shorelines.

Wilbur v. Gallagher was a case primarily involving property rights. It was decided at a time of heightened environmental awareness. Federal legislative committees were hearing the beginnings of what eventually became the National Environmental Policy Act of 1969. "Earth Day" and the concept of "spaceship earth" were part of the American scene. "Conservationists" had become "environmentalists" and some had even gone so far as to call themselves "ecologists". Whatever the name or concept, concern for fragile ecological areas became important, along with the rights of private property ownership.

Voters of the state, seeing the failure of the Seacoast Management Bill in the State legislature, validated an initiative petition commonly entitled the "Shoreline Protection Act". The State legislature, choosing between adoption of the people's initiative petition or passage of its own alternative, passed into law the "Shoreline Management Act of 1971" (SMA), effective June 1, 1971, which contained the provision for both statutes to be referred to the electorate in the November 1972 election. It is important to keep in mind the SMA was a response to a people's initiative, and was ratified by the voters, giving the Act a populist foundation as well as an environmental justification. The provisions of a Shoreline Management Act established a planning and regulatory permit program, which is initiated at the local level under State guidance.

This cooperative effort balances local and state-wide interests in the management and development of shoreline areas by requiring local governments to plan (via shoreline master programs) and regulate (via permits) shoreline development. Local government actions are monitored by the Washington Department of Ecology (WDOE), which approves new or amended shoreline master programs (SMP), reviews substantial development permits, and reviews conditional use permits and variances. A shoreline comprehensive plan designed for local needs and perspectives is called a "master program". Collectively, the local master programs comprise the State Shoreline Master Program.

GEOGRAPHIC APPLICATIONS OF THE SHORELINE MANAGEMENT ACT AS IT APPLIES TO STEVENS COUNTY

The Shoreline Management Act (See specifically RCW 90.58.030) and the Stevens County Shoreline Master Program covers all "shorelines of the state" which includes shorelines and "shorelines of state-wide significance" within the Washington State and Stevens County. In general, these include:

- Streams and rivers with a mean annual flow of 20 cubic feet per second (cfs) or more and most of the lands underlying them;
- Lakes and reservoirs equal to or larger than 20 acres in area and most of the lands underlying them;

- Those lands extending land-ward for two-hundred (200) feet as measured on a horizontal plane from the ordinary high water mark (OHWM) or floodway boundary, whichever is greater, of "shorelines of the state".
- Wetlands associated with the above.
- The following lakes, rivers and streams and the wetlands associated with them are within the jurisdiction of the Stevens County Shoreline Management Master Program: (WACs 173-18-046 and 173-20-046 shall apply in the event of any omissions from the following listing.)

Little Falls Res.	T27N-R39E
Newbill Lake	T30N-R37E
Grays Lake	T31N-R40E
Waitts Lake (Res.)	T31N-R40E
Jumpoff Lake	T31N-R40E
Beitey Res.	T31N-R41E
Nelson Lake	T31N-R41E
Clark Lake	T32N-R37E
Rainbow Lake	T32N-R39E
Horseshoe	T32N-R41E
Bayley Lake	T34N-R41E
Pond No. 1	T34N-R41E
Rocky Lake	T35N-R39E
Keogh Lake	T35N-R40E
White Mud Lake	T35N-R40E
Hatch Lake	T35N-R40E
Gillette Lake	T36N-R42E
Sherry Lake	T36N-R42E
Coffin Lake	T36N-R42E
Peterson Swamp	T37N-R39E
Echo Lake (Lake City)	T37N-R39E
Dilly Lake	T38N-R37E
Perkins Lake	T38N-R37E
Ryan Lake	T38N-R37E
Williams Lake	T38N-R38E
Phelan Lake	T38N-R39E
Pierre Lake	T39N-R37E
Pepoon Lake	T39N-R39E
Deep Lake	T39N-R41E
Cedar Lake	T40N-R41E
Little Joe	T40N-R41E

STEVENS COUNTY LAKES OF STATE-WIDE SIGNIFICANCE (WAC 173-20-690)

Long Lake/Lake Spokane	T27N-R39E
Deer Lake	T30N-R41E
Loon Lake	T30N-R41E
Lake Roosevelt	Within the County

STEVENS COUNTY RIVERS OF STATE-WIDE SIGNIFICANCE (WAC 173-18-370)

Big Sheep, Columbia, Colville, Kettle, Spokane

STEVENS COUNTY RIVERS and STREAMS (WAC 173-18-370)

Big Sheep Creek - Sec.2, T40N, R38E down- stream to mouth at the Columbia River near Sand Point (Sec.30, T40N, R40E). The 200 cfs MAF point begins at mouth of Little Sheep Creek (Sec. 14, T40N, R39E).

Chamokane Creek - From the confluence of Chamokane Creek and unnamed stream (Sec.23, T29N, R40E) downstream left shore only (right shore in Spokane Indian Reservation) to mouth on Spokane River (Sec.15, T27N, R39E).

Chewelah Creek - From the confluence of the North Fork and the South Fork Chewelah Cr. (Sec.11, T32N, R40E) downstream to mouth on Colville River (Sec. 23, same township).

Colville River - From the confluence of Deer Cr. and Sheep Creek (Sec.9, T30N, R40E) downstream to mouth at Columbia River (Sec.36, T36N, R37E). This river has over 300 sq. miles of drainage area ending at mouth of Chewelah Creek (Sec.23, T32N, R40E).

Columbia River - From the United States-Canadian boundary (Sec.2, T40N, R41E) down- stream to Spokane Indian Reservation boundary (Sec.23, T29N, R35E). This river has over 200 cfs MAF at U.S.-Canadian border.

Deep Creek (South Fork) - From the confluence of Rocky Creek and South Fork of Deep Creek in (Sec.8, T37N, R41E) downstream to confluence North Fork Deep Creek and Deep Creek in (Sec. 5, T38N, R41E).

Deep Creek (North Fork) - From the confluence of McKinnon Creek and North Fork Deep Creek in Sec.11, T39N, R41E) downstream through Deep Lake to confluence with South Fork Deep Creek and Deep Creek in (Sec. 5, T38N, R41E).

Deep Creek - From the confluence of the South Fork and North Fork of Deep Creek in (Sec. 5, T38N, R41E) downstream to mouth at Columbia River (Sec.34, T40N, R40E).

Kettle River - From the United States-Canadian border (Sec.2, T40N, R36E) down- stream along Ferry-Stevens Co. line. Left bank only to (Sec.20, T38N, R37E). This stream has both 200 cfs MAF and 300 sq. miles of drainage area at U.S.-Canadian border.

Little Pend Oreille River - From the Pend Oreille County border (Sec. 4, T36N, R6E) to the Colville River (Sec.10, T34N, R39E).

Little Sheep Creek - From the confluence of Boundary Creek and Little Sheep Creek (Sec. 10, T40N, R39E) downstream to mouth at Big Sheep Creek (Sec.14, same township)

Mill Creek - From Sec.15, T36N, R40E down stream to the Colville River (Sec.31, T36N, R39E).

Onion Creek - From the confluence of Onion Creek and unnamed creek (Sec.12, T38N, R39E) downstream to mouth at Columbia River (Sec.23, T39N, R39E).

Spokane River - From the Spokane County line on the Spokane River (Sec.32, T27N, R42E) downstream through Long Lake to the Spokane Indian Reservation boundary (Sec.15, T27N, R39E), right shore only. This river has 300 sq. miles of drainage area and over 200 cfs MAF at the Spokane County line.