

**INTERLOCAL AGREEMENT BETWEEN
KITTTAS COUNTY, THE CITY OF ELLENSBURG,
THE CITY OF CLE ELUM AND THE TOWN OF SOUTH CLE ELUM
FOR
REGIONAL SHORELINE MASTER PROGRAM UPDATE PROCESS**

THIS IS AN INTERLOCAL AGREEMENT, entered into under the authority of the Interlocal Cooperation Act, Chapter 39.34 RCW, between Kittitas County (herein referred to as "Kittitas County"), the City of Ellensburg, the City of Cle Elum, and the Town of South Cle Elum (hereinafter referred to as "Cities/Town"), all municipal corporations of the State of Washington (hereinafter collectively referred to as "the Parties").

RECITALS:

WHEREAS, pursuant to Chapter 39.34 RCW (Interlocal Cooperation Act), one or more public entities may contract with one another to perform government functions or services which each is by law authorized to perform; and

WHEREAS, the Washington State Shoreline Management Act (RCW 90.58) and its associated rules (WAC 173-26) require local governments to administer shoreline master programs that include policies and regulations that govern designated shorelines within their respective jurisdictions; and

WHEREAS, Kittitas County and the Cities /Town are required to update their shoreline master programs by December 1, 2013 [RCW 90.58 (2)(a)(v)];

WHEREAS, the Washington State Legislature has provided funding through the Washington Department of Ecology (Ecology) for local governments to update their shoreline master programs; and

WHEREAS, Kittitas County and the Cities/Town have agreed to coordinate to update their shoreline master programs using grant funding from Ecology; and

WHEREAS, Kittitas County has received an initial grant funding commitment of \$535,000.00 from Ecology for the update process and will manage and administer the grant funding and the development of the shoreline master program updates with input from the Cities/Town and other interests; and

WHEREAS, because shorelines cross jurisdictional boundaries, regulation of shoreline areas, public access to the shoreline, and development in and adjacent to the shorelines is best achieved through cooperative and collaborative planning; and

WHEREAS, funding and timing efficiencies and economies of scale in use of grant funds can be realized by cooperative and collaborative shoreline planning;

NOW, THEREFORE, the Parties agree as follows:

1. ADOPTION OF RECITALS

The recitals set forth above are hereby adopted as the factual basis for this Agreement.

2. PURPOSE

The purpose of this Agreement is to set forth:

- 2.1 Administrative responsibilities;
- 2.2 Agreed-upon goals; and
- 2.3 Identified tasks and responsibilities for cooperative shoreline master program updates.

3. ADMINISTRATIVE RESPONSIBILITIES

This Agreement does not establish a separate legal entity to carry out the cooperative shoreline master programs updates undertaken herein. The following paragraphs identify administrative responsibilities for cooperative shoreline master programs updates.

- 3.1 Project Manager. Kittitas County is the Project Manager designated to administer this Agreement.
- 3.2 Communications. The Project Manager and Cities/Town will communicate via in-person meetings, telephone or e-mail to relay information, answer questions, or raise concerns. All Parties will respond promptly to communications. The Project Manager will ensure that information related to the project is timely provided to the Parties, between the Parties, and between the Parties and the Washington State Department of Ecology.
- 3.3 Documents to be Provided. The Project Manager will distribute to each Party an electronic copy, or where electronic copies are not efficacious, one (or more if necessary) hard copies of review documents and deliverables.
- 3.4 Record-Keeping. The Project Manager will keep the official project records and make them available to the Cities/Town for record keeping associated with adoption of each jurisdiction's local shoreline master program.

4. AGREED-UPON GOALS

The Parties agree to the following goals necessary for cooperative shoreline master program updates:

- 4.1 It is the Parties' intent to develop consistent shoreline master programs.
- 4.2 Each Party will cooperate to carry out the terms of the grant agreement with Ecology, a draft copy of which is attached hereto as Exhibit A.
- 4.3 The Parties will jointly establish countywide shoreline goals, and a regional approach to public participation, the shoreline master program inventory, analysis, characterization, and identification of restoration opportunities.
- 4.4 To the extent possible, the Parties will jointly develop shoreline environment designations, a restoration plan, shoreline policies and regulations, and cumulative impacts assessment/no net loss demonstration.

5. IDENTIFIED TASKS AND RESPONSIBILITIES

- 5.1 The Parties hereby designate Kittitas County as the "Recipient" of any Department of Ecology Shoreline Management Act grant funds made available to the Parties for purposes of cooperative development of updated shoreline master programs for each of the separate Cities/Town. Funding shall also be provided from Kittitas County from the Regional Shoreline Master Program grant to the City of Ellensburg for staff assistance in development of its shoreline master program and, as the City determines to be necessary, to perform additional public participation activities beyond the scope of this Interlocal Agreement. Said funding shall not exceed \$15,000.00 and shall be available until June 30, 2013. Access to any unexpended funds from the \$15,000.00 after June 30, 2013 is subject to legislative appropriation in the 2013-2015 Biennium.
- 5.2 As Recipient of Department of Ecology grant funds, Kittitas County will be responsible to the Department of Ecology for administration of the grant, and for submission to the Department of Ecology of all required deliverables, reports, and accounting for funds as required by the grant agreement, including an updated shoreline master programs for each of the separate Cities/Town in cooperation with those Cities/Town.
- 5.3 Kittitas County shall work with the Cities/Town to develop an appropriate approach to produce each jurisdiction's shoreline master program. Kittitas County will also work with other interests participating in the shoreline master program update regarding the general direction of the effort.
- 5.4 As Recipient of Department of Ecology grant funds and as the Project Manager for this Regional Shoreline Master Program process, Kittitas County is responsible for preparation of an independent shoreline master program for each jurisdiction that meets the State's procedural and substantive requirements. Kittitas County will distribute each independent shoreline master program to the respective Cities/Town and will provide staff and consultant services to the Cities/Towns for their local shoreline master program adoption process. The Cities/Town are responsible for providing limited staff assistance in gathering necessary background information, performing review of draft policies and deliverables, and for coordinating with Kittitas County for the Cities/Town SMP adoption process.
- 5.5 As Recipient of Department of Ecology grant funds and as the Project Manager for this Regional Shoreline Master Program process, Kittitas County will have the lead role in conducting public participation that is designed to engage the public within the unincorporated County and within the Cities/Town, as generally set forth in the September 28, 2011 draft Public Participation Program which is attached hereto and incorporated herein as Exhibit B to this Agreement. The Cities/Town are responsible for coordinating with and assisting the County in those public participation efforts, and may opt to conduct additional public participation within their own jurisdictions.
- 5.6 On June 2, 2009, Kittitas County entered into a Professional Services Agreement with the firm of GordonDerr LLP ("GordonDerr") for planning-related consultant services, and GordonDerr has completed some initial shoreline master program update tasks solely with County funds. Upon receipt of commitment of grant funds from the Department of Ecology, Kittitas County will enter into a Scope of Work agreement with GordonDerr for performance of additional shoreline master program update consultant services, using funds obtained from the grant.
- 5.7 Kittitas County has issued a Request for Qualifications for technical consultant services necessary to implement the SMP grant agreement Scope of Work. Upon receipt of commitment of grant funds from the Department of Ecology, Kittitas County will enter into any necessary contracts for performance of those technical consultant services, using funds obtained from the

grant.

5.8 Kittitas County shall manage the consultant work for the cooperative shoreline master program updates. The County, through its selected consultant, shall work with each of the Cities/Town to provide the Cities/Town with their respective shoreline master programs. Changes in consultant scope of work related to the Cities/Town' work products shall be approved by the respective Cities/Town.

5.9 Kittitas County and the Cities/Town will each take legislative action to adopt its own locally-adopted SMP. Changes, if any, required as a result of the Department of Ecology approval process (WAC 173-26-120) are the sole responsibility of each individual jurisdiction, if the changes are a direct result of legislative action by the Cities/Town in which the Cities/Town modify the draft shoreline master program distributed in accordance with Section 5.4.

5.10 Kittitas County may unilaterally terminate all or part of this agreement, or may reduce its scope of work and budget, if there is a reduction in funds by the source of those funds.. The Agreement shall terminate ten (10) days from the date of mailing of such termination for lack of funds. Kittitas County shall not be responsible for payment of any activities or expenses incurred after the ten (10) day notice to terminate the Agreement.

6. TERM

This Agreement shall become effective upon the date it is authorized by the governing body of each said municipal corporation. It shall remain in effect through June 30, 2014.

7. TERMINATION

Any Party may choose to terminate its participation in this Agreement by notifying the other parties in writing thirty (30) days prior to termination. The terminating party shall have access to unexpended Ecology grant funds in accordance with Department of Ecology rules and procedures. Any terminating party shall continue to be entitled to work products generated pursuant to this Agreement through the termination date of this Agreement.

8. DISPUTE RESOLUTION

Any dispute between the Parties regarding the delivery of services under this Agreement or any other controversy or claim arising out of or relating to this Agreement or the alleged breach of such Agreement which cannot be resolved may be submitted to mediation.

9. INDEPENDENT CONTRACTOR

The Parties are and shall at all times be deemed to be independent contractors in the provision of the services set forth in this Agreement. Nothing herein shall be construed as creating the relationship of employer and employee, or principal and agent, between the Parties. Each Party shall retain all authority for provision of services, standards of performance, discipline and control of personnel, and other matters incident to its performance of services pursuant to this Agreement. Nothing in this Agreement shall make any employee of any Party an employee of any other Party for any purpose, including but not limited to, for withholding of taxes, payment of benefits, workers' compensation pursuant to Title 51 RCW, or any other rights or privileges accorded their respective employees by virtue of their employment.

10. HOLD HARMLESS/INDEMNIFICATION

It is understood and agreed that each Party will be responsible for its own negligence and will, to the extent of its negligence, indemnify and hold harmless the other Parties from any and all claims, losses, or causes of action, suits and actions in equity of any kind.

11. ATTORNEYS FEES AND COSTS

All Parties shall bear their own attorneys fees and costs of enforcing the rights and responsibilities under the contract.

12. NO THIRD PARTY BENEFICIARY

The Parties do not intend by this Agreement to assume any contractual obligations to anyone other than each other. The Parties do not intend there be any third-party beneficiary to this Agreement.

13. NOTICE

Any notices to be given under this Agreement shall at minimum be delivered, postage prepaid and addressed to:

To the CITY OF ELLENSBURG:

CITY OF ELLENSBURG
501 N. Anderson Street
Ellensburg, WA 98926
Attention: Michael R. Smith, Community Development Director

To the CITY OF CLE ELUM:

CITY OF CLE ELUM
19 West First Street
Cle Elum, Washington 98922
Attention: Matt Morton, DCD Director

To the TOWN OF SOUTH CLE ELUM:

TOWN OF CLE ELUM
P.O. Box 160
South Cle Elum, Washington 98943
Attention: James DeVere, Mayor

To KITTITAS COUNTY:

KITTITAS COUNTY
411 N. Ruby Street, Suite 2
Ellensburg, Washington 98926
Attention: Kirk Holmes, Interim Director

14. WAIVER

No waiver by any Party of any term or condition of this Agreement incorporated in this Agreement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach, whether of the same or different provision.

15. INTERLOCAL COOPERATION ACT COMPLIANCE

This is an Agreement entered into pursuant to Chapter 39.34 RCW. Its purpose is as set forth in Section 2. Its duration is as specified in Section 6 (Term). Its method of termination is set forth in Section 7. Its manner of financing and of establishing and maintaining a budget therefore is described in the Grant Agreement in Section 16 (Entire Agreement). No real or personal property shall be acquired pursuant to this Agreement that will need to be disposed of upon partial or complete termination of this Agreement.

16. ENTIRE AGREEMENT

This Agreement, which incorporates the terms and conditions of the draft Grant Agreement for this project between the Washington State Department of Ecology and Kittitas County, which is attached hereto and incorporated herein as Exhibit A to this Agreement, governs and binds the parties hereto and contains all of the agreements of the parties with respect to the subject matter covered or mentioned therein, and no prior Agreements shall be effective to the contrary.

17. AMENDMENT

The provisions of this Agreement may be amended with the mutual consent of the Parties. No additions to, or alterations of, the terms of this Agreement shall be valid unless made in writing and formally approved and executed by the duly authorized agents of the parties.

18. COUNTERPARTS

This Interlocal Agreement may be executed simultaneously in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

19. DOCUMENT EXECUTION AND FILING

The Parties agree that there shall be four (4) duplicate originals of this Agreement prepared and distributed for signature by the necessary officials of each Party. Each Party who executes this Agreement shall cause two (2) undated executed originals to be returned to the Project Manager, who shall date it below. The Kittitas County Community Development Services Director shall cause a copy of this Agreement to be posted on the County website pursuant to Chapter 32, Laws of Washington 2006 (RCW 39.34.040) and shall provide a dated original to the designated Cities/Towns in Section 13 for posting of a copy on their websites. Upon posting of a copy on the County's website, such signed original shall constitute an Agreement binding upon the parties.

20. RATIFICATION

Acts taken in conformity with this Agreement prior to its execution are hereby ratified and affirmed.

21. SEVERABILITY

If any section or part of this Agreement is held by a court to be invalid, such action shall not affect the validity of any other part of this Agreement.

[signatures on following pages]

IN WITNESS WHEREOF, each of the Parties has caused this Agreement to be executed in its respective name by its duly authorized officers and has caused this Agreement to be dated as of the ____ day of _____, 2011.

CITY OF ELLENSBURG

By: _____
Bruce Tabb, Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

CITY OF CLE ELUM

By: _____
Charles J. Glondo, Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

TOWN OF SOUTH CLE ELUM

By: _____
James DeVere, Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

**BOARD OF COUNTY COMMISSIONERS
KITTTITAS COUNTY, WASHINGTON**

Attest:

Clerk of the Board

Paul Jewell, Chairman

Approved as to Form:

Alan Crankovich, Vice-Chairman

Deputy Prosecuting Attorney

Obie O'Brien, Commissioner

SMA Grant Agreement No. G1200____

between the

State of Washington Department of Ecology

and

Kittitas County

Project: Regional Comprehensive Shoreline Master Program Update

THIS is a binding agreement entered into by and between the State of Washington, Department of Ecology, (PO Box 47600, Olympia, Washington, 98504-7600) hereinafter referred to as the "DEPARTMENT" or as "ECOLOGY" and Kittitas County, hereinafter referred to as the "RECIPIENT" to carry out activities described herein, and as authorized by the Washington State Legislature under Chapter 173-26 of the Washington Administrative Code (WAC) for shoreline implementation.

Name of RECIPIENT: Kittitas County
Department: **Community Development**
Address: 411 N. Ruby Street Suite 2
Ellensburg, WA 98926

Project Manager for RECIPIENT: Kirk Holmes, Director
Telephone Number: (509) 962-7523
E-mail address: kirk.holmes@co.kittitas.wa.us

Fiscal Contact for RECIPIENT: Mandy Weed, Administrative Assistant
Telephone Number: (509) 962-7047
E-mail Address: mandy.weed@co.kittitas.wa.us

Payee on Warrant: Kittitas County Community Development Services
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Project Officer for ECOLOGY: Clynda A. Case
SEA Program, Central Regional Office
Washington State Department of Ecology
15 W. Yakima Ave., Ste 200
Yakima, WA 98902

Telephone Number: (509) 457-7125
E-mail address: clca461@ecy.wa.gov

The source of funds provided by the DEPARTMENT are from the 2011-2013 and 2013-2015 the Local Toxics Control Account, §302, Subsection 7.*

Maximum Grant Amount, Fiscal Year 1 and 2 (7/1/11-6/30/13): \$ xxxxxxxx
Maximum Grant Amount, Fiscal Years 3 (7/1/13- 6/30/14): xxxxxxxx
Total: \$ xxxxxxxx

State Maximum Cost Share Rate over all three years: 100% UP TO a maximum of \$ xxxxxxxx

The effective date of this agreement is from July 1, 2011 to June 30, 2014.*

*Year 3 funding is subject to legislative appropriation in the 2013-2015 Biennium.

Project Location Information (the following section is to be completed by the applicant for Ecology's development of the agreement)

County: Kittitas

<u>State Legislative District</u>	No. <u>13</u>	% of project within District?	<u>100</u>
	No. _____	% of project within District?	_____
(% need to total 100%)	No. _____	% of project within District?	_____

<u>Federal Congressional District</u>	No. <u>4</u>	% of project within District?	<u>100</u>
	_____		_____

Watershed/Drainage Basin (Water Resources Inventory Area)

No. <u>38</u>	% of project within WRIA?	<u>~10%</u>
No. <u>39</u>	% of project within WRIA?	<u>~80%</u>
No. <u>40</u>	% of project within WRIA?	<u>~10%</u>
_____		_____

General Note

This Standard Scope of Work is presented in three one-year increments that correspond to the steps needed to prepare a locally adopted comprehensive Shoreline Master Program update. Further guidance on some of these steps is provided in the SMP Handbook located at: <http://www.ecy.wa.gov/programs/sea/shorelines/smp/handbook/index.html>. The planning tasks in this scope of work correspond to the phases in Figure 1: Shoreline Master Program Planning Process. "Tasks" A, B, and C are common to all phases of the scope of work and are conducted throughout the update process; whereas "phases" are sequential specific work programs.

- *Phases 1 & 2 are typically conducted in Year 1.*
- *Phase 3 is typically conducted in Year 2.*
- *Phases 4 and 5 are typically conducted in Year 3.*

Some of the tasks included in this scope of work will overlap in time and may be completed simultaneously with other tasks. Some tasks are iterative (e.g., analyzing cumulative impacts, developing regulations) and may involve various steps conducted at different times in the process before they are completed.

Project Deliverables

The County shall perform the following tasks with deliverables sent to Ecology's Project Officer, indicated on Page 1 of this agreement. Select deliverables will require a *draft* submittal as well as a *final* submittal. All deliverables should include the title of the applicable task, specify if the product

is DRAFT or FINAL, and assign a version number if appropriate. The recipient shall include a written response to Ecology's comments on draft deliverables as part of the FINAL product deliverable.

All deliverables (except maps) per the scope of work below will be in Microsoft Word format, include accompanying maps as applicable and submitted in one (1) digital and one (1) hard copy version with the following exceptions:

- **Final Draft SMP:** 1 digital and 2 hard copies.
- **Quarterly Progress Reports and Payment Requests:** one hard copy each to be submitted with original signatures in *blue* ink, **due** October 20, January 20, April 20, and July 20 for each year the grant or SMP process is active. Requests for payment must be commensurate with progress to date.

Scope of Work

Project Description:

Kittitas County in coordination with the cities of Cle Elum, South Cle Elum, and Ellensburg, will complete a Regional Shoreline Master Program (RSMP) process, resulting in an independent Shoreline Master Program (SMP) for each jurisdiction, meeting the procedural and substantive requirements of the Shoreline Management Act (SMA) and its implementing rules, including the Shoreline Master Program Guidelines (Guidelines). The RSMP update process includes:

- Completion of inventory and analysis reports with corresponding maps and illustrations that characterize shoreline ecological conditions
- Development of shoreline policies, environment designations, and use regulations
- Analysis of cumulative impacts and uses
- Preparation of a shoreline restoration plan
- A formal local adoption process.

The Recipient will incorporate public participation in all phases of the RSMP update. The Recipient may use consultant support as appropriate.

Work Program: The Recipient shall perform the following tasks and phases:

Task A: Coordination

Coordinate with agencies and other entities: Coordinate throughout the SMP update process with Ecology and other applicable state agencies, neighboring jurisdictions, and Indian tribes as provided in the Guidelines and SMA procedural rules. In addition, consult with all other appropriate entities which may have useful scientific, technical, or cultural information, including federal agencies, watershed management planning units, salmon recovery lead entities, universities and other institutions, local individual outdoor recreationists and conservationists, and organizations with special expertise representing these interests.

Coordinate with adjacent jurisdictions: Coordinate with adjacent jurisdictions that share areas within shoreline jurisdiction (for example, jurisdictions on the same lake or stream) for the purpose of efficiently using grant funds; sharing information and methods of analysis; drafting compatible SMP policies, regulations, environment designations; and coordinating public involvement.

Coordinate with Ecology: Attend Ecology-sponsored coordination meetings, which occur on a regular basis, for the duration of the project. Provide Ecology opportunities for review of draft deliverables at appropriate intervals. When requested, the recipient shall include a written response to Ecology's comments on draft deliverables.

Ecology will provide ongoing technical assistance on data sources and approaches, and will evaluate consistency of deliverables with the Shoreline Management Act and applicable guidelines throughout the update process.

Deliverables:

1. Documentation of contacts in quarterly progress reports

Dates Due: October 20, January 20, April 20, and July 20 each year for three years.

2. Written responses to Ecology's comments on draft deliverables, when requested. (May be provided in email format.)

Date Due: Following receipt of Ecology's comments.

**Task B: Secure qualified consultant services and Interlocal Agreements
(if applicable)**

B.1: Secure qualified consultant services: The Recipient will participate in interviews of firms responding to a Request For Qualifications published on August 26, 2011 and will prepare a detailed scope of work for consultant services consistent with the grant scope of work and enter into a contract with the selected consultant. To ensure budgetary compatibility among all parties, the consultant's budget will be consistent with the budget as established in this grant agreement. Use the expertise of your Ecology Shoreline Planners to assist in the Scope of Work and final consultant contract review.

Deliverable: Final executed consulting contract,

Date Due: October 20, 2011 with first quarterly report and ongoing

B.2: Enter into interlocal Agreements: The Recipient (county) will coordinate this multijurisdictional RSMP process with the Cities of Cle Elum, South Cle Elum, and Ellensburg, resulting in an independent SMP for each jurisdiction. Commitments, allocated and assigned resources and responsibilities of the participating jurisdictions will be outlined in the interlocal agreement(s).

Deliverable: Final executed interlocal agreements with each jurisdiction

Date Due: October 20, 2011 with quarterly report

Task C: Implement Public Participation Plan

Throughout Phases 1 through 5 of the SMP update process, the recipient shall inform and involve the public in updating the SMP consistent with the objectives of the Shoreline Management Act (see RCW 90.58.130) and WAC 173-26. Public participation should actively engage all shoreline users and should include establishing local citizen and technical advisory committees, sharing information at open houses and workshops, conducting user surveys, and maintaining an

interactive World Wide Web site. Public participation shall continue through the formal public hearing and local SMP adoption process.

Deliverable: Documentation of public participation in quarterly progress reports.

Dates Due: January 20, April 20, July 20, and October 20 each year for three years.

The Recipient shall prepare a complete, locally approved Draft SMP by completing Phases 1 through 5 described below and in the *Shoreline Master Program Planning Process*:

http://www.ecy.wa.gov/programs/sea/grants/smp/pdf/SMP_Planning_Process.pdf

PHASE 1: Preliminary Assessment of Shoreline Jurisdiction and Public Participation Plan

Task 1.1: Identify preliminary shoreline jurisdiction

Identify the preliminary geographic scope of shorelines, including optional areas defined in statute. The preliminary area will be used for inventory and initial planning. The final shoreline jurisdiction area will be refined during later tasks. The preliminary jurisdiction mapping will include

- Statutory minimum areas consisting of the following Shorelines, Shorelines of Statewide Significance and Shorelands (per RCW 90.58.030(2)). This includes national forests and other federal or tribal areas that are not under sole jurisdiction of the federal government or tribes.
 - Rivers and streams with mean annual flow over 20 cubic feet per second.
 - Lakes and reservoirs exceeding 20 acres.
 - Associated wetlands of these areas.
 - Lands extending landward 200 feet from the ordinary high water mark, floodways and floodplain areas landward 200 feet from the floodway.

Optional areas to be included in preliminary jurisdiction and considered for inclusion in the SMP:

- Floodplains: All or part of the floodplain landward of the 200-foot mark from the floodway (per RCW 90.58.030(2)(d)(i)).
- Buffers: Buffers necessary for the protection of Critical Areas as defined in Growth Management Act regulations (per RCW 90.58.030(2)(d)(ii)).
- Future annexation areas: For cities, SMPs may include Shoreline Environment predesignation within designated unincorporated Urban Growth Areas.

Contact the Ecology project officer for the most recent maps of stream segments meeting the 20 cfs threshold and other available information. If federal or tribal areas are proposed for exclusion, provide documentation that the area is under sole jurisdiction which precludes application of local and state authorities.

Deliverable: Preliminary jurisdiction map (digital) of Shorelines of the State subject to local SMP for County and participating cities.

Note: Participating jurisdictions shall review Initial Draft and provide comments to the County within 30 days of the draft's release.

Date Due: **Initial Draft:** September 30, 2011

Final Draft: January 20, 2012 with quarterly report

Task 1.2: Prepare plan for public participation

Throughout Phases 1 through 5 of the SMP update planning process, inform and involve the public in updating the SMP consistent with the Shoreline Management Act (see RCW 90.58.130) and WAC 173-26. Prepare a public participation plan that identifies specific objectives, outreach strategies, key parties (Planning Commission and elected officials, shoreline property owners, state agencies, Tribes, local residents, neighboring jurisdictions, etc.), and establishes timelines for public participation activities. Engage all parties early and continuously in the update process, particularly those relevant individual recreationists and conservationists or organizations that may not typically seek involvement in new shoreline regulations. Documenting all public outreach and public events related to SMP development is required.

Ecology recommends that the public participation process be coordinated by a designated facilitator (with responsibilities distinct from the local planner managing the update effort), if possible.

Participating jurisdictions shall define how they plan to conduct public participation within their own jurisdictions and to what extent they will depend on the County to conduct meetings, outreach, notice, etc. on their behalf. These terms will be defined within the interlocal agreement.

Deliverables:

1. Draft public participation plan (digital copy).
2. Final public participation plan.
3. Public participation updates in quarterly progress reports.

Date Due: **Initial Draft:** September 30, 2011

Final Draft: October 20, 2011 with quarterly report

Task 1.3: Demonstrate how Phase 1 complies with the Guidelines

Fill in SMP Submittal Checklist for the tasks that you have completed under Phase 1.

Deliverables: An SMP Submittal Checklist completed as relevant to task.

Date Due: January 20, 2012 with quarterly report

PHASE 2: Shoreline Inventory, Analysis & Characterization

Task 2.1: Conduct shoreline inventory

Compile all pertinent and reasonably available data, plans, studies, inventories, maps and other applicable information. Collect the following information to the extent that such information is relevant and reasonably obtainable:

- Shorelines of the State (all marine shorelines, streams >20 cfs mean annual flow, lakes >20 acres, and shorelands) as defined in RCW 90.58.030, located in the Recipient's jurisdiction.
- General location of channel migration zones, floodplains, and the floodway.
- Critical areas, including wetlands, aquifer recharge areas, fish and wildlife conservation areas, geologically hazardous areas, and frequently flooded areas, as defined in RCW 36.70A, the Growth Management Act.
- Shoreline and adjacent land use patterns/density and transportation and utility facilities, including the extent of existing structures, impervious surfaces, vegetation and shoreline modifications within shoreline jurisdiction. Platted lots including undeveloped lots (except those not developable under local subdivision ordinance).
- Degraded areas and sites with potential for ecological restoration.
- Areas of special interest, such as priority habitats, rapidly developing waterfronts, previously identified toxic or hazardous material clean-up sites, and eroding shorelines.
- Existing and potential shoreline public access sites, including public rights-of-way and utility corridors. The inventory will include descriptions of recorded public access easements, their prescribed use, maintenance and terms.
- Historical aerial photographs documenting past conditions to assist in preparing an analysis of cumulative impacts of development.
- Archaeological and historic resources in shoreline jurisdiction.
- Policies and regulations in shorelands and adjacent areas that affect shorelines, such as surface water management and land use plans and regulations (Critical Areas Ordinance, flood ordinance, etc.).

Deliverables:

1. Draft list of inventory data sources for Ecology review and comment.
2. Final list of inventory data sources.
3. Digital working maps of inventory information displayed at appropriate scales.

Date Due: ***Initial Draft:*** March 1, 2012

Final Draft: April 20, 2012 with quarterly report

(Note: Please provide Ecology with sufficient time, approximately 30 days, to review and comment on the draft inventory data sources list and working maps.)

Task 2.2: Conduct shoreline analysis

Conducting the shoreline analysis will result in a shoreline characterization report. The report will define the ecological functions of the shorelines in your jurisdiction, identify shoreline management challenges, and present recommendations for protection and restoration of shoreline functions. (Please see description of this report in Task 2.3.)

Conduct an analysis of the inventory information and data collected in Task 2.1 as it relates to development of an effective SMP. These tasks should be conducted as they are relevant to shorelines in your jurisdiction.

2.2.1 Characterize ecosystem-wide processes

This characterization will include a coarse-scale analysis of the broader area that influences the shoreline jurisdiction. It will include a narrative with reference to maps that describes and illustrates the processes in the larger drainage area that are linked to the shoreline through hydrologic flows. These processes include the uptake, transport and deposition of sediment, nutrients, woody debris, and pollutants. Specifically, this characterization will:

- Present the geographic context for shoreline jurisdiction areas –with geology, soils, topography, vegetation, and drainage patterns of the watersheds. Describe how these large scale upland areas relate to and affect the shoreline. Review existing regional watershed or natural resource related plans for inclusion of relevant information.
- Identify areas throughout the watersheds, or, within and beyond shoreline jurisdiction, that are important to maintaining shoreline ecological functions (e.g. wetlands, forest cover, floodplains, higher permeability deposits, discharge, organic/clay soils, etc.)
- Identify key impairments (e.g. forest clearing, impervious cover, channelized streams, altered wetlands, roads and ditches, dams/diversions, groundwater withdrawals, and listed impairments such as those published in the 303(d) list.
- Identify opportunities for protection/restoration of upland and adjacent areas essential for maintaining shoreline processes and function.

2.2.2 Characterize shoreline functions

This will be a more detailed analysis of the shoreline jurisdiction that includes a narrative with reference to maps and GIS data. Delineate shoreline reaches based on land use and ecological processes (such as man-made physical features, stream confluences, or littoral drift cell boundaries). Describe functions that are associated with each shoreline reach. Specifically, this characterization will:

- Detail the physical, biological, and land-use components within the shoreline jurisdiction.
- Evaluate and assess shoreline ecological function using current scientific understanding of the relationship between the conditions of ecosystem-wide processes and functions within shoreline jurisdiction. Identify functions that are healthy, functions that are adversely impacted and functions that may have existed and are now missing.

2.2.3 Conduct shoreline use analysis

- Conduct shoreline use analysis:
 - Identify current patterns of land uses in shoreline areas.
 - Identify likely shoreline uses and estimate future demand for shoreline space.
 - Identify opportunities for SMA preferred uses and potential use conflict.

2.2.4 Analyze opportunities for public access

- Identify current public access sites

- Identify needs and opportunities for future public access sites.

Task 2.3 Prepare shoreline inventory and characterization report

Prepare a shoreline inventory and characterization report with accompanying maps that provides an analysis of the inventory data, ecosystem characterization and shoreline functions, shoreline use and public access findings as it relates to development of an effective SMP. The report will present findings and recommendations in a way that is useful for making SMP planning decisions. This report will provide a foundation for establishing environment designations, policies and implementing regulations. The report should identify data gaps, focusing on information that would be useful to support shoreline program development and implementation. The report should:

- Present the geographic and jurisdictional context for the SMP update.
- Characterize ecosystem processes and functions.
- Present reach level analysis information. Detailed information on shoreline reaches will identify opportunities and constraints in:
 - Protecting intact and restoring degraded ecological processes and functions.
 - Addressing the requirements for shorelines of statewide significance per WAC 173-26-251.
 - Providing public access.
 - Accommodating appropriate water-oriented uses.
- Identify potential use conflicts to inform environment designation and allowed use decisions.
- Develop shoreline management recommendations for protection and restoration of ecological functions, SMP policies, regulations, and environment designations based on the findings of the inventory and characterization. For example, recommendations may include appropriate land use activities or environment designations, regulations, development standards, restoration and protection actions and strategies.
- Organize relevant data for efficient review and use in the cumulative impact analysis. A table is recommended.
- Include refined shoreline jurisdiction boundaries.

The report will also include synthesis maps at appropriate viewing scales that will inform the report and illustrate findings that correspond with the narrative. Maps should include:

- Coarse resolution vicinity maps indicating the county/town location in the state and delineating county/town and watershed boundaries.
- Shoreline reach scale maps clearly differentiating the land and water contained within SMA jurisdiction from adjacent lands and contributing drainages.
- Maps presenting the significant geologic, hydrologic, and ecologic features most essential to maintaining shoreline form and function and those land uses that may have altered upland processes influencing shoreline function.
- Maps indicating applicable inventory features such as known presence of listed species, critical riparian or aquatic vegetation, existing land uses, designated critical areas, and shoreline modifications
- Potential areas for shoreline uses, public access, restoration and/or protection. A comprehensive list and map of public access to shorelines.

Participating cities are responsible for reviewing the draft shoreline characterization and proposed environmental designations within their municipal boundaries and UGA's and providing comment

to the County. Each participating City shall review the Initial Draft shoreline characterization and analysis report and provide comment to the County within 30 days of the draft's issuance.

Deliverables: Shoreline characterization and analysis report with map portfolio that addresses the above task requirements in 2.1, 2.2 and 2.3, above.

Date Due: Initial Draft: July 1, 2012

Final Draft: September 20, 2012

(Note: Please provide Ecology with sufficient time, approximately 45 to 60 days, to review and comment on the draft characterization and analysis report.)

Task 2.4: Demonstrate how Phase 2 complies with the Guidelines

Fill in SMP Submittal Checklist for the tasks that you have completed under Phase 2.

Deliverable: An SMP Submittal Checklist completed as relevant to task (adding incrementally to earlier completed tasks).

Date Due: October 20, 2012 with quarterly report

PHASE 3: Complete Draft SMP and Cumulative Impacts Analysis

Task 3.1 Conduct community visioning process

Conduct a community visioning process that includes as many citizens as possible to determine goals for future use of the shoreline. This process should be conducted with respect to the findings of the shoreline inventory and characterization report. The visioning process will identify shoreline problems and opportunities. It will result in a strategy for shoreline uses, public access, resource protection, and restoration that is consistent with SMA policy and SMP Guidelines objectives.

Deliverable: Strategy for shoreline uses, public access, resource protection and restoration, based on visioning process.

Date Due: October 20, 2012 with quarterly report

Task 3.2: Develop general SMP goals, policies and regulations

Prepare general shoreline goals and policies that are applicable throughout the area within shoreline jurisdiction. General SMP regulations that apply in all environment designations are an optional component.

Task 3.3: Develop environment designations

Develop environment designations that are appropriate to current shoreline conditions per the findings of the shoreline inventory and characterization. Shoreline environment designations may be comprised of those recommended in the guidelines; the existing local SMP; unique, locally developed environments; or any combination of these, so long as they are consistent with WAC 173-26-211 environment designation criteria. Work will include:

- Draft maps illustrating the land and water area contained within mapped shoreline designation boundaries together with justification and rationale for the proposed designations
- Mapped optional shoreline jurisdiction areas, including entire floodplains and buffers for critical areas, if included within shoreline jurisdiction.
- A map clearly illustrating existing designations compared to proposed designations should be prepared.
- A narrative rationale describing reasons for maintaining or changing the designations shall be included.

Task 3.4: Develop environment-specific shoreline use & modification policies, regulations and standards

Prepare draft policies and regulations for environment designations, all uses discussed in the SMP Guidelines, and shoreline modifications. The draft policies and regulations for shoreline environment designations shall, at a minimum, identify:

- Shoreline use and modification activity goals, policies, and regulations.
- Shoreline uses and modifications that are prohibited and allowed by Substantial Development Permit or Conditional Use Permit.
- Bulk dimensional standards (buffers, setback, density, etc).
- Shoreline modification activity standards.
- Any local policies or regulations adopted by reference, if relied upon to satisfy SMA or guidelines requirements.

Optional SMP components may include:

- Shoreline use and dimensional standards listed in matrices, by environment designation (*strongly encouraged*).

Task 3.5 Develop SMP administrative provisions

Prepare draft provisions for SMP administration, including necessary elements and timelines for permit administration, compliance, and enforcement. Statements about the role of Ecology in permit decisions should be included.

A definitions section should be prepared. Definitions should be particular to SMP administration, consistent with the SMP's implementing rules. Definitions should be clearly and concisely written.

Optional SMP components may include additional administrative provisions, if not inconsistent with SMA procedural rules and the guidelines. An SMP "user's guide" may be prepared.

Deliverables:

1. Complete Draft SMP including:
 - Draft general goals and policies and optional general regulations. (Task 3.2)
 - Draft environment designations and draft environment maps. (Task 3.3)
 - Draft environment-specific shoreline use and modification policies, regulations, and standards. (Task 3.4)

- Draft administrative provisions. (Task 3.5)
 - Maps showing environment designations within shoreline jurisdiction
2. An SMP Submittal Checklist completed as relevant to task (adding incrementally to earlier completed tasks).

Date Due: Initial Draft: January 2, 2013

Final Draft: April 20, 2013 with quarterly report

(Note: Please provide Ecology with sufficient time, approximately 45 to 60 days, to review and comment on the draft documents.)

Task 3.6 Prepare preliminary cumulative impacts analysis

Evaluate and analyze draft SMP policies, regulations and environment designations to show how they achieve no net loss of shoreline ecological functions during the planning period. The analysis will include incremental and cumulative impacts of future uses and development allowed by the proposed SMP as an ongoing part of the update process. The analysis will identify how proposed SMP regulations and standards and restoration and mitigation activities will avoid and offset expected impacts of future permitted and exempt shoreline development. Scenario-based impacts analysis is encouraged. The draft SMP may need to be revised if the initial analysis document shows that cumulative impacts would result under the draft SMP.

(Note: The preliminary cumulative impacts analysis should be submitted at the same time as the Draft SMP.)

Deliverable: A cumulative impacts analysis of the SMP demonstrating how no net loss of ecological functions will be achieved over time at in the jurisdiction.

Date Due: Draft: August 1, 2013

Final: October 20, 2013 with quarterly report

(Note: Please provide Ecology with sufficient time, approximately 45 to 60 days, to review and comment on the draft cumulative impacts analysis.)

Task 3.7: Demonstrate how Phase 3 complies with the Guidelines

Fill in SMP Submittal Checklist for the tasks that you have completed under Phase 3.

Deliverables: An SMP Submittal Checklist completed as relevant to task (adding incrementally to earlier completed tasks).

Date Due: October 20, 2013 with quarterly report

4: Restoration Planning, Revisiting Phase 3 Products As Necessary

Task 4.1 Prepare restoration plan

Based on the Inventory and Characterization report, develop a plan for restoration of impaired ecological functions in specific shoreline reaches. Restoration plans should include:

- Identification of degraded areas, impaired ecological functions, and sites with potential for ecological restoration.
- Goals and priorities for restoration of degraded areas and impaired ecological functions.
- Existing and ongoing restoration projects and programs.
- Overlaps in how and where restoration work is being conducted and recommendations for coordination between groups doing restoration work.
- Additional projects needed to achieve restoration goals and implementation strategies, including identification of prospective funding.
- Times and benchmarks for achieving restoration goals.
- Mechanisms to ensure that restoration projects and programs will be implemented.

Deliverable: A complete restoration plan and implementing strategy.

Dates Due: Draft: September 1, 2013

Final: October 20, 2013 with quarterly report

(Note: Please provide Ecology with sufficient time, approximately 30 to 45 days, to review and comment on the draft restoration plan.)

Task 4.2: Revisit draft SMP and cumulative impacts analysis; finalize SMP jurisdiction maps

Based on findings in the cumulative impacts analysis, re-evaluate and revise the draft SMP environment designations, policies, and regulations in response to Ecology comments on the preliminary draft materials developed in Phase 3 as necessary to assure that they are adequate to achieve no net loss of ecological functions. Revise the cumulative impacts analysis as needed to reflect changes in the draft SMP. This revised draft SMP will be the Planning Commission recommended draft.

Prepare final jurisdiction maps (digital) of Shorelines of the State identified in Task 1.1 that will be subject to the local SMP.

Deliverables:

1. Revised designations, policies, and regulations that address the findings of the cumulative impacts analysis.
2. Revised cumulative impacts analysis.
3. Final SMP jurisdiction maps and boundary descriptions

Date Due: October 20, 2013 with quarterly report

(Note: Please provide Ecology with sufficient time, approximately 45 to 60 days, to review and comment on the revised draft SMP and other documents.)

Task 4.3: Prepare a report that demonstrates how no net loss will be achieved

Prepare a report that demonstrates how the recommended shoreline management measures in Task 2.3, together with the findings of the cumulative impacts analysis and the restoration plan, are reflected in the proposed SMP and achieve no net loss.

Deliverables: A report that demonstrates how no net loss will be achieved through SMP implementation.

Date Due: October 20, 2013

Task 4.4: Demonstrate how Phase 4 complies with the Guidelines

Fill in SMP Submittal Checklist for the tasks that you have completed under Phase 4.

Deliverables: An SMP Submittal Checklist completed as relevant to task (adding incrementally to earlier completed tasks).

Date Due: January 20, 2013

PHASE 5: Local SMP Adoption Process

Conduct a local review and adoption process for the proposed SMP as provided in the SMA, WAC 173-26, and the State Environmental Policy Act. The SMP shall contain shoreline policies, regulations, environment designations, definitions, required administrative provisions, and a clear description of final SMP jurisdiction boundaries together with copies of any provisions adopted by reference.

Task 5.1: Assemble complete draft SMP

Assemble a complete draft SMP for Council/Commission review and approval and formal submittal to Ecology. This draft would include response to Ecology comments on the preliminary draft submitted under Tasks 4.3 and 4.4 deliverables.

Task 5.2: Complete SEPA review and documentation

Conduct and document SEPA review pursuant to chapter RWC 43.21C, the State Environmental Policy Act.

Task 5.3: Provide GMA 60-day notice of intent to adopt

Upon conclusion of Tasks 5.1, and 5.2, local governments planning under the Growth Management Act must notify Ecology and the Department of Commerce of its intent to adopt the SMP as least sixty days in advance of final local approval, pursuant to RCW 36.70A.106 and WAC 173-26-100 (5).

Task 5.4: Hold public hearing

Hold at least one public hearing prior to local adoption of the draft SMP, consistent with the requirements of WAC 173-26-100. The names and mailing addresses of all interested parties providing comment shall be compiled.

Task 5.5: Prepare a responsiveness summary

Prior to adoption of the draft SMP by the local elected body, prepare a summary responding to all comments received during the public hearing and the public comment period, discussing how the draft SMP addresses the issues identified in each comment.

Task 5.6: Adopt SMP and submit to Ecology

Complete the adoption process for the SMP update and submit the locally-adopted Draft SMP to Ecology.

Task 5.7: Demonstrate how Phase 5 complies with the Guidelines

Fill in the SMP Submittal Checklist for the tasks that you have completed under Phase 5.

Deliverables:

1. A complete, locally adopted SMP including maps, with relevant supporting documentation. (Tasks 5.1 and 5.7)
2. SEPA products (checklist, MDNS or EIS; SEPA notice. (Task 5.2)
3. Evidence of compliance with GMA notice requirements. (Task 5.3)
4. Public hearing record. (Task 5.4)
5. Response to comments received. (Task 5.5)
6. A complete SMP Submittal Checklist.

Date Due: April 20, 2014

Budget Summary and Conditions

Budget Conditions

Very Important Note: Due to state law, all state funds that are disbursed to local governments under these grants are appropriated in the state budget on a biennial basis. Funds appropriated for each biennia of the grant must be spent on eligible activities within that two-year period. Local governments are not allowed to carry unexpended funds past that date.

We are aware that state and local fiscal years are not on the same schedule; however, state law requires strict adherence to the state biennial funding cycles for state agreements. Grantees are strongly encouraged to actively manage their projects to ensure that spending occurs at budgeted levels within the time constraints specified on page one.

1. **Project Administration:** For the administration of this agreement the RECIPIENT must follow the current edition of the [Administrative Requirements for Ecology Grants and Loans](http://www.ecy.wa.gov/biblio/9118.html) (Yellow Book). <http://www.ecy.wa.gov/biblio/9118.html>
2. **Invoicing:**
 - Grants are awarded on a reimbursable basis. The RECIPIENT initially pays project costs as they incur. Invoicing to Ecology is usually by quarter but not more often than once per month. Upon presentation of an invoice to Ecology, Ecology's share of the project is reimbursed to the Recipient.
 - Expenditures will be monitored by the Ecology Fiscal Office for compliance with the budget (see below). Budget deviations are allowed between tasks (e.g., a grantee may spend less money on one task and more on another), but in no circumstances may the RECIPIENT exceed the total project cost. If the total of all budget deviations exceeds 10% of the entire project cost, the Ecology Project Officer may require a written budget redistribution. When submitting invoices to Ecology, **the RECIPIENT shall itemize all costs by task** and provide subtotals by task on Ecology's Form C2, Voucher Support Form. All payment requests must

have forms A, B, C (and D if applicable), be accompanied by a commensurate progress report, and receive Ecology Project Officer approval before payment can be released.

NOTE: For payment requests, the RECIPIENT must use the Ecology forms provided. Otherwise, Ecology will return requests to the RECIPIENT for submittal on the correct forms.

- The RECIPIENT must **maintain complete backup documents** including but not limited to all invoiced costs and time sheets - signed and dated by employee and supervisor. The RECIPIENT must keep these expenses in grant files according to budget task for a period of three years after project completion and make them available at any time for inspection by the DEPARTMENT.
 - Requests for reimbursement must be **submitted at least quarterly** but not more than once per month by the RECIPIENT on state invoice voucher forms.
 - The **indirect rate must not exceed 25 percent** of direct (staff) labor and benefit costs. This rate covers space utilities, miscellaneous copying, telephone, motor pool, janitorial services, records storage, rental, county fiscal and legal services, etc. Items not included in this list must be reported with the first payment request and must remain consistent for the life of the grant.
 - **Right to Audit:** The RECIPIENT agrees that payment(s) made under this grant shall be subject to reduction for amount charged thereto which are found after audit examination not to constitute allowable costs under this grant. The Recipient shall refund by check payable to the DEPARTMENT the amount of such reduction of payments under completed or terminated grants.
 - **Estimates:** The State Office of Financial Management (OFM) requires state agencies to estimate the status of grant funds for the fiscal year ending each June 30. Ecology must have these estimates to ensure sufficient funds are reserved to reimburse RECIPIENTS for expenditures incurred within that specific fiscal year, similar to a cash flow projection. To that end, Ecology will be contacting local governments near the end of each fiscal year for the dollar amount anticipated to be incurred for project costs through June 30 that have not as yet been submitted to Ecology for reimbursement.
4. **Final payment** of grant projects is contingent on receipt of viable work products as listed in the grant document.

5. **Funding Budget:**

The source of funds provided by the DEPARTMENT are from the 2011-2013 and 2013-2015 the Local Toxics Control Account, §302, Subsection 7.*

Maximum Grant Amount, Fiscal Year 1 and 2 (7/1/11-6/30/13): \$ xxxxxxxx

Maximum Grant Amount, Fiscal Years 3 (7/1/13– 6/30/14): \$ xxxxxxxx

Total: \$ xxxxxxxx

State Maximum Cost Share Rate over all three years: 100% UP TO a maximum of \$ xxxxxxxx

The effective date of this agreement is from July 1, 2011 to June 30, 2014.*

*Year 3 funding is subject to legislative appropriation in the 2013-2015 Biennium.

Expenditure Budget

Note: If consultant services are involved in this project, the following budget must be adhered to by all parties to ensure consistent reporting. Expenditure reporting will follow the structure as indicated below.

Phase / Task	Year 1 11-12	Year 2 12-13	Year 3 13-14	Total Project
Tasks Common to All Phases:				
A . Project Coordination	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX
B. Contracted Services	XXXXXXXX			XXXXXXXX
C. Implement Public Participation Plan	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX
Phased Work:				
1. Preliminary Assessment / Public Participation Plan	XXXXXXXX			XXXXXXXX
2. Shoreline Inventory, Analysis, and Characterization	XXXXXXXX	XXXXXXXX		XXXXXXXX
3. Complete Draft SMP and Cumulative Impacts Analysis	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX
4. Restoration Planning / Revisit Phase 3 products as necessary		XXXXXXXX	XXXXXXXX	XXXXXXXX
5. Local Adoption Process			XXXXXXXX	XXXXXXXX
Total	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX

**Public Participation Program
Kittitas County
Regional Shoreline Master Program Update
September 28, 2011**

A. Introduction

Kittitas County and the Cities of Ellensburg, Cle Elum, and the Town of South Cle Elum are participating in a multi-year process to develop a regional Shoreline Master Program (SMP)¹. Successful development of a regional SMP, resulting in adoption of an independent SMP for each jurisdiction, is dependent upon the early and continuous participation of the public. The Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) require that jurisdictions developing or amending SMPs establish and broadly disseminate to the public a public participation program that identifies procedures whereby an amendment or update of a shoreline master program will be considered by the participating jurisdictions².

Kittitas County and the Cities of Ellensburg, Cle Elum, and the Town of South Cle Elum have identified the following specific objectives, interested participants, and a timeline and process for public participation activities. A description and discussion of these elements is provided below.

B. Objectives

This public participation program is designed to meet the following objectives:

- Broadly disseminate information materials, proposals and alternatives;
- Provide opportunity for written and oral testimony;
- Establish public meetings with effective means of public notice;
- Establish a clear means to consider public comments and an effective mechanism to document responses for the public's review and decision makers' consideration;
- Develop multiple citizen participation approaches to promote and encourage forums for open public discussion within participating jurisdictions' communities;
- Make all reasonable efforts to invite, inform, fully involve and encourage participation of all interested persons and private entities, tribal nations, and agencies of the federal, state and local government having interests and responsibilities relating to the shorelines of the state and the local master program; and
- Provide a clear process for addressing various topics so stakeholders can easily determine how best to be involved in the issues they care about most.

¹ Concurrent with the regional SMP update process, Kittitas County has initiated an update to its Critical Areas Ordinance (CAO). Kittitas County is required by State law to update its 1994 CAO (Title 17A) and its 1975 Shoreline Master Program (SMP). The CAO update and SMP update will use many of the same resources and information; therefore the County desires to undertake the update processes concurrently.

² See RCW 90.58.130 and RCW 36.70A.140, and WAC 173-26-090, 173-26-100, and WAC 173-26-201(3)(b).

C. Interested Parties and Key Stakeholders

Kittitas County and the Cities of Ellensburg, Cle Elum, and the Town of South Cle Elum have identified categories of key stakeholders whose participation in the development of a regional SMP is desired. It is important to note that even with the best intentions of each participating jurisdiction to initially identify key stakeholders, that there are inevitably other parties, groups, organizations, members of the public, etc., who are inadvertently not represented on the initial list but whose participation is important. Kittitas County, in coordination with the participating Cities/Town, intends to strive to bring these other individuals and parties into the process through a diversified and aggressive citizen participation program. Categories of desired participants and key stakeholders can be summarized as follows:

- Individuals, organizations, advisory committees, etc., identified on existing mailing lists maintained by each jurisdiction;
- Planning commissioners and elected officials from each participating jurisdiction;
- Property owners, residents and visitors within the incorporated and unincorporated portions of Kittitas County, surrounding communities, and the State of Washington;
- Use and interest groups, corporations and businesses, and nonprofit organizations locally and statewide; and
- Federal, state and local agencies and tribal nations.

See **Appendix A** for the current list of interested parties and stakeholders, and the potential public participation outreach approach. This list is a key component of this public participation program. This list will be converted to a mailing list that will be updated by Kittitas County Community Development Services throughout the process. Where possible, the list will be sorted by the identified categories and participating jurisdiction.

D. Public Participation Process

See **Appendix B** for the anticipated timing of the public participation process. This timeline will be updated through out the process, as necessary. A description of the steps in the process is provided below.

1. Regional Shoreline Master Program Website – The participants intend to broadly disseminate this public participation program via a website dedicated to the regional shoreline planning process. Project web pages will be developed on the Kittitas County website to provide a forum for the public to obtain information regarding the SMP update and provide comments and input related to the project. The websites of the Cities/Town will contain a limited web page describing the regional SMP process and containing the interlocal agreement for the regional process, with a link to the Kittitas County website. The web pages will contain details and resources related to the development of the SMP update, an events calendar, meeting summaries, regulatory

mandates (RCW and WAC), the 1975 version of the Kittitas County Shoreline Management Program, links to specific pages on the WDOE website, the SMP grant agreement scope of work and this public participation program. The web page will be kept current and be maintained throughout the duration of the project.

2. Initial Public Outreach – To begin the shoreline planning process, Kittitas County, in coordination with the Cities/Town, will lead and utilize a mixture of public outreach techniques including: poster boards displays at government offices of the participating jurisdictions; mailing out a postcard to individuals, agencies, etc. listed on the initial mailing list identified in Appendix A; emailing to existing email groups from the Kittitas County email notification subscription service; providing a press release to local radio stations and newspapers. The initial outreach goals include:
 - Inform groups and individuals of the regional process and intent to develop a regional SMP, with an independent SMP for each jurisdiction.
 - Gain key participants and update the list of interested parties and key stakeholders.
 - Draw people to the website for information and methods to stay engaged throughout the SMP update process.
 - Encourage and invite the public to upcoming public forums.
3. Technical Advisory Committee – The purpose of the Technical Advisory Committee (TAC) is to help focus technical discussions and identify key technical and policy issues associated with the SMP update process³. Kittitas County, with input from the Cities/Town, will invite a group of professionals within the scientific community from statewide agencies, the Yakama Nation, the private sector, and academia to participate on the TAC. These entities have significant expertise and resources that the shoreline planning process will benefit from. Early coordination and input from these entities is essential for the technical components and analysis of the regional shoreline plan. The formation of the technical group will provide an additional forum for coordination and input. Input from these entities will be of value for the data inventory and materials collection; shoreline characterization; shoreline analysis; shoreline designations; shoreline restoration; and monitoring and enforcement efforts.
4. Open Public Forums – Various participatory methods are planned to combine informal and interactive techniques. Opportunities for participation will include general open houses and jurisdiction focused workshops, located in various areas of the County and in the Cities/Town. This will allow the public to select their level of participation based on time and interest. In addition to the various open house and workshop events, the County will lead one open house/transitioning into a visioning workshop that will be attended by representatives from the Cites/Town. The intent of the forums is to:

³ Concurrent with the regional SMP update process, Kittitas County has initiated an update to its Critical Areas Ordinance (CAO). The CAO update and SMP update will use many of the same resources and information and may utilize the same Technical Advisory Committee for both update processes.

- Provide an opportunity for the public to obtain information regarding shoreline management and the update process.
 - Develop a community-based vision for managing shoreline areas in Kittitas County.
 - Learn citizen viewpoints and opinions on how shoreline areas should be managed for the long term.
 - Bring the public into the process as key participants.
5. Community Visioning Report – A summary report of the public input from the open public forums will be organized into a report to be utilized in developing goals, policies, and use regulations for the regional SMP. The summary report will be provided to the Cities/Town for consideration during the local SMP adoption process.
 6. Citizen Advisory Committee – A Citizen Advisory Committee (CAC) will be established to finalize recommendations on environment designations and goals, policies and use regulations. Up to three representatives will be selected by each of the four participating jurisdictions, including at least one planning commission member or elected official from each jurisdiction. The participating jurisdictions will coordinate their selections to achieve a diverse mix of interests including agriculture, recreation, real estate/development, environment, sporting and conservation. Invitations to participate will also be extended to the Washington State Departments of Ecology, Natural Resources, and Fish and Wildlife; ***[Consideration of additional invitations will be made in consultation with the Cities/Town and Ecology and included in the final draft Public Participation Program due to Ecology on October 20, 2011].***
 7. Notice for Draft SMP & SEPA – Legal ads in the local newspapers; mailed notice to interested parties and participants on the mailing list maintained for the regional SMP update process; a press release to local newspapers and radio stations; and posting on the Kittitas County and Cites/Town website shall be employed to notify the public of the opportunity to comment on the draft plan and/or environmental documents (*see Step 8. below*).
 8. 60 Day/SEPA Comment and Open Houses –Upon completion of a draft shoreline master program (SMP) and SEPA environmental documents, participating jurisdictions will issue notification and a request for comment on the draft plan and environmental documents. This combined comment period satisfies, in part, notice/comment period requirements established by the Growth Management Act, Shoreline Management Act, and the State Environmental Policy Act.

Kittitas County will catalog comments on the environmental documents and draft regional shoreline master program. Where possible, the catalog will be organized by jurisdiction. Comments received, along with a summary response and recommendations, shall be forwarded to the planning commissions and elected officials for review and consideration. Open houses will be held to give the public an

opportunity to review draft recommendations and ask questions about the draft plan or environmental documents. Draft recommendations shall be available on the Kittitas County website for broad dissemination.

9. Notice for Planning Commission Hearing– Legal ads in the local newspapers; mailed notice to interested parties and participants on the mailing list maintained for the regional SMP update process; a press release to local newspapers and radio stations; and posting on the Kittitas County and Cities/ Town website shall be employed to notify the public of a series of joint and/or individual workshops with participating jurisdictions’ planning commissions and/or elected officials and subsequent planning commission hearings (*see Step 10. below*).
10. Planning Commission/Elected Official Workshops and Public Hearing for Participating Jurisdictions’ Planning Commissions – A series of joint and/or individual workshops will be held with participating jurisdictions’ planning commissions and elected officials. The purpose of the workshops will be to provide an overview of draft recommendations, and the Shoreline Management Act requirements and process. While elected officials will take action for adoption of an independent SMP for their respective jurisdictions, these workshops are an opportunity to build regional consensus among the participants. Closely following the workshops, it is anticipated that a joint hearing for the four planning commissions will be held to forward a recommendation on the draft SMP to each participating jurisdiction’s legislative body. Each jurisdiction may opt, however, to hold individual (e.g. County or Ellensburg) or limited joint planning commission public hearings (e.g. Cle Elum and South Cle Elum). The public hearing(s) of the planning commissions will provide an additional opportunity for the public to submit oral and written testimony.
11. Notice for Elected Officials Hearings – Legal ads in the local newspapers; placement on the participating jurisdictions’ public meeting agendas; mailed notice to interested parties and participants on the mailing list maintained for the regional SMP program update process; a press release to local newspapers and radio stations; and posting on the Kittitas County and Cities/ Town website shall be employed to notify the public of the Commissioner/Council public hearings (*see Step 12. below*).
12. Adoption of the Regional Shoreline Master Program – Each participating jurisdiction shall hold, at a minimum, one public hearing to consider adoption of an independent SMP for each jurisdiction. Adoption of the SMP and submittal of the required documentation will begin the Washington State Department of Ecology review and approval process.
13. The Washington State Department of Ecology Formal Review and Approval Process – This step in the process is outlined under WAC 173-26-120. The regional shoreline master program adopted by participating jurisdictions cannot take affect until Department of Ecology approval.

14. 60-Day Appeal Period/Notice of Adoption – Adoption of the regional shoreline master program by the Department of Ecology will trigger a requirement that participating jurisdictions publish notification that the Department of Ecology has approved the regional shoreline master program. Notification will be published in local newspaper legal ads and a notice to key participants will also be provided. This notification will start a 60-day appeal period consistent with the requirements of the Shoreline Management Act and the Growth Management Act.

DRAFT

Appendix A: Interested Parties and Stakeholder Audience - Outreach Type

Key Stakeholder	Example	Outreach Approach
Boards/Councils and Commissions	<ul style="list-style-type: none"> • Board of County Commissioners • Ellensburg City Council • Cle Elum City Council • South Cle Elum City Council • Planning Commission from each jurisdiction 	<ul style="list-style-type: none"> • Staff Briefings • Work Sessions (open to the public) • Public Meetings • Public Hearings
Advisory Committees	<ul style="list-style-type: none"> • Technical Advisory Committee • Citizen Advisory Committee 	<ul style="list-style-type: none"> • Work Sessions (open to the public) • Committee Meetings (open to the public)
General Public	<ul style="list-style-type: none"> • Critical areas and/or shoreline property owners • Other interested parties 	<ul style="list-style-type: none"> • Orientation Meetings • Focus Groups • Public Hearings • Website • Email Updates • Social Media • County-Wide Mailing • Targeted Mailings • Utility Billings • Newspaper Notices • Posters and Bulletin Board Postings • County/City Gatherings/Festivals
Specific Interest Groups	<ul style="list-style-type: none"> • Builders • Farm Bureau • Futurewise • Cattlemen's Association • Central Washington Homebuilders • Kittitas County Conservation • Ridge 	<ul style="list-style-type: none"> • Early engagement • Focus Groups • Targeted Mailings
Tribes and Governmental Agencies	<ul style="list-style-type: none"> • Cities in Kittitas County • School Districts in County • Kittitas Reclamation District • Kittitas Conservation District • U.S. Army Corps of Engineers • U.S. EPA Region 10 • U.S. Fish and Wildlife Service • U.S. Bureau of Reclamation • WA Dept. of Ecology • WA Dept. of Fish and Wildlife • WA Dept. of Natural Resources • WA Dept. of Transportation • Yakama Nation 	<ul style="list-style-type: none"> • Coordination Meetings • Work Sessions • Email Updates • Participation in Advisory Committees • Targeted Mailings
Media	<ul style="list-style-type: none"> • Daily Record • Northern Kittitas County Tribune • KXLE Radio 	<ul style="list-style-type: none"> • Press Releases • Website • Email Updates

Public Participation Process

