

**ATTACHMENT A: FINDINGS AND CONCLUSIONS  
FOR PROPOSED COMPREHENSIVE UPDATE TO THE  
TOWN OF CATHLAMET SHORELINE MASTER PROGRAM**

SMP Submittal accepted September 6, 2017, Resolution 356-17  
Prepared by Michelle McConnell - May 14, 2019

**Brief Description of Proposed Amendment:** The Town of Cathlamet has submitted to Ecology for approval, a comprehensive update to their Shoreline Master Program (SMP) to comply with the Shoreline Management Act (SMA) and SMP Guidelines requirements. The updated master program contains locally tailored shoreline management policies, regulations, including shoreline critical areas provisions, environment designation map, administrative provisions as well as local flood damage prevention ordinances #332/377 adopted by reference as part of the SMP. Additional reports and supporting information and analyses noted below, are included in the submittal.

**Need for amendment.** The proposed amendment is needed to comply with the statutory deadline for a comprehensive update of the Town's local Shoreline Master Program pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26. The original Town SMP was approved by Ecology in 1975 and never amended. The SMP has never been comprehensively updated. This SMP update is also needed to address land use changes that have occurred along the Town's shorelines over the past 40+ years and to provide consistency with current scientific and technical information about shoreline resources and the environmental protection and land use management policies and practices provided by the Town's Comprehensive Plan, Flood Damage Prevention and Critical Areas Ordinances.

**SMP provisions to be changed by the amendment as proposed:** The proposed updated SMP is intended to entirely replace the Town's existing SMP, approved by Ecology in 1975. The SMP will regulate development and activities along approximately 2.3 miles of shoreline along the Elochoman Slough and Cathlamet Channel portions of the Columbia River, a Shoreline of Statewide Significance.

The shoreline jurisdictional area and the variety of shoreline use and development activities to which the SMP applies generally remain the same. The following elements outline key differences between Cathlamet's proposed SMP and the town's existing program:

*Locally tailored:* The town's existing SMP was a regional document adopted by both Wahkiakum County and the Town. The proposed SMP is town-specific and has been tailored to existing conditions and local interests along Cathlamet's shorelines.

*Shoreline Environment Designations:* The existing SMP applies just two parallel environment designations along all of the Town's shoreline areas – Conservancy in the river and Urban for the uplands. The proposed SMP has four shoreline environment designations (SEDs): the in-water Aquatic, and three upland designations to better reflect the variety of current conditions and future use:

- Aquatic applies to all areas waterward of the OHWM; based on mapping conventions the area shown for this designation may be lower than actual in-water areas;
- Mixed Waterfront, a locally-tailored designation, applies from near the Town's northern boundary and extends upriver along Elochoman Slough and Cathlamet Channel nearly to the Julia Butler Hansen Puget Island Bridge (excepting a small residential area mid-way), and

includes the marina and the more extensively developed downtown waterfront; This SED applies to the majority of the Town’s upland shoreline jurisdictional area;

- Town Residential applies to the Marina Estates neighborhood on Elochoman Slough, and to the residentially zoned areas at, and upstream from, the Bridge to the Town’s southeast boundary; This SED applies to a moderate portion of the Town’s upland shoreline jurisdictional area;
- Town Conservancy applies to two small areas of wetland features at the Town’s northern extent on Elochoman Slough and at the mouth of Birnie Creek; This SED also applies to a moderate portion of the Town’s shoreline jurisdictional area.

The chart below is from the regional *Cumulative Impacts Analysis for Shorelines in Wahkiakum County and Town of Cathlamet* (2017):

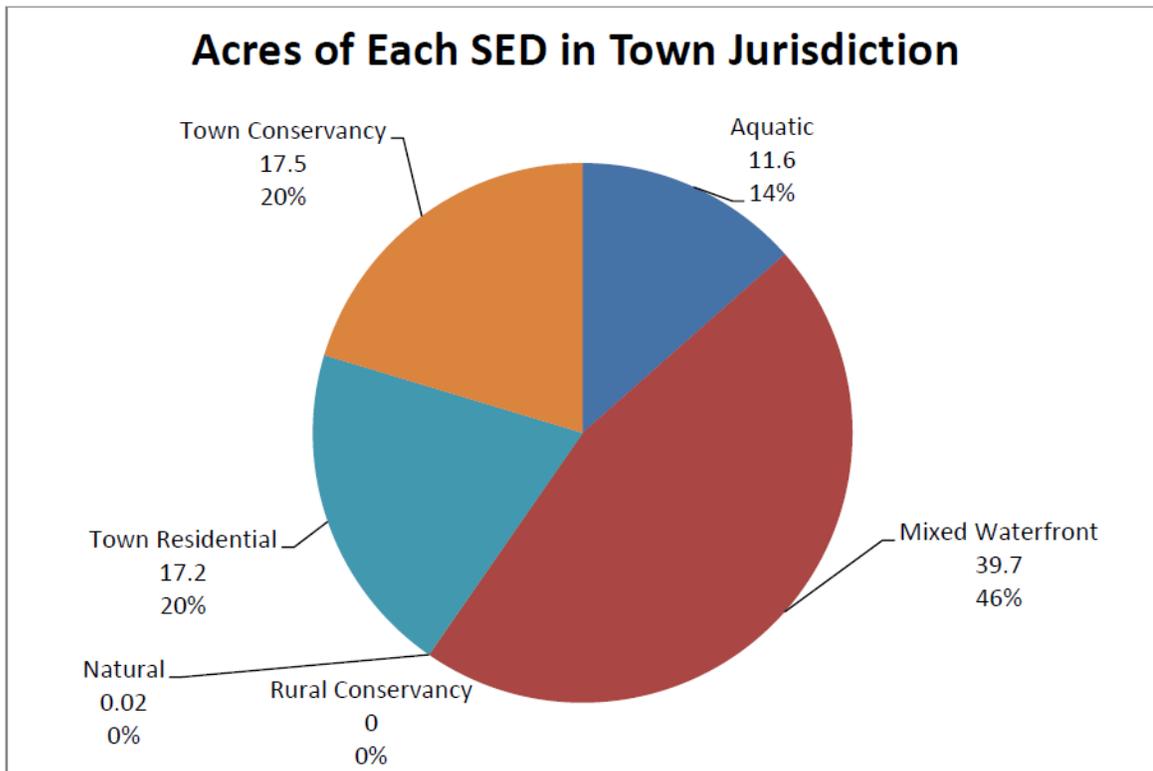


Figure 3: Number of acres in each SED under the Town's jurisdiction.

*Development Standards:* The existing SMP has only a few dimensional setback standards (but no buffers) based on type of use, ranging from 10’ for aquaculture buildings/structures, 30’ for residential and commercial, 50’ for residential parking and non-water oriented industrial, and up to 100’ for intensive livestock agriculture. The proposed SMP relies on buffers for shoreline wetlands set forth in Table 3, and buffers for shoreline riparian habitat set forth in Table 7 of the Critical Areas regulations (Chapter 6):

- For wetlands, these range from 25’ to 300’ based on the wetland category and proposed land use.
- For riparian habitat, these range from 50’ to 200’ based on the shoreline environment designation.

Most of the shoreline areas will have a 50’ buffer, and water-dependent development is generally allowed in such buffers. The proposed SMP allows some buffer width adjustment options based on

site-specific constraints, and also establishes a 15' structural setback from the edge of all buffers to ensure their protective functions and values are kept intact.

*General Provisions:* The proposed SMP includes provisions, not included in the existing program, which address vegetation management, protection of shoreline critical areas and ecological functions, expanded provisions for archaeological, historic and cultural sites, and water quality. Other locally-tailored provisions are proposed to prohibit certain uses not allowed by local zoning code and/or not currently existing in or anticipated for the Town's shorelines, such as agriculture, forest practices, and mining.

*Shoreline Uses and Modifications:* The proposed SMP expresses a preference for water-oriented activities over non water-oriented developments and limits development waterward of the OHWM to water-dependent uses. Provisions addressing shoreline stabilization measures include a preference for soft approaches and a required demonstration of need, along with provisions to locate development to ensure future need for stabilization is minimized.

## **FINDINGS OF FACT**

**Amendment History, Local Review Process:** The Town indicates the proposed SMP amendments originated from a local planning process that began in January 2014 with Wahkiakum County's grant contract with Ecology (#G1400483), and the Town's subsequent Interlocal Agreement with the County for a joint update process and a regional SMP. The record shows that workshops and meetings open to the public were held as follows:

- Shoreline Advisory Committee – Eight (8) meetings from September 2014 to January 2016;
- Public Visioning Workshops – Four (4) events from February to September 2015;
- County Planning Commission– Seven (7) workshops from August 2015 to February 2016;
- Town Planning Commission – Seven (7) open house/work sessions from September 2015 to June 2016;
- County Planning Commission – Nine (9) open house/meetings from April 2016 to April 2017; and

Records provided by the Town indicate notice of a public hearing was published on June 15, 2017. At the close of the hearing held on June 19, 2017, Town Council adopted Resolution 365-17, recommending approval of the SMP update and authorizing staff to forward the proposed amendments to Ecology for formal review.

**Documentation of Current Conditions:** Documentation of current shoreline conditions is vital to achieving the no net loss of shoreline ecological functions (NNL) goal of the state SMP Guidelines (WAC 173-26-186). To meet this requirement the County procured consultant assistance to produce the regional *Inventory and Characterization Report for Shorelines in Wahkiakum County and the Town of Cathlamet* (2017, 'ICR'). This report served as a basis for and informed development of the Town's SMP, including environment designations, policies and use regulations.

According to the report approximately 3 linear miles of jurisdictional stream are located in the Town, including shorelands and associated wetlands.

- The northern Elochoman Slough reach is dominated by a vacant former log sorting and storage yard protected by bulkhead/levee armoring, and the Wahkiakum Port District #1's popular 300-

slip marina with associated amenities protected by continuous bulkheads/armoring. The full service marina provides transient and permanent moorage, two launch ramps, fueling and pump-out, parking, picnic, restrooms and showers, and camping facilities. A small 9-lot single-family neighborhood is located between these more intensive uses.

- The downtown waterfront on Cathlamet Channel is largely developed with a mix of utility, commercial and industrial activities, and some interspersed residential use. The Town's decommissioned wastewater lagoons await repurposing just north of the mouth of Birnie Creek where an existing 2-acre local park provides public access by trails, a boardwalk, benches and a historical museum. The public Town Dock/Broadway Pier provide visual and physical shoreline access. A few commercial buildings are present in conditions ranging from actively used, to dormant, to formerly dilapidated & under renovation. Shoreline modifications include bulkheads/ armoring, piers and docks, pile fields, overwater structures, and derelict vessels.
- The upriver reach along Front Street and Columbia Streets is primarily single-family residential that increasingly sets back from the water as the terrain climbs from low bank, to sloping to steep bluffs/cliffs extending to the Town's southern jurisdictional boundary.

The Town's shoreline jurisdiction extends waterward from OHWM to a mid-channel line along the Elochoman Slough and Cathlamet Channel portions of the Columbia River, where County shoreline jurisdiction then continues to the state line. These areas of Town jurisdiction are not part of the major shipping lane where extensive national/international transport to/from upriver ports, and dredge maintenance for such navigation actively occurs. The use of these in-water areas of the Town's shoreline jurisdiction is primarily local commercial and recreation activities; future potential use is anticipated to be the same.

Shorelines of Statewide Significance (SSWS): The Elochoman Slough and Cathlamet Channel portions of the Columbia River and their associated shorelands are identified as SSWS.

***Finding:** Ecology finds that the regional Inventory and Characterization Report adequately inventoried and analyzed the current conditions of the shorelines located in Cathlamet. The report synthesized existing information and was used to inform the master program update as well as provide a basis for future protection and restoration opportunities in the town's shoreline jurisdiction (WAC 173-26-201(3)(c)).*

**Cumulative Impacts Analysis:** Local governments are directed to ensure SMPs contain policies and regulations that address cumulative impacts, including those resulting from exempt development, and fairly allocate the burden of addressing cumulative impacts of reasonably foreseeable future development. To meet this requirement the County procured consultant assistance to produce the regional *Cumulative Impacts Analysis for Shorelines in Wahkiakum County and the Town of Cathlamet* (2017) that indicates development activities in the Town are fairly slow. Many areas are publicly owned or encumbered by critical areas, including wetlands and floodplains, and the potential for development is relatively limited. The SMP includes protective provisions that will ensure no net loss.

***Finding:** Ecology finds that the regional Cumulative Impact Analysis (2017) provides an accurate examination of anticipated development and potential effects to shoreline ecological functions per WAC 173-26-201(3)(d)(iii).*

**Restoration Plan:** Local governments are directed to identify restoration opportunities as part of the SMP update process and to include policies that promote restoration of impaired shoreline ecological functions (WAC 173-26-201 (2)(c) and (f)). To meet this requirement the County procured consultant assistance to produce the regional *Restoration Plan for Shorelines in Wahkiakum County and the Town of Cathlamet* (2017), based on information gathered in the *Inventory and Characterization Report* and on existing salmon recovery efforts underway in the Columbia River system. The *Restoration Plan* identifies programmatic and site specific restoration opportunities including invasive species control, riparian habitat restoration, dike and tide gate removal to reconnect estuarine and floodplain areas. The plan also identifies potential opportunities for the Town to partner with other organizations involved in restoration efforts. The Town’s SMP includes policies and regulations in Chapter 5 that allow and promote restoration efforts and links restoration actions to the *Restoration Plan*.

**Finding:** Ecology finds that the regional *Restoration Plan* is based on appropriate technical information available during the SMP update and meets the requirements of WAC 173-26-201(2)(c) and (f).

**Consistency with Chapter 90.58 RCW:** The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The Town has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

**Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III):** The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of an SMP Submittal Checklist submitted to Ecology for review.

**Consistency with SEPA Requirements:** The Town submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on June 1, 2017. Notice of the SEPA determination was published in the *Wahkiakum County Eagle* on June 8, 2017. Ecology did not comment on the DNS.

**Other Studies or Analyses supporting the SMP update:** Ecology also reviewed the following reports, studies, map portfolios and data prepared as regional documents in support of the Town’s SMP amendment:

- *Community Participation Strategy; Wahkiakum County – Town of Cathlamet Regional SMP Update, October 2014;*
- *Inventory and Characterization Report for Shorelines in Wahkiakum County and the Town of Cathlamet, June 2017;*
- *Cumulative Impacts Analysis for Shorelines in Wahkiakum County and the Town of Cathlamet, March 2017;*
- *Restoration Plan for Shorelines in Wahkiakum County and the Town of Cathlamet, April 2017;*
- *Comment Matrices: Record of Written Comment Response (2015 – 16) and SEPA Comments (2017).*

**Ecology Review Process:** The proposed SMP amendments were received by Ecology for state review on August 11, 2017. Supplemental materials were received September 5, 2017 and the submittal was verified as complete in a letter sent to the Town on September 6, 2017.

Notice of the state comment period was distributed to state task force members and interested parties identified by the Town on October 11, 2017, by mail and email, in compliance with the requirements of WAC 173-26-120. An article was also posted to Ecology's Blog – ECOconnect on November 2, 2017. Four tribal governments: the Chinook, Cowlitz, Grand Ronde, and Yakama tribes were individually and specifically notified and invited to comment.

Notice of the comment period, including a description of the proposed SMP and the authority under which the action is proposed along with the manner in which interested persons may obtain copies and present their views, was provided on Ecology's website: <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/State-approved-Shoreline-Master-Programs/Cathlamet>.

The state comment period began on October 25, 2017 and continued through November 30, 2017.

**Summary of Issues Raised During the Public Review Process:** Ecology received one (1) comment letter from Washington Department of Fish and Wildlife pointing out issues related to habitat mapping and descriptions. Ecology prepared a comment summary that was forwarded, with the written comments it received, to the Town on December 5, 2017. On January 17, 2018, the Town submitted to Ecology its responses to the WDFW issues and indicated their concurrence with the suggested edits (**Attachment D**), including:

- Inventory and Characterization Report – Appendix E Map 27 - improved color scheme and polygon alignment for better accuracy and clarity; and revision to depict the most current PHS data for Columbian white-tailed deer and cavity nesting ducks; and
- SMP Critical Areas - Fish and Wildlife Habitat Conservation Areas – text revision to Section 6.12 Table 6 FWHCA Classification criteria to better protect salmon habitat. This text edit is included as an Ecology-recommended change (see **Attachment C** – page 67).

**Summary of Issues Identified by Ecology as Relevant to its Decision:**

Ecology has identified a number of issues where changes to the proposed SMP are required to ensure consistency with the Shoreline Management Act and the relevant Guidelines found in WAC 173-26, including:

- **Official Shoreline Map** – The Town's submittal provides the Shoreline Environment Designation Map separately from the SMP. Ecology has determined that does not satisfy the requirements of WAC 173-26-211 to provide an official shoreline map showing jurisdiction and environment designations. As a regulatory component, such a map needs to be provided as part of the SMP. (Attachment B, Items 9 and 20). Ecology has also identified related changes to the map itself that are recommended to improve the accuracy and usefulness (Attachment C – page 92);
- **Shoreline jurisdictional waterbodies** - SMA rules require SMPs to list all shoreline waterbodies. The list in the SMP becomes the official list, superseding waterbodies identified for Wahkiakum County in WAC 173-18-390 Shoreline Management Act – Streams. Ecology's required change adds an explicit statement that lists those waterbodies at Section 1.3 Shoreline Jurisdiction. (Attachment B, Item 1). Ecology has also identified recommended changes to

delete and move legal description and streamflow data from Appendix 1 to Section 1.3, to improve accuracy and usefulness (Attachment C – pages 3 and 92-96);

- **Definitions** - A number of definitions need revision for consistency with those in the statute and/or Ecology's implementing rules. (Attachment B, Items 2 - 8)
- **Shoreline environment designation mapping and management policies** – Ecology has determined that 1) text revisions to Section 4.2 Shoreline Environment Designation Maps are needed to correct and clarify the default designation if none is assigned, and the criteria to help resolve mapping errors, for consistency with WAC 173-26-211(2)(b) and (e); and that 2) text revisions to Section 4.5 Aquatic (A) are needed to add missing policies for consistency with the SMP Guidelines at WAC 173-26-211(5)(c) that establish the purpose and management policies for the Aquatic shoreline environment designation. (Attachment B – Items 10-11);
- **Shorelines of statewide significance** – Ecology has determined that text revisions to Section 5.1 Shoreline Master Program Goals are required to correct errors and reflect the order of use preference for shorelines of statewide significance consistent with RCW 90.58.020 and WAC 173-26-18; (Attachment B – Item 12);
- **Archeological and historic resources** - Ecology has determined that text revisions to Section 5.2.3 Archeological and Historic Resources are needed for consistency with WAC 173-26-221 (1)(a); (Attachment B – Item 13);
- **Mitigation sequence** – Ecology has determined that text revisions to Section 5.2.4 Critical Areas are needed for consistency with the mitigation sequence of WAC 173-26-201(2)(e). (Attachment B – Item 14);
- **Critical areas permits** – Ecology has determined that several text revisions to Section 6.1 Critical Areas Regulations are required to correct the error of including a GMA critical area permit requirement that does not apply in shoreline jurisdiction; (Attachment B – Items 15-16);
- **Wetland buffers** – Ecology has determined that several text revisions to Section 6.7 Wetland Buffers are required for consistency with the most current technical guidance per WAC 173-26-201(2)(e). (Attachment B – Item 17);
- **Shoreline permit review** – Ecology has determined that several text revisions are needed to Section 7.6 Shoreline Permit Review Criteria provisions for both shoreline substantial development and conditional use permits to delete the duplicative definition of a term that is not a review criterion, and for consistency with WAC 173-27-044. (Attachment B – Items 18 - 19); and
- **Critical area reference documents** – Ecology has determined that the Appendix 2 list of scientific/technical sources of critical areas information is not a policy or regulatory part of the SMP, and can be provided separately as a supporting background document. In addition, revisions to the Table of Contents are needed to reflect the deletion. (Attachment B – Item 21).

## CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the Town's proposed comprehensive SMP update, subject to and including Ecology's required changes itemized in **Attachment B**, is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions).

Ecology concludes that the proposed SMP, subject to required changes, contains sufficient policies and regulations to address the potential for fostering uncoordinated or piecemeal development, and to

assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c)).

Ecology also concludes that a separate set of recommended changes to the submittal identified during the review process and itemized in **Attachment C**, would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required, but can, if accepted by the Town, be included in Ecology's approved SMP amendment.

As stipulated in RCW 90.58.610, RCW 36.70A.480 governs the relationship between shoreline master programs and development regulations to protect critical areas that are adopted under chapter 36.70A RCW. Consistent with RCW 36.70A.480(4), Ecology concludes that that the proposed SMP meets the intent of the provision for providing a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

Ecology concludes that the Town has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the Town has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the Town has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the Town has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the Town's comprehensive SMP update submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist, and that the proposed amendments satisfy the criteria for approval of amendments found in WAC 173-26-201(1)(c).

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes that the Town has chosen not to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffer areas of critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the Town's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending

beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

## **DECISION AND EFFECTIVE DATE**

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the SMP, are consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules, once required changes set forth in **Attachment B** are approved by the Town. The Town may choose to adopt the recommended changes in **Attachment C** and **Exhibit 1**. Pursuant to RCW 90.58.090(2)(e), the Town must notify Ecology of the approval or denial of the recommended changes. Ecology approval of the proposed amendments with required changes is effective 14 days from Ecology's final action approving the amendment.

As provided in RCW 90.58.090(2)(e)(ii) the Town may choose to submit an alternative to the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action.