

The following changes are required, to ensure compliance with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III)

ITEM	Locally-Approved SMP PROVISION	BILL FORMAT CHANGES [<u>underline</u> = additions; strikethrough = deletions]	ECOLOGY - DISCUSSION/RATIONALE
1	1.3 Shoreline Jurisdiction	Shorelines of the state in the Town of Cathlamet include the Cathlamet Channel and Elochoman Slough portions of the Columbia River, a shoreline of statewide significance, including their shorelands and associated wetlands:	Add text that explicitly lists shoreline jurisdiction waterbodies, per WAC 173-18-044. As related, deleting and moving the legal description and stream flow content from Appendix 1 is addressed in Attachment C.
2	3.2 Definitions	“ Agricultural activities ” means agricultural uses and practices for economic use, including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops...	Delete text as not consistent with WAC and RCW definitions; RCW 90.58.065 requires explicit definitions.
3	3.2 Definitions	“ Agricultural land ” means those specific land areas on which agriculture activities are conducted. (RCW 90.58.065) “Agricultural land” means those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.	Delete text as nearly duplicative of the ‘Agricultural land’ definition above, and for consistency with RCW 90.58.065.
4	3.2 Definitions	“ Floodway ” <u>means the area that has been established in effective federal emergency management agency (FEMA) flood insurance rate maps (FIRMs) or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. the area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. (RCW 90.58.030(2)(b))</u>	WAC provides two options, local government needs to choose one. Revise to reflect Town’s use of FEMA FIRMs per CMC 14.10, and SMP Chapters 5.2 and 6.3.

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5	3.2 Definitions	<p>“Setback” is an area measured 15 ft. horizontally from the outer edge of any critical area buffer.</p>	<p>Revise text to eliminate dimensional standard from definition since it is better established at Chapter 5.2(F) and to simplify reference to buffers.</p>
6	3.2 Definitions	<p>“Shorelines of statewide significance” within the Town means the shorelines with the following attributes (RCW 90.58.030(2)(f)):</p> <ol style="list-style-type: none"> 1. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the OHWM; 2. Those natural rivers or segments thereof west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more; and 3. Those shorelines of the state <u>shorelands</u> associated with 1 and 2. 	<p>Revise text for full consistency with RCW 90.58.030.</p>
7	3.2 Definitions	<p>“Substantial development” shall means any development of which the total cost or fair market value exceeds \$6,416 <u>7,047</u>, or any development which materially interferes with the normal public use of the water or shoreline of the state. The dollar threshold must be is adjusted for inflation by the Office of Financial Management every five years, beginning September 15, 2012 <u>July 1, 2007</u>, based upon changes in the consumer price index during that time period. This definition will follow the dollar amount defined in the RCW <u>90.58.030</u>.</p>	<p>Revise text for clarity and strict consistency with RCW 90.58.030; this dollar value was recalculated by OFM in September 2017.</p>
8	3.2 Definitions	<p><u>“Vessel” includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.</u></p>	<p>Add term used in document for consistency with WAC 173-27-030.</p>
9	3.2 Definitions	<p>“Wetlands” are those areas, designated in accordance with the currently approved Federal Wetland Delineation Manual and applicable regional supplement, that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support...</p>	<p>Revise text for consistency with RCW and WAC 173-22-030.</p>

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10	4.2 Shoreline Environment Designation Maps	A. The shoreline environment designations are mapped in the Shoreline Environment Designation (SED) Maps (<u>Appendix 1</u>).	WAC 173-26-211 requires an official shoreline map showing jurisdiction and environment designations. As a regulatory component the map needs to be provided as part of the SMP.
11	4.2 Shoreline Environment Designation Maps	E. Any shoreline segment within shoreline jurisdiction that is not mapped and/or not designated shall be designated <u>assigned as Rural-Town Conservancy until it can be designated through an amendment to this Program. unless</u> If the Administrator determines that the undesignated area is due to inherent discrepancies in the mapping of dynamic shorelines which are constantly accreting and eroding due to natural process, In such cases, the Administrator shall apply the appropriate designation based on the criteria defined in Sections 1.3 of this Program and the mapping of the surrounding areas. <u>In the event of a mapping error, the Town will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and WAC 173-22 pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.</u> Changes to designations that are unrelated to localized mapping discrepancies shall be addressed through a formal Master Program amendment.	Add and revise text for consistency with WAC 173-26-211(2)(b) and (e).
12	4.5 Aquatic (A)	<p>(3) Management Policies...</p> <p><u>f. Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201 (2)(e) as necessary to assure no net loss of ecological functions.</u></p> <p><u>g. The Town should reserve shoreline space for shoreline preferred uses. Such planning should consider upland and in-water uses, water quality, navigation, presence of aquatic vegetation, critical habitats, aesthetics, public access and views.</u></p>	<p>Add text to include missing provisions from WAC 173-26-211(5)(c).</p> <p>Note: Renumbered as Chapter 4.3.1 Aquatic (AQ), (C) Management Policies - see Attachment C.</p>

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13	5.1 Shoreline Master Program Goals	<p>(2) In Shorelines of <u>Along</u> the Columbia River, a S<u>s</u>horeline of Statewide Significance, the Town will <u>should</u> give preference to uses in the following order of preference which:</p> <ul style="list-style-type: none"> <u>a. Recognize and protect statewide interest over local interest;</u> <u>b. Preserve and enhance the natural character of the shoreline;</u> <u>c. Result in long-term over shore-term benefits; and</u> <u>d. Protect the resources and ecology of the shorelines.</u> <u>e. Increase public access to publicly owned areas of the shoreline;</u> <u>a.f. Increase recreational opportunities for the public on <u>in</u> the shoreline;</u> b.a. Increase public access to publicly owned areas of the shoreline; c.a. Recognize and protect statewide interest over local interest; d.a. Preserve and enhance the natural character of the shoreline; e.a. Result in long term over shore term benefits; and f.a. Protect the resources and ecology of the shorelines. 	<p>Order of preference must comply with statutory language of RCW 90.58.020; and WAC 173-26-181; Revise text to correct the order of preference for SSWS and to word a policy as 'should'.</p> <p>Note: Renumbered as Chapter 5.2.8(A)(1) - see Attachment C.1.</p>
14	5.2.3. Archeological and Historic Resources	<p>A. Purpose. To protect <u>archeological and historical resources, including buildings, objects, sites,</u> and areas having historic, cultural, educational, or scientific values; including unknown archeological resources that may be located within shoreline jurisdiction.</p>	<p>Revise text for consistency with Chapter 3 Definitions, and with WAC 173-26-221 (1)(a).</p> <p>Note: Renumbered as Chapter 5.2.2(A) - see Attachment C.1.</p>

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15	5.2. 4. Critical Areas	<p>B. Regulations...</p> <p>1. <u>Mitigation Sequence.</u> When required, the mitigation sequence shall be applied following the steps listed below in order of priority, with ‘a’ being the top priority, and only using lesser priority steps when higher priority steps are infeasible:</p> <ul style="list-style-type: none"> a. <u>Avoid the impact altogether by not taking a certain action or parts of an action;</u> b. <u>Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;</u> c. <u>Rectify the impact by repairing, rehabilitating, or restoring the affected environment;</u> d. <u>Reduce or eliminate the impact over time by preservation and maintenance operations;</u> e. <u>Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and</u> f. <u>Monitor the impact and the compensation projects and taking appropriate corrective measures.</u> 	<p>Per WAC 173-26-201(2)(e), add text to establish the mitigation sequence as a regulatory requirement, and for internal consistency with Chapter 3 Definitions and Chapter 6 Critical Areas.</p> <p>Note: Renumbered as Chapter 5.2.3(B)(2) - see Attachment C.1.</p>
16	6.1 Critical Areas Regulations – General Provisions (f)	<p>(D)(6) ...but that the proposed activity is unlikely to degrade the functions or values of the critical area or buffer, the Shoreline Administrator may waive the requirement for a critical area report and Critical Area Permit...</p>	<p>Revise text in multiple locations to delete Critical Area Permits that do not apply in shoreline jurisdiction.</p> <p>Note: Renumbered as Chapter 6.1(D)(6) - see Attachment C.</p>
17	6.1 Critical Areas – General Provisions	<p>[Note: The locally-approved SMP did not have sub-section numbering for this text that was located between sub-sections “Critical area report” and “Notices and distribution for critical area permit decisions”.]</p> <p>Critical area permit</p> <p>a. All developments and uses that may affect a critical area or its associated buffer are not exempt or partially exempt under this section shall require a Critical Areas Permit.</p>	<p>Delete text that does not apply in shoreline jurisdiction.</p> <p>Note: In Attachment C, this text is left unnumbered since it is proposed for deletion, and is located between sections ‘J. Critical area report’ and ‘K. Violations & Enforcement’, as renumbered.</p>

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		<p>b.— Any person seeking to determine whether a proposed activity or area is subject to this chapter may request in writing, at a fee set by the County Commissioners/Town Council, a formal Determination of Applicability from the Shoreline Administrator. Such a request for determination shall contain plans, data, and other information as may be specified by the Shoreline Administrator.</p> <p>c.— Any person intending to apply for a Critical Areas Permit is strongly encouraged, but not required, to meet with the Shoreline Administrator at the earliest possible stage of project planning in order to discuss the potential impacts of this section on the development proposal. Efforts put into pre-application consultations and planning will help applicants create projects that will be more quickly and easily processed once an application is submitted.</p> <p>d.— Project proponents shall submit an application for a Critical Areas Permit, on a form established by the Shoreline Administrator. The form may include request for information to facilitate compliance with this section. The original and nine copies of the application shall be submitted. Copies of the accepted application will be forwarded to appropriate agencies and local tribes for review.</p> <p>e.— The Shoreline Administrator will review the application for a Critical Areas Permit and make a determination of completeness.</p> <p>i.— An application for a Critical Areas Permit shall not be considered complete until it includes all special studies, plans, or other information required by this section.</p> <p>ii.i. An application for a Critical Areas Permit shall not be considered complete until it has complied with all procedural requirements of Chapter 43.21c, RCW, the State Environmental Policy Act (SEPA) and administrative regulations adopted to implement SEPA at the local level.</p>	
18	6.7 Wetland Buffers	<p>6. “Reduced Width Based on Modification of Land Use Intensity. The buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to the widths recommended <u>required</u> for moderate-intensity impacts... and;</p> <p>b. For wetlands that score fewer than 5 <u>6</u> points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying <u>all applicable</u> measures to minimize the impacts of the proposed land uses (see examples in Table 5).”</p>	<p>Revise text for consistency with most current ECY guidance per WAC 173-26-201(2)(e).</p> <p>Note: Renumbered as Chapter 6.2(D)(6) – see Attachment C.</p>

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19	7.6 Shoreline Permit Review Criteria	<p>2. Review Criteria for Shoreline Substantial Development Permit</p> <p>1. Development means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter. Substantial development means any development of which the total cost or fair market value exceeds \$6,416, or any development which materially interferes with normal public use of the water or shorelines of the state, except those exempted developments set forth in the preceding section, consistent with WAC 173-27-040....</p> <p>3. Ecology shall be notified <u>by return receipt request mail</u> within eight days of any substantial development permit decision made by the approval authority...</p> <p>4. Ecology shall provide a written notice to <u>then notifies</u> the Shoreline Administrator and the applicant of the “date of filing:” <u>by telephone or electronic means followed by written communication. The date of filing for substantial development permits filed concurrently with conditional use and/or variance permits is the date Ecology transmits its decision on the conditional use and/or variance permit...”</u></p>	<p>Delete as duplicative of Chapter 3 Definitions and because it is not a review criterion.</p> <p>Add text for consistency with WAC 173-27-044 and a 2011 law.</p> <p>Note: Renumbered as Chapter 7.7(C)(3 and 4) - see Attachment C.</p>
20	7.6 Shoreline Permit Review Criteria	<p>3. Review Criteria for Conditional Use Permits</p> <p>6. Notice to Ecology. Within eight days of the approving authority’s final decision, the Shoreline Administrator shall file <u>by return receipt request mail</u> the following with the Department of Ecology and the Attorney General...</p>	<p>Add text for consistency with WAC 173-27-044 and a 2011 law.</p> <p>Note: Renumbered as Chapter 7.7(D)(6) - see Attachment C.</p>
21	Appendix 1	<p>APPENDIX 1: Shoreline Jurisdiction Streams Environment Designation Map *This Appendix reflects the County and Town. Shoreline Jurisdiction Streams and Legal Descriptions Stream Name Quadrangle Legal Description</p>	<p>Similar to the Section 4.2 required change above (Item #9), revise Appendix 1 as follows:</p> <ul style="list-style-type: none"> • Delete legal description data for waterbodies # 1, 2, and 4 – 26 as not applicable in the Town; • Optional - move waterbody #3 legal description to Section 1.3 Shoreline Jurisdiction; • Delete all the Adjusted Stream Flow Point data as not applicable in the Town; • Optional - move the Columbia River stream flow data to Section 1.3; • Include the official SED map.

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			Attachment C includes related recommended changes for specific edits to the map image and renaming Appendix 1 to accurately reflect the map (Attachment C, page 92).
22	Appendix 2	<p>APPENDIX 2: Critical Areas Reference Documents</p> <p>Table 8: References for Planning and Reviewing Development that May Affect Critical Areas</p>	<p>Delete Appendix 2; the information can be provided separately from the SMP as a technical supporting document. Also correct the Table of Contents to reflect this change.</p> <p>Note: The entirety of deleted Table 8 is shown as strikethrough text in Attachment C (pages 97-99).</p>